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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 8 August 2023 | 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 units (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) | | |
| Agent | Lambert Smith Hampton | | |
| On behalf of | Airspace Advisory Ltd | | |
| Registered Number | 21/06285/FULL & 21/06286/LBC | Date amended/ completed | 14 October 2022 and 30 January 2023 |
| Date Application Received | 13 September 2021 | | |
| Historic Building Grade | II | | |
| Conservation Area | St John's Wood | | |
| Neighbourhood Plan | Not applicable | | |

1. RECOMMENDATION

1. Refuse planning permission – design and heritage and insufficient arboricultural details.
2. Refuse listed building consent – design and heritage.

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, provide additional documents and to take into consideration comments from the Health and Safety Executive.

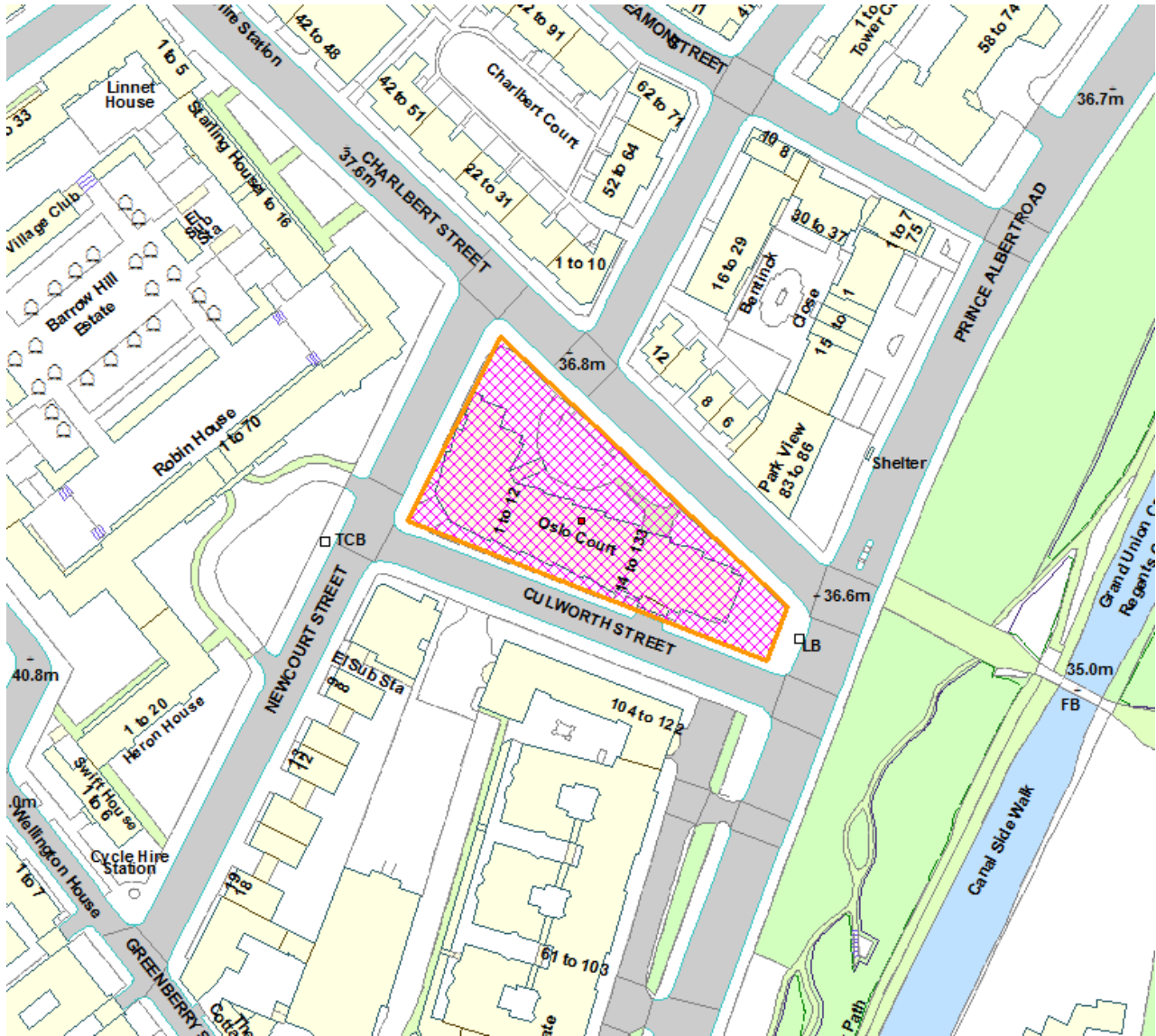
Representations of objection have been received to the proposals from Councillor Rigby, the St John's Wood Society, the St Marylebone Society, the Regent's Park Conservation Area Advisory Committee, the Friends of Regent's Park & Primrose Hill, primarily on design and listed building grounds. Concerns are also raised to the proposals from Historic England on the harm of the extension to this existing listed building. Substantial objection and support has been given to the proposals 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 are considered unacceptable in listed building and design terms and in arboricultural terms and there are no significant public benefits to outweigh the harm cause by the proposals. It is therefore recommended that the applications for planning permission and listed building consent be refused.

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 Original Consultation dated 23 September 2021

COUNCILLOR RIGBY:

Writes in support of the objections received. The addition of an additional storey would have a negative impact on the this art deco Grade II listed building and the setting of Regent's Park. Support however is given to the other improvements.

HEALTH AND SAFETY EXECUTIVE (HSE)

An objection was raised on the grounds no fire statement has been submitted.

HISTORIC ENGLAND:

No need to be consulted on the proposals.

THE ST MARYLEBONE SOCIETY:

A strong objection received on the grounds that the proposed extension appears taller than the floors below; that the extension is too bulky and is especially noticeable Regent's Park. In addition the eastern elevation 'crashes' into the existing corner roof pavilion and spoils its free standing form.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE:

Objection raised on the grounds that the proposed extension harms the listed building and the character and appearance of the Regent's park Conservation Area. There are no public benefits to outweigh the harm caused.

FRIENDS OF REGENT'S PARK & PRIMROSE HILL:

Given the architectural importance of the building, an objection to the proposed roof extension is made as it is not set back from the edge far enough to mitigate the harm in views; the extension s too high and dominates the existing building and will be viewed from the park and finally that the restaurant entrance should better be resolved.

ST JOHN'S WOOD SOCIETY:

Objection raised on the grounds that the proposed extension harms the listed building and the character and appearance of the Regent's park Conservation Area; that the proposed extension appears taller than the floors below and that the highly glazed structure could cause light spillage.

ART DECO SOCIETY UK:

Objection raised on the grounds that the roof extension would be highly prominent and an incongruous structure which would compete with and detract from the modest and authentic design of the host building. The extension is poorly conceived and would result in a distortion of the original design. The materials proposed are an incongruous element in a highly prominent position. The glazing would result in a highly illuminated 'crown' to the building affecting the character and appearance of the conservation area and from Regent's Park. Structural concerns are also raised. The public benefits of additional housing does not outweigh the harm caused.

In addition, the society draws the City Council to the attention of recently refused similar applications at Harringey Council (both of which dismissed at appeal).

METROPOLITAN POLICE:

No objection raised but comments made that there should be no linkage between the restaurant and residential building; new doors will be required to the residential building; consideration should be given to internal post; that the cycle storage in front of the building are no acceptable and should be in a storage facility.

ROYAL PARKS:

No objection.

CLEANSING MANAGER:

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

HIGHWAYS PLANNING MANAGER:

Objection raised to the lack of secure and weather proof cycle storage and that the waste store is shown to have doors opening on the highway.

ENVIRONMENTAL SCIENCES:

No objection to the principle of roof extension or the plant proposed subject to conditions. Details of a stacking plan between the 6th and 7th floor should be provided along with further information on noise transference between the flats and further details on the restaurant flue are required.

ARBORICULTURAL OFFICER:

Insufficient information has been provided demonstrating that the protected trees would not be harmed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 280

Total No. of replies: 64

No. of objections: 23 (on behalf of 14 properties)

No. in support: 39 (on behalf of 31 properties)

23 Objections have been received on some or all of the following grounds:

LAND USE:

- Oslo Court has numerous smaller flats, are the 4 proposed penthouses appropriate here.

DESIGN AND HERITAGE:

- The proposals are harmful in listed building terms
- The proposed extension clashes with this Art Deco building
- The proposals harm the character and appearance of the St John's Wood Conservation Area
- The proposals harm the character and appearance of the Regent's Park Conservation Area

- The materials are incongruous and the glazing will result in an illuminated top
- The proposals will set an unacceptable precedence

AMENITY:

- Loss of view
- Light spillage from glazed roof extension
- Loss of sunlight and daylight
- Noise transference between proposed flats and existing flats
- Noise from existing plant servicing restaurant

HIGHWAYS:

- Impact on parking

SUSTAINABILITY:

- Concerns raised as to the sustainability of the building

OTHER:

- Noise and disruption during course of construction
- Structural concerns and proposed building materials
- Letters of support from the applicant and their respective companies should not be taken into account
- Some objectors have not heard of, or are part of the other residents associations claimed in other representations
- Fire risk
- Loss of property value
- The proposals considered wider benefits of the scheme should just be considered as normal repair works
- Lack of consultation from applicant
- Inconsistencies between the documents in the submission showing lack of transparency

39 Letters of support have been received on the following grounds:

DESIGN:

- Roof extension is sensitive to the host listed building in terms of scale and massing
- Minimal visibility from the conservation area
- Minimal visibility from Regent's Park

SUSTAINABILITY:

- The extension will be sustainable architecture
- Building will become more energy efficient
- New insulation to roof
- New PV panels

OTHER:

- The roof extension supports other proposed and much needed works

- Reduction in service charges for other flats
- The roof extension would be far more preferable than a 5G mast
- The new entrance to the restaurant is very much welcomed

PRESS NOTICE/ SITE NOTICE:

Yes

Second Consultation dated 14 October 2022

WARD COUNCILLORS:

Any further response to be reported verbally

HSE:

Initially concern was raised to the fire safety measures in place. In a response dated 12 April 2023, after further submission of details HSE are now content with the proposals.

HISTORIC ENGLAND:

Although authorisation is given to determine the application, Historic England offers the following advice:

“The Grade II listed Oslo Court is a striking and little-altered block of flats constructed of reinforced concrete and brick infill in the International style. It was designed by Robert Atkinson and built in 1937-38. The glazed entrance stair tower is a defining architectural feature of the listed building, and its cantilevered canopy which rises above the roofline is specifically mentioned in the listed description.

These proposals seek to introduce a single-storey roof extension to provide additional residential accommodation. This would involve the demolition and rebuilding of the stair tower’s top section with elongated proportions so it continues to rise above the roofline.

In our view, this aspect of the scheme would erode the authenticity of what is currently a relatively intact modernist building, with a striking stair tower and carefully conceived and intact modernist proportions. The proposed demolition and rebuilding of the stair tower top section would therefore cause harm to the architectural interest of the listed building. It is possible that an additional floor could be accommodated relatively discretely and without the need to demolish the top section of the stair tower. However, the current arrangement would be visually jarring and an unsuccessful solution for a listed building that derives a great amount of significance from its external architectural character”.

ROYAL PARKS:

On further reflection, the Royal Parks deem the installation of any additional storeys to be a further unwanted addition to the sky space that would be highly visible from within The Regent’s Park when viewing north from inside the Park. This would impact on views from the Park and would additionally lead to unwanted massing which is a major concern for us.

One of The Royal Parks’ charitable objects is to protect, conserve, maintain and care for the Royal Parks, including their natural and designed landscapes and built environment, to a high standard consistent with their historic, horticultural, environmental and architectural importance. One of our key priorities is to protect the intrinsic qualities of each of our open spaces. We also have a duty to protect the open sky space viewed from within the parks (with the use of viewing cones) as well as a duty to protect historic

sight lines and key views.

BIG 6: Response received from the TWENTIETH CENTURY SOCIETY:
No objection. The scheme is of high quality and enhance the building.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE:
No response received.

ST JOHN'S WOOD SOCIETY

Although the reduction in height is welcomed and the extent of glazing is reduced, the society remains unconvinced that the amendments are enough to mitigate the harm caused to the listed building. Oslo Court has numerous smaller flats, and the society questions whether the 4 proposed penthouses are appropriate here.

ENVIRONMENTAL SCIENCES:

No objection raised subject to conditions and informatives.

ARBORICULTURAL OFFICER:

Objection raised on the grounds that the assessment does not contain enough information with regards to the impact to the root protection areas; lack of detailing regarding piles; lack of detailing regarding hardstanding and that the proposals are likely to impact on two trees.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 303

Total No. of replies: 27

No. of objections: 15 (on behalf of 11 properties)

No. in support: 12 (on behalf of 17 properties)

15 Objections have been 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

- The revisions are merely tweeks and result in no significant changes
- The new documents show new bins, cycles etc but don't address the proposed new floor
- The listed building should be preserved

HIGHWAYS:

- Continued lack of parking

SUSTAINABILITY

- Flats would add to carbon footprint
- Why is the applicant not looking to propose double glazed windows for the entire building

- Heat spill

AMENITY:

- Loss of light

OTHER:

- The numerous leaseholder/ associations within Oslo Court are not fully endorsed; have different members or not attended by everyone
- The statement of community involvement is not accurate or a true statement of the leaseholder/ associations within Oslo Court
- Noise and disruption during the course of works
- Structural concerns
- Leaks and water ingress to existing top floor flats

12 Letters of support have been received on the following grounds:

DESIGN:

- Well designed extension
- Reduction in height welcomed
- Materials are acceptable
- Minimal impact on skyline
- Claims of loss of visual amenity are false – numerous buildings in this location have roof top extensions

SUSTAINABILITY:

- The flats are sustainable and environmentally friendly

OTHER:

- Weight should be given to the wider improvements.
- The thorough testing of the structural implications are welcomed

5.2 Applicant's Pre-Application Community Engagement

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:

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 | 19 August | Applicant and | Presentation of application only. |

| | | | |
|--|----------------|----------------------------|--|
| Member for Regent's Park (online) | 2021 | Cllr Rigby | |
| 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 a point to note a number of objectors advise 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 state that they were not aware of the proposals until the first consultation by the City Council and therefore the claims of a letter drop are false.

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 advise 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.

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) (July 2021) and should be afforded full weight in accordance with paragraph 219 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 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

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

6.3 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 (July 2021) 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:

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

Permission is sought for a roof extension measuring approximately 520 sqm. The extension is designed to follow the set backs of the existing building with a set back of approximately 1.5m and measures 3m above the existing parapet. The extension would contain four residential units (3 x 3bed and 1 x 2bed) and all have private external amenity space. The lift/stair cores is to be extended upwards. Plant, air source heat pumps and PV panels are proposed at roof level adjacent.

An extension to the existing restaurant in the form of a reconfigured extension and restaurant entrance will provide an additional 23m² of additional floorspace. The new entrance will include a new wheelchair platform lift.

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 (100m²) and 3 x 3 bed flats measuring 125m², 130m² and 140m². 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 21m² (for the 2 bed unit) and 26m², 28m² and 32m² for the 3 bed units.

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

The applicant in their supporting arguments to the proposals have offered a contribution of £250,000 to the City Council's affordable housing fund. Under normal circumstances, a payment in lieu may be sought as a last resort when an application triggers the City Council's affordable housing policy. The scheme does not trigger on affordable housing payment as it's does not meet the threshold under policy 9.

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 23m² 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 23m² 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). Had the application been considered acceptable a condition securing that the development would be designed to achieve a BREEAM 'Excellent' would have been recommended.

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 CO ₂ per Annum | % |
| Be Lean: Savings from energy demand reduction | 0.9 | 10% |
| Be Clean: Savings from heat network | 0 | 0% |
| Be Green: Savings from renewable energy | 14.9 | 165% |
| Cumulative on-site savings | 15.8 | 175% |

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 the Avenue Road flooding hotspot. 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

Objections were initially received on the grounds of light spillage from all the new windows of the roof extension. Whilst the materials and extent of glazing has been reduced in the revised proposals, objectors still consider that this will be significant.

The extent of glazing has been reduced from the original proposals by 53% according to the applicant. 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. This is welcomed and had the application been considered acceptable, further details of its make-up, construction and planting details would have been conditioned.

It is disappointing to see that the proposed restaurant extension did not incorporate a green roof, especially noting the loss of communal gardens associated with this element of the scheme. Had the application been considered acceptable, a condition securing a green roof to this extension would have been recommended.

Had the application been considered acceptable conditions securing bird and bat boxes would have also been recommended.

9.4 Townscape, Design & Heritage Impact

Site and 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 is a separate but immediately adjoining conservation area.

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. 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 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. 'Stopping' the building's height in this way also avoids the potential for a set-back or projecting terminating feature or roof storey to interrupt or conflict with the vertical lines and stacked, rhythmic patterns formed by the balconies.

The building's height is an important component of its proportions, carefully balanced between the provision of a large number of dwellings with 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.

At seven storeys, the building strikes a comfortable balance between its height and the narrowness of the site – an eight storey version is likely to have produced a more vertically elongated form, failing to achieve the restraint it now shows against its horizontality, whilst a six storey version of the same design is likely to have been somewhat squat in comparison to its length. Atkinson was a noted architect of his period who remains a respected contributor to interwar architecture – the likelihood of him having not considered the height of the building at great length is very slim. In all likelihood the built height was almost certainly the result of a careful assessment of what works for the building itself and for how it sits amongst the surrounding townscape and landscape setting of the time.

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. Notably for these applications, this includes North Gate to the south (7-9 storeys), which also faces the park, and Barrow Hill Estate to the north (4-7 storeys).

It is acknowledged that, as profiled by the applicant's later application submission documents, some of these buildings fronting Prince Albert Road are already taller than the application site. Where they are taller and within the same conservation area, as in the case of North Gate, they are generally more substantial buildings, where the greater

height is proportionate to the building's design. The height of North Gate is also heavily moderated by the upper heights being represented by well-integrated roof storeys.

Most of the other buildings profiled by the applicant as being taller and fronting Prince Albert Road, are outside of the SJW Conservation Area where planning considerations would have been lesser than in this case. It is notable also to consider the orientation of Oslo Court and how it interacts with the streets that run back from Prince Albert Road. To solely consider the application site and proposals in relation to Prince Albert Road, where heights will inevitably be greater, ignores the way in which Oslo Court differs from the other buildings which it shares that frontage with. It ignores the individual character of Oslo Court, including its consciously narrower, carefully proportioned profile to the park, but also the way it then stretches back further into the lower-scale residential character of St John's Wood.

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 no statutory duty to take account of 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 requires that great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty 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.

Proposals and their impacts

It is proposed to extend the building through the addition of an eighth, set-back storey to both wings, along with the associated extension of the stair towers. Also proposed at ground floor level is a new extension to the restaurant, and new bin storage on Lulworth Street. No other works of alteration or improvement are shown in the application although it does make statements about overhauling services etc. There are also assertions in the 'Conservation Area Statement' that various elements of the site will be refurbished, including the entrance gate piers, entrance canopy but again no explicit proposals are then included in plans or other documents. Such work should in any case be a part of the standard maintenance regime of the property, and should not carry weight against harmful proposals, as argued by a number of objectors.

Roof extension

The additional storey would be set back from the existing building line, with a staggered

plan layout following that of the original building below. The stair-tower is also proposed to be extended upwards such that it would still project above the building's upper-most position, but not by the same proportion as the existing arrangement between top storey and stair-tower top (which is more or less equivalent to a full storey). The proposals, as revised during the course of the application, would on the whole utilise the same materials palette as the existing building, including alternating bands of stock brickwork and white windows. This reduces the issues previously raised in relation to the original application proposals which were partly considered harmful due to their use of a discordant modern materials palette. The notes on the drawings however include specifications for composite windows and metal copings and cills, which could contrast with the slimline character of the steel casements of the original, and painted concrete surrounds.

The extension would be visible from a number of street-level angles at both close and medium distances, and more substantially visible from private upper floors windows of surrounding buildings. From these angles it would appear discordant with the building's design, in particular with the staggered, vertically stacked balconies.

The extension's horizontal banding, again trying to mimic the host building below, misrepresents the coupling of brown brick and white bands in pairs, instead proposing a bottom, middle and top series of bands in addition to the original topmost brick band of the original parapet below; this effectively doubles-up the banding between parapet and new balcony fronts at that level which, in combination with the stepping back of those new balcony fronts, creates a remarkably difficult, almost 'modular' craned-in aesthetic, in contrast to the solidity and uniformity of the building below.

The proposed design attempts to mimic the stepped form of the balconies below, but does so in combination with a step-back on all sides which therefore fails to respect the proportionality of the sawtooth like building plan, appearing as a perhaps deflated and diminished version of one of the building's existing banded storeys. Whilst stepped-back upwards extensions are a common means of architectural mitigation and integration, in this case it in fact conflicts with the fundamental 'sawtooth' plan and form of the building. By simply producing a reduced version of the building's roof plan, the vertical lines of the extension would be offset from and misaligned with those of the original stacked bays and balconies below. From various positions locally, one would see the incongruity of offset staggered lines of an architecturally mismatched extension running along the length of the building. It would appear visually disconnected and offset with the vertically stacked balconies below, but would also create a series of awkward, ill-defined recesses and projections surrounding the extended principal stair tower, which would be simply stretched uncomfortably upwards and outwards to infill these gaps.

The stair tower too would become subsumed within the mass of the new storey. Whilst extended in height in an apparent attempt to respect its pre-eminence and 'fulcrum' architectural function, it would not be extended by the same proportion, and would therefore sit only a little higher than the set-back extended storey. Due to the set-back of the extension, it would also fail to have the same vertical relationship with the building that it was designed to have.

This awkwardness of form and mismatch of designs at high level would harm the building's unique architectural significance, and would detract from its positive

contribution to the conservation area and setting of the adjacent Regent's Park. Whilst this would remain 'less than substantial harm' in terms of the NPPF with respect to all of the affected assets, it would be very much within the moderate part of that spectrum and would nevertheless be significant and permanent given its visibility and prominence.

It is noted that Historic England have raised similar concerns to the above in their response in December 2022. It is noted also that conversely, the Twentieth Century Society have given a very much supportive set of comments, albeit in a much abbreviated form to the detailed Historic England comments. Objections have also been raised by the Royal Parks (in relation to views outwards from the Grade I Registered Regent's Park), and by the St John's Wood Society – both very coordinating with the concerns raised above and by Historic England. Whilst the comments of the Twentieth Century Society are given weight, it is clear from officers' and Historic England's detailed assessment, and from the representations of two key local stakeholders, that their view is in isolation from what is otherwise a consensus of harm.

Restaurant extension

The proposed restaurant extension would replace an existing timber modern addition which projects from the building's northern end into the gardens. In principle this is welcomed, and in exercise the proposed new extension, whilst larger, is carefully constrained and would be positively integrated with the architecture of the building, and landscape qualities of the gardens. This extension would enable improved access for all restaurant users, allowing it to enjoy its own access separate from the building's residential lobby. Whilst this is a benefit, it is an isolated one which is not otherwise linked to the main rooftop proposal.

Bin and cycle storage

The application also proposes new bin and cycle storage in two locations. To Lulworth Street, a sliding gate screen would partially conceal the existing informal Euro-bin storage area. From the submitted description it would appear that this proposal (revised and clarified during the course of the application) is otherwise enclosed on other sides other than by the existing surrounding low level walls. In principle the partial concealment of the bins is overall likely to be an improvement upon the untidy appearance of the current bins, but it is not well detailed in the application – we do not know much if anything about the design of the proposed sliding gates. Were the application otherwise recommended for approval, a condition securing further details would have been recommended. As a point to note however, it is questioned whether, given the slope of the road, sliding gates are viable in this location, restricting their ease of use in one direction, whilst risking uncontrolled operation in the other.

To the building's main Charlbert Street turning circle, it is proposed to install new cycle hangers in two of the currently open parking area. Again no real detail is given of these, but the single plan shown suggests standard roll-top metal hangers. Whilst these functional items of street furniture are widely seen installed by highway authorities on streets in place of parking bays they are not of a standard of design which is considered to be appropriate in a carefully but simple landscaped open space such as the application site. Notwithstanding the design quality of these, or the lack of design detail, it is questioned whether this location is appropriate for a 'built' secure cycle storage

structure, due to its openness and simplicity or hard and soft landscaping.

Summary and recommendation

As discussed above, the proposals would harm the significance of the listed building and conservation area, and would detract from the setting of the adjacent Regent's Park (as a conservation area and registered park). As such, the proposals fail to accord with policies 38, 39 and 40 of the Westminster City Plan 2019-2040. If you consider that the public benefits proposed would not outweigh the less than substantial harm that would be caused to the designated heritage asset, then it is recommended that in order to be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, the applications must be refused permission and listed building consent.

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 received raise concern 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

One of the multiple objections to loss of sunlight and daylight raises queries over the assessment and states that 1) the assessment shows loss of sky over 20%, 2) that the statistics presented do not match the images, 3) that whilst the report says ADF would be the most accurate measures this has not been done and 4) that in terms of APSH only some 9 rooms have been analysed yet 58 declared as compliant.

On the third point, what the objector does not note is that the assessment identifies that ADF should only be used if the variable are unknown, such as room layouts then the accuracy can not be relied upon and on the last point, the objector is correct and there was an error in the report. This has been rectified by the applicant.

As noted above the extension is 3m in height (above the parapet) and in general follows the pattern of the building bulk below and incorporates between a 1.3m-1.5m set back all around, a 2.8m set back from the north elevation on the 'L' and a 5m set back from the eastern elevation facing the park.

A daylight and sunlight assessment 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 the objections on this grounds cannot be sustained. The objections to points 1 and 2 of the detailed objection can therefore not 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 are raised as an objection. It is unclear if this is reference 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 addressed above, objections were initially received on the grounds of light spillage from all the new windows of the roof extension. Whilst the materials and extent of glazing has been reduced in the revised proposals, objectors still consider that this will be significant. The extent of glazing has been reduced from the original proposals by 53% according to the applicant. The fenestration proposed 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.

The acoustic report submitted with the application was revised during the course of the application at the request of the Environmental Sciences Officer to provide the actual noise calculations of the plant proposed and details regarding the distances from the proposed air source heat pumps and plants to the nearest noise receptors so that a full assessment could be made..

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 is now considered acceptable and raises no noise concerns.

Had the applications been considered acceptable, standard compliance noise conditions would have been 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 and had the application been considered acceptable noise conditions would have been recommended.

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

Objections have 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. Had the application been considered acceptable, car club membership for the proposed new flats would have been secured, to off-set any increased demand in on-street car parking. 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. As originally submitted there was only an indication of cycle parking proposed, with no real detail and this raised an objection from the Highways Planning Manager. The revisions now show cycle parking is proposed in the form of 2 bike hangers, providing 12 spaces (8 for the newly proposed flats and 4 for existing residents) to the front entrance/forecourt. Whilst 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, as noted above in the design section of this report, the provision on hangers within the setting of this listed building are unacceptable. Had the application been considered acceptable in other regards officers would have sought to explore other options.

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 an off-street area on Culworth Street and the applicant proposes that waste and recyclables collection for the new flats can be accommodated within this provision.

As originally proposed, it was sought that a three sided open topped store with outward opening gates be installed to this area. The cleansing manager raised concerns that the waste store does not comply with the Council's guidelines in that different waste streams were not shown on the plans or labelled. This also raised objection from the Highways Planning Manager as the gates opened outward over the public highway.

Whilst the concerns from the Cleansing Manager were noted, it was not considered by officers that for the provision of four additional residential units that new, upgraded or reconfigured waste stores were a reasonable request. The scheme has however been amended to now propose sliding access gates which is welcomed in principle. Had the application been considered acceptable, details of these gates and the sliding mechanisms, having regard to the slope in the land and the actual workability of these would have been secured by condition.

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

Fire Safety

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

Despite initial concerns, the HSE now 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.

Arboricultural Matters

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

An Arboricultural Impact Assessment (AIA) has been submitted. The AIA states that the restaurant extension foundations (which require 'no excavation' and will be a beam and pile design) could affect the closest trees T5 and T6 but the actual impact of the foundations on T5 and T6 is not assessed. The report implies that there will be no

excavation and that the use of screw piles will mean that there is no direct incursion into Root Protection Areas (RPA's). However, screw piles still require excavation and can still affect significant tree roots. Even if the screw piles do not harm tree roots (which is not guaranteed to be the case) the construction of a new building over the tree RPAs could still have impacts through soil compaction and contamination and soil capping which prevents natural drainage and gaseous exchange with the soil beneath the foundations, potentially causing long term harm to tree roots and limiting the available rooting environment.

The AIA includes a Tree Constraints Plan (TCP) but there is no plan showing the tree constraints with the proposals overlain.

The AIA states that it is possible that some facilitation pruning will be required but the extent of pruning is not specified in the Impact Assessment section of the report. The outline method statement then goes on to specify crown lifting to 3.5m for T5 even though this isn't included in the Impact Assessment.

In conclusion, 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.

The application is recommended for refusal on the ground of insufficient information.

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 which 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, should planning permission be granted the proposals would be subject to Building Regulations.

The applicant has further addressed the concerns of neighbours and states that there are areas of existing cracking in the basement concrete columns, which could present an issue if untreated in the long-term, however the development provides the opportunity to undertake remedial works to these columns, and to undertake a more comprehensive condition survey so that potential long-term structural issues can be addressed. In addition the proposal remediates the existing stair core roof which has experienced

structural issues and required glazing to be infilled with blockwork to avoid further issues. The development proposes restoring this glazing in line with the form of the original stair tower. The proposal also provides the opportunity to address, remediate and prevent any future water ingress issues. This is all noted and welcomed but not a material planning consideration and a reason within itself to grant or withhold permission.

Noise and Disruption during Construction

Multiple 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 the adjacent Bentinck Close.

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.

Loss of Property Values

Objections have been received on the grounds that the works and the extension will impact property values to neighbouring properties. Loss of property values is not a material planning consideration.

Letters of support from the applicant and their respective companies should not be taken into account

Objections have been received on the grounds that the freeholders and representatives of the freeholders have written in multiple times in support of the proposals and that they should not be taken into account.

As noted in the consultation section of this report, and as identified in the background papers list, officer's have made clear what letters of support have been received and although reported in number form, take into consideration the content of the letters of support.

Concerns over legitimacy of the Leaseholder's Association.

Objections have been received on the grounds that some of the letters of support are 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 has advised 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 £413,108,000.

10. Conclusion

The proposals are unacceptable in design and heritage terms and would result in harm to the building's unique architectural significance, and would detract from its positive contribution to the conservation area and setting of the adjacent Regent's Park. Whilst this would remain 'less than substantial harm' in terms of the NPPF with respect to all of the affected assets, it would be very much within the moderate part of that spectrum and would nevertheless be significant and permanent given its visibility and prominence.

Whilst it is recognised that there are public benefits to the proposals providing good quality residential accommodation and wider economic benefits; these would not outweigh the less than substantial harm that would be caused to the listed building or the heritage asset of St John's Wood and Regent's Park Conservation Areas.

As touched upon above, the applicant notes that in addition to the provision of good quality family homes with private amenity space, built in a sustainable manner etc, that the scheme brings with it a whole suite of improvements to the communal parts of the existing building, a new roof and fabric that's much in need, decluttering of roof of redundant plant, new modern water tanks for all apartments, new electrical upgrade works, the opportunity to address structural issues in the building and improved facilities for the restaurant. They also offer a contribution of £250,000 to the Council's affordable housing fund. Whilst these are all noted, officer's agree with objectors who claim that the majority of these works should be done as standalone freeholder improvements and are general maintenance works and these are not considered to be public benefits. In addition, the offer of a financial contribution is not a policy requirement in this instance.

Whilst the restaurant works are a benefit, it is an isolated one which is not otherwise linked to the main rooftop proposal.

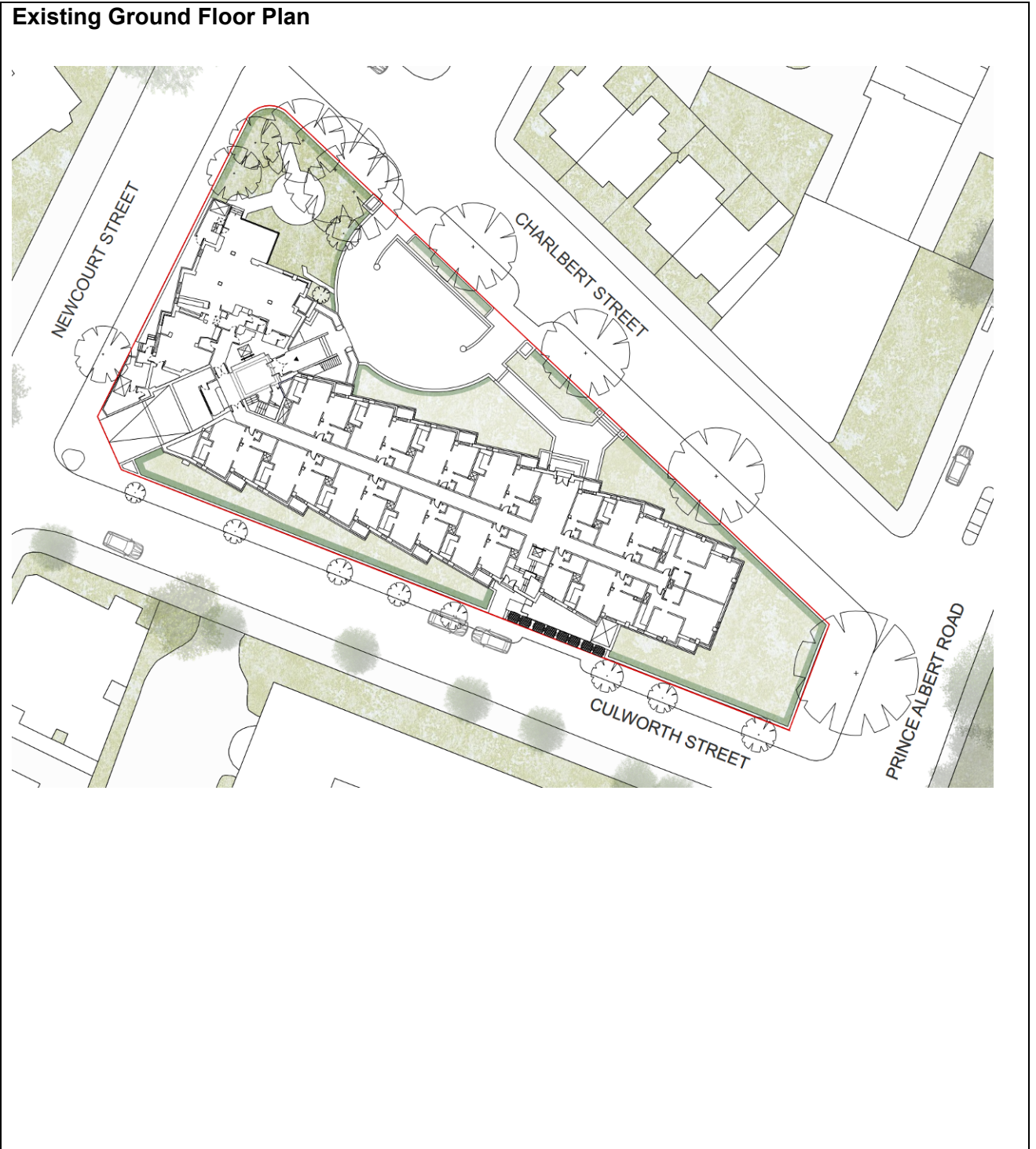
Therefore, the recommendation to refuse permission and consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

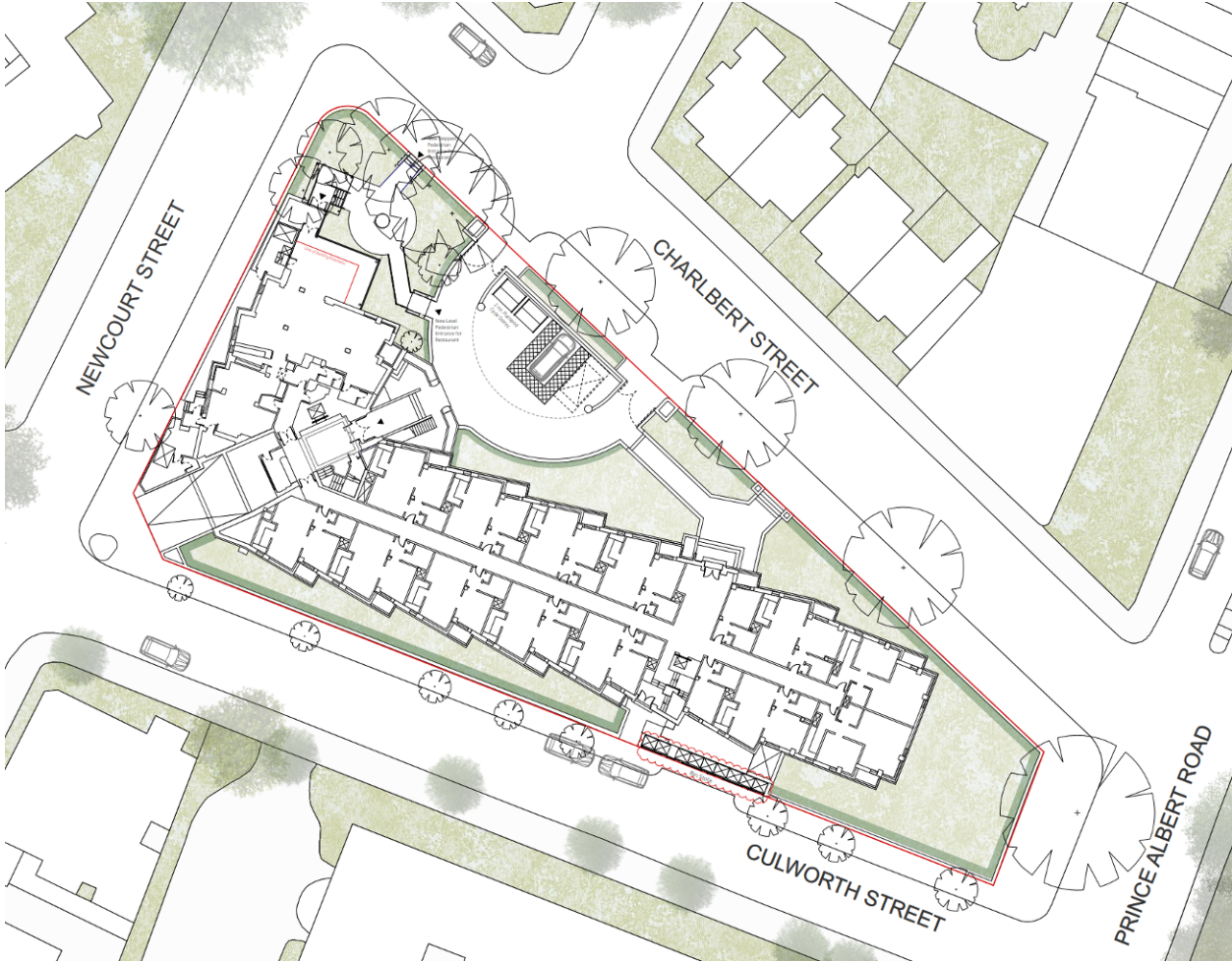
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

11. KEY DRAWINGS

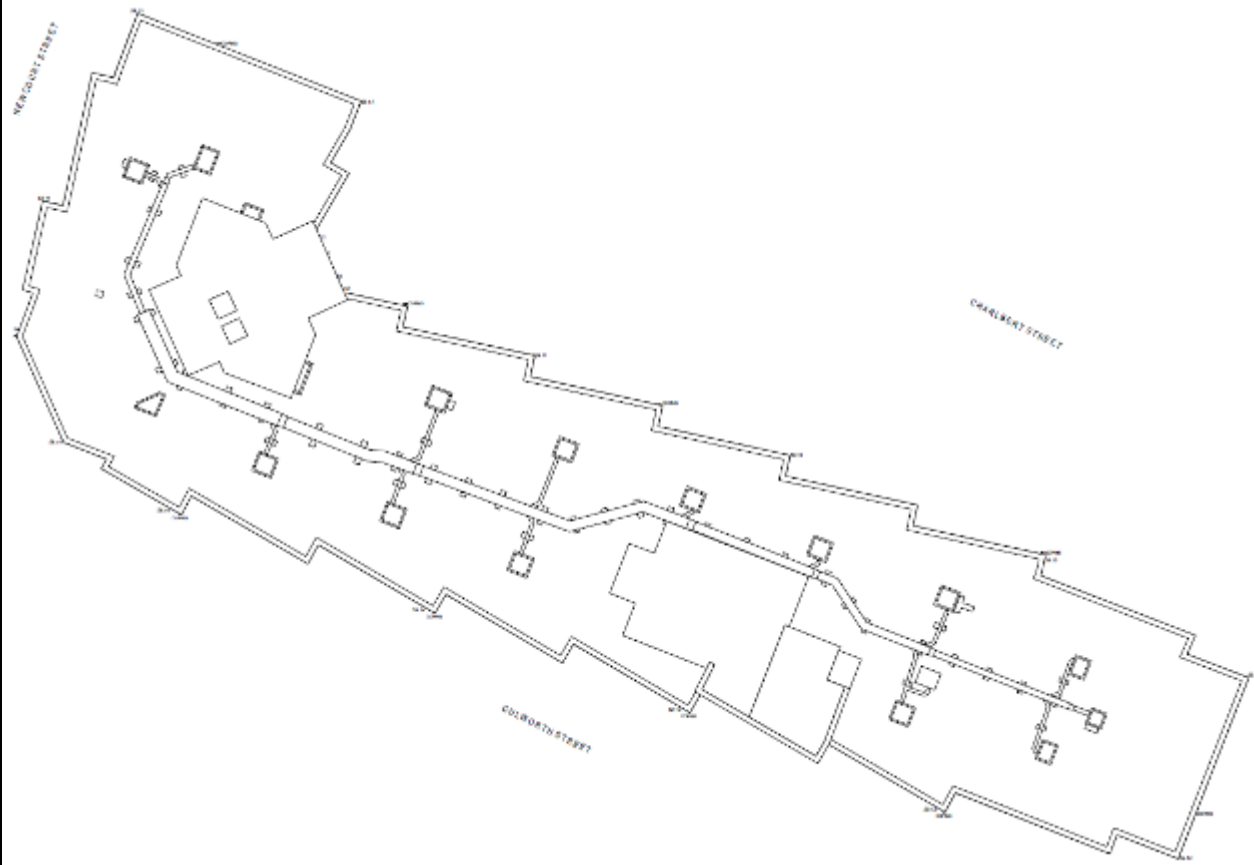
Existing Ground Floor Plan



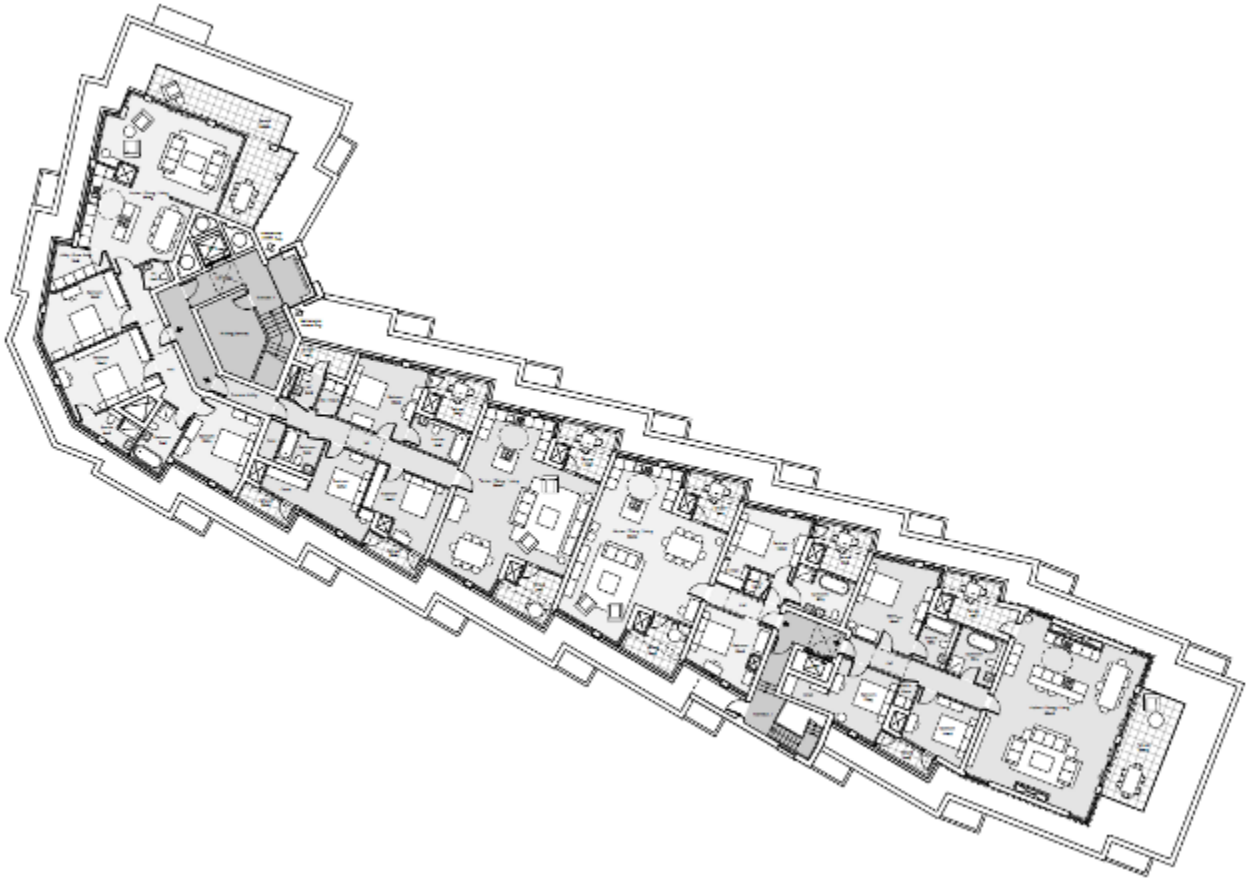
Proposed Ground Floor Plan



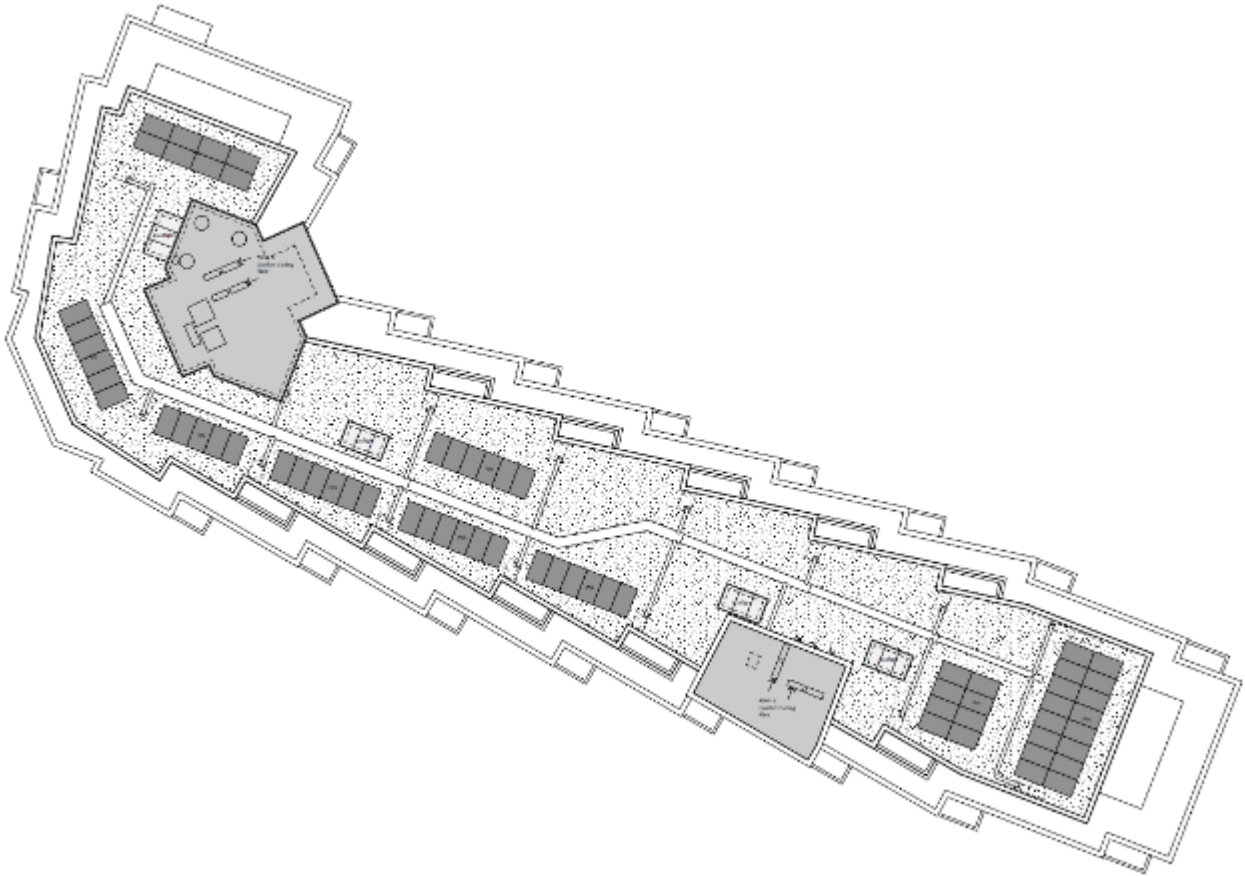
Existing Roof Plan



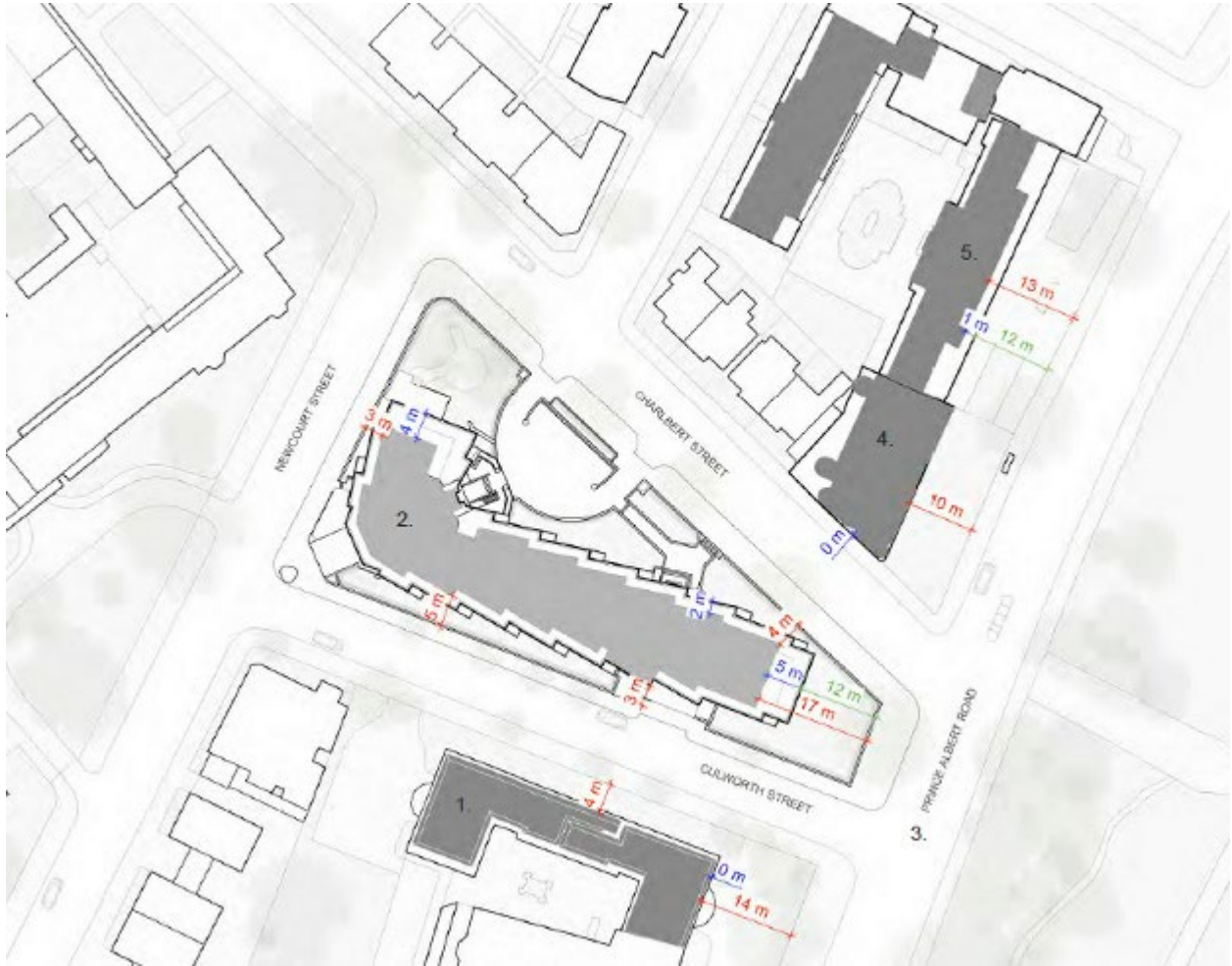
Proposed 7th Floor Plan



Proposed Roof Plan



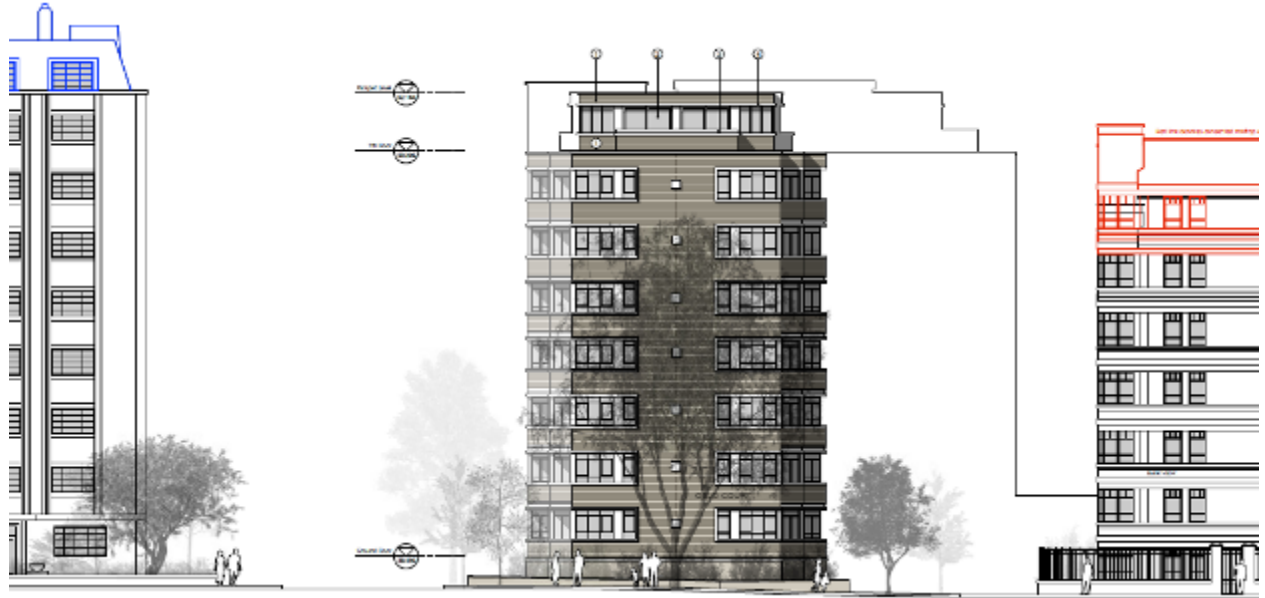
Drawing to show set backs of roof profile



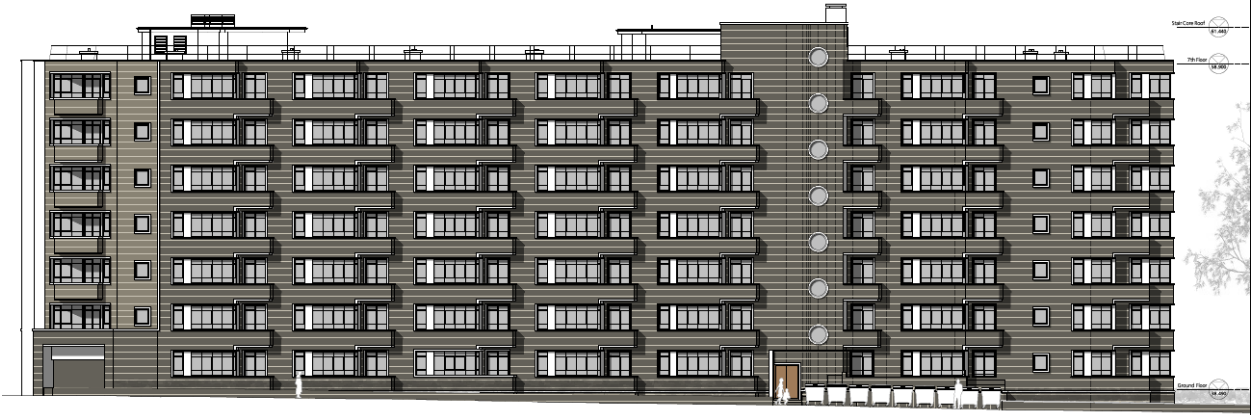
Existing East Elevation



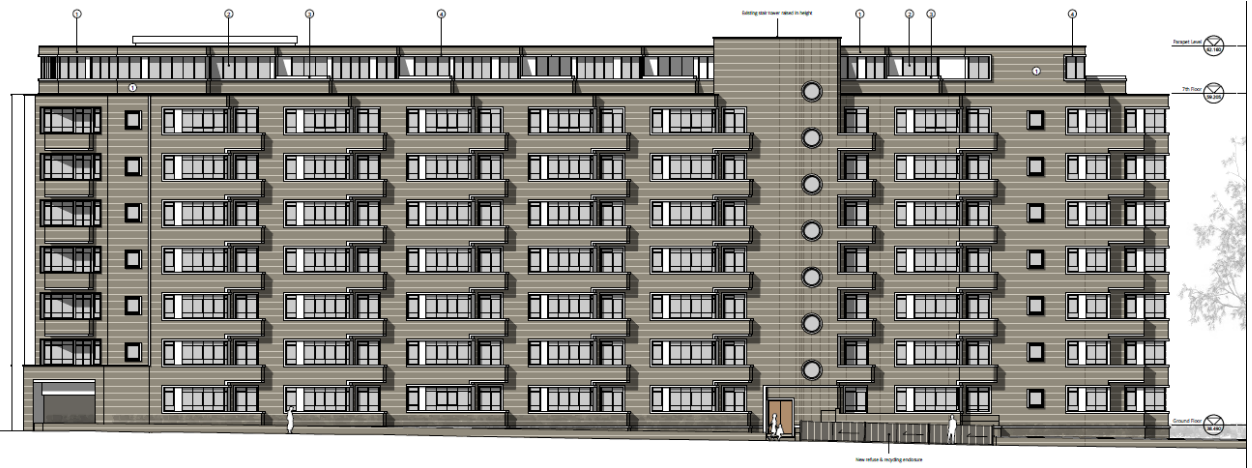
Proposed East Elevation



Existing South Elevation



Proposed South Elevation



Existing West Elevation



Proposed West Elevation



Existing North Elevation



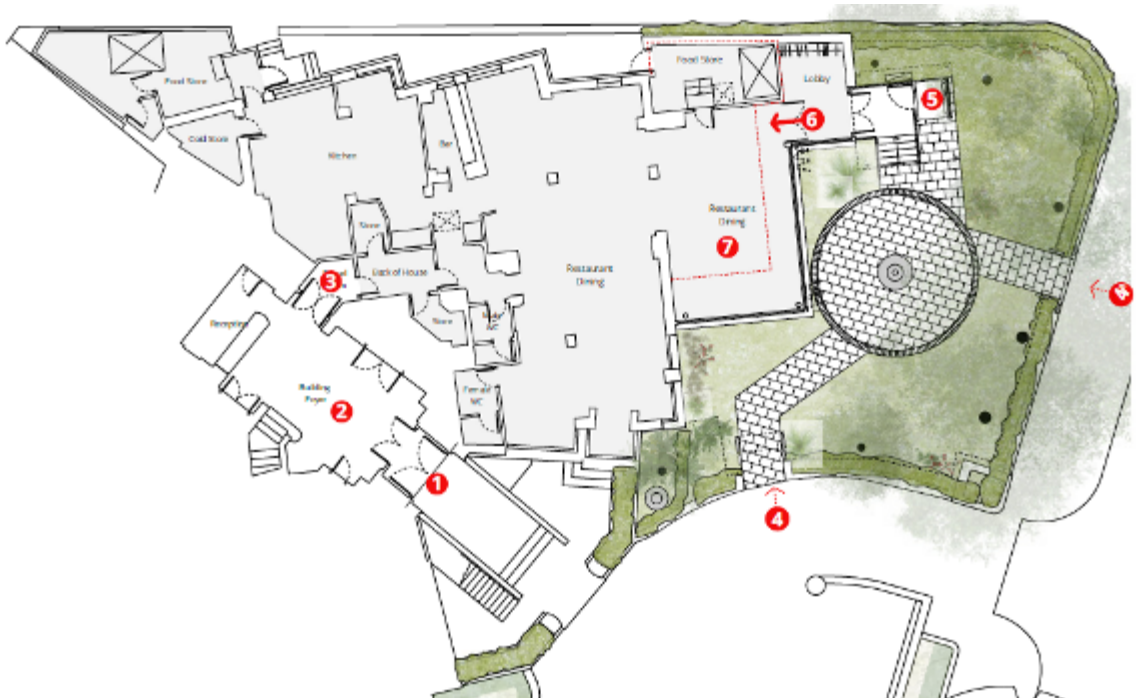
Proposed North Elevation



Existing Plan (Restaurant Proposals)



Proposed Plan (Restaurant Proposals)



Proposed East Elevation Showing Restaurant Extension



Proposed Elevation of Restaurant from with Garden



New brickwork to match existing

New Platform Lift

Ventilation Grilles

Image of Roof Extension and Materials



Existing (top) and Proposed (bottom) View from Regent's Park



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



Existing



Proposed

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



DRAFT DECISION LETTER – 21/06285/FULL

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

Proposal: 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)

Reference: 21/06285/FULL

Plan Nos: Existing:
296_PL: 001; 002; 103; 104; 110; 111; 112; 113; 114; 115; 116; 120; 121

Proposed:
296_PL: 200 D; 201; 202; 300 B; 301 B; 302 B; 303 B; 304 B; 305 B; 306 A; 310 A; 311 A

For information only:
Fire Safety Letter, Fire Statement, Fire Safety Strategy dated January 2023; Fire plans E1-001; P1-001; Noise Impact Assessment Rev 03 03/09/21; Noise Addendum Rev 01 13/12/21; Planning Statement dated September 2021; Benefits Summary received 11 October 2022; Design and Access Statement dated September 2021 and Supplementary Architectural Design Statement dated September 2022 Rev E; Heritage Assessment and Supplementary Heritage Note received 11 October 2022; Pre-Planning Report P03-28 September 2022; Energy Statement dated Feb 2022; Predicted Operational Energy Assessment dated 18 Feb 2022; Daylight and Sunlight Report Rev 3; Daylight and Sunlight Letter dated 26 July 2023; Statement of Community Involvement dated 2 September 2021 and 16 September 2022; Outline Construction Management Plan dated Sept 2021; MEP Serviced Concept Report dated August 2021; Transport Statement dated September 2021; Greengage Letter dated 8 October 2021; Tree Survey and AIA dated January 2022.

Case Officer: Kimberley Davies **Direct Tel. No.** 020 7641 07866036948

Recommended Condition(s) and Reason(s)**Reason:**

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).

Reason:

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'.

Reason:

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).

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 so far as practicable. 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, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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311 A

For information only:
Design and Access Statement dated September 2021 and Supplementary Architectural Design Statement dated September 2022 Rev E; Heritage Assessment and Supplementary Heritage Note received 11 October 2022.

Case Officer: Kimberley Davies

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