

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 July 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Regent's Park	
Subject of Report	Oslo Court, Prince Albert Road, London, NW8 7EN		
Proposal	Erection of a single storey roof extension to provide four new residential (3x3bed, 1x2bed) (Class C3) units with external terraces, green roof and PV Panels, installation of associated plant equipment, extension of the roof stair tower and existing lifts, replacement of existing restaurant extension and provision of separate restaurant entrance. Creation of new bin and cycle stores, new gates to forecourt, landscaping works and associated internal and external alterations.		
Agent	Lambert Smith Hampton		
On behalf of	Airspace Advisory Ltd		
Registered Number	24/01695/FULL & 24/01696/LBC	Date amended/ completed	20 March 2024; 1 May 2024 and 17 June 2024
Date Application Received	14 March 2024		
Historic Building Grade	II		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable.		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

Oslo Court is a seven storey residential block of flats with restaurant at ground floor level surrounded by Prince Albert Road, Charlbert Street, Newcourt Street and Culworth Street, north of Regent's Park.. The building is Grade II listed and lies within the St John's Wood Conservation Area.

Permission is sought for the works to facilitate a roof extension to provide four new flats with terraces and associated alterations including a new stair and lift tower, new entrance gates, refuse and cycle storage and the construction of a new entrance to the existing restaurant. Following feedback to the initial proposals by the City Council, amendments have been made during the course of the application primarily to refine the design and height of the roof extension and to refine the extension to the restaurant so as to take into consideration roots of tree's. No further consultation has taken place with residents.

The proposals have been submitted to overcome refusal of planning permission and listed building consent for similar works in August 2023 (21/06285/FULL & 21/06286/LBC) which were presented to the Planning Applications Sub-Committee on 8 August 2023. The proposals were refused on the grounds of harm to the listed building; that they would not preserve or enhance the character or appearance of the conservation area and that insufficient information had been received to determine whether the proposed restaurant extension would harm tree's to the front garden/forecourt. The committee report (including the reasons for refusal) and minutes from the committee are provided within the background papers.

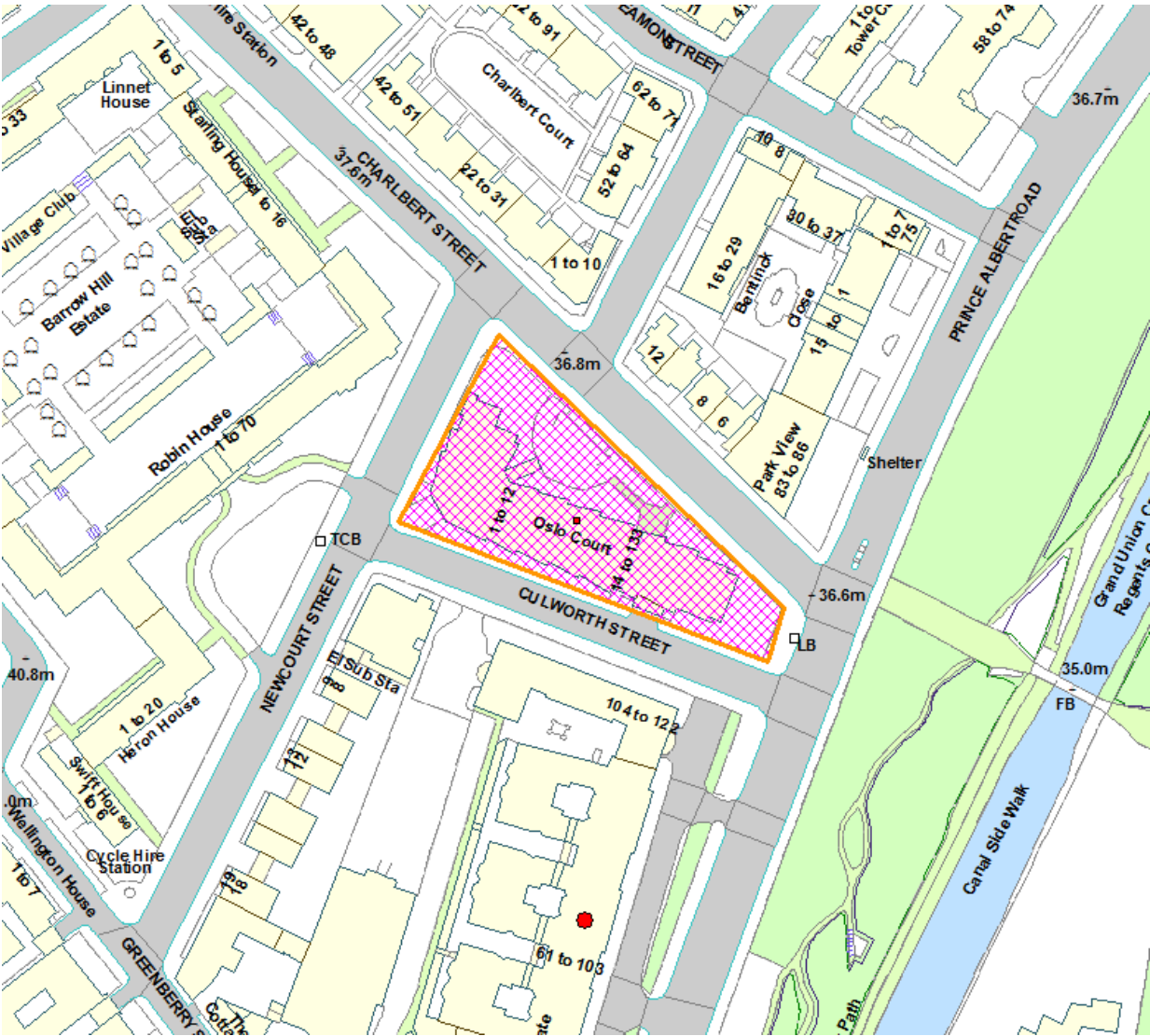
Representations of objection have been received to the proposals from The Royal Parks and the St John's Wood Society on design and listed building grounds. Objections have also been raised from residents within the building and surrounding local residents primarily on land use, design, amenity and highways grounds.

The key issues in the determination of this application are:

- The impact of the proposed extension and alterations upon the Grade II listed building and setting of other nearby designated heritage assets;
- The impact of the proposed extension upon the character and appearance of the St John's Wood Conservation Area; and the setting of other nearby designated heritage assets, such as the listed buildings adjoining the site;
- The impact of the proposals upon the amenity of neighbouring residential properties; and
- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.

The proposals have been slightly tweaked during the course of the application to re-orientate the extension to the restaurant and to make refinements to the roof top extension and stair core. In design and listed building terms, the proposals result in harm, to the lower end of less than substantial harm, it is however considered the scheme is a significant improvement over the refused scheme and that the provision of four high quality residential units are considered to be of a public benefit to outweigh this harm. The revised siting and design of the extension to the restaurant and the additional arboricultural information received with this application are also considered to overcome the tree's reason for refusal. It is therefore recommended that the applications for planning permission and listed building consent be approved.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of eastern elevation (Charlbert Street) and entrance to flats and restaurant.



View of northern elevation at the junction with Newcourt Street and Culworth Street



View of southern elevation from Prince Albert Road



Aerial View of site

5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS FOR REGENT'S PARK

Any response to be reported verbally.

HISTORIC ENGLAND:

Authorisation to determine application.

THE ROYAL PARKS:

The additional height and massing of the Oslo Tower will be detrimental to the views visible from the park and therefore an objection is made.

The Royal Park welcome the consultation undertaken with them and that the revised scheme has addressed concerns with regards to light spill, and impact on ecology.

THE GARDENS TRUST:

No comment to make.

HEALTH AND SAFETY EXECUTIVE:

Content with the proposals.

ST JOHN'S WOOD SOCIETY:

The revised proposed roof extension comprises the reasons for the original listing and it will harm the character of this important listed building within the conservation area.

THE ST MARYLEBONE SOCIETY:

No response received.

METROPOLITAN POLICE:

No objection subject to conditions.

BIG 6 (NATIONAL AMENITY SOCIETIES):

No response received.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

No response received.

FRIENDS OF REGENT'S PARK & PRIMROSE HILL:

No response received.

ARBORICULTURAL OFFICER

No objection to revised proposals subject to conditions

HIGHWAYS PLANNING MANAGER:

No objection subject to conditions.

WASTE PROJECT OFFICER

Objection, the details are not in accordance with the council's waste guidance.

ENVIRONMENTAL SCIENCES:

No objection to the noise from plant and machinery or to the standard of accommodation.

Further information was requested to determine how the new residential roof top apartments would be impacted by the discharge point of the restaurant extract equipment. These details were supplied, and the Environmental Sciences officer re-consulted. No further response was received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 587

Total No. of replies: 11

No. of objections: 10

No. in support: 1

NB: some duplicate responses were received on the linked listed building consent application and as such only 1 response has been recorded.

Ten objections received on some or all of the following grounds:

LAND USE:

- Four flats will not add to housing stock
- Four large flats will not be representative of the existing building.

DESIGN AND LISTED BUILDING MATTERS:

- The proposals will alter a beautiful historic building
- Whilst the proposals are a slight redesign of the previously refused scheme, the history and iconic style of the building would be lost

AMENITY:

- Loss of light
- Overshadowing
- Overlooking
- Pollution increase from building plant and machinery
- Noise from proposed plant and machinery relating to both the residential units and restaurant extension
-

HIGHWAYS:

- Additional flats will create more congestion and parking pressures

OTHER:

- Noise and disturbance during the course of construction
- Dust creation during the course of construction
- The numerous leaseholder/ associations within Oslo Court are not fully endorsed; have different members or not attended by everyone
- The Residents Association were not consulted on the proposals
- Lack of consultation with owners
- Structural concerns
- There are no proposals to ring fence funds should there be damage caused from the

- proposals
- Leaks and water ingress to existing top floor flats
- Fire safety

One letter of support received.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Applications 21/06285/FULL and 21/06286/LBC

For applications 21/06285/FULL and 21/06286/LBC engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application and during the course of the application when revisions were being prepared in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

July 2021 - Initial Consultation

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Letter drop (map provided of area included) advising of proposals and website address	26 July 2021	N/A	N/A
Presentation to Cllr Rigby, Ward Member for Regent's Park (online)	19 August 2021	Applicant and Cllr Rigby	Presentation of application only.
Presentation to St John's Wood Society (online)	23 August 2021	Applicant and society	Presentation of application only.
Several Meetings (unclear if in person or online) to Leaseholder Association of Oslo Court	Unknown	Applicant and Leaseholders	Discussions of what additional works should be prioritised as part of the application.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were:

- The common parts of the building are in need of modernisation and improvement and the Applicant's proposals can deliver that;
- The proposals will help to prevent the installation of 5G masts at Oslo Court;
- The proposed improvements to the entrance of the ground floor restaurant are welcomed and will reduce disturbance to residents caused by the current restaurant entrance location;
- The modular method of construction will reduce the construction period and therefore noise and disruption to residents and neighbours; and
- The impact on the daylight & sunlight received by neighbouring properties needs to be assessed.

The applicant's Statement of Community Involvement and other application documents

identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- A Daylight & Sunlight Assessment has been commissioned and assessed the levels reaching neighbouring properties as a result of the scheme. This Assessment has been submitted with the planning application;
- A visual impact assessment has been undertaken and included with the application;
- Improvements to the entrance and communal areas have been included in the scheme, as shown by the accompanying Design and Access Statement;
- A structural survey has been commissioned to address any concerns regarding the additional weight of the new apartments; and
- The design of the proposal was reviewed to achieve the right balance of solid and glazing ensuring unwanted light spill was minimised.

As noted in the committee report for the refused scheme, a number of objectors advised that there are a number of Leasehold Groups in Oslo Court and if not part of the one referred to in the Statement of Community Involvement then views were not sought. A number of the objectors also stated that they were not aware of the proposals until the first consultation by the City Council and therefore the claims of a letter drop were false.

July 2022 - Second Consultation in response to revisions (this was further to advice from the City Council to the applicant regarding the principle of the extension in listed building and design terms, the detailed design and materials of the extensions, the implications of the proposals in land use, highways, energy and arboricultural terms).

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Consultation Exhibition in Oslo Court	21-28 th July 2022	Not provided	Applicant claims overwhelming support was given to the proposals.
Presentation to Cllr Rigby, Ward Member for Regent's Park (online)	14 September 2022	Applicant and Cllr Rigby	Presentation of revisions/ application only.

The applicant's Statement of Community Involvement and other application documents identify that the scheme was revised in the following ways in response to views and representations expressed during the application process:

- A revised Daylight & Sunlight Assessment has been commissioned and assessed the levels reaching neighbouring properties as a result of the scheme.
- The proposed materials for the façade of the new apartments has been changed to be more in keeping with the rest of the building;
- The revised proposals see a reduction in the proposed building height of 7.5% compared to the original scheme and the amount of glazing has been reduced by 53%;
- The Energy Strategy for the proposals has been amended so that the new apartments will achieve netzero carbon. Air-source heat pumps have also been introduced to the proposals; and

- Additional changes to the ground floor restaurant have been introduced to the proposals including a new entrance and removal of the unsightly extensions that are not in keeping with the existing building.

Again, objectors advised at the time that there are a number of Leasehold Groups in Oslo Court and if not part of the one referred to in the Statement of Community Involvement then views were not sought.

Current Application

The applicant advises that in Autumn 2023 a new round of consultation with stakeholders was undertaken following the refusal of the scheme by the Council. And in Spring 2024 further to the submission of this application, a round of online consultations were held and the website pertaining to the proposals was updated.

One objector refutes this claim stating that the Residents Association has not sought to seek the view of individuals owners of the flats.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continued until 9 May 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of "development plan" within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less

- significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.4 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The applications relate to a Grade II listed block of flats (with restaurant at ground floor level) within the St John's Wood Conservation Area. The application site is surrounded by Prince Albert Road, Charlbert Street, Newcourt Street and Culworth Street. At ground floor there is a restaurant adjacent to the residential foyer and accommodation. To the basement of Oslo Court on the junction with Culworth Street and Newcourt Street is a car garage.

Built in 1937-38 to a design by Robert Atkinson, it is a significant example of interwar British 'International Modernism' built in an area of mixed but positive character immediately to the north of Regent's Park, from where the building can be seen. The Park is Grade I Registered, and is a separate but immediately adjoining conservation area.

The building itself is built of brick and concrete and rises to 7 storeys to a long L-shaped plan, presenting the narrower south-eastern end to the park.

7.2 Recent Relevant History

There has been a number of planning and listed building consent applications at this property. Of most relevance are:

21/06285/FULL and 21/06286/LBC

Erection of a single storey roof extension to provide four new residential units (3x3 bed and 1x2 bed) (Class C3) with external terraces, green roof and PV panels, installation of associated plant equipment, extension of main stair tower and existing lifts, replacement of existing restaurant extension and provision of separate restaurant entrance. (Linked with 21/06286/LBC)

These applications were refused by the Planning Applications Sub-Committee on 8 August 2023 for the following reasons:

1. Because of their design and poor relationship with the existing building, the proposed roof extension and extension of the stair tower would harm the special architectural and historic interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area, and the setting of the nearby Regent's Park Conservation Area and Grade I Registered Park. The harms identified are not outweighed by the scheme's public benefits. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
2. The proposed location of the cycle storage to the front forecourt is harmful to the special interest of this grade II listed. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area This would not meet Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and the advice set out in our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings' and 'Supplementary Planning Guidance: Development and Demolition in Conservation Areas'.
3. Insufficient information has been provided to confirm that the proposed development will not cause harm to protected trees, thereby contrary to Policies 34, 38 and 39 of the City Plan 2019-2040 (April 2021).
4. Your drawings do not include enough details of the proposed bin or cycle storage for us to assess how your plans would affect the building and the St John's Wood Conservation Area. We believe that the work could harm the special interest of the building and the conservation area. This would not meet Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and the advice set out in our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings' and 'Supplementary Planning Guidance: Development and Demolition in Conservation Areas'.

19/01186/FULL and 19/01187/LBC

Installation of gates to Charlbert Street entrance.
Approved 12 April 2019

20/07710/FULL and 20/07749/LBC

Installation of 12 antennas, three 300mm dishes, six cabinets and ancillary works thereto at roof level.
Refused 13 April 2021

8. THE PROPOSAL

The current applications follow the refusal by the Planning Applications Sub-by Committee of the previous proposals in August 2023 (RN: 21/06285/FULL 21/06286/LBC) seeks to address the reasons for refusal as set out above.

The proposals are largely the same as before, consisting of a single set-back storey added to both wings of the building, creating a new eighth floor roof extension measuring approximately 521 sqm, to provide four residential units (3 x 3bed and 1 x 2bed) all with private external amenity space. The extension is designed to follow the set backs of the existing building with set backs from the existing top floor of between 2m and 4m (a stair core to the Culworth Road elevation is flush with the lower levels) and measures approximately 3m above the existing parapet. The central stair tower facing the Charlbert Road elevation rises above the height of the proposed roof extension. Changes have been made to the design and bulk of this extra floor, to account for the concerns raised in 2023. As before, the existing stair tower is proposed to be raised, but now by a more significant degree. Restaurant plant, air source heat pumps, PV panels and green roofs are all proposed at roof level.

Also proposed again is a replacement restaurant extension at ground floor level to provide an additional 25m² of additional floorspace. This has been redesigned to take into consideration the tree's present to the front of the building. The new entrance will include a new wheelchair platform lift.

Again, the proposals seek the provision of new bin stores and cycle stores but these details have been revised since the refusal.

Refinements to the design of the proposals, including a reorientation of the ground floor restaurant extension, have been made during the course of the application, further to discussions with officers. These were not considered to be major changes and did not warrant re-consultation of the application. In addition, a number of supporting documents were revised during the course of this application as it was noted that these were all submitted to accompany applications 21/06285/FULL and 21/06286/LBC and they had not been updated to reflect the current proposals. Again, given the changes, when compared to the refused scheme are minor, it was not considered that re-consultation was required.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Roof Extension - Residential

In land use terms, the provision of additional residential units is in accordance with Policy 8 (Housing Provision) of the City Plan and is therefore welcomed. Objections have been received on the grounds that Oslo Court is made up of small units and that the proposals for larger flats do not respect this. Whilst this objection is noted there is nothing within City Council policies or within any historic conditions that prohibits larger flats.

The proposal includes 1 x 2 bed flat (125m²) and 3 x 3 bed flats measuring 125m², 128m² and 143m². The proposals meet the unit mix requirements of policy 10 of the City Plan.

Policy 12 of the adopted City Plan seek to ensure new homes and residential extensions provide a well -designed, energy efficient and high quality living environment; that 90% of all new build housing is accessible and adaptable and that all new homes will meet or exceed the National Described Space Standard.

All the units exceed the minimum requirements outlined in the Nationally Described Space Standards (70m² for a 2 bed, 4 person home and 95m² for a 3bed, 6 person home), but these are not exceptionally large units, and do not exceed the 200m² as stipulated in Policy 8 and are therefore supported. The proposed flats will be dual aspect and therefore well lit (this too is demonstrated through the sunlight and daylight assessment submitted with the application) and ventilated. The flats are to be served by a lift and therefore accessible.

Policy 12 D also requires that all new homes will provide at least 5 sqm of external amenity space. The proposals exceed this with terraces measuring 14m² (for the 2 bed unit) and 8m², 20m² and 25m² for the 3 bed units.

The proposals are acceptable in land use terms and comply with City Council policies.

Restaurant Extension

The entrance to the existing restaurant is currently through the foyer of the residential building. It is proposed to replace the existing single storey restaurant extension to the eastern side of the building with a slightly larger extension, resulting in a further 25m² of additional floorspace and this would enable a new entrance to the restaurant from the garden grounds of Oslo Court and in turn provide a level access lift. The restaurant would then be completely self contained with access from the foyer of the residential for back of house business only.

The principle of the restaurant extension is supported by Policy 16 (Food, drink and Entertainment) of the City Plan. The restaurant would extend into the existing communal gardens of Oslo Court. Policy 34 (Green Infrastructure) states the City Council will protect and enhance the city's green infrastructure and that all open spaces and their quality, heritage and ecological value, tranquillity and amenity will protected. Whilst the proposals will result in the loss of small area of communal garden, the proposed extension of 25m² to a well established, long standing restaurant, providing much needed step free access and allowing the restaurant activities to generally take place away from the residential foyer, is not considered so harmful to warrant refusal.

9.2 Environment & Sustainability

Sustainable Design

Policy 38 D of the City Plan seek to ensure a sustainably designed development and that measures have been incorporated into design in the following applications and as follows:

1. Residential conversions and extensions of 500 sq m (GIA) of residential floorspace

or above, or five or more dwellings will aim to achieve “Excellent” in BREEAM domestic refurbishment or equivalent standard.

The proposed extension has been technically designed to address current Building Regulations requirements and perform at a high level of sustainability in the long term.

All windows/ doors have floor to ceiling glazed elevations increasing natural light, in addition to the proposed rooflights. All proposed fenestration and rooflights are double glazed assembled in a high quality system of frames. Cross ventilation is also provided through the proposed windows and the openable rooflights.

Water consumption has been calculated and is below the target of the 110L per person per days and is met through water efficient fixtures and fitting. Light fittings are all proposed to be energy saving.

Air source heat pumps are proposed at roof level to provide efficient heating and cooling, and PV panels and large areas of green roof are proposed.

The proposals are considered suitable for the scale of the development and to comply with the aims of policy 38 of the City Plan and the guidance as set out in the Environmental Supplementary Planning Document (ESPD). Conditions are recommended securing the sustainability measures offered and that the scheme achieves BREEAM 'Excellent'.

The proposals are considered to comply with Policy 38D of the City Plan.

Energy Performance

Policy 36 of the City Plan relates to energy and promotes zero carbon; developments to reduce on-site energy demand and to maximise low carbon energy sources. Whilst the general aims of the policy are relevant here, as the application proposals are not considered ‘major development’ not all is applicable. The applicant has however provided an energy statement setting out their commitment to reducing energy demand CO2 emissions.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
Be Lean: Savings from energy demand reduction	0.14	2.12
Be Clean: Savings from heat network	0	0%
Be Green: Savings from renewable energy	5.51	82.79%
Cumulative on-site savings	5.65	84.9%

The following measures are proposed to reach the above reductions:

Be Lean – Reduce Energy Demand

Good building design, notably to the extensions and fabric performance and highly efficient thermal envelope, improving upon the London Plan notional specification for existing buildings; mechanical ventilation with high efficiency heat recovery; low energy LED lighting throughout and lighting controls to all areas and communal areas to include occupancy sensing where appropriate.

Be Clean – Supply Energy Efficiency

While no reduction has been associated with the 'Be-Clean' Stage the proposed solution will maintain water based heating systems (underfloor heating) to enable the new apartments to be connected to a heat network in the event that the remainder of the building is connected to any future heat network provision to the building.

Be Green – Use Renewable Energy

An appraisal of available renewable energy solutions has been carried out, which has resulted in an array of PV panels to the new roof and air source heat pumps (to provide the primary heating system to provide both heating and hot water) being proposed.

The proposals comply with policy 36 of the City Plan for this scale of development and had the application been considered acceptable in other regards, conditions to secure the provision of the measures proposed and monitoring would have been recommended.

Circular Economy

Policy 37(C) relates to waste management and circular economy and seeks the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council's Code of Construction Practice (CoCP).

The proposals are not major proposals. Whilst some demolition is proposed including the existing restaurant extension and the stair/lift core and water tank at roof level, this is minor. Had the application been considered acceptable, further clarification on the potential to reuse on site demolition and excavation materials as secondary aggregates would have been sought. The new extensions are to be of a modular construction and whilst not likely to be of a local supplier, is not a reason for refusal.

The proposals comply with policy 37 of the City Plan.

Flood Risk & Sustainable Drainage

The site is located within a surface water management zone. Measures to reduce the risk of surface water flooding include the planting and green roofs in accordance with policy 35 (Flood risk). Given the nature of the proposals there is little scope to introduce any other sustainable urban drainage systems elsewhere on site without significant disruption to the communal areas and gardens. The overall risk of surface water flooding to the site and surrounds is considered to be very low.

Light Pollution

Although no objections to the current applications have been received on the grounds of light spillage from the new roof extension windows, the earlier refused scheme did attract objections on this basis. As a point to note The Royal Parks welcome the

changes to the design of the roof extension and the consideration given to light spillage.

The materials and extent of glazing has not been significantly altered when compared to the refused scheme, as this had already been reduced by some 53% during the course of the original applications 21/06285/FULL and 21/06286/LBC.

The fenestration proposed is reflective of the lower levels at approximately 30% of the new facade and not considered to result in significant light spillage.

Environment & Sustainability Summary

The proposals for a roof extension and the restaurant extension are considered to comply with the Council environmental and sustainability policies.

9.3 Biodiversity & Greening

As noted above, a green roof is proposed to the majority of the roof extension. The proposals differ from the refuse scheme in that the existing roof top, where the set backs are proposed are also now to have green roofs. Taking on board officer's concerns (as noted in the committee report for applications 21/06285/FULL and 21/06286/LBC) green roofs are now also proposed to the restaurant extension and the bike and bin stores. These are all welcomed and their provision will be conditioned.

A condition securing bird and bat boxes is also recommended.

9.4 Townscape, Design & Heritage Impact

The Site and Its Significance

The applications relate to a Grade II listed block of flats within the St John's Wood Conservation Area. Built in 1937-38 to a design by Robert Atkinson, it is a significant example of interwar British 'International Modernism' built in an area of mixed but positive character immediately to the north of Regent's Park, from where the building can be seen. The Park is Grade I Registered, and also a conservation area, the boundary of which follows the centre-line of Prince Albert Road.

The building is built of brick and concrete and rises to 7 storeys to a long L-shaped plan, presenting the narrower south-eastern end to the park. It cleverly utilises an awkward triangular plot, providing a building of strong individuality supported by a generous landscaped frontage onto Charlbert Street, whilst also avoiding an overly deep plan. The southern long side onto Lulworth Street and the north-western end onto Newcourt Street front their respective street edges more closely but still with some set back to provide defensible space and separation between the ground floor flats and the public realm. The eastern 'nose' of the building acts almost like the prow of a ship, minimising its presence when viewed from the park to the east.

To three of its frontages the building has an overtly horizontal emphasis, common to this interwar modernism. Alternating horizontal brown and white bands of brown brick and white windows and concrete banding run rhythmically across the façade, punctuated with angled projecting bays and balconies stacked vertically in a very ordered and considered manner. Where windows are isolated from this principal assemblage, such

as the oculus windows to Lulworth Street secondary stair tower, they are again accentuated with white-painted surrounds and stacked vertically. This produces a highly geometric and repetitive form which is fundamental to the building's character, and is mentioned explicitly in the list description. This angled and stepped form also achieves a careful handling of mass, helping to break up what might have otherwise been somewhat unrelentingly long and monotonous brick facades. This pattern of projecting banded and stacked balconies is then cleverly used by Atkinson to subtly 'turn' the building's corners such that the narrower end facing the park has a more vertical emphasis appropriate to its narrow frontage, acting almost as a punctuation mark to the line of larger mansion blocks which otherwise form something of a wall of buildings onto Prince Albert Road.

The success of the projecting and staggered balcony pattern, is perhaps also something of a limitation when it comes to the vertical termination of the building. Unlike many buildings, the building does not feature a roof storey, cornice or other form of 'lid' to terminate its height, with the upper-most floor architecturally designed and proportioned the same as those below. Whilst this might be seen as an opportunity for upwards extension, or as a flaw in its design, it can also be seen as a bold and unapologetic move by Atkinson who instead uses the vertical 'fulcrum' of the stair tower to provide the necessary finality to the building's height in the way in which it consciously (and functionally) projects above the main roofline.

The building's height is an important component of its proportions, carefully balancing the provision of a large number of dwellings against a sense of restraint and proportionality across its long but tapering site. It sits respectfully close to the edge of the park – largely screened at lower levels, but handsome when seen as it projects above the outer park treeline in framed views from the walkway which leads over the canal from the Outer Circle. From here it is visible, but not prominent, aggressive or discordant.

Overall, the building is in a good condition, and largely intact based on its original design. The stair tower has however experienced some degradation in its character through later alterations, mostly relating to the construction behind the glass at the top of a concrete wall, apparently to support some sagging in the original concrete cantilevering roof slab. The modern restaurant extension is also slightly harmful to the character of the building and wider conservation area, and a number of minor elements of the building's original design have been lost, such as the original signage to the entrance canopy.

Other buildings in the immediate vicinity are not listed (the nearest being the Grade II listed 50 and 52 Charlbert Street, 100m to the north), but several are nevertheless of some architectural or historic significance in their own rights, and also in how they contribute to the character and appearance of the conservation area as defined by the Conservation Area Audit. This includes North Gate to the south (7-9 storeys), which also faces the park, and the Barrow Hill Estate to the north (4-7 storeys).

Legislation, Policy and Guidance

As the works affect a listed building within a conservation area, the decision-maker is obliged by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard / attention to the preservation of the listed

building, its feature or setting, and to the preservation or enhancement of the character / appearance of the conservation area. The NPPF in Sections 12 and 16, and the council's City Plan policies, provide the framework for how this is applied.

With respect to the adjacent Regent's Park Conservation Area and Registered Park, whilst there is currently no statutory duty to take account of the effect on the setting of the park in relation to either designation, Policy 39 of the Westminster City Plan 2019-2040 requires development to preserve their settings wherever possible. Chapter 16 of the NPPF also requires that great weight be placed on design quality and the preservation of designated heritage assets *including* their setting.

The NPPF makes it clear that proposals should only be approved where any harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duties to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Also considered are Policies 38 (Design Principles), 39 (Heritage), and 40 (Townscape and Architecture) of the City Plan, and adopted guidance contained within the St John's Wood CA Audit SPD, and the 'Development and Demolition in Conservation Areas' SPG.

There is no Neighbourhood Plan for this area.

Assessment

Roof extension and Stair Tower

The additional storey would be set back from the existing building line, with a staggered form following that of the balconies below. The stair-tower is also proposed to be extended upwards such that it would still project above the building's upper-most position.

The design of the main extensions has seen notable but subtle changes since the refusal of the previous scheme. The main change is the repositioning of the staggers to the new storey to align more properly with those of the balconies below. This has also had the effect of narrowing the plan depth of the new floor, so reducing its bulk and prominence, and making it more proportionate with the narrow form of the original building.

The facade design is also now more faithful to the original design of the building, using the same pattern of brick and painted concrete soffits and parapet caps enclosing white metal windows, the proportions of which match those of the storeys below. As before, this additional storey would be set back on three sides of each wing from the main building line, and as such whilst the geometry of the extensions is now significantly more respectful to that of the original building, it will continue to show some offsetting of vertical lines due to the typical angles from which it would be seen. To the south-east elevation facing the park the elevation now features a central brick pier, which reduces the extent of glazing seen from the Park.

The revisions to the stair tower are also positive and would represent a good replication of the original design of the stair tower, based on a combination of on-site investigations,

and historic photography. Whilst this would be set at a higher height than before, and would therefore represent a partial rebuild, this can nevertheless be considered to have some benefit to the listed building and conservation area, when compared with the diminished character of the tower top as existing. Some adaptations to the original design are necessary in order to connect the stair tower to the recessed new storeys which adjoin it on each side, and to present an acceptable set of rearward (north-west and north-east) elevations. These are however successful in how they interpret Atkinson's original design intent.

Overall, whilst the presence of the roof extension and offsetting effect of the extension continue to cause some harm to the listed building's appearance, this harm has been significantly mitigated through design, and slightly compensated for by the restoration (at a higher height) of the stair tower's original design, such that it would now sit at the lower end of less than substantial harm.

Restaurant extension and associated works

The proposed restaurant extension would replace an existing timber modern addition which projects from the building's northern end into the gardens and which harms the appearance and character of the building and conservation area. In principle the replacement of this is welcomed. Whilst the original proposal for the restaurant was not part of the reasons for refusal in 2023, this proposal has been revised since in order to respond to the Tree reason for refusal. The proposed extension has therefore been re-orientated through 90 degrees, such that it now sits across the elevation of the main building, rather than extending longitudinally from it, so shortening the extension's projection out into the gardens (and thus aiming to avoid tree root zones). This does mean that the south-eastern elevation of the restaurant comes further forwards towards the main site driveway, and sits across one of the original windows at ground floor level. This is a slight regression in design quality over the earlier refused scheme, with regards to this specific proposal, but the extension remains a positive and respectful design which would be notably better than the existing.

Also proposed is a new pedestrian entrance through the original garden wall facing onto Charlbert Street. This was not designed-up in the earlier refused scheme, although was not considered to be of concern. The now more fully designed proposal is neat and simple, and represents an appropriate means of improving access for pedestrians to the restaurant, without having to negotiate the main vehicular entrance.

Overall it is considered that the proposed restaurant extension and its associated ground works would represent some conservation benefit to the listed building, and would enhance the character and appearance of the conservation area. If suitably secured through condition, this can be given weight against the low level of harm caused by the proposed roof extensions.

Bin and cycle storage

The application also proposes new bin and cycle storage in two locations. In the earlier refused scheme this was not well demonstrated by the application submission, and thus the refusal included a reason relating to the lack of information. Concerns were also raised about the design of what was proposed then. Both proposals remain in the same basic locations, but have since been notably improved in design quality, and enhanced in terms of the detail submitted.

To Culworth Street, a new brick built bin-store would replace the original coal-shoot and external basement access build-out which adjoins the building just to the right of the southern entrance to the building. Whilst this would see the loss of this original part of the building, it was a functional necessity of the building rather than a primary or even secondary component of Atkinson's design. Its loss does nevertheless represent some loss of historic fabric, providing some evidence of the building's original functions. This would be offset by a large degree by the quality of design presented for the new bin-stores, which would integrate well with the architecture of the building. The green roof proposed would be an enhancement on the existing flat asphalt roof of the existing build-out. Most significantly and as a welcome compensatory benefit, the proposed bin store would be notably improved over the current loose and insecure Euro-bins open storage area.

To the principal Charlbert Street frontage, it is proposed, as before, to introduce some secure cycle storage to the front apron area. This has now been designed to integrate into the architectural design of the front boundary wall, and is considered to do so successfully. Whilst this would incur some direct impact on the fabric of the walls, which was not proposed before by the free-standing cycle-hanger type storage proposed (and refused) in 2023, this is considered to be an appropriate and limited degree of impact for this beneficial addition to the site. The existing wall should be capable of being retained as part of this design, and the masonry of the new shelters should be entirely feasible to match in fairly precisely. These stores would be largely screened from the street by the existing trimmed mature hedging which sits between the site wall and the footway.

Summary and Recommendations

For the reasons discussed above, it is considered that the proposals would cause less than substantial to the significance of the listed building, and to the character / appearance of the St John's Wood Conservation Area, by virtue of the presence of an additional storey above the original composition of the building. The harm caused would be to the lower end of less than substantial harm, whereas the scheme proposed last year was considered by officers to cause a moderate level of less than substantial harm. This reduction in harm has been enabled through the design changes submitted, including a more appropriate relationship of the staggers of the new storey with the staggers of the original building below, a more appropriate interpretation of the original design of balconies, including matching materials, and through improved proposals and details about the new bin and cycle stores.

This harm would be offset to some degree by the conservation benefits that the proposals would bring, including the replacement of the current restaurant extension, the replication of the original stair tower design, the restoration of the entrance canopy and stairwell. As such, overall the proposals are considered to comply with the Design and Heritage policies of the City Plan, namely Policies 38, 39 and 40, and with the guidance set out by the St John's Wood CA Audit SPD, and the 'Development and Demolition in Conservation Areas' SPG.

This advice should be given special regard / attention when considering the overall balance of the case, and should be weighed carefully against any wider public benefits of the scheme, if any. Permission / consent should only be granted where harm would be caused to a designated heritage asset where this is convincingly outweighed by the

benefits of the scheme.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

The objections to this application raise concern of loss of light, overshadowing, overlooking and noise from the proposed residential plant and restaurant machinery. It is worth noting that the earlier applications received objections on the grounds of loss of view, light spillage from glazed roof extension, loss of sunlight and daylight, noise transference between proposed flats and existing flats and noise from existing plant servicing restaurant.

Sunlight and Daylight

As noted above the extension is approximately 3m in height (above the parapet) and in general follows the pattern of the building bulk below and incorporates significant set backs from the lower levels all around.

A daylight and sunlight assessment addendum (to the report submitted for the earlier refused scheme) has been submitted and considers the impact of the development upon the following properties:

- 1-10 Charlbert Court (Map no. 1)
- 6-12 Charlbert Street (Map no's.2-5)
- Park View 83-86 Prince albert Road (Map no. 6)
- 104-122 North Gate (Map no.7)
- Tibet House, 1 Culworth Street (Map no. 8)
- 1-70 Robin House (Map no.9)

Map showing properties assessed:



The assessment demonstrates that all windows and rooms assessed fully comply with the BRE targets in terms of sunlight and daylight and therefore the objections on this grounds cannot be sustained.

Sense of Enclosure

Given the height of the extension at 3m and the distance between the application site and all the surrounding properties the proposals are not considered to result in any overbearing sense of enclosure.

Privacy

Windows are proposed to all elevations of the roof extension. These, in general replicate the window positioning of the lower level residential units and are therefore not considered to give rise to any additional overlooking to neighbouring properties over what currently exists.

Terraces are proposed to each of the flats, again to all, elevations. Whilst there are a number of terraces proposed, these are not considered excessive in size. There are existing terraces to the lower level flats in the building on all elevations and therefore any additional overlooking from the proposed terraces is unlikely to be harmful to neighbouring properties given existing mutual overlooking. The proposals are therefore acceptable in terms of privacy and overlooking.

Loss of View

Loss of views were raised as an objection to the earlier refused scheme although it was unclear if this is referenced to loss of views of Regent's Park. Views are not a material planning consideration. However, given the height of the extension it is not considered that the proposals would result in any harm of views.

Light Spillage

As discussed above, the fenestration proposed to the roof extension is reflective of the lower levels at approximately 30% of the new facade and not considered to result in any harmful or significant light spillage.

Noise from Terraces

Given there is a proliferation of terraces on all elevations of the existing building, it is not considered that the proposed terraces to these four flats would result in unacceptable noise levels.

Noise & Vibration from Plant

Objections have been received to the siting of new plant at roof level and to the existing plant serving the restaurant.

An acoustic report has been submitted with the application. The Environmental Sciences Officer considers that the proposed air source heat pumps and plant will not cause any detrimental harm to the nearest residential properties in terms of noise.

Also, under the request of the Environmental Sciences Officer further information was requested on the extract ventilation to the existing restaurant as it was proposed to vent above the proposed roof extension but no details had been provided. This was provided and forwarded to the Environmental Sciences officer but no further response was

received. This is similar to what was presented in the earlier scheme which raised no noise concerns.

The City Council's standard compliance external noise conditions are recommended.

Noise Transference Between Proposed Flats and Existing Flats

The proposed roof extension is to be located above existing flats. The Environmental Sciences Officer has assessed the noise report submitted with the application and does not consider noise transference to be of a concern. The City Council's internal noise standard conditions are recommended.

Noise from new waste storage enclosures

As noted above, to Culworth Street, a new brick built bin-store would replace the original coal-shoot and external basement access build-out which adjoins the building just to the right of the southern entrance to the building. The new bin store would be sited closer to the existing ground floor flat living room windows overlooking this area, when compared to the existing location of the Euro-bins. Although closer, the enclosure will have sliding doors, so not likely to result in significant noise levels of bin lids being raised up and down or the opening and closing of traditional outward opening doors. Noise from users of the waste store is not considered overly different to the existing situation. The proposals are therefore considered acceptable.

Visual amenity of new waste storage enclosures

The roof the new waste storage enclosure is to be a green roof and this is a significant improvement to the asphalt coal shoot/ basement build out and will improve the visual amenity from the windows of the adjacent flat.

Amenity Conclusion

For the reasons set out above, the proposals are considered acceptable in amenity terms and comply with policies 7, 33 and 38 of the City Plan.

9.6 Transportation, Accessibility & Servicing

Highway Impact/ Carparking

Objection has been received on the grounds that three flats will create extra demand for on-street carparking should permission be granted. The Highways Planning Manager raises no objection to the scheme with no parking, as this is policy compliant. Since the earlier scheme was refused, the City Council has adopted its Planning Obligations and Affordable Housing SPD which now requires additional residential units to be permit free (i.e. with residents of the new development not being able to obtain a resident's parking permit) to ensure that new residential developments are car free. This will be secured via a legal agreement. The proposals are in accordance with policy 27 of the City Plan and London Plan policies.

Cycling & Cycle Storage

There is currently no cycle parking for the occupiers of Oslo Court. Cycle parking is proposed in the form of 2 bike enclosures, providing 8 spaces for the newly proposed flats and 4 spaces in the form of stands for visitors, adjacent the enclosures. This provision is in accordance with the London Plan requirement of 1 space per residential unit of 1 bedroom or fewer and 2 spaces per unit of 2 bedrooms or more.

Accessibility

The residential building is accessed via 5 steps from the front forecourt. This is not altered as a result of the proposals. An internal lift is proposed to access the new roof level accommodation.

The new extension to the restaurant will provide level access and this is welcomed.

Servicing and Waste & Recycling Storage

Refuse storage for Oslo Court currently exists in a partially off-street area on Culworth Street in Euro-Bins. The bins are not within an enclosure. A new brick built bin-store would replace the original coal-shoot and external basement access build-out which adjoins the building just to the right of the southern entrance to the building. The applicant proposes that waste and recyclables collection for the new flats can be accommodated within this provision.

As the refuse store is now set back from the pavement edge, and incorporates sliding doors, unlike the earlier refused scheme, the Highways Planning Manager raises no objection to the storage in highway safety terms.

Whilst the waste storage provision is acceptable in principle, the cleansing manager raises concerns that the waste store does not comply with the Council's guidelines in that different waste streams are not shown on the plans or labelled. A condition to secure this, even though the operational aspects of the management of waste collection is not to alter for the residential block, is recommended.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations**Tree's**

There are six tree's to the north of the application, in the communal garden by the restaurant extension. The trees at Oslo Court are protected by virtue of their location within the conservation area. The nearest tree's to the restaurant extension are T5 and T6 (glyptostroboides).

NB - on the 21st February 2024 the City Council raised no objections to a six-week notice of intent to remove T2, a Honey Locust, due to its poor form and relationship with other trees. (RN 24/00149/TCA).

The earlier applications were refused on the grounds that insufficient information had been received to demonstrate that the restaurant extension could be done without harm to the nearest tree's, T5 and T6 (glyptostroboides). In summary, and taken from the previously published committee report, it was considered that "the AIA does not provide enough

information. A plan showing tree constraints in relation to the development proposal should be provided. The extent of incursion into tree RPAs must be provided, both in respect of the area of RPA coverage by the extension, and the areas of RPA which will be affected by the piles. In order to make this assessment the number, size and locations of piles should be provided. If a significant area of the RPA is affected, then even the specialist foundation design may not be provide adequate justification for the incursion. In addition, officers need to know the distance of the extension from the tree trunks, as both T5 and T6 are young specimens which could be expected to undergo substantial trunk expansion as they mature. The AIA should also include an assessment of the impact of new hard surfacing, including areas of RPA encroachment and details of the hard surfacing design. Where RPA encroachment is proposed, more detail is required with respect to the methods which will be employed to prevent harm to retained trees.”

There has been lengthy discussions between the applicant and the Council’s arboricultural officer during the pre-application process and during the course of the application. The applicant with respect to Tree Root Protection Areas (RPAs), ha appropriately modified these to take into consideration the restriction to root growth posed by the road and now occupy a greater area of the application site.

As noted above, the extension has been redesigned and reorientated to minimise the RPA encroachment, affecting only minor areas of the RPAs of T1 and T6. The extension will be a continuation of the existing structure enabling a void of around 600mm between the bottom of the foundation slab and the ground level, another change from the earlier refuse scheme, and the structure will now be supported by mini screw piles.

Details of the step free street access and landscaping changes have also been provided demonstrating a ‘no-dig’ approach. The Arboricultural Impact Assessment (AIA) also includes an assessment of the impact of proposed new bike sheds on the RPA of an offsite street tree.

The Arboricultural Method Statement (AMS) includes outline methods for tree protection but proposes that a detailed AMS is secured by condition.

In conclusion, the Council’s arboricultural officer is satisfied that the development can be carried out without harm to trees, subject to appropriate tree protection measures being secured to which the applicant has agreed.

Fire Safety

The Health and Safety Executive (HSE) have been consulted on the proposals given new residential accommodation is proposed on a ‘relevant’ building.

The HSE have no objections to the proposals and consider that the fire safety measures proposed, fire service access points, means of escape and existing materials are all, in general, acceptable.

Structural Concerns

Residents in their objections have cited structural concerns over building a new roof top floor. The proposed roof extension is to be a modular construction and a preliminary structural report has been submitted. This the same report submitted for the earlier refused scheme. The report confirms the proposed weighting of the extension on this

concrete building is likely to have no significant structural effect on the building. Whilst this has not been reviewed by the Council's Building Control Manager (as was the case for the earlier refused scheme) should planning permission be granted the proposals would be subject to Building Regulations.

Noise and Disruption during Construction

Objections have been received on the grounds of noise and disruption during the course of works if permission was to be granted, especially noting the years of construction on adjacent properties.

Whilst the objections of noise and disruption during works are noted, it is not itself a reason to withhold permission. A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructors scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

Given the nature of the proposed works, a construction management plan or the applicant's agreement to adhere to the City Council's Code of Construction Practice is not required.

Concerns over legitimacy of the Leaseholder's Association.

Although not raised in objections received to this application, it was felt important to address one of the main objections received to the earlier refuse scheme which was that some of the letters of support received to the earlier refused applications were from the 'Oslo Court Leaseholder's Association' and that they, who've been living in this building for many years, have not heard of, or are part of the other resident's associations claimed in these representations.

Whilst ownership/ freeholder/ leaseholder arrangements are not a material planning consideration, the applicant earlier advised officers that the current Oslo Court Leaseholders' Association was formed in 2019 after discussion with the buildings' freeholder. Its remit is to deal with issues affecting the building and liaise with leaseholders/residents to best represent their interest. The Association is made up of 12 leaseholders, some of whom have experience in property and design. It is the only organisation within the building that has the authority to speak on behalf of residents.

There does appear to be other 'associations' within the building but it is unclear whether this is a formal and recognised arrangement.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

The estimated CIL payment is approximately £413, 108.00. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the submission of an agreement to secure the development is car free and that future occupiers of the new units are not able to apply for a parking permit and tree protection conditions. The applicant has agreed to the imposition of these conditions.

9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the character and appearance of the St John's Wood Conservation Area and to the listed buildings and their settings. The level of harm caused would be at the lower end of less than substantial.

Paragraph 208 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

The provision of four, well considered residential units and the wider economic benefits of the scheme are considered to be a public benefit. Consequently, their provision is

now considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 208 in the NPPF. This is unlike the earlier refused scheme where the harm from the proposed roof extensions and other alterations, although less than substantial, was at the higher end and the residential units were not considered to be so significant to outweigh that harm caused. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 206 of the NPPF.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

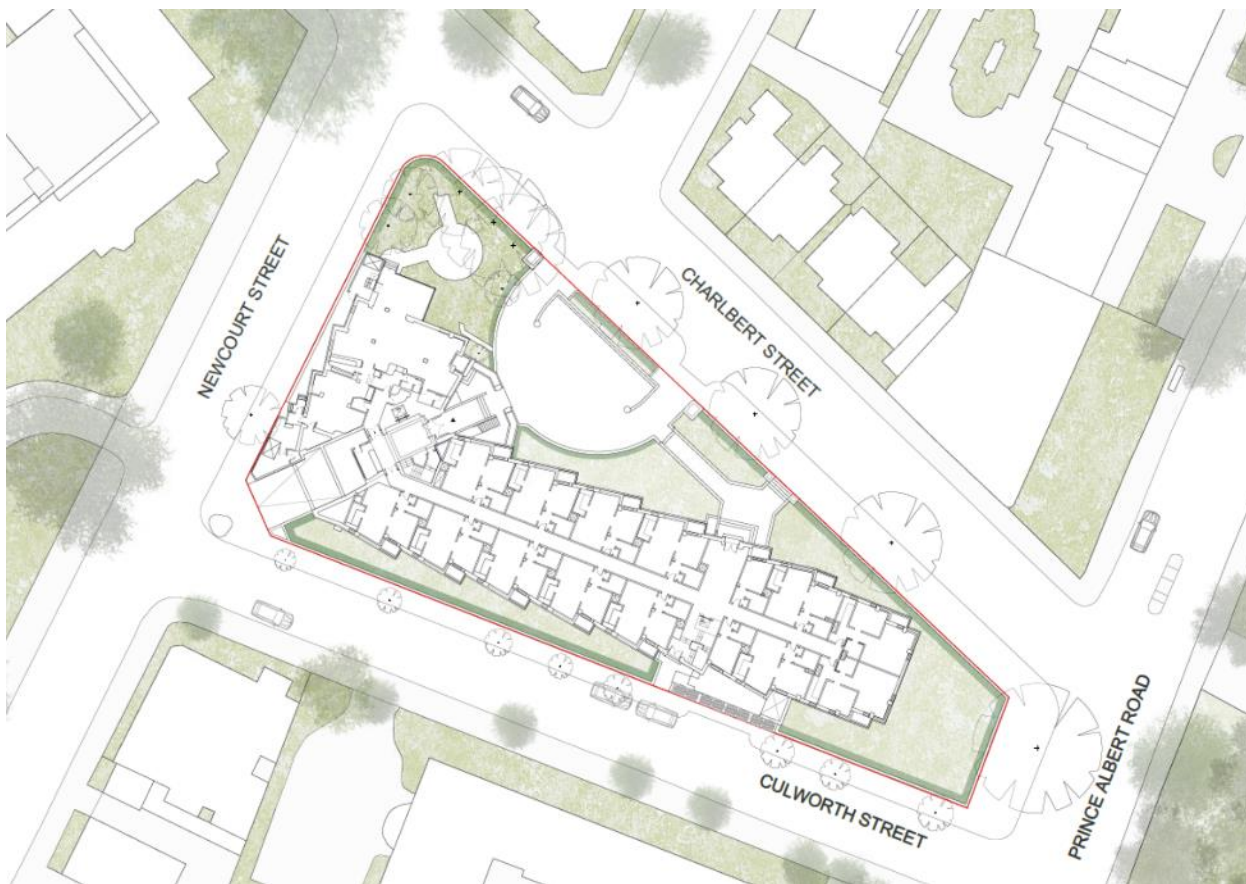
Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission and listed building consent are granted, subject the conditions listed at the end of this report which are necessary to make the development acceptable.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [KDAVIES1@WESTMINSTER.GOV.UK](mailto:kdavies1@westminster.gov.uk)

11. KEY DRAWINGS

Existing Ground Floor/ Site Plan



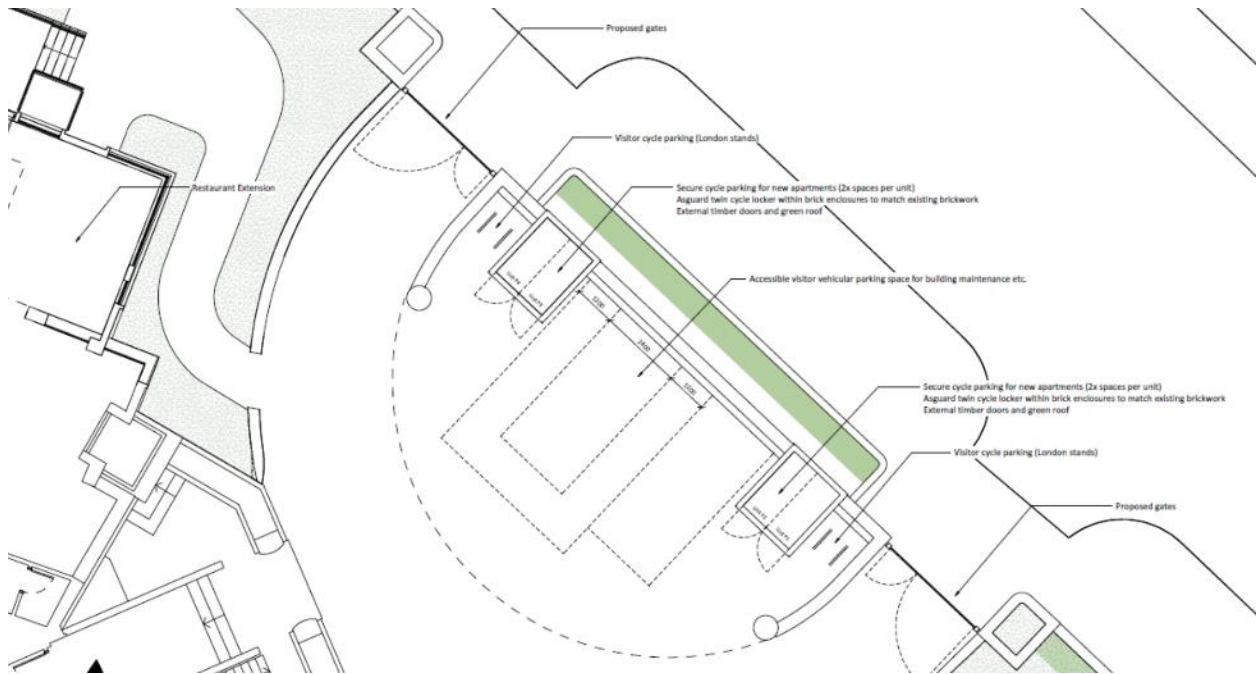
Proposed Ground Floor Plans



Detailed Restaurant Floor Plan



Detailed Cycle Storage Plan



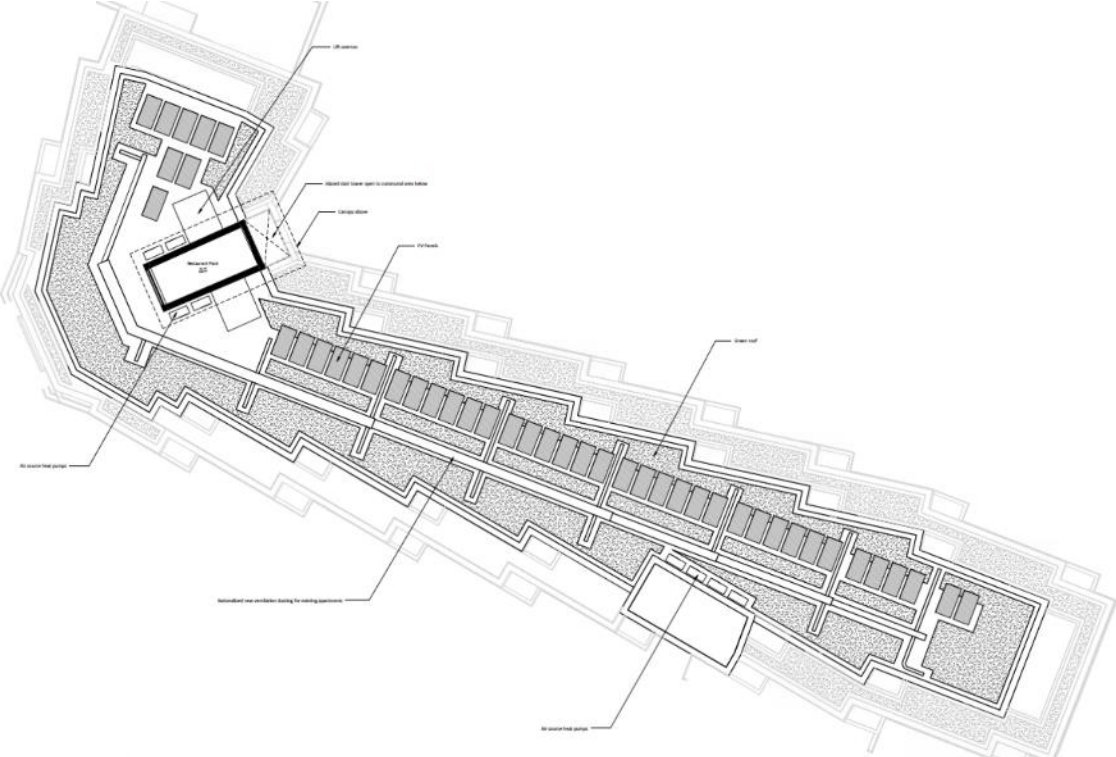
Existing Roof Plan



Proposed 7th Floor Plan



Proposed Roof Plan



Existing East Elevation



Proposed East Elevation



Existing South Elevation



Proposed South Elevation



Existing West Elevation



Proposed West Elevation



Existing North Elevation



Proposed North Elevation



Proposed Elevation to show extension to Stair Core

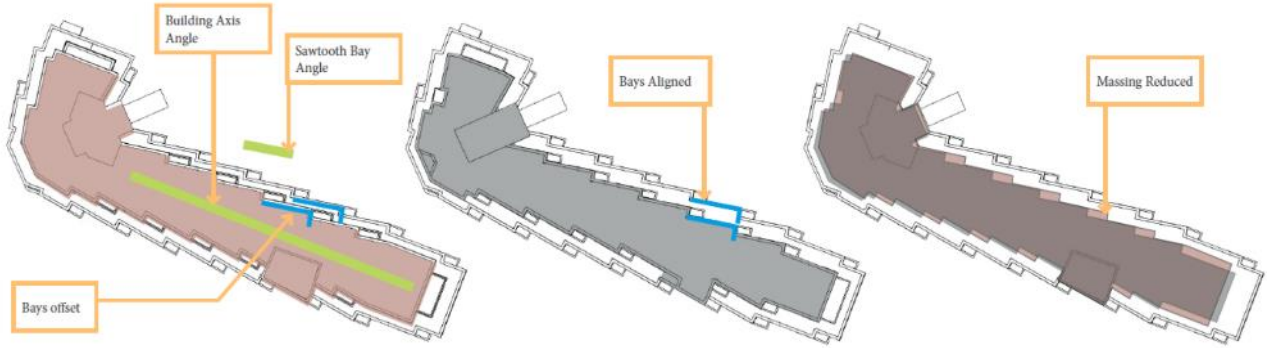


Proposed East Elevation Showing Restaurant Extension



Plan drawings to show design development since the refused scheme

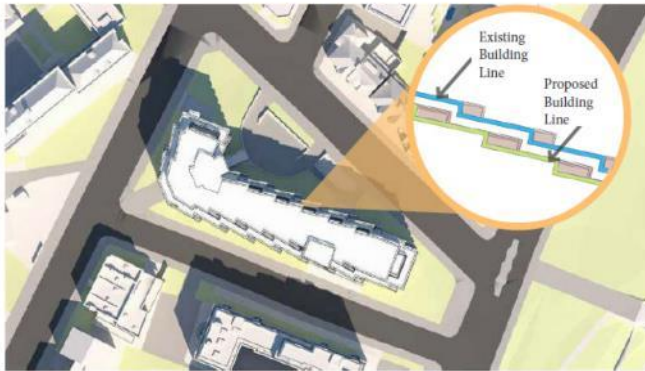
Alternative Massing.



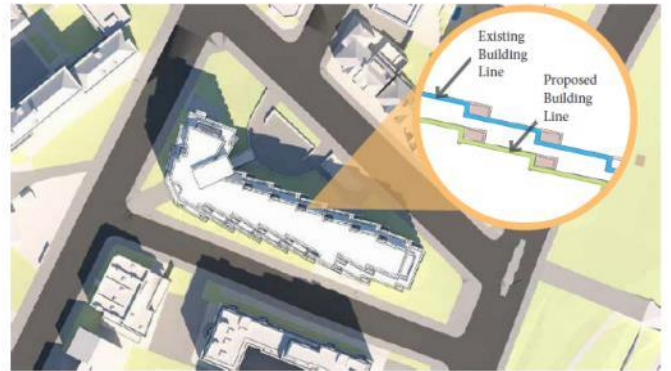
Submitted Footprint

Proposed Footprint

Overlay



Submitted Plan Form



Proposed Plan Form

Elevation drawings to show design development since the refused scheme

Elevation Analysis.



Submitted Proposal

The bays on the submitted proposal were offset from the existing bays. The verticals therefore did not line up when viewed on a flat elevation.

In oblique views this offset was less noticeable, but the relationship between the existing and proposed bays was not as clear. The prominence of the stair tower was lost.



Revised Proposal

The proposed bay arrangement when viewed in elevation allows the verticals to be continued into the new proposed storey.

In oblique views the effect is similar, but the number and relationship of bays provides more clarity.



Image of Roof Extension (as refused and as now proposed)



Bay - Submitted Scheme



Bay - Proposed Scheme

Image of Stair Core Extension (as refused and as now proposed)



Submitted Design



Revised Design

Existing (left) and Proposed (right) View from Regents Park



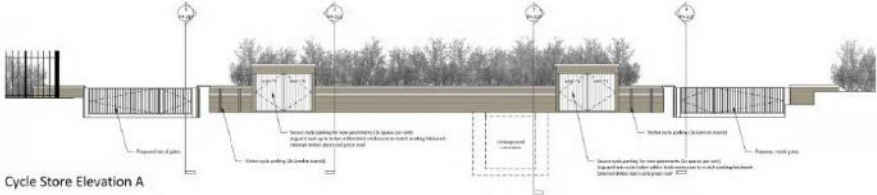
Existing (top) and Proposed (bottom) View from Prince Albert Road



Existing (top) and Proposed (bottom) View from Charlbert Street



Cycle Store Elevations



Cycle Store Elevation A



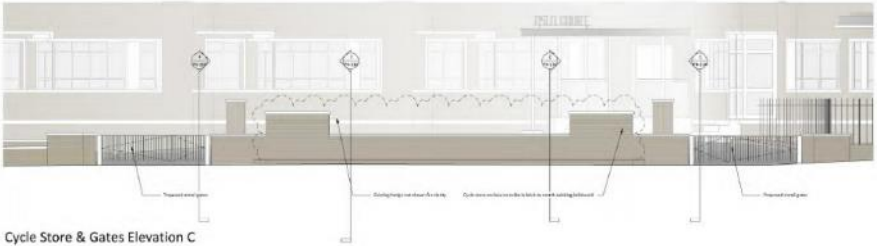
Cycle Store Elevation 1



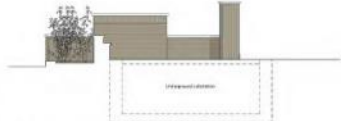
Cycle Store Elevation B



Cycle Store Elevation 2



Cycle Store & Gates Elevation C

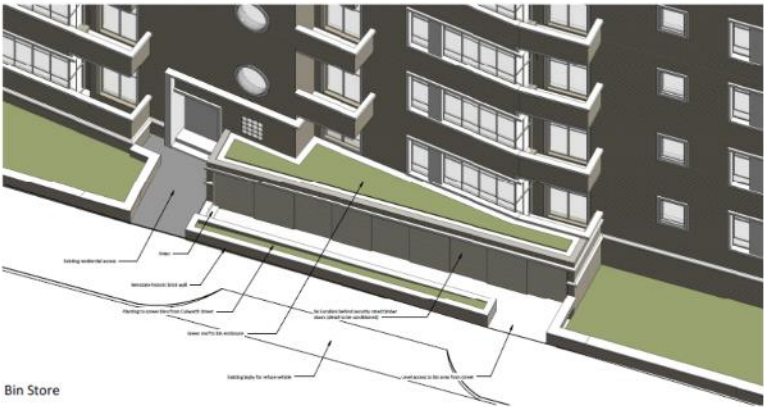


Cycle Store Elevation 3



Cycle Store Elevation 4

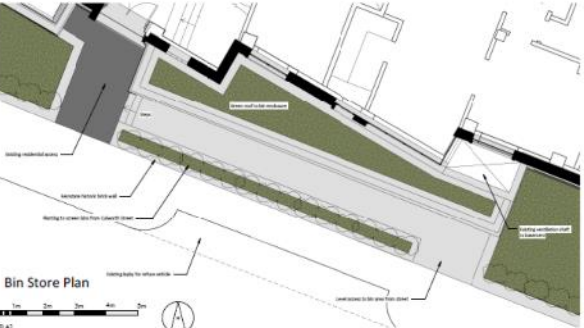
Waste Store Details



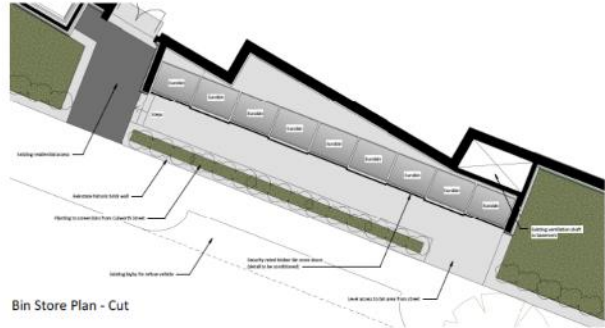
Bin Store



Section Through Bin Store



Bin Store Plan



Bin Store Plan - Cut

DRAFT DECISION LETTER

Address: Oslo Court, Prince Albert Road, London, NW8 7EN

Proposal: Erection of a single storey roof extension to provide four new residential (3x3bed, 1x2bed) (Class C3) units with external terraces, green roof and PV Panels, installation of associated plant equipment, extension of the roof stair tower and existing lifts, replacement of existing restaurant extension and provision of separate restaurant entrance. Creation of new bin and cycle stores, new gates to forecourt, landscaping works and associated external alterations. (Linked with 24/01696/LBC)

Plan Nos: Existing: 296_PL:001; 002; 103; 104; 110; 111; 112; 113; 114; 115; 120; 121; Proposed: PO-100 REV P3; P1-100 REV 3; P1-101 REV P3; P1-102 REV P3; P1-107 REV P1; P1-108 REV P3; P1-109 REV P3; P2-100 REV P3; P2-101 REV P2; P3-300 REV P3; P3-301 REV P3; P3-302 REV P3; P3-303 REV P3; P3-304 REV P3; P3-305 REV P3; P3-306 REV P3; P3-400 REV P2; P4-300 REV P3; P4-304 REV P2; P4-305 REV P3; P4-306 REV P3; P4-307 REV P2; P4-308 REV P3; P4-310 REV P1; P4-311 REV P1; P4-312 P1; P4313 REV P1; P4-314 REV P1.

Tree constraints Plan P99jrMar24_TCPex_DV1.dwg; Arboricultural Impact Assessment P99jrJune24FV05_AIA dated June 2024; Energy Strategy dated March 2024; Noise Impact Assessment Rev 4 dated 19 March 2024; Daylight and Sunlight Report Rev 3 dated 11 October 2021 and Daylight and Sunlight Assessment Addendum Letter dated 17 April 2024; Planning Statement dated March 2024; Design and Access Statement dated March 2024; Conservation Area Statement dated March 2024, Supplementary Heritage Note, Transport Assessment dated September 2021; Fire Statement Form and Strategy dated 3 March 2022 and revised 5 January 2023

For information only:

E1: 001;100; 101; 102; 103; 104; 105; 106; 107; FIRE PLANS: P0-001 REV P1; P1-100 REV P1; P1-101 REV P1; P1-102 REV P1; P1-103 REV -1; P1-104 REV P1; P1-105 REV P1; P1-106 REV P1; P1-107 P1.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;

- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- Air Source Heat Pumps
- PV Panels

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 4 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved.

A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within three months of first occupation of the development. (C44BC)

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 5 The residential unit(s) hereby approved shall be constructed to achieve mains water

consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

- 6 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

- Green roofs to existing rooftop, roof of new residential units, cycle and waste storage buildings.

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 7 You must apply to us for approval of details of the following parts of the development - bird and bat boxes to the new roof extension. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details;. (C26DB)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 8 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 9 You must apply to us for approval of a detailed written and photographic specification of the materials you propose to use, including marked up versions of the approved elevations and roof plans showing where / how each of those materials are proposed to be used. For brickwork, you must include a minimum 1sqm trial panel of new brickwork prepared on-site for our inspection, which must also be recorded as part of your submitted specification. You must not start work on the relevant parts of the development until we have approved in writing what you

have sent us. You must then carry out the work using the approved materials.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
(R26FE)

- 10 You must apply to us for approval of detailed drawings at 1:5 and 1:20 and/or other visual design details as applicable, of the new roof extensions, to include the following:

- (a). External profiles overall;
- (b). New windows, including glazing and relationship with surrounding fabric;
- (c). New external balustrades;
- (d). New external rainwater goods;
- (e). New external lighting (NB façade illumination is not approved);

You must not start any work on-site on the applicable or directly related parts of the development, until we have approved what you have sent us. You must then carry out the work according to these approved drawings. Any off-site construction / manufacturing works commenced before our approval are carried out at the developer's own risk.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
(R26FE)

- 11 You must apply to us for approval of detailed drawings at 1:5 and 1:20 and/or other visual design details as applicable, of the new restaurant extension, to include the following:

- (a). External profiles overall;
- (b). New windows and external doors, including glazing and relationship with surrounding fabric;
- (c). New external steps and balustrades;
- (d). External rainwater goods;
- (e). New external lighting (NB façade illumination is not approved);

You must not start any work on-site on the applicable or directly related parts of the development, until we have approved what you have sent us. You must then carry out the work according to these approved drawings. Any off-site construction / manufacturing works commenced before our approval are carried out at the developer's own risk.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
(R26FE)

- 12 You must apply to us for approval of detailed drawings at 1:5 and 1:20 and/or other visual design details as applicable, of the following parts of the development:

- (a). New cycle stores, and associated alterations to the existing site boundary walls.
 - (b). New bin stores and associated planter, and associated alterations to the existing building envelope.
 - (c). New vehicular and pedestrian gates, including associated alterations to the existing site boundary walls.
 - (d). Works to restore main entrance canopy, including repairs and new signage.
- You must not start any work on-site on the applicable or directly related parts of the development, until we have approved what you have sent us. You must then carry out the work according to these approved drawings. Any off-site construction / manufacturing works commenced before our approval are carried out at the developer's own risk.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
(R26FE)

- 13 Prior to first occupation of the approved new roof extension dwellings, the following components of the scheme must be completed to the Council's satisfaction (in accordance with the approved plans and details):
- (a). The demolition of the existing restaurant extension structure, and either (i) the original parts of the building made good to a suitable finished internal and external design, OR (ii) the approved new restaurant extension must be completed to external envelope stage, including approved access arrangements, and hard and soft-landscaping.
 - (b). The restoration of the main entrance canopy, including signage.
 - (c). Restoration works to the communal main entrance, stairwell and lift fronts.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
(R26FE)

- 14 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless

and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 15 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 16 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 17 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 18 You must install the facade mitigation to prevent ingress of external noise to be carried out to at least the standard detailed in Section 3.3 of the acoustic report hereby approved and the comfort cooling must be provided to at least the standard advised in Section 4.4 of the acoustic report hereby approved.

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 19 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the new and existing residential units. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 20 **Pre Commencement Condition.** You must not start work on the site until we have approved in writing appropriate arrangements to secure measures to mitigate the potential increased demand for on-street residents car parking in the vicinity of the site.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the potential increased demand for on-street residents car parking in the vicinity of the site is mitigated, in accordance with Policy 27 of the City Plan 2019-2040 (April 2021), Policy T6 of the London Plan 2021 and the guidance in our Planning Obligations and Affordable Housing Supplementary Planning Guidance (March 2024).

- 21 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 22 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 23 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- o identification of individual responsibilities and key personnel.
- o induction and personnel awareness of arboricultural matters.
- o supervision schedule, indicating frequency and methods of site visiting and record keeping
- o procedures for dealing with variations and incidents.

You must include a specification to send a written report to the tree officer within 5 days of each visit by the arboricultural consultant.

You must not start any demolition, site clearance or building work, and you must not take any

equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 24 You must apply to us for approval of details of all foundations where these are within root protection areas, to include:

- o Extension
- o Steps and platform lift
- o New hard surfaces and kerbs
- o New pedestrian street access
- o Bike sheds and stands

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works in accordance with the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 25 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 3 years of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within **** of planting them, you must replace them with trees of a similar size and species. (C30CC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 7 In respect of Condition 20 you are required to agree to measures to mitigate the impact of the development on on-street car parking in the vicinity of the site by agreeing via a legal agreement that no car parking permit will be granted to any occupants of the new dwelling(s). The legal agreement will be entered into pursuant to section 16 of the Greater London Council (General Powers) Act 1974, section 111 of the Local Government Act 1972 and section 1(1) of the Localism Act 2011.

The condition requires you to submit an approval of details application accompanied by a draft version of the required legal agreement prior to the commencement of any works on site. To speed up the application process, we recommend that you should submit your approval of details application via the Planning Portal (www.planningportal.co.uk). The wording of the agreement will be finalised during the approval of details application in conjunction with our Legal and Administrative Services. Please note that you will be required to meet the council's reasonable legal costs in completing the agreement, in addition to the application fee for your application. You must not start any works on site until we have approved in writing the approval of details application you make pursuant to this condition.

- 8 For advice on BREEAM, including appointment of a licensed assessor and how to obtain a post completion certificate, please visit the Building Research Establishment (BRE) website: <https://bregroup.com/products/breem/>. (I15AB)
- 9 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 10 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 11 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our

Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.

- 12 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 13 Conditions 14 and 15 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 14 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 15 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:
www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 16 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has

assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

DRAFT DECISION LETTER – 24/01696/LBC

Address: Oslo Court, Prince Albert Road, London, NW8 7EN

Proposal: Erection of a single storey roof extension to provide four new residential (3x3bed, 1x2bed) (Class C3) units with external terraces, green roof and PV Panels, installation of associated plant equipment, extension of the roof stair tower and existing lifts, replacement of existing restaurant extension and provision of separate restaurant entrance. Creation of new bin and cycle stores, new gates to forecourt, landscaping works and associated external alterations. (Linked with 24/01695/FULL)

Plan Nos: Existing: 296_PL:001; 002; 103; 104; 110; 111; 112; 113; 114; 115; 120; 121; Proposed: PO-100 REV P3; P1-100 REV 3; P1-101 REV P3; P1-102 REV P3; P1-107 REV P1; P1-108 REV P3; P1-109 REV P3; P2-100 REV P3; P2-101 REV P2; P3-300 REV P3; P3-301 REV P3; P3-302 REV P3; P3-303 REV P3; P3-304 REV P3; P3-305 REV P3; P3-306 REV P3; P4-300 REV P3; P4-304 REV P2; P4-305 REV P3; P4-306 REV P3; P4-307 REV P2; P4-308 REV P3; P4-310 REV P1; P4-311 REV P1; P4-312 P1; P4313 REV P1; P4-314 REV P1

Design and Access Statement dated March 2024; Conservation Area Statement dated March 2024, Supplementary Heritage Note.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of a detailed written and photographic specification of the materials you propose to use, including marked up versions of the approved elevations and roof

plans showing where / how each of those materials are proposed to be used. For brickwork, you must include a minimum 1sqm trial panel of new brickwork prepared on-site for our inspection, which must also be recorded as part of your submitted specification. You must not start work on the relevant parts of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).
(R27AC)

- 4 You must apply to us for approval of detailed drawings at 1:5 and 1:20 and/or other visual design details as applicable, of the new roof extensions, to include the following:
- (a). External profiles overall;
 - (b). New windows, including glazing and relationship with surrounding fabric;
 - (c). New external balustrades;
 - (d). New external rainwater goods;
 - (e). New external lighting (NB façade illumination is not approved);
 - (f). Demolition and alterations required to stair / lift towers;
 - (g). Internal works to staircases and fit-out finishes of the communal lobbies and landings.
- You must not start any work on-site on the applicable or directly related parts of the development, until we have approved what you have sent us. You must then carry out the work according to these approved drawings. Any off-site construction / manufacturing works commenced before our approval are carried out at the developer's own risk.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).
(R27AC)

- 5 You must apply to us for approval of detailed drawings at 1:5 and 1:20 and/or other visual design details as applicable, of the new restaurant extension, to include the following:
- (a). External profiles overall;
 - (b). New windows and external doors, including glazing and relationship with surrounding fabric;
 - (c). New external steps and balustrades;
 - (d). External rainwater goods;
 - (e). New external lighting (NB façade illumination is not approved);
 - (f). Demolition and alterations required to existing building to form the necessary abutments with the approved extension;
 - (g). Internal works to separate restaurant from the main building lobby and other spaces;
 - (h). Internal design of front-of-house areas of the new restaurant.
- You must not start any work on-site on the applicable or directly related parts of the development, until we have approved what you have sent us. You must then carry out the work according to these approved drawings. Any off-site construction / manufacturing works commenced before our approval are carried out at the developer's own risk.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).
(R27AC)

- 6 You must apply to us for approval of detailed drawings at 1:5 and 1:20 and/or other visual design details as applicable, of the following parts of the development:
- (a). New cycle stores, and associated alterations to the existing site boundary walls.
 - (b). New bin stores and associated planter, and associated alterations to the existing building envelope.
 - (c). New vehicular and pedestrian gates, including associated alterations to the existing site boundary walls.
 - (d). Works to restore main entrance canopy, including repairs and new signage.
- You must not start any work on-site on the applicable or directly related parts of the development, until we have approved what you have sent us. You must then carry out the work according to these approved drawings. Any off-site construction / manufacturing works commenced before our approval are carried out at the developer's own risk.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).
(R27AC)

- 7 Prior to first occupation of the approved new roof extension dwellings, the following components of the scheme must be completed to the Council's satisfaction (in accordance with the approved plans and details):
- (a). The demolition of the existing restaurant extension structure, and either (i) the original parts of the building made good to a suitable finished internal and external design, OR (ii) the approved new restaurant extension must be completed to external envelope stage, including approved access arrangements, and hard and soft-landscaping.
 - (b). The restoration of the main entrance canopy, including signage.
 - (c). Restoration works to the communal main entrance, stairwell and lift fronts.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).
(R27AC)

- 8 With regards to the main roof extension works, no works are permitted to the existing building except those directly associated with the construction of a lift-in module based form of roof extension construction. Any works which go beyond the works directly necessary to support, secure and weather such a form of construction would fall outside the scope of this consent / permission.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 9 You must not disturb existing adjacent architectural or historic features. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this consent. You must protect those features properly during work on site.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this

consent. (I59AA)