

RE: Chester Terrace Balustrades and wall foundations

Subject: RE: Chester Terrace Balustrades and wall foundations

From: Nick Packard [REDACTED]

Date: 20/02/2023, 15:13

To: Richard Loftus [REDACTED]

CC: Allan Murry-Jones [REDACTED] Flora Lickiss [REDACTED]

Dear Richard

Thanks for your e mail, lovely break and now back at it.

Apologies you found the e mail confusing, it was an attempt to get the message out to ratepayers after the decision had been made and before I went on leave. I was also conscious that the planning/listed building application had been in abeyance and so thought it best to get something out lest we continue to be accused of not communicating.

The Commissioners were made aware of your views on removing the barriers and that was one of the factors they took in to account in making their decision on how to proceed.

Yes the proposal is for the balustrade (and wall/foundations) to be replaced in bays L to P although the estimated cost you mention below has changed as per the QS's latest update, revisions to estimated fees and contingency. This is the 'high risk' area as identified by Ramboll in their report (see p.19 of that report). I have asked HP+M to provide their view of where the money to be spent on the wall/foundations could most usefully be applied as it is noted that bays L to P does not include the section where the balustrade is in its worst condition (where the scaffolding has been in situ for a number of years).

Yes the works to the wall/foundations are a Paving Fund cost.

Initial works to the balustrade in B to K will be based on those proposed in Option 1 so the balustrade has the same initial strength as when installed. These will be a Chester Terrace garden fund cost and will allow removal of the barriers. There will be ongoing monitoring, as per your suggestion, to assess whether further phases of work to the wall/foundations are required plus any repairs to the balustrade arising from ongoing movement – that will be a Paving Fund cost. Of course, the usual maintenance costs of the balustrade would be paid for from the Chester Terrace garden fund. There is no plan for any formal agreement of who pays what in the future outside of the statutes which govern the Commission. As I think I have said previously, I am not sure the Commissioners would wish to or could be forced in to such an agreement.

The aim is to get the above works on site in 2023 as soon as possible, with an estimated 12 month programme on site.

In terms of how the balustrade would look our Heritage Consultant's view is that it should be painted Crown Cream as are many others are around the estate. The proposal would be to unify the new and repaired balustrade so they match in Crown Cream.

The Chester Terrace garden fund had £614,127 at 30 November 2022, a figure which does not account for any debtors.

I will obtain the costs for the last 3 years although this will take some time to get so will follow.

Residents are, of course, entitled to their views on the trees. I have seen no evidence that the Commissioners is using the issue of the wall/foundations to get rid of the trees. In my experience, on some projects, unfortunately there are sometimes binary decisions that need to be taken to resolve an issue. This is one, if the wall/foundations movement is to be resolved, the nearby trees need to be removed. Again, in my experience, best to be up front about this which I have aimed to be.

It is possible the monitoring will show phases 2 and 3 continue to move and the wall/foundations there need to be

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replaced. In that case, the whole of the works in the planning/listed building application may be implemented. The Ramboll report suggested tree management in the phase 2 location (see p.19 of their report), so significant tree work may be required there to reduce movement should it continue to be ongoing as shown by monitoring. Also bearing in mind the time it took Camden to register the application having received it months ago, I am of the view it is best to continue with the application at this stage.

Think that covers everything except the historic costs which are to follow.

Kind regards

Nick

Nick Packard
Director (Clerk & Treasurer to Commissioners)

Crown Estate Paving Commission

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From: Richard Loftus [REDACTED]
Sent: Friday, February 17, 2023 2:16 PM
To: Nick Packard [REDACTED]
Cc: Allan Murry-Jones [REDACTED]
Subject: Chester Terrace Balustrades and wall foundations

Dear Nick

I am in receipt of your circular to Chester Terrace residents dated 9 February and also your circular regarding the planning application to demolish the trees.

I am somewhat surprised at the discourtesy of not having been advised of either of these matters in my capacity as a member of the working group before these documents were sent out.

It would appear that your latest proposal is partially based on our earlier correspondence regarding the removal of the unsightly barriers and the option of monitoring the balustrades for a few years to establish the degree of movement, if any, of the foundations. However, I found your circular confusing and would be grateful for your clarification on the following matters:

1. Please confirm that the new balustrade is only to be installed in the Phase 1 location of Bays L to P at an estimated cost of £226,482 and that this cost will be borne by Chester Terrace residents.
2. Please confirm that the foundation works for Phase 1 are a Paving Fund cost.
3. What works will take place to the balustrades on sections B to K in order to allow the removal of the barriers?
4. When will the works in paragraph 3 take place and how long will they take?
5. Who will be paying for the works in paragraph 3 and how much will they cost?
6. Who will be monitoring the balustrade on section B to K and for how many years?
7. You stated "any monitoring or further works to the balustrade and wall/foundations that have not been replaced in the Phase 2 and Phase 3 locations should be a Paving Fund cost":
 - (a) Are you saying that after the Chester Terrace residents have paid for the repair/refurbishment of section B to K (as contemplated in Paragraphs 3-6 above) that will be the end of the Chester Terrace residents financial obligations regarding the balustrades and foundations?
 - (b) If so, for how long?
 - (c) Will there be a formal binding agreement as we do not want an argument at some time in the future when the personnel at CEPC have changed?
8. If you are expecting Chester Terrace residents to be responsible at some time in the future to pay for the replacement of all or some of the balustrades in section B to K, then why should we be paying £728,576 (plus an unknown inflation surcharge) as set out in Option 5 when the complete balustrade replacement in Option 4 is only £589,250?
9. During all our discussions - spanning over two and a half years, there has never been a proposal for only part of the balustrades to be new. We only explored options for either refurbishing or replacing the entire balustrade. A 'mix and match' solution will look awful. Please explain your apparent change of heart on this very significant issue.
10. Can you please confirm how much is currently in the kitty from the Chester Terrace residents for the 'balustrade project'.
11. Can you please let me have a schedule of all monies spent in the last 3 years for the 'balustrade project' - for each consultant and for any investigative, security or minor works.
12. Planning application for removal of trees
 - (a) I understand the application has now been validated and the consultation period has commenced.
 - (b) There is a suspicion amongst a number of residents that the balustrade/foundation works are being used as an excuse to destroy the trees so the CEPC can implement the proposals put forward a number of years ago to restore the garden into its historic layout. These proposals were rejected by the residents at that time.

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(c) I can see no reason whatsoever for the CEPC to pursue their planning application to destroy the majority of the trees at this time. The application is premature and will be vigorously opposed by the residents. The application will need to go before the full planning committee, not the officers. There is simply no reason why consent should be granted at this time. If consent were granted, it would be a licence for the CEPC to destroy the trees at any time, irrespective of whether their destruction is actually required.

(d) I believe that you should immediately withdraw the application. If, and when, you have actually decided what works need to take place and they have been agreed with the residents, then you can make an application for the trees that need to be destroyed with a detailed justification. I believe that such applications would be supported by the residents at that time.

I enclose a plan identifying the phases of the works and your cost estimates for options 4 and 5.

I trust you had an enjoyable break and look forward to a substantive reply.

Warm regards

Richard

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Richard Loftus

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