

Address:	Land at Chester Gate adjacent to Nos. 6-10 Cambridge Terrace London NW1 4JL		7
Application Number:	2016/1479/P	Officer: Kate Phillips	
Ward:	Regents Park		
Date Received:	16/03/2016		
Proposal: Reinstatement of historic garden on Chester Gate, and associated works			
Background Papers, Supporting Documents and Drawing Numbers			
Chester Gate Landscape Report: Garden Works (dated 02/03/2016); Transport Statement (dated March 2016); Heritage Statement (dated March 2016); Design & Access Statement (dated March 2016); 639 - 1.002; 622.01 (PP) 001; 622.01 (PP) 002; 622.01 (CD) 001; 622.01 (MP) 001; 622.01 (SC) 001 Rev RJH; 6932 - 4.901; 6932 - 4.903; 622.02 (SC) 001 Rev P2; 622.02 (SC) 002 Rev P2; 622.02(SC) 003 Rev P2; 622.01 (RP) 006; 2013 TR008.			
RECOMMENDATION SUMMARY: Grant Conditional Planning Permission Subject to a Section 106 Legal Agreement			
Date of Application:	16/03/2016		
Application Number:	2016/1776/L		8
Proposal: Various works relating to reinstatement of historic garden on Chester Gate, including repositioning of railings and lamp posts, and associated works			
Background Papers, Supporting Documents and Drawing Numbers (as above)			
RECOMMENDATION SUMMARY: Grant conditional Listed Building Consent			
Applicant:	Agent:		
c/o Agent	Montagu Evans LLP 5 Bolton Street London W1J 8BA		

ANALYSIS INFORMATION

Land Use Details:

	Use Class	Use Description	Floorspace
Existing	<i>C3 Dwelling House</i>		<i>n/a</i>
Proposed	<i>C3 Dwelling House</i>		<i>n/a</i>

Parking Details:

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	<i>12 (on road spaces for local residents)</i>	<i>n/a</i>
Proposed	<i>12</i>	<i>n/a</i>

OFFICERS' REPORT

Reason for Referral to Committee: Referral from Members Briefing under Clause 3(VII) of Terms of Reference

1 SITE

- 1.1 The application site is the land to the north of No. 10 Cambridge Terrace, on the corner of Cambridge Terrace and Chester Gate. The land is owned by the applicant.
- 1.2 Cambridge Terrace is a private road which runs north/south parallel to the Outer Circle (to the east of Regent's Park). Chester Gate runs east/west and links the Outer Circle to Albany Street. The following roads are accessed from Chester Gate: Chester Terrace, Chester Close South and Cambridge Terrace Mews.
- 1.3 Nos. 6-10 Cambridge Terrace and Nos. 1-2 Cambridge Terrace have been combined to form 3x dwellinghouses (pursuant to planning permission 2009/3041/P). The land to the north (the subject of this application) is currently laid with York stone paving, with a metal railing along the centre. Hoarding currently surrounds the buildings, as the redevelopment of the site is still on-going.
- 1.4 Nos. 1-10 Cambridge Terrace is Grade I listed. Nos.1-4 Chester Gate is Grade II listed. Nos. 1-42 Chester Terrace is Grade I listed. The cast iron railings attached to Nos. 1-10 Cambridge Terrace is Grade I listed. The cast iron railings attached to the forecourt of Nos. 1-10 Cambridge Terrace is Grade II listed. Four lampposts on Cambridge Terrace are Grade II listed.
- 1.5 Regent's Park is a Grade I registered Park and Garden.
- 1.6 The application site is within the Regent's Park Conservation Area.

2 THE PROPOSAL

- 2.1 Planning permission and listed building consent are sought to create a private garden at the corner of Cambridge Terrace and Chester Gate, to serve the adjacent dwelling (Nos. 6-10 Cambridge Terrace). The proposed garden would also serve as an entrance and courtyard to Nos. 9-10 Cambridge Terrace.
- 2.2 The proposed garden would be enclosed with existing railings that are to be repositioned and new iron railings to match the existing. The area comprises approximately 400sqm and currently forms part of the carriageway and footway.
- 2.3 The proposal would result in the reconfiguration of the western end of Chester Gate; resulting in a narrowing of the carriageway from 2 lanes to 1 (Chester Gate is already 1 lane wide where it meets Albany Street, at its eastern end). The pavement would be realigned, the existing parking layout would be altered and existing railings and lampposts would be repositioned accordingly.

3 RELEVANT HISTORY

- 3.1 **2015/6946/P** - Alterations to internal layout and reconfiguration of residential units to 'change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3) including excavation of basement and alterations at roof level' approved under planning reference 2009/3041/P dated 07/09/2010 – **Granted 14/01/2016.**
- 3.2 **2015/6549/L** - Various internal layout changes and external changes at roof level to reduce size of rooflights – **Granted 30/03/2016.**
- 3.3 **2015/5171/P** - Renovation of 1 no. underground vault at 9 Cambridge Terrace and replacement of 3 no. underground vaults at 10 Cambridge Terrace – **Granted 04/12/2015.**
- 3.4 **2015/6037/L** - Renovation of 1 no. underground vault at 9 Cambridge Terrace and replacement of 3 no. underground vaults at 10 Cambridge Terrace – **Granted 04/12/2015.**
- 3.5 **2015/1778/P** - Addition of approved drawing numbers condition to planning permission 2009/3041/P dated 07/09/2010 – **Granted 10/04/2015.**
- 3.6 **2015/1817/L** - Excavation of basement extension, relocation of principal stair and lift core, re-instatement of party walls at 6 - 8 Cambridge Terrace, alterations to room layout, rebuilding part of roof, installation of glazed sliding roof, lift overrun and rooflight to 6-10 Cambridge Terrace, rooflights on 1-2 Chester Gate, and landscaping works to forecourt in connection with change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3) – **Granted 03/08/2015.**
- 3.7 **2015/1340/P** - Variation of condition 8 (approved plans) of planning permission 2009/3041/P dated 07/09/2010 (for change of use from offices to 3 x dwellinghouses) namely to reconfigure and enlarge basement – **Granted Subject to a Section 106 Legal Agreement 23/11/2015.**
- 3.8 **2014/7935/A** - Temporary display of non-illuminated hoarding to Cambridge Terrace and Chester Gate elevations from 1/2/15 to 30/4/17 – **Granted 23/01/2015.**
- 3.9 **2014/1837/P** – (Certificate of lawfulness) To establish that the installation of rooflights was a lawful operation and forms part of the developments approved by planning permission 2009/3041/P granted 07/09/2010 – **Granted 29/05/2014.**
- 3.10 **2009/3041/P** - Change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3), excavation of basement, alterations at roof level, including rebuilding part of roof and installation of glazed sliding roof, lift overrun and rooflight to 6-10 Cambridge Terrace, rooflights on 1-2 Chester Gate and associated landscaping works to forecourt – **Granted Subject to a Section 106 Legal Agreement 07/09/2010.**

3.11 **2009/3051/L** - Excavation of basement, alterations at roof level, including rebuilding part of roof, installation of glazed sliding roof, lift overrun and rooflight to 6-10 Cambridge Terrace, rooflights on 1-2 Chester Gate, internal alterations to 6-10 Cambridge Terrace & 1-2 Chester Gate and associated landscaping works to forecourt all in connection with change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3) – **Granted Subject to a Section 106 Legal Agreement 07/09/2010.**

4 CONSULTATIONS

Statutory Consultees

4.1 **Historic England** – Do not wish to make comments.

4.2 **Garden History Society** – No comments received.

4.3 **Transport for London** - No comments received.

4.4 Crown Estates Paving Commission

Heritage Value

- Regent's Park is a recognised Conservation Area and a remarkable survivor from the Regency Period, being both of national and international significance.
- An important and well documented feature of John Nash's original design concept for Regent's Park was the punctuation of the residential terrace vistas by trees and gardens.
- The CEPC commissioned a measured survey of its existing estate from Charles Mayhew in 1834-5, for the purposes of calculating its rates. This survey showed a garden in Chester Gate attached to 10 Cambridge Terrace, and gave its dimensions and an indication of its general layout. The CEPC's archive contains a copy of that survey, a copy of the property's lease showing the garden, and a copy of the surrender to the Crown Estate dated 4th April 1873 of the garden's area for subsequent road widening. On the basis of this available evidence and that of a historic photograph, also mentioned in the planning application, the CEPC believes that the original garden area did exist from quite early on in the development of Regent's Park and in a form similar to that being claimed in the application. The garden area existed for at least 38 years until its surrender.
- The proposed development seeks to introduce a garden in a prominent position fronting the Outer Circle, a change that will have a significant impact on the park's current streetscape and a development demanding a very careful assessment in heritage terms. Such a reinstatement of a lost feature may well offer a unique and welcome opportunity for the park in terms of increased heritage value. The CEPC is not aware of any other lost features of a similar type and scale to this garden, so the proposals do not realistically form a precedent for the introduction of other private gardens on the park's roadways.

Comments on proposed wall and railing design

- The CEPC has provided the applicants with a historic stereoscopic photograph showing the extreme western end of the original Chester Gate garden taken a few years prior to its removal (and reproduced in the applicants' Chester Gate Landscape Report 622.01(RP) 005). They show the railings along the Cambridge Terrace and Chester Gate frontages of the garden. The formation of the latter railings would appear to be of a different design to those on the Cambridge Terrace frontage. There would appear to be a masonry pillar at the north west corner of the garden and a low masonry wall extending along Chester Gate to form the plinth for the railings above. The designs of these features of Chester Gate in the photographs are similar to the walls and railings now remaining on some parts of the southern end of Chester Terrace, opposite the proposed garden.
- The CEPC believes that the design of any reinstated garden's walls and railings should follow, as closely as possible, what is known about the original features and that the designs in the current application should be adjusted accordingly to maximise the gain in heritage value from the reinstatement.

Impact on residential parking

- Parking in the residential roadways outside the Outer Circle at Regent's Park is regulated by the CEPC. Parking is managed primarily for the benefit of residents and requires a CEPC permit at all times and on all days of the week. No Pay & Display or unregulated parking is in operation within the CEPC controlled areas. It is not the responsibility of the CEPC to provide specified amounts of residential parking space, only to manage whatever space is available on its roadways. Possession of a CEPC permit does not guarantee a parking space at all times.
- Parking regulation by the CEPC does not, of necessity, follow local authority practice and the CEPC wishes to clarify the changes in the availability of residential parking space that it would expect to occur if the garden reinstatement proposals were to be implemented.
- The CEPC's parking arrangements have been developed over many years in a manner that it believes suit the specific road and residential conditions of Regent's Park. It should be noted that no significant changes in its parking regulations are currently envisaged such that would, for example, allow residents in one terrace of the estate to park freely in another terrace. This means that residents who are displaced from parking Chester Gate would not, under normal circumstances, be able to use unoccupied alternative parking space in other CEPC roadways. Under the current arrangements, only the residents of properties in Chester Gate and Cambridge Terrace Mews are eligible to apply for permits to park in Chester Gate. There are 13 permits currently issued to these residents. The proposals envisage a reduction of the available parking space in Chester Gate from 12 spaces to approximately 4 spaces. When taking the points made below into account about easing large vehicle movements in the roadway, this number may need to be reduced further to 3 parking spaces, in order to retain viable access arrangements for larger vehicles through Chester Gate. Contrary to the statements in the application, a probable total loss of 9 residential parking spaces would be envisaged.
- Over the last few months the CEPC has sought to investigate with the residents affected by the current proposals the availability of other possible parking arrangements, utilising private parking space or roadway parking under the management of the Royal Parks. From these discussions, it is understood that the

applicants have offered 2 parking spaces sited on their private land for the use of the residents of Cambridge Terrace Mews. This would be a private arrangement outside of normal CEPC parking controls, but would have the potential to alleviate a portion of the impact of the proposals for as long as the arrangements existed, reducing the loss in residential parking to 7 spaces overall.

Impact on traffic movements

- The CEPC is concerned to ensure that its roadways are passable by those vehicles having legitimate business on its estate to serve the park and its residents. Regent's Park roadways were designed in the Regency period. They cannot and, in the CEPC's view, should not be required to accommodate the demands of all the large modern vehicles that may be common on other modern roads in London. There is a clear requirement, however, to accommodate moderately sized local authority refuse trucks and emergency vehicles. Furniture removal vans and scaffolding lorries may also need to be accommodated, although it is often reasonable to specify smaller, more manoeuvrable vehicles for these functions in the circumstances of this historic estate.
- The CEPC has examined the applicants' swept path analyses for large vehicles. It notes that although they show the parking spaces on the roadway, they do not show the widths of the parked vehicles, an omission that rather limits the interpretations that can be made from the analyses.
- The CEPC makes the following points based on its own swept path analyses for a 7.5t box van, a refuse truck of a size currently used by Camden's refuse contractor, and a long wheelbase fire tender:
 - 1) The two remaining parking spaces proposed on the north east side of Chester Gate (outside No. 3 Chester Terrace) effectively prevent large vehicle access to Chester Gate from Albany Street. A reduction from two parking spaces to one would allow sufficient room to safely manoeuvre these vehicles into Chester Gate. The removal of both spaces would remove the problem altogether but at the cost of losing further parking space and risking higher vehicle speeds through the roadway, unless speed reduction measures (e.g. speed humps) were to be installed.
 - 2) There may be scope to allow a second parking space at the north west end of Chester Gate, although this would accommodate only smaller cars and would need to be positioned back sufficiently from the Outer Circle junction to maintain road safety for vehicles attempting to park.
 - 3) Any future reversal of the one-way traffic flow within Chester Gate from eastbound to westbound in response to future developments (e.g. CS11 or HS2) would be ruled out because larger vehicles would not have sufficient room to make the left turn from Chester Terrace into Chester Gate.

Impact on traffic congestion

- The CEPC's examination of the applicants' modelling of traffic congestion within Chester Gate indicates that reasonable conclusions have been drawn for what is known about the current traffic demands placed on that roadway. As noted in the application, there are two significant schemes that might affect the traffic flows.
 - 1) Transport for London's Cycle Superhighway 11 proposals, if implemented in the current format, might be expected to reduce through-traffic flowing into the park since the most popular exit points will be closed-off for significant parts of the day. However, the size of the park and the complexity of the overall proposals would

make forecasting the actual flows within Chester Gate quite difficult. Small adjustments to the proposed gate opening times might, for example, have a significant impact on these flows. Gate closures will also have the effect of concentrating the remaining flows through the gates remaining open, e.g. Chester Gate.

- 2) The HS2 construction works are likely to cause temporary displacements of traffic into and around the park (if a 17 year period can be considered as temporary). Insufficient details about these traffic flows are currently available to the CEPC to judge how Chester Gate might be impacted, although flows through the park might reasonably be expected to be much higher in the first few years of the project due to congestion on the adjacent roads, such as Albany Street, caused by various parts of the construction work and its associated vehicle traffic.
- The CEPC wishes to draw Camden Council's attention to its analysis of the likely changes in the availability of residential parking that would result from the proposals and to the limitations that the restored garden would place on some vehicle movements in the adjacent roadways. The Council will need to balance these changes carefully against its consideration of any increase in heritage value arising from the restoration of an original and significant design feature of Regent's Park.
The CEPC would be very willing to clarify any of the information given in this submission or to provide further details required by the Council in order for it to arrive at an informed decision concerning this application.

Regent's Park Conservation Area Advisory Committee

4.5 Objection:

- Narrowing of the roadway could be acceptable as part of a larger scheme of traffic management in Regent's Park, including a 20 mph limit.
- Concern for safety of cyclists.

Local Groups

4.6 Chester Terrace Resident's Association

Objection:

- Traffic and thoroughfare effects
- Residents in Chester Terrace exit onto 2-lane Chester Gate as an integral part of their leasehold ownership.
- If the road goes to 1 lane, it will become gridlocked
- Lorries, vans, fire engines and other large vehicles will not be able to exit properly due to confines of the turning circle
- Air pollution and environmental impact
- Impact of HS2
- Impact of Cycle Superhighway
- Safety concerns for cyclists
- Loss of residents' permit parking
- Heritage claims are inaccurate
- No public benefit, only personal gain

4.7 Motion Consultants Report (review of Transport Statement on behalf of Chester Terrace Resident's Association)

- Chester Gate is a single carriageway one way road that passes from Albany Street in the east to Outer Circle in the west. The proposals result in the reconfiguration of the western end of Chester Gate from two lanes to one and will require the stopping up of public highway to implement the scheme.

Cumulative Impact

Cycle Superhighway 11

- The proposed route for CS11 passes between Swiss Cottage and the West End, via Regents Park around Outer Circle, the outer ring road around the park. The proposals seek to reduce the volume and speed of traffic around the park by restricting access for motor vehicles at four gates to between 11:00 and 15:00, seven days a week. TfL's consultation documentation forecasts increases in traffic at other points on the network but does not mention traffic conditions on Chester Gate. Caneparo Associates Transport Statement (submitted by the applicant) comments that;
"There is no indication that traffic on Chester Gate will increase, rather, it would be reasonable to assume it will decrease as it contributes towards what TfL believes will be "a significantly lower volume of traffic in the park.""
- As such, the Caneparo Associates Transport Statement concludes that no assessment of cumulative impact of CS11 and the proposed garden development is necessary. However, whilst no reference is made to traffic conditions on Chester Gate by TfL, it is stated that;
"The modelling suggests traffic reassigns onto roads to the east of the park rather than to the west. However, traffic flows through Hanover Gate would increase due to access restrictions at other gates."
- Hanover Gate is located on the west side of the park and traffic can pass from Chester Gate in the east to Hanover Gate via the northern and southern parts of Outer Circle. The proposals for CS11 will not change the ability of motorists to use this route and, given that TfL predicts the traffic flows on Hanover Gate will increase, it is considered that traffic flows on Chester Gate would materially increase.

High Speed Rail 2

- Albany Street, which provides access to Chester Gate from the east, is proposed to be used as a construction route for HS2 traffic. Phase one HS2 works (between London and the West Midlands) would take place over a period of approximately 8 years, with train services currently anticipated to commence operation in 2026. Temporary and permanent road closures are proposed, which will affect roads within the Borough and Camden Council predicts that the junction of Albany Street with Robert Street, approximately 100 metres north of Chester Gate, could experience a significant increase in delay. Given this potential delay, it is likely that Chester Gate will see increases in traffic as a result of motorists avoiding the Albany Street/Robert Street junction by using Regent's Park Outer Circle to travel north to Gloucester Gate.
- Caneparo Associates Transport Statement states that;
"Although there is construction traffic impacts associated with implementing HS2 on a temporary basis which would affect highway conditions in the surrounding area,

there are no evident long term cumulative impacts that would be affected by this planning application proposal. It is therefore not considered that HS2 is a material consideration in determining this application.”

- Given potential increases in traffic on Chester Gate as a result of HS2 and CS11, it is considered that severe congestion could occur on Chester Gate for a number of years. It is not considered that Caneparo Associates Transport Statement provides adequate consideration of the cumulative impact of these schemes and the proposed garden development.

Parking

- The creation of the proposed garden and the reduction in width of Chester Gate results in the loss of 8 out of 12 on street permit holder parking spaces. Parking permits are issued by the Highway Authority, the Crown Estates Paving Commission (CEPC), to local residents. In mitigation, Caneparo Associates Transport Statement includes a proposal to provide an additional parking space on the northern side of Chester Gate, on the approach to Outer Circle, resulting in 5 spaces being provided on this section of carriageway. Caneparo Associates Transport Statement also notes that a further 2 spaces would be made available by the applicant to the rear of 1 – 2 Chester Gate, within Cambridge Terrace Mews. It is proposed that these 7 spaces would be available for use by the 7 permit holders who are currently able to park on Chester Gate.
- Plans showing the existing and proposed highway layout show the parking provision on the northern side of Chester Gate, on the approach to Outer Circle, increasing from one to two bays. However, the bay that was located in this area has now been removed, presumably at the time that the construction hoarding around 6 – 10 Cambridge Terrace was erected. This hoarding extends into the carriageway on Chester Gate and also reduces the available parking on the southern side of the road.
- At present, with the hoarding in place, the western end of Chester Gate still accommodates two lanes at the stop line at the junction with Outer Circle. If the parking bay previously provided on the northern side of the road has been removed because of carriageway narrowing to accommodate the hoarding, it is questionable whether the highway authority would reinstate it, and provide an additional bay in this location, if the carriageway width were permanently reduced to accommodate the proposed garden.
- With regard to parking within Cambridge Terrace Mews, the CEPC has advised the Residents Association that there will be no additional CEPC parking spaces created in Cambridge Terrace Mews and that Chester Gate residents would not be provided with permits to park in the Mews in any case.
- Given that there is also doubt on the ability to provide parking spaces on the northern side of Chester Gate on the approach to Outer Circle, it is clear that the development proposals do not provide the 7 resident permit holders that can currently park on Chester Gate a suitable arrangement to continue to park close to their homes. The proposals will therefore not only effect residents of Chester Gate, who will no longer be able to park in close proximity to their homes, but also other local residents who use Chester Gate to park their vehicles. In addition these residents would all experience an increase in demand for on street parking in their areas.

Vehicle Access

- Swept path analysis has been submitted as a part of Caneparo Associates Transport Statement to demonstrate that a 9 metre refuse vehicle and Fire Tender can manoeuvre along Chester Gate with the proposed highway arrangement in place. A copy of this analysis is attached at Appendix A for reference. The swept path analysis shows that space around these vehicles when manoeuvring is very limited, with negligible clearance past footways, where in reality, there would be a likelihood that vehicles could overhang the footway when manoeuvring, resulting in potential for conflict and arising safety issues with pedestrians.
- The plans provided do not show parked cars, so it is not possible to ascertain what clearance there would be between large vehicles and parked cars, however, it appears that any clearance would be very limited.
- Caneparo Associates Transport Statement includes a Road Safety Audit undertaken by M B Projects Limited. The audit comments on the potential for parked cars to obstruct the swept path of large vehicles, the relevant text from the audit is reproduced below.

“Two gaps in the parking restrictions on the north side of Chester Gate are shown to be retained, although now with the reduced road width vehicles parked in these locations could partly obstruct the through movement of large vehicles.”
- The Designer’s Response comments that;

“It is acknowledged that vehicles parked in the on-street bays on the north side of Chester Gate would reduce the effective width of the carriageway for passing vehicles. However, a swept path analysis (refer to Transport Statement) has demonstrated that larger vehicles such as a refuse vehicle would still be capable of passing cars at the locations in question.”
- As noted, the swept path analysis in Caneparo Associates Transport Statement does not show parked cars and therefore it has not been demonstrated that cars would not obstruct large vehicles. Any analysis should also consider whether a large vehicle could pass another large vehicle stopped on Chester Gate delivering to properties in the area.
- The Caneparo Associates Transport Statement includes the results of an Automatic Traffic Count (ATC), which provides a count of all vehicle movements on Chester Gate over the course of a week. Whilst signage at the entrance to Chester Gate advises that “No trade or business vehicles except permit holders, taxis and for access to premises”, the ATC data shows that a significant number of commercial vehicles use Chester Gate, with 635 two axle trucks or buses entering the street over the course of the week, 34 three or four axle rigid HGVs and 29 articulated vehicles, including 11 six axle combinations. These articulated vehicles and some of the rigid HGVs will be both longer and wider than the refuse vehicle and fire tender used in the submitted swept path analysis.
- Whilst some of these vehicles may legitimately be accessing properties located off Chester Gate, it is likely that many are not and are accessing the street in contravention of the posted signage. However, as access by these vehicles does take place, consideration needs to be given to whether these vehicles will safely be able to negotiate their way along the street in future to ensure that the proposals would not result in the street becoming blocked or compromise the safety of existing road users and pedestrians.

In summary it is considered that:

- The development proposals will reduce the carriageway width of Chester Gate and reduce the capacity of the junction with Outer Circle;
- Caneparo Associates' Transport Statement does not adequately assess the cumulative effect of the proposed development, CS11 and HS2 and no traffic modelling has been undertaken to account for these schemes;
- The proposals result in the loss of existing on street parking and do not provide suitable mitigation, to the detriment of the amenity of residents on Chester Gate and the adjoining terraces and mews; and
- Swept path analysis undertaken does not demonstrate that the proposed highway layout of Chester Gate can safely accommodate all vehicles that currently access the street.
- It is therefore concluded that it has not been demonstrated that the development proposals would not result in severe cumulative impact on traffic and other factors discussed above and as such, the proposals are not considered to comply with national planning policy

Adjoining Occupiers

<i>Number of letters sent</i>	21
<i>Total number of responses received</i>	43
<i>Number in support</i>	8
<i>Number of objections</i>	35

4.8 A site notice was displayed on 13/05/2016 (consultation expiry date 03/06/2016) and a notice was displayed in the local press on 19/05/2016 (consultation expiry date 09/06/2016).

4.9 The objections are summarised below:

- Claims that proposal would reinstate a private garden built by John Nash are false / misleading
- The garden was not designed or constructed when the terrace was completed, it came later and was significantly smaller than the current proposal
- Loss of public space
- No public benefit to the creation of a private garden
- No need for another garden as there is the park itself
- Cumulative impact of introduction of Cycle Super Highway / construction traffic for HS2
- Impact on parking - parking survey is flawed / CEPC will not re-allocate lost spaces
- Impact on traffic congestion
- Impact on traffic safety
- Air pollution from traffic congestion
- Residents have enjoyed exit onto 2 lane Chester Terrace as part of leasehold right
- Misleading public consultation
- Impact of existing building works

4.10 A comment from Dr Geoffery Tyack (Fellow of Kellog College, Oxford) was submitted by local residents. It is summarised below:

- Chester Gate separated two of the terraces built to the designs of John Nash on the eastern side of Regent's Park in the 1820. The street gives access to the Park from Albany Street, the service road running behind the terraces along the perimeter of the park which separated the terraces from the market and artisan area designed by Nash to the south of Cumberland Basin.
- The entrance from Albany Street is narrow – 5.25m from kerb to kerb – but it broadens out at its western end to provide a vista of the Park, creating a sense of release from plain brick terraces of Albany Street and supplying a first vision of the arcadian landscape.
- The narrowing of this route at its western end, as envisaged in this application, would destroy this sense of release, while at the same time significantly encroaching on public space.
- The proposals under consideration claim to reinstate 'a private garden designed by John Nash', which is a distortion of the true history of the site.
- A letter by Nash dated 30 June 1825 mentions the intention to plant the ground at the western end of Chester Gate 'with a thick plantation', and a plan by him of Cambridge Terrace and its surroundings, dated 30 June 1825 shows the ground with the words 'intended as a plantation'.
- The builder of the Terrace, Richard Mott, undertook on 7 February 1826 to lay out the site, and another to the south of the Terrace, with a 'Shrubbery, lawn, Ornamental Garden & Pleasure Ground' for the occupants of the end houses. But there is no evidence that Nash designed these gardens himself, or that a detailed design was ever prepared, and the first views of the terraces, in James Elmes, Metropolitan Improvements (1829) and in Richard Morris's panorama of the Park and terraces make it clear that the garden at the western end of Chester Gate was not created in Nash's lifetime.
- A garden on the part of the site proposed had indeed been created by 1875, when the first edition of the Ordnance Survey map was prepared, and is shown in an undated stereoscopic late 19th-century photograph reproduced by the proponents of the scheme under consideration. A 'block plan of the Chester Gate area about 1870', based on the Ordnance Survey map, was later drawn by Michael Mansbridge and included in his John Nash, a Complete Catalogue (1991) but he was incorrect in implying that the garden was designed by Nash. It had in any case been removed by the time of the next (1895) Ordnance Survey map of the area.
- What is being proposed now is not a reinstatement of a garden designed by John Nash, or even of the Victorian garden indicated in the 1875 Ordnance Survey map – which was significantly narrower than the garden now proposed – but creation of a new private garden through the appropriation of space that has been within the public domain for all but a few of the past 190 years.
- Far from enhancing the appearance of Chester and Cambridge Terraces, and the eastern side of Regent's Park, it would detract from it by imposing a spurious version of a garden that never existed on a historic and much-valued urban landscape that has been preserved and maintained over many generations by the Crown Estate and by the occupiers of the houses.
- Taken together, Regent's Park, together with its terraces, represents one of the greatest achievements of English town planning – the forerunner of urban parks and their surrounding environment throughout the world – and interference with the external appearance of the terraces and their immediate surroundings should be

kept at an absolute minimum. On the grounds both of conservation and public amenity I therefore urge the rejection of these proposals in the strongest terms.

4.11 The letters of support are summarised below:

- Will enhance views looking down Chester Terrace
- Will enhance outlook from No. 3 Chester Terrace
- Support proposal to reinstate area to original design
- Will slow traffic coming through Chester Terrace

5 POLICIES

5.1 National Planning Policy Framework (NPPF) 2012

London Plan 2016

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development
CS11 Promoting sustainable and efficient travel
CS14 Promoting high quality places and conserving heritage
CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and the availability of car parking
DP19 Managing the impact of parking
DP20 Movement of goods and materials
DP21 Development connecting to the highway network
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP31 Provision of and improvements to public open space and outdoor sport and recreation facilities

5.2 Supplementary Planning Policies

Camden Planning Guidance (CPG)

CPG1 Design (2015)
CPG6 Amenity (2011)

5.3 Regent's Park conservation area appraisal and management strategy (2011)

6 ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Impact on the character and appearance of the wider area (including heritage considerations)
- Transport considerations
- Impact on nearby and neighbouring properties

Impact on the character and appearance of the wider area (including heritage considerations)

- 6.2 Nos. 1-10 Cambridge Terrace and Nos. 1-42 Chester Terrace are Grade I listed and Nos. 1-4 Chester Gate are Grade II listed. The cast iron railings attached to Nos. 1-10 Cambridge Terrace are Grade I listed. The cast iron railings attached to the forecourt of Nos. 1-10 Cambridge Terrace are Grade II listed. Four lampposts on Cambridge Terrace are Grade II listed. The Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 6.3 The application site is located within the Regent's Park Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.4 Regent's Park is a Grade I Registered Park and Garden and therefore the Council must consider its historic interest and the impact of the proposed development when determining this application.
- 6.5 Policy DP25 of the LDF Development Policies notes that the Council will take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas; will only permit development within conservation areas that preserves and enhances the character and appearance of the area; and will not permit development that it considers would cause harm to the setting of a listed building.
- 6.6 The Regent's Park conservation area appraisal and management strategy (RPCAAMS) notes of Cambridge Terrace: *"Designed by Nash, this stucco terrace is slightly eccentric. It has small alternating rusticated columns at the centre and at the ends of the ground floor; otherwise it has as decoration long incised patterns in the stucco, reminiscent of the work of Sir John Soane. Originally ten houses, it was badly damaged in the Second World War; the north end was only rebuilt in the 1980s, when it was constructed as offices: the southern, surviving five original houses were converted laterally into flats"*.
- 6.7 The RPCAAMS also makes reference to the large basement which has been approved under the building and in front of the open space at the front of the building. It notes: *"This work comprises 50% of the open space being excavated and reinstated with a new open space design in terms of planting and layout. Within all of this a large existing lime will be retained as a feature of the existing landscape structure. Future pressure on these spaces from basement development will need to ensure that the landscaping in front of the terraces is preserved or reinstated"*.
- 6.8 The Heritage Statement submitted with the application notes the following:

- In 1811 John Nash was commissioned by Prince Regent (later George IV) to design a park studded with villas and a place for the Prince himself, fringed by grand terraces of houses. Most of the planned terraces were completed and, together with the park, form one of the architectural showpieces of London.
- Cambridge Terrace was one of the grand terrace of houses laid out around the park by Nash, and was designed originally in 1825 as a row of ten houses. Nos. 1-4 Chester Gate are much more modest in character.
- The ground for Cambridge Terrace was let to the builder Richard Mott and by 30th June 1825 a sketch layout plan had been drawn up. This shows that at this stage the intention was to flank the terrace with gardens.
- A survey of the area undertaken by Charles Mayhew between 1834-35, which records the built layout of Cambridge Terrace, shows the Chester Gate garden flanking the northern end of Cambridge Terrace.
- A later Ordnance Survey plan of 1870 again shows the Chester Gate garden, but with a different layout consisting of an axial path leading to an oval entrance space at the eastern end.
- There is no record of when the Chester Gate garden was removed but the Ordnance Survey Plan of 1870 shows it was present until at least then. Subsequent maps from the 1890s onwards show the garden as having been removed with the pavement widened and a single railing erected between the forecourt to Cambridge Terrace and Chester Gate.
- Cambridge Terrace was damaged by bombing during the war and was reconstructed in the 1980s.
- The landscape designs for the proposed garden are informed by a detailed historical analysis of the site and are in line with Nash's original concept for Regent's Park. The proposal seeks to provide a positive landscape feature within the Regent's Park Conservation Area that is an enhancement to the area and which is in keeping with Nash's original design for the area.

6.9 The application is also accompanied by a Landscape Report, which outlines the guiding principles of the development, as follows:

- To reinstate the garden at Nos. 6-10 Cambridge Terrace as originally intended by John Nash and that can be identified on the 1834-35 detailed survey by Charles Mayhew.
- To introduce 'framed' views towards Cambridge Terrace from the Outer Circle and Regent's Park through the strategic planting of trees at the north end.
- To create two distinct garden spaces that interpret the historic path layout as documented in Charles Mayhew's 1834-35 plan, whilst taking the opportunity to modify the design layout to accommodate the requirements of the client.
- To unite gardens and architecture through the use of high quality materials in keeping with the Crown Estate Paving Commission's requirements.
- To enhance biodiversity and improve habitats for wildlife across the site and adjacent park.
- To create a sensitive and appropriate setting for the listed buildings.

6.10 The evidence provided by the applicant, namely the 1834 Mayhew survey, the original lease details, the subsequent surrender of the land for road widening in 1873, and a photograph showing the garden, are considered to prove beyond reasonable

doubt that a garden in this location was part of the original plan for the layout of this part of Regent's Park.

- 6.11 The Crown Estates Paving Commission (CEPC) have also stated in their comments that they believe the original garden area did exist from quite early on in the development of Regent's Park, and in a similar form to that being proposed in this application.
- 6.12 On the basis that there is evidence of there being a garden in this location historically, the reinstatement of the garden is welcomed in heritage terms. It is considered that the proposal offers a rare opportunity to substantially enhance the setting of the listed buildings and the character and appearance of the wider area, including the Regent's Park Conservation Area and Regent's Park itself. CEPC concur with this view, stating that, "*the reinstatement of a lost feature may well offer a unique and welcome opportunity for the park in terms of heritage value*".
- 6.13 The proposal also accords with the recommendations in the Regent's Park Conservation Area Appraisal and Management Strategy (RPCAAMS), namely paragraph 4.5: "*Continue to promote reinstatement of missing features and rectifying alterations, taking care of the rears as well as fronts of the terraces*"; and paragraph 4.6: "*Improve streetscape at the exits from the area*".
- 6.14 Concerns have been raised that Nash himself did not design the garden; that the garden was not constructed in his lifetime; and that the garden that was formerly at the application site was considerably smaller than that which is now proposed. Comments have also been received that the creation of a new, private garden through the appropriation of space which has been in the public domain for nearly 190 years would not provide any public benefit.
- 6.15 The applicant acknowledges that there is no evidence either way to prove whether Nash himself produced the detailed layout for the garden at No. 10 Cambridge Terrace; however, it is clear from the evidence provided that a garden/plantation in this location was an important part of the overall vision for Cambridge Terrace and this part of Regent's Park. The applicant notes that the proposed layout is in the Nash style and in keeping with his plan as a whole, and in that sense the proposals are considered to be restoring Nash's design and vision for the garden to No. 10 Cambridge Terrace. The applicant notes that the application does not propose to restore a specific Nash scheme expressly, but to recreate an element of a larger vision; one recognised as internationally significant, that existed for more than 50 years and was then removed.
- 6.16 The Council also acknowledges that the proposed garden may not have been designed by Nash and that it may not be the same size and design as the former garden at the site. However, it is agreed that there is historic precedent for a garden in this location and the proposal is considered to be in keeping with the character and appearance of the wider area and it is considered to fit with the original plan for the area.
- 6.17 The National Planning Policy Framework (NPPF) guides at paragraphs 133 and 134 that, where a proposed development would lead to any harm to a designated heritage asset (whether substantial or less than substantial), the harm should be

weighed against the public benefits of the proposal. However, in this case, it is considered that the proposal would provide a heritage benefit by restoring a lost feature of the park / wider area, and there is therefore no requirement for the proposal to provide a public benefit. Nevertheless, subject to the use of high quality and appropriate building materials (e.g. for the railings and new paving etc.), and the planting of appropriate vegetation within the garden, it is considered that the proposal would contribute positively to the street scene along this part of the Outer Circle, which represents a public benefit.

- 6.18 The Council is aware that the CPEC has commissioned a study which seeks to reinstate the historic Nash landscape/planting scheme in the area; and there is merit in ensuring that the design of the reinstated garden accords with the wider strategic vision for the area. It is agreed that the proposal is in the broad style of the original garden design; however, it is considered that certain changes would make the design better fit in with CPEC's aims. For example, it is considered that larger tree(s) should frame the terraces, rather than the more decorative specimens currently proposed; and the box hedging should be replaced with more informal bushes and shrubs to provide privacy for the users of the private garden. To this end, it is considered necessary to recommend attaching a planning condition to any permission granted to ensure that full details of hard and soft landscaping at the site are submitted to and approved in writing with the Council prior to the commencement of development. An Informative can advise the applicant to liaise with CEPC and Regent's Park CAAC when designing the proposed final layout for approval to ensure that the final design accords with the wider strategic vision for the area.
- 6.19 CEPC also note that they believe the design of any reinstated railings should follow as closely as possible what is known about the original features. It is therefore considered necessary to recommend attaching a planning condition to any permission granted to ensure the submission and approval of details of all building materials prior to the commencement of development. Again, the applicant should be advised to liaise with CEPC and Regent's Park CAAC before submitting details for the Council's approval.
- 6.20 Overall, subject to the suggested conditions, it is not considered that the proposal would cause harm to any listed buildings or structures or their settings and it is considered that the proposal would enhance the character and appearance of the Regent's Park Conservation Area and the setting of Regent's Park. The application is therefore considered to be acceptable in this respect, in accordance with Policies DP24 and DP25 of the LDF Development Policies.

Transport considerations

- 6.21 Policy DP16 of the LDF Development Policies seeks to manage the transport implications of development. Part (b) specifically requires proposals to provide information to indicate the likely impacts of the proposed development and the steps that will be taken to mitigate those impacts. The accompanying text to Policy DP16 notes that developments should link in well with their surroundings by allowing for movement to and through development sites, in order to contribute to improved accessibility across the borough; and development should be well integrated into the wider street pattern.

6.22 Policies DP18 and DP19 of the LDF Development Policies relate to parking. Policy DP18 seeks to minimise the amount of parking in new developments and Policy DP19 provides advice on developments which relocate car parking or have an impact on parking conditions in the borough. Policy DP19 specifically notes that the Council will resist development that would harm highway safety or hinder pedestrian movement; provide inadequate sightlines for vehicles leaving the site; add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions; or create, or add to, an area of car parking that has a harmful visual impact.

Impact on road network / highway safety

6.23 The proposal would result in the reconfiguration of the western end of Chester Gate, involving a reduction in the number of lanes from 2 to 1 and the associated realignment of the pavement. Chester Gate measures nearly 90 metres long (from the junction with Outer Circle to the junction with Albany Street) and the eastern end of the road (approximately 22 metres), where it joins Albany Street is a single lane (the road is one-way, east to west from Albany Street to Outer Circle).

6.24 There are currently 12 parking spaces on Chester Gate (shown by the lack of double yellow lines in certain places). Of the 12, 8 are on the southern side of the road and 4 are on the northern side. Chester Gate, Cambridge Terrace and the roads between Albany Street and Outer Circle are maintained by the Crown Estates Paving Commission (CEPC), as the highways authority. They are private roads, with no parking except for CEPC permit holders.

6.25 The Transport Statement submitted with the application notes that it is not expected that there would be an unacceptable impact on the operation of the junction in capacity terms. The capacity assessment was informed by traffic counts and a queue length survey. The assessment concludes that the proposed junction layout (i.e. the reduction from 2 lanes to 1) would operate well within capacity. The ratio of flow to capacity (RFC) for the existing situation and the proposed development would be well below the 0.85 recommended threshold when a junction is generally deemed to be working satisfactorily well within capacity (0800-0900 hours = 0.43; 1100-1200 hours = 0.53; 1800-1900 hours = 0.61). Even when taking into consideration queue lengths data, the junction would still operate within the recommended threshold (0.71 RFC).

6.26 The Transport Statement acknowledges that the proposal may increase queuing; however, it notes that the increase in queuing would be minimal and would not materially affect the operation of the local highway network.

6.27 The Transport Statement notes that the reduction in the width of the carriageway on Chester Gate and amendments to the junction with Outer Circle would not have a material impact on vehicle turning manoeuvres on the local highway network. A swept path analysis for a large refuse vehicle, using a 9m vehicle as specified by Camden, has demonstrated that there is sufficient space for vehicles to turn onto Chester Gate from Chester Terrace and out onto Outer Circle. Furthermore, a fire tender vehicle would also be able to negotiate Chester Gate and the local highway network. A swept path analysis has also illustrated that larger vehicles, such as refuse vehicles, would

still be capable of turning into the street if cars are parked on the northern side of the street.

- 6.28 To ensure that the amendments to the junction do not have an adverse impact on highway safety, a visibility splay has been prepared. There would be no impediments to visibility, which exceeds the distances required by best practice and relevant guidance for a 20mph road. The Transport Statement also notes that the reduction in lanes would remove the current situation whereby two vehicles are able to wait at the stop line side by side and potentially impair each other's sight lines.
- 6.29 The Chester Terrace Residents Association appointed Motion Consultants to undertake a review of the Transport Statement (see comments above in consultation section). Motion Consultants do not believe that the applicant's Transport Statement (Caneparo Associates) sufficiently analyses vehicle access and swept path analysis etc. However, the Council's Transport Officers are satisfied with the assessment that has been made, and CEPC, after examining the applicants' modelling of traffic congestion within Chester Gate, believe that reasonable conclusions have been drawn from what is known about the current traffic demands placed on that roadway. The proposal is therefore considered to be acceptable in this respect.
- 6.30 Policy DP20 seeks to minimise the impact of the movement of goods and materials on local amenity, traffic and the environment. In this case, the proposal would be unlikely to generate significant amounts of construction vehicle traffic. A Construction Management Plan is therefore not considered to be necessary in this instance and the Council's Transport Officers are satisfied with this arrangement.

Cumulative impact of development

- 6.31 The Transport Statement submitted by the applicant looks at the cumulative impact of Cycle Superhighway 11 (CS11) and High Speed 2 Rail (HS2). The proposed route for CS11 runs between Swiss Cottage and the West End, passing through Regent's Park on the Outer Circle. There are proposals to reduce access to the Outer Circle at certain times of day, but Chester Gate would not be affected.
- 6.32 The Transport Statement notes that the removal of through-traffic from Outer Circle is forecast to result in increases in traffic elsewhere, including on Albany Street in the peak periods. However, there is no indication that traffic on Chester Gate would increase; rather, it would be reasonable to assume it would decrease as it contributes towards what TfL believes will be "*a significantly lower volume of traffic in the park*". On the whole, the applicant's Transport Statement does not consider that CS11 would significantly impact on the proposal.
- 6.33 Similarly, the Transport Statement does not consider that HS2 would impact on the scheme in the long-term. Any effects would only be temporary in nature during the construction process.
- 6.34 The report by Motion Consultants, on behalf of the Chester Terrace Resident's Association, notes that the cumulative impacts of CS11 and HS2 have not been fully considered; however, the Council's Transport Officers do not believe that the cumulative impact would be so severe as to warrant a refusal of the application on this

basis. Access to Chester Gate for motor vehicles is already heavily restricted (i.e. permit holders, taxis, and access to premises) and this is more than likely to remain the case even if CS11 and/or HS2 were to go ahead. Traffic flows on Chester Gate are therefore unlikely to increase significantly and the CEPC would be able to take enforcement action against any inappropriate use.

Parking

6.35 As noted, Chester Gate, Cambridge Terrace and the roads between Albany Street and Outer Circle are maintained by CEPC as the highways authority. They are private roads, with no parking except for CEPC permit holders. Residents in these streets cannot apply to the Council for parking permits, as they do not reside in an area covered by a controlled parking zone.

6.36 Currently, there are 12 parking spaces on Chester Gate, 8 of which are on the southern side of the road, in the location of the proposed new garden (see picture below). These 8 spaces would be relocated as part of the revised proposal.



6.37 The Transport Statement submitted with the application notes that surveys were undertaken between 2014 and December 2015 by the applicant to establish current parking availability on Chester Terrace and the surrounding CEPC roads. The survey results indicate that there is notable spare capacity on CEPC roads and therefore the impact of the development on parking conditions was considered to be negligible.

6.38 However, CEPC note that, under the current arrangements, only the residents of properties in Chester Gate and Cambridge Terrace Mews are eligible to apply for permits to park in Chester Gate and there are 13 permits currently issued to these residents. CEPC has specifically noted that no significant changes in its parking regulations are currently envisaged such that would, for example, allow residents in one terrace of the estate to park freely in another terrace. This means that residents who are displaced from parking in Chester Gate would not, under normal circumstances, be able to use unoccupied alternative parking space in other CEPC roadways.

- 6.39 The applicant originally offered 2 parking spaces sited on their private land for the use of the residents of Cambridge Terrace Mews in order to reduce the loss of parking spaces; however, this would still represent a loss of 6 spaces.
- 6.40 A further plan has now been submitted by the applicant with an indicative layout, which shows 12 parking spaces (i.e. no loss of parking spaces) (see picture below).



- 6.41 The Council's Transport Officer is satisfied with the revised layout. A query was raised about spaces 3 and 4 and whether or not one of these spaces could be moved adjacent to space 5; however, the applicant notes that this would have implications for refuse vehicle egress from Chester Terrace to Chester Gate; visibility and the pedestrian crossing. The proposed arrangement is not materially different to the existing in terms of width and accessibility to the eastern end of Chester Gate.
- 6.42 The provision of the 6 spaces at the rear, on Cambridge Mews Terrace, would be a private arrangement, outside of normal CEPC parking controls. However, it would prevent the loss of residential parking spaces for local residents, which is welcomed in terms of the impact on local parking provision for residents.
- 6.43 It is also worth noting that CEPC, as highways authority, have not suggested that the Council refuse the application based on parking issues; instead they have suggested that the Council balance the impact of reduced parking availability against the heritage benefits of the scheme. There is no longer going to be a loss of parking and the heritage benefits of the scheme are considered to outweigh any harm caused by the changes to the parking layout in the area.
- 6.44 A suitable planning condition is suggested to require the applicant to provide the new spaces prior to the commencement of works to create the new garden.

Loss of public highway

- 6.45 The proposal would result in the loss of highway (the land is privately owned with a public right of way over it). A stopping up order (under Section 247 of The Town and Country Planning Act) would need to be approved by the Council prior to works

commencing on site. This pre-commencement obligation can be secured by section 106 legal agreement. The applicant is willing to enter into such an agreement.

6.46 The existing footpath would need to be realigned / reconstructed and various items of street furniture would need to be relocated. Furthermore, some amendments to road markings would be required and the proposal may cause damage to the public highway directly adjacent to the application site. CEPC is the highways authority responsible for the highway. A planning condition is suggested to require the applicant to enter into a contract with CEPC prior to the development commencing to secure the proposed works to the highway, footpath and parking layout.

Impact on nearby and neighbouring properties

6.47 Policy DP26 seeks to ensure that the impact of a development on occupiers and neighbours is fully considered. It is not considered that the proposal would cause undue harm to the visual and residential amenities of nearby and neighbouring properties. The proposal is therefore considered to be acceptable in this respect.

6.48 Comments have been received regarding the loss of land over which the public has had the right to pass. However, the application site is adjacent to Regent's Park and it is not considered that any nearby occupiers would be unduly prejudiced by the loss of the land in question. There would still be a pavement around the edge of the new garden.

7 CONCLUSION

7.1 The proposal to reinstate the historic garden on Chester Gate, and the associated works, would not cause harm to any listed buildings or structures or their settings, and it is considered that the proposal would enhance the character and appearance of the Regent's Park Conservation Area and the setting of Regent's Park. The transport impacts of the development are considered to be sufficiently mitigated and it is not considered that the proposal would cause undue harm to the visual and residential amenities of nearby and neighbouring properties.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Stopping Up Order under Section 247 of The Town and Country Planning Act 1990

8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s): **2016/1479/P**

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Chester Gate Landscape Report: Garden Works (dated 02/03/2016); Transport Statement (dated March 2016); Heritage Statement (dated March 2016); Design & Access Statement (dated March 2016); 639 - 1.002; 622.01 (PP) 001; 622.01 (PP) 002; 622.01 (CD) 001; 622.01 (MP) 001; 622.01 (SC) 001 Rev RJH; 6932 - 4.901; 6932 - 4.903; 622.02 (SC) 001 Rev P2; 622.02 (SC) 002 Rev P2; 622.02(SC) 003 Rev P2; 622.01 (RP) 006; 2013 TR008.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
 - a) Manufacturer's specification details of all building materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).
 - b) Drawings at 1:10 of new railings.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 No development shall take place until full details of hard and soft landscaping have been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following the approval of details, unless otherwise agreed in writing with the local planning authority. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously

damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 6 No development shall commence before a contract has been entered into with the Local Highway Authority (Crown Estate Paving Commission) to secure the proposed works to the highway, footpath and parking layout.

Reason: To ensure that the safety and efficiency and quality of the road network is maintained in accordance with policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 of the London Borough of Camden Local Development Framework Development Policies.

- 7 The whole of the car parking provision shown on drawing number 622.01 (RP) 006 shall be provided prior to the commencement of works to create the garden. Thereafter the whole of the car parking provision shall be retained and used for no purpose other than for the parking of vehicles.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policy CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 You are advised that the planting scheme shall be in accordance with the CEPC Regent's Park heritage management research and study; and the revised landscaping plan shall be agreed in consultation with the Regents Park CAAC; CEPC and its historic garden advisors prior to details being submitted to the Council for approval.
- 2 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel.

No. 020 7974 4444 or on the website
<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

Conditions And Reasons: **2016/1776/L**

1) The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Chester Gate Landscape Report: Garden Works (dated 02/03/2016); Transport Statement (dated March 2016); Heritage Statement (dated March 2016); Design & Access Statement (dated March 2016); 639 - 1.002; 622.01 (PP) 001; 622.01 (PP) 002; 622.01 (CD) 001; 622.01 (MP) 001; 622.01 (SC) 001 Rev RJH; 6932 - 4.901; 6932 - 4.903; 622.02 (SC) 001 Rev P2; 622.02 (SC) 002 Rev P2; 622.02(SC) 003 Rev P2.

Reason: For the avoidance of doubt and in the interest of proper planning.

3) Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Manufacturer's specification details of all building materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

b) Drawings at 1:10 of new railings.

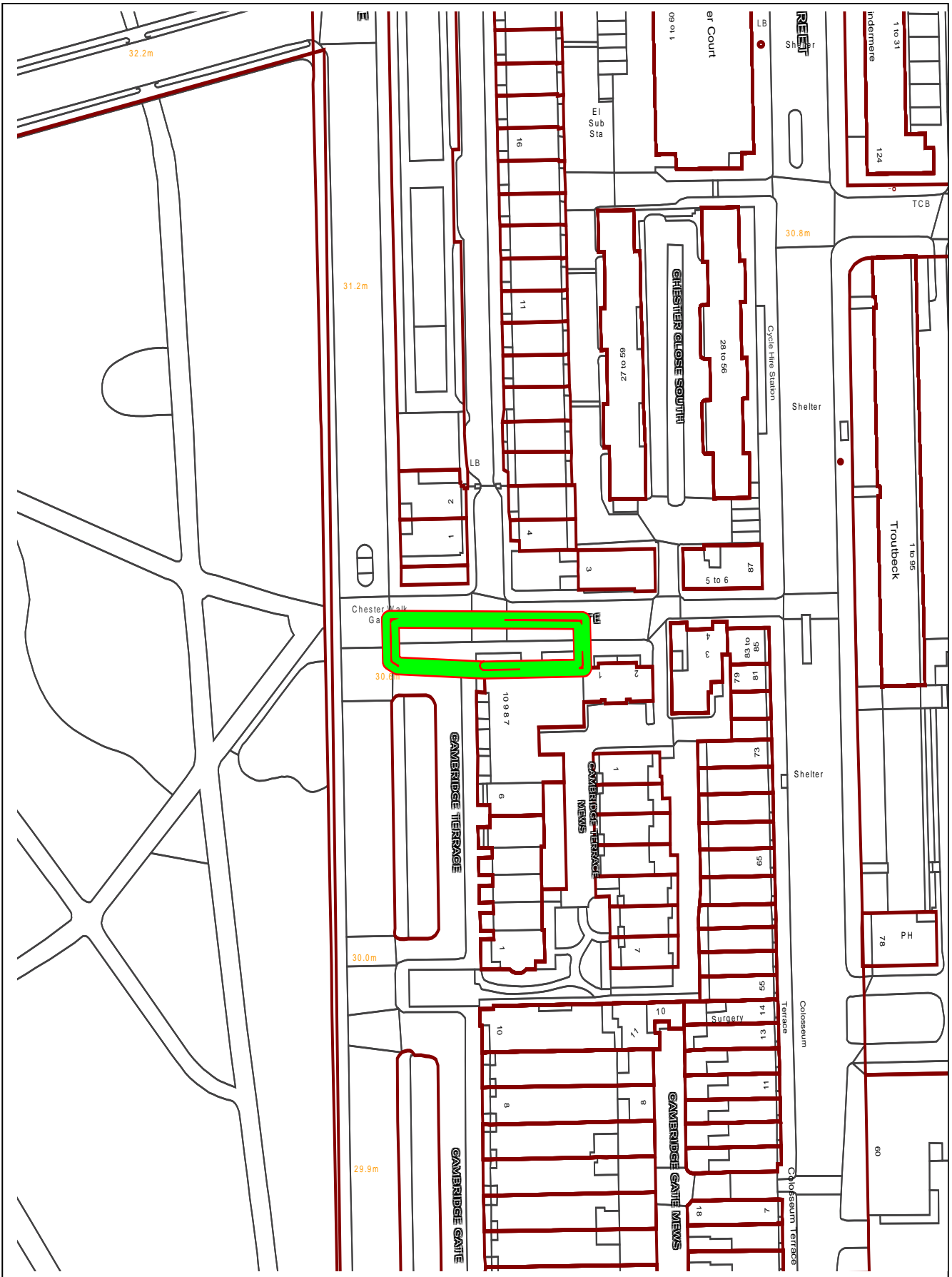
The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1) You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

2) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.



Application No: 2016/1479/P & 2016/1776/L

Land at Chester Gate adjacent to Nos. 6-10 Cambridge Terrace, London, NW1 4JL

**Scale:
1:1250**

**Date:
26-Aug-16**



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Land at Chester Gate, adjacent to Nos.6-10 Cambridge Terrace



Site Location Plan

Photo (before hoarding)



Photo (current)



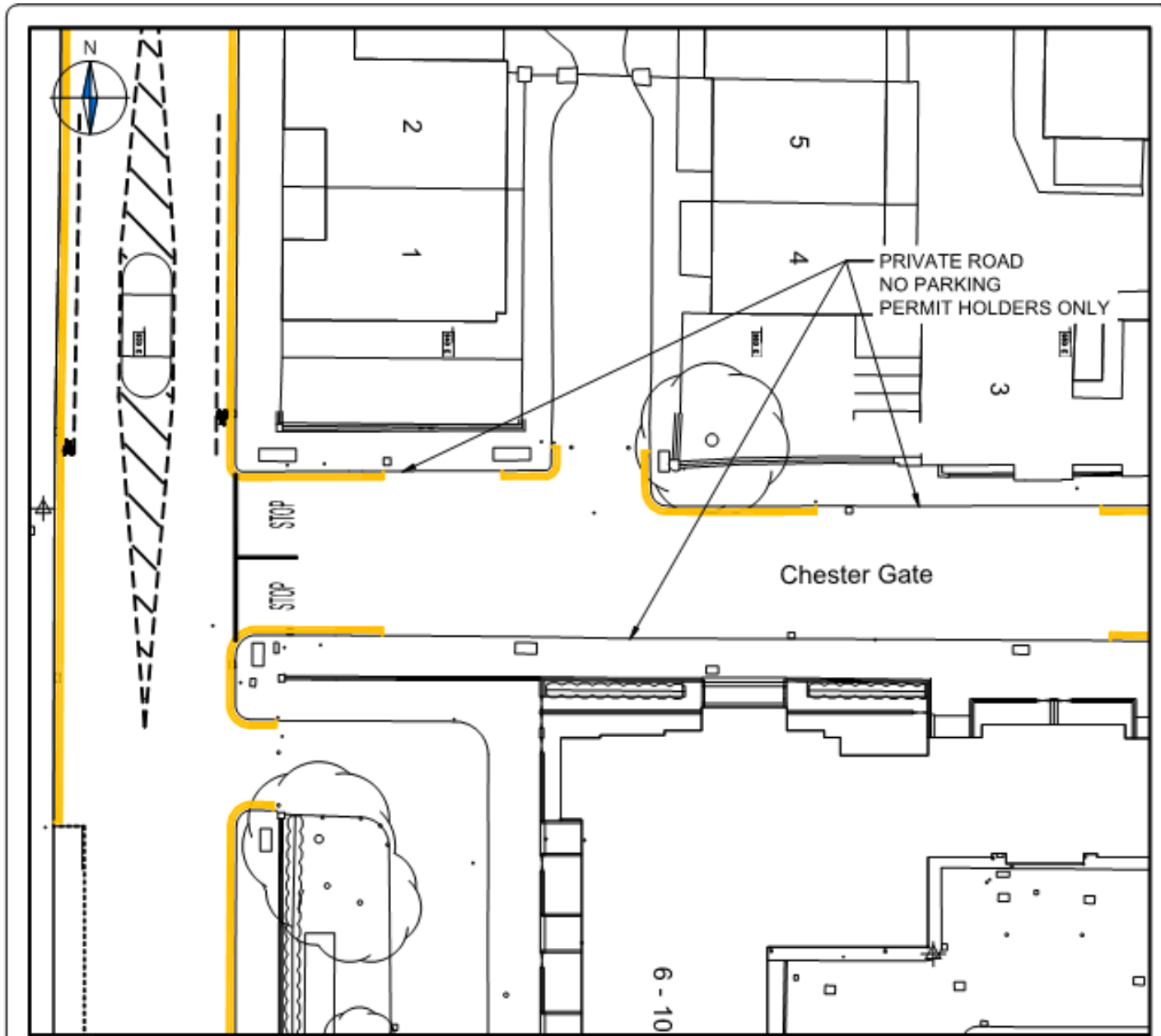
Photo (current)



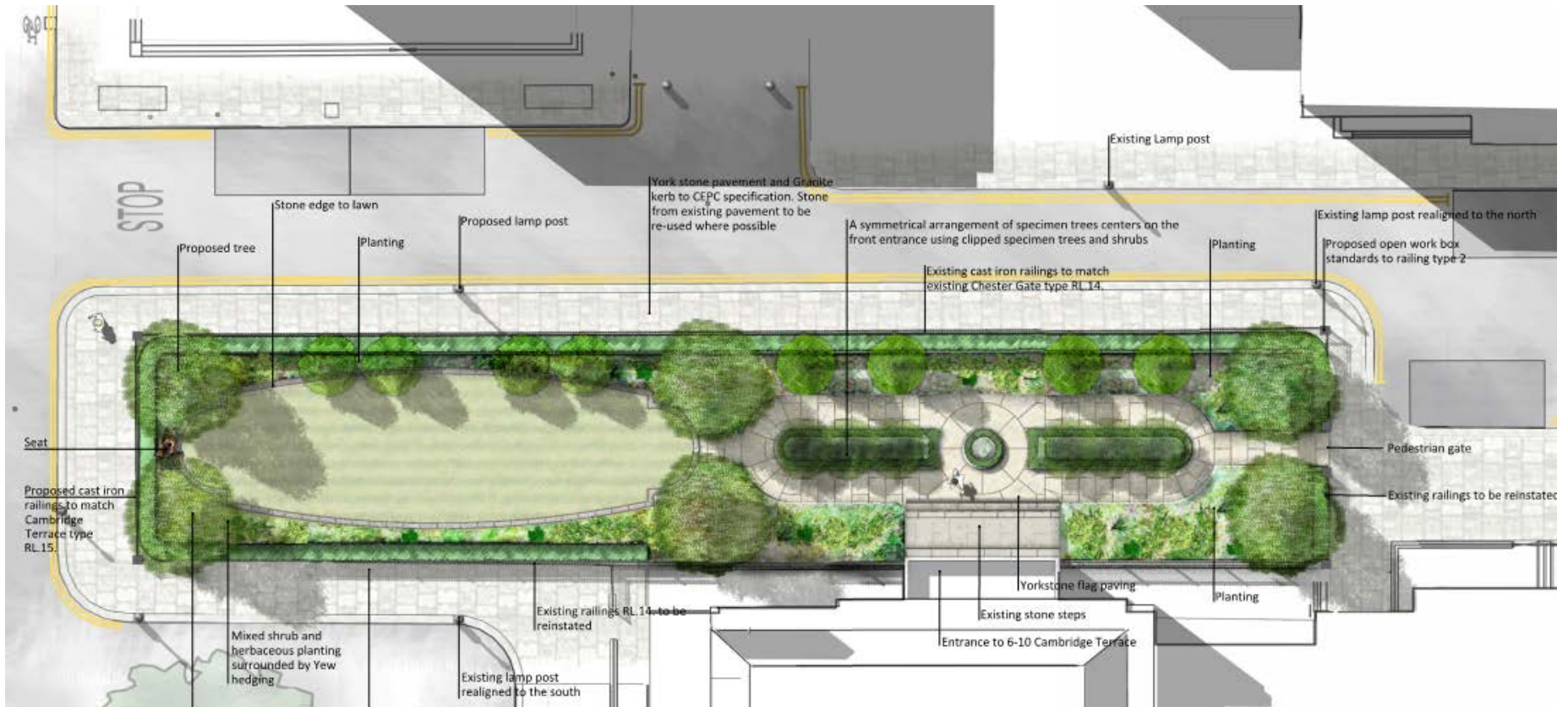
Existing layout



Existing layout



Proposed plan



Perspective drawing



Figure 1.3 Perspective of Chester Gate garden proposals (Extract from Landscape Report, Robert Myers Associates)

Extract from OS Map 1870



Garden

Figure 3.4: Extract of Ordnance Survey 1870 Map

Listed railings



Photo no. 12
Box standard
Listed Railings RL14 (part of EH list entry no. 1244298)

Existing parking layout



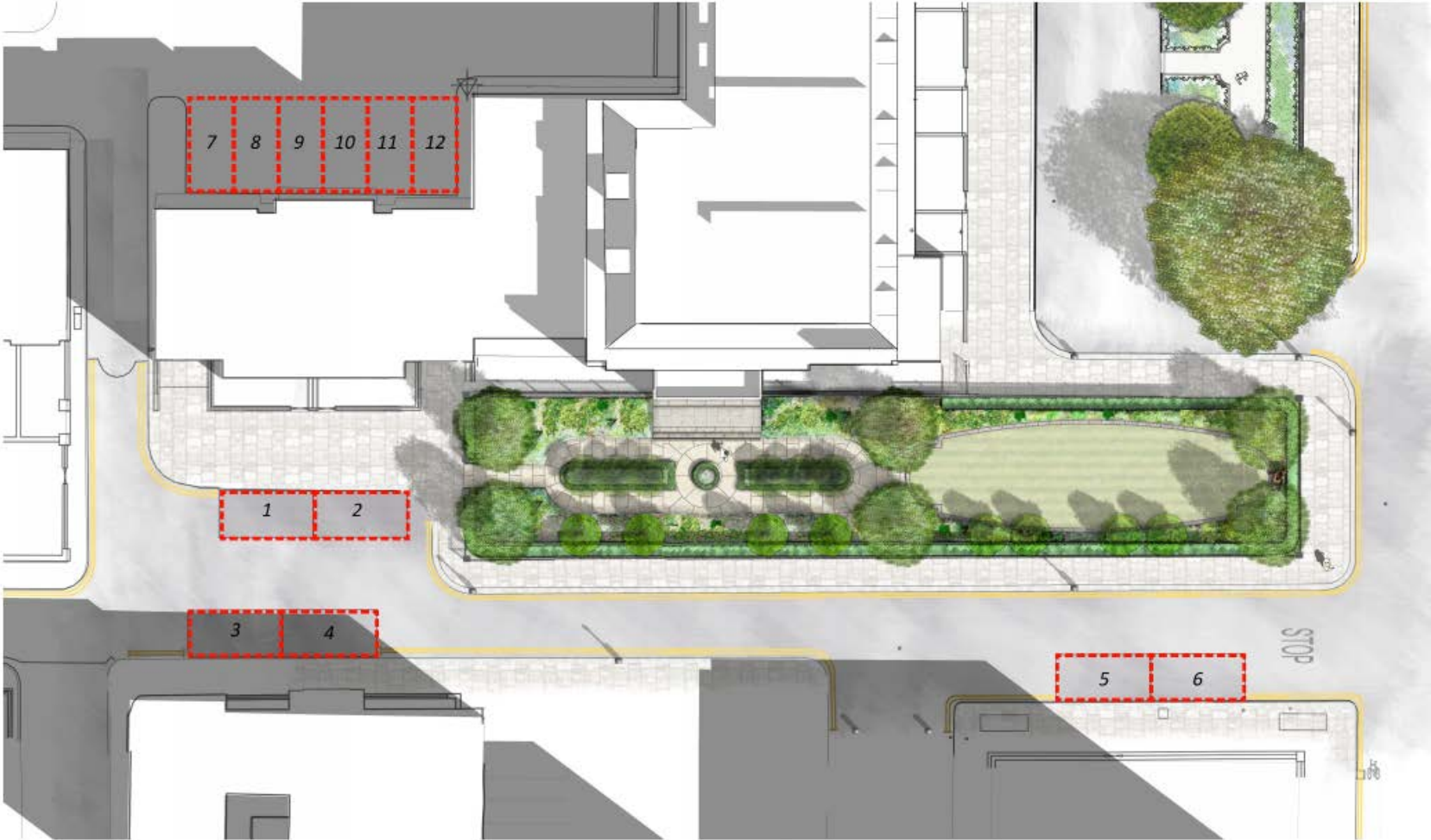
Chester Gate Existing Parking; 12 no. Spaces
Not to scale



KEY

 12no. TOTAL PARKING SPACES

Proposed parking layout



*Chester Gate Indicative Parking layout; 12 no. Spaces
Not to scale*

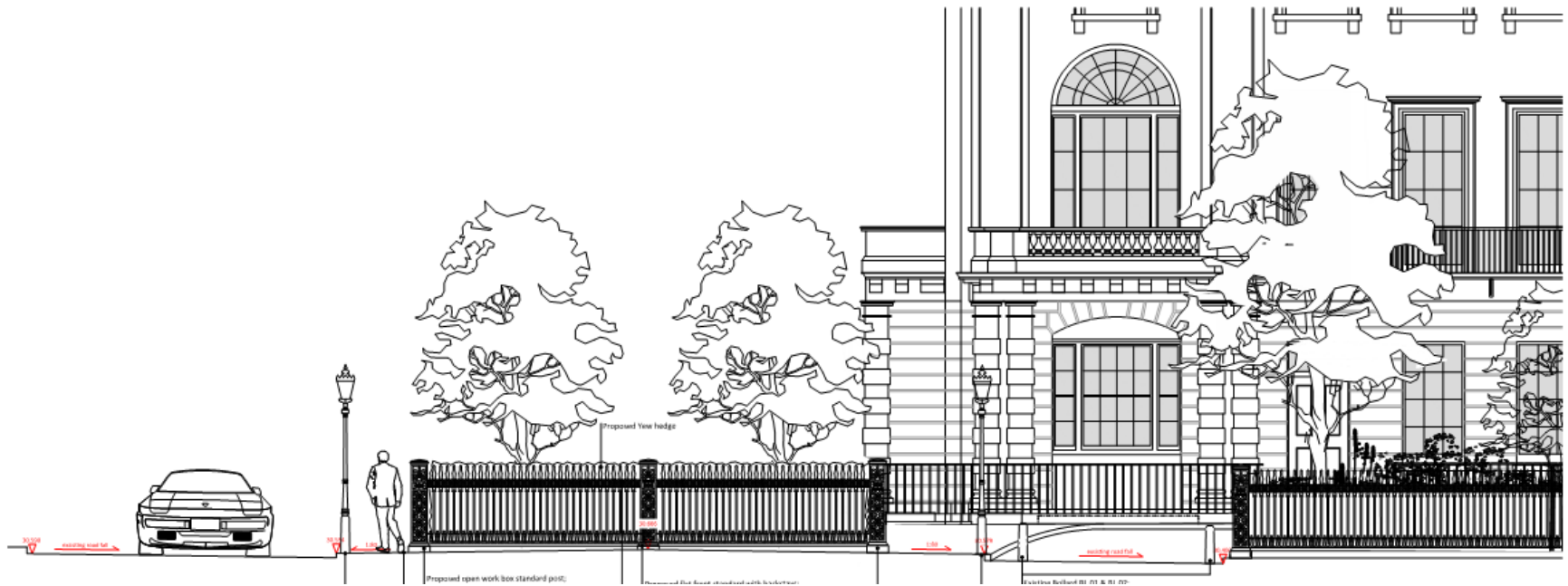


KEY
12 no. TOTAL
PARKING SPACES

Chester Gate elevation



Proposed elevation (Outer Circle/Cambridge Terrace view)



Artist's Impression

