

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 January 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	2 Melina Place, London, NW8 9SA		
Proposal	Alterations to the existing building including side and rear extensions at ground and first floor, rebuilding of rear extension and creation of basement and lightwells and associated works.		
Agent	Mrs Faye Wright		
On behalf of	Mr Fabien Pinault		
Registered Number	22/03593/FULL	Date amended/ completed	23 October 2023
Date Application Received	30 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

Permission is sought for the excavation of a basement with lightwells, and extensions to the rear and side of this semi-detached single family dwellinghouse. The building is not listed but lies within the St John's Wood Conservation Area. The proposals were amended during the application to reduce the size of the basement, to make design changes and to respond to the arboricultural officer's concerns. The revised proposals were subject to further consultation with neighbours.

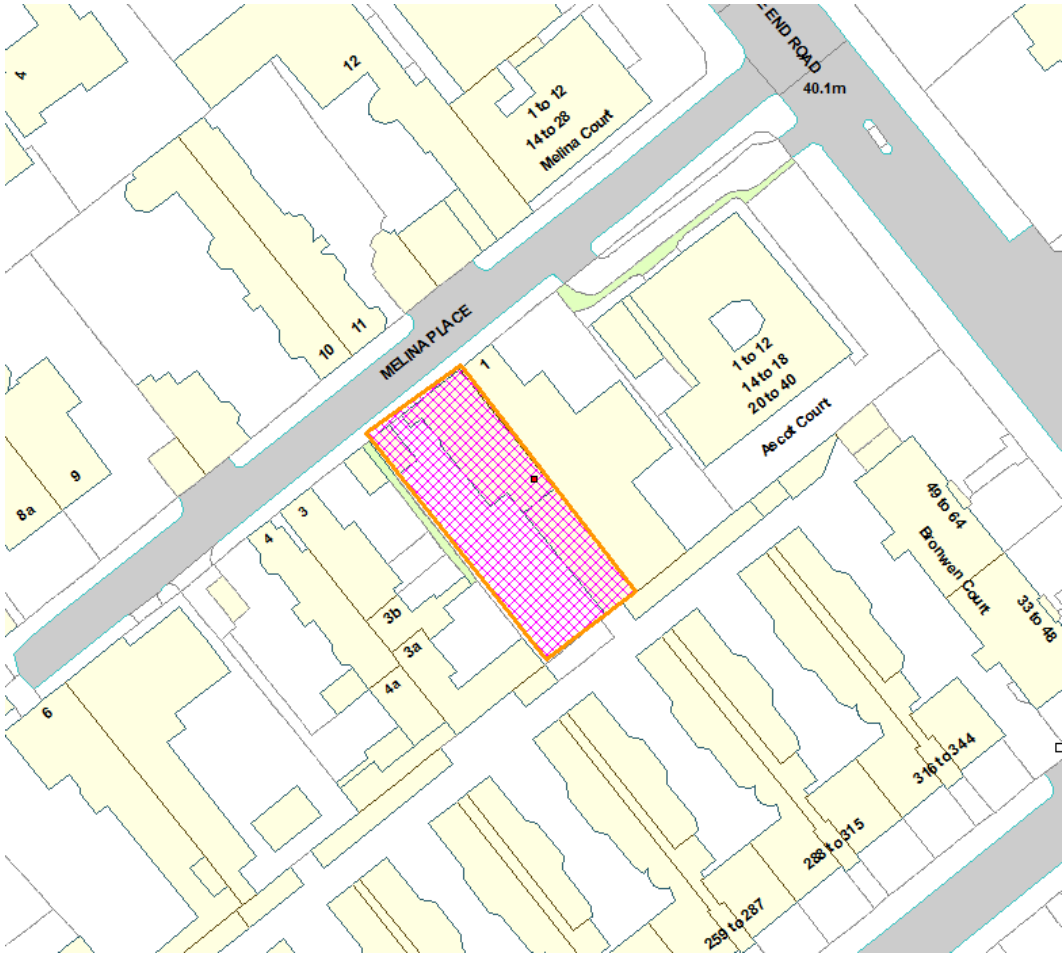
Representations of objection have been received from neighbours and St Johns Wood Society primarily on the grounds of harm to trees and the impact of basement and construction works on residents in Melina Place which is a cul-de-sac.

The key considerations in this case are:

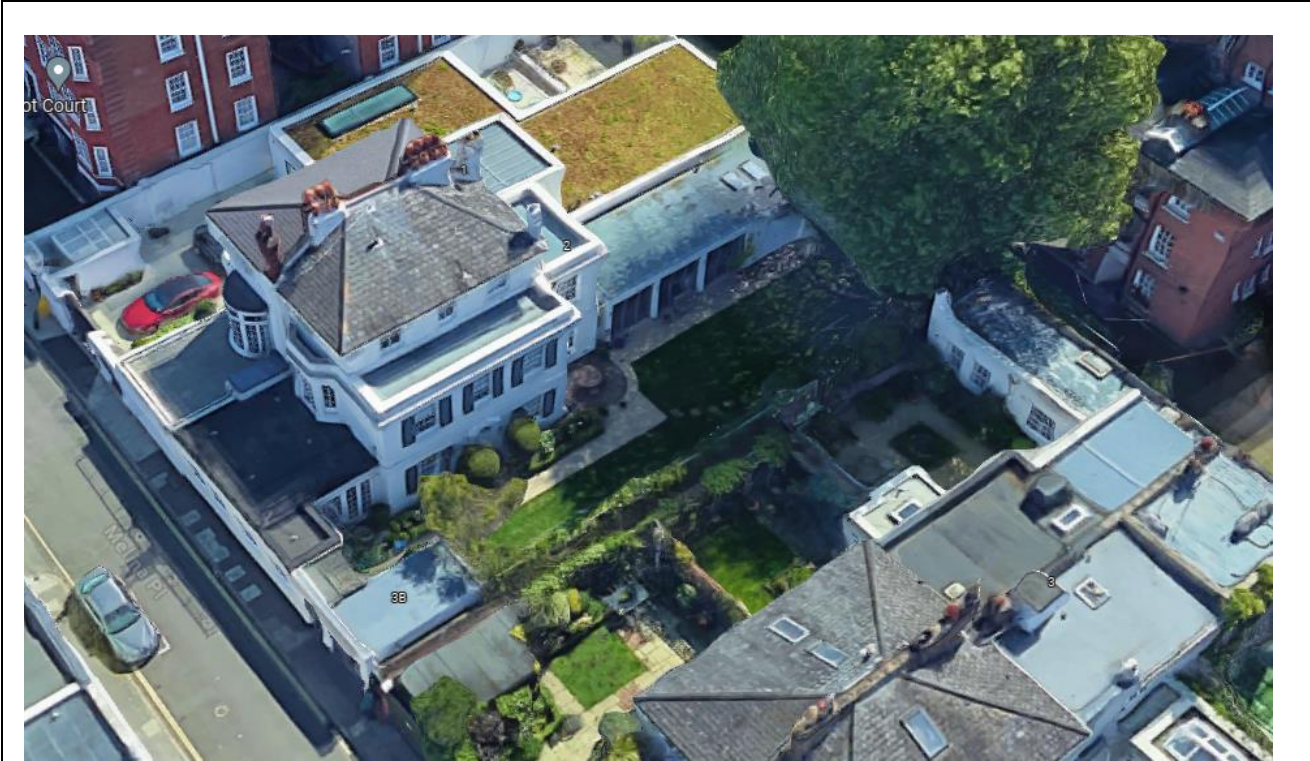
- The acceptability of the proposed works in design terms.
- The impact of the proposal on the character and appearance of the St Johns Wood Conservation Area.
- The impact on the amenity of neighbouring residential properties.
- Impact of the proposal on trees.

The proposed development is considered to be acceptable and would accord with policies within Westminster's City Plan 2019 – 2040 (April 2021).

3. LOCATION PLAN



4. PHOTOGRAPHS



Aerial view of 2 Melina Place



View of front of property from Melina Place



View from garden of property showing existing rear extension

5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION DATED 27 JUNE 2022

ST JOHN'S WOOD SOCIETY

Objection raised. The proposal does not comply with the City Council's basement policy and lightwells are oversized. The society requests that all Melina Place residents are consulted on a Construction Management Plan to ensure that their amenity is protected as much as possible during excavation and construction, given that access to 2 Melina Place is via a narrow cul-de-sac which also provides the sole means of access for all other residents of Melina Place. An additional request is made that there is a restriction on hours of working on Saturdays, as restricted for works at 12 Melina Place, given the secluded, quiet, residential nature of Melina Place. Concerns also raised on tree grounds.

ARBORICULTURAL SECTION

Objections originally raised on tree protection grounds but as a result of revisions no further objections area raised. For completeness the comments are set out below:

1st Memo 22.07.2023

Objection and recommend refusal of planning permission on the grounds of the likely loss of or significant damage to the London Plane Tree (T1)

2nd Memo 13.10.2023

Objection still on the likely loss of or significant damage to the London Plane Tree (T1)

3rd Memo 24.11.2023

Objections continued to be raised and recommend refusal of planning permission on the grounds of likely loss of or damage to T1 and the inadequacy of the information provided to demonstrate the likely impact of the proposal on the tree.

4th Memo 18.01.2023

Comments made that the trial excavation demonstrates no roots form London plane have been found where proposed lightwell located however further trial pits required along full length of proposed basement. Also, full details of tree protection required because of extent of construction in rear garden.

5th Memo 19.10.2023

Further to the receipt of additional information, no objection subject to conditions.

LEAD LOCAL FLOOD AUTHORITY

No response received.

ENVIRONMENTAL HEALTH

Objection.

Means of escape from bedrooms required to pass directly through kitchen in order to escape. Natural lighting and ventilation to basement habitable rooms only acceptable on the basis they are part of a single family dwelling. Ground floor staff bedroom should be

provided with openable window for ventilation. Pre-commencement land contamination condition requested.

BUILDING CONTROL

No objection. The Construction Method Statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using a combination of Contiguous plies and RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 102

Total No. of replies: 5

No. of objections: 5

No. in support: 0

5 objections received on some or all of the following grounds:-

Principle of basement:

- overdevelopment

Trees:

- concern regarding loss of ornamental cherry tree
- impact on London Plane tree

Construction Impact:

- request restriction on Saturday construction works
- no Construction Management Plan submitted with application
- concern regarding basement construction disruption in cul de sac including traffic congestion, parking and access
- impact of basement construction on small cul de sac

Other:

- consultation procedure - a number of properties within Melina Place state they were not consulted

PRESS NOTICE/ SITE NOTICE:

Yes

RECONSULTATION DATE 25 OCTOBER 2023

Revisions made in relation to reduction in size of basement size, detailed design, sustainability credentials, drainage strategy, arboricultural details and omission of garden pergola.

ST JOHN'S WOOD SOCIETY

Objection still continued to be raised and the society comments that the basement still

does not appear to accord with the basement policy. That this is a poorly constructed and confusing application which does not adequately highlight the proposed amendment. In addition a reiteration of the concerns with regards to access and construction impact to neighbours is made. The original requests for no Saturday working are continued to be made.

The society comment that they are grateful that the arboricultural manager has been consulted and continues to be involved to ensure that no trees of amenity value are harmed or lost as a result of the proposed works and assurance need to be made that the comments of the arboricultural officer have been fully addressed.

LEAD LOCAL FLOOD AUTHORITY

No objection subject to condition

BUILDING CONTROL

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 102

Total No. of replies: 3

No. of objections: 3

No. in support: 0

3 objections received (from neighbours who also responded to the original consultation) on some or all of the following grounds:

Design:

- Impact on character of Conservation Area and existing architectural and historic character of the area

Amenity:

- Privacy and overlooking
- Impact on light and overshadowing especially from first floor extension

Environment:

- Impact on water table

Construction Impact:

- Saturday working should not be allowed in order to protect residents from construction impact
- Construction impact
- Traffic impact during construction
- No construction Management Plan
- Structural Impact of basement

Other

- The residents of No6 state they were the only property in Melina Place not consulted

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to this proposal however the applicant did engage with officers through its pre-application advice service.

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) (September 2023) 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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

2 Melina Place is an unlisted semi-detached house comprising a ground and two upper floors situated within St John's Wood Conservation Area. The property has a garden to the side and rear containing a number of trees. The property is located on the south side of Melina Place, a cul-de-sac off Grove End Road. To the southern boundary of the site is situated 3a Melina Place which is in the same ownership as 2 Melina Place and have unobstructed views of each other. The cul-de-sac consists of a number of detached and semi detached single family dwellings the occupiers of some of which have submitted objections to the proposals. The site is within the Maida Vale Surface Water Flooding Hotspot.

7.2 Recent Relevant History

No relevant history.

8. THE PROPOSAL

Planning permission is sought for works to extend the house involving the following;

- Excavation of basement largely under the existing main building and part of the garden including the creation of lightwells to the side of the main building,
- Demolition and rebuilding of the single storey rear extension at ground floor level including a green roof,
- Extension to rear first floor level to line up with building line of No1 at that level,
- Side extension at ground floor level including replacement of existing garage and pergola structure between main house and garage,
- Semi circular rotunda extension to side elevation.

The application has been amended during the course of consideration. The amendments involved the reduction in basement size, change to detailed design, omission of the garden pergola and amendments to sustainability credentials, drainage strategy and arboricultural details.

Other amendments made include the reduction in the size of the basement to allow the addition of a margin of undeveloped land along the south west boundary, the reduction in depth of the basement and the amendment of the Flood Risk Assessment to omit the proposed drainage attenuation tank.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposal would extend this single family dwellinghouse This would accord with Policy 8 of the City Plan.

9.2 Environment & Sustainability

Sustainable Design and Energy Performance

A sustainability report has been submitted with this householder application. The proposal has been designed following the Energy Hierarchy set down by the London Plan and a Lean Clean, Green approach to assessing energy and thermal comfort needs has been adopted. This shows the development is set to achieve an overall improvement in regulated emissions of 34% over the Part L 2021 of Building Regulations standard and a reduction in overall emissions at over 30%. Passive design measures include large areas of glazing to the main living areas within the new extension to optimise internal daylight and introducing useful thermal gain whilst avoiding the peak Southern sun, glazing to bedroom and bathroom areas being reduced to reducing heat losses, replacement glazing with low g value to minimise internal heat gains from the key southern elevation, use of semi reflective blinds to assist in reducing unwanted solar gains, the use of low energy lighting, taking advantage of the existing brick structure and solid floors to assist in the regulation of heat within internal spaces, and the green roof installations which will assist local evaporative cooling.

Photovoltaic panels are proposed on a section of the rear ground floor extension. These renewable energy features are welcomed subject to details being acceptable in design and conservation terms. A condition is recommended requiring their provision and the approval of their detailed design.

It is considered that the proposal meets the requirements of Policy 36 and 38 (Parts D, E and F).

Flood Risk & Sustainable Drainage

The site is located within a surface water flooding risk hotspot. A Flood Risk Assessment (FRA) and SuDS Report has been submitted with the application. The City Council as the Local Flood Authority were consulted on the application however although they state that due to its size, location and type of development the application did not meet the threshold requirements for them to respond and there was no know local flood risk to the proposed development they suggested a condition that the development is in accordance with the submitted FRA.

SuDS measures are proposed to reduce the surface water runoff from the site as much as is practical. These include a green roof and permeable paving. The FRA originally proposed a geocellular attenuation tank located under the garden lawn however the FRA has been amended to omit this because it was located within the root protection area of the Plane tree located to the rear of the site. Because the extensions are largely replacements of existing ones and apart from lightwells and a small area the basement is beneath the existing footprint of the building, there is not a substantial increase in the area occupied by development within the site therefore the green roof and permeable paving is considered to ensure the development meets Policy 35 of the City Plan.

Land Contamination

The City Councils Environmental Health Team have stated that there is the potential for contamination in the made ground and from historical land uses adjacent to the site and have consequently advised that a Pre-commencement Contaminated Land condition be imposed to make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future.

9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

The proposal includes the installation of a green roof on top of the replacement rear extension. It is considered that the proposal meets Policy 34B of the City Plan for a development of this scale.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Furthermore Chapters 12 and 16 of the NPPF require 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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Section 58B of the Act requires in relation of certain specified heritage assets that special regard be had to the desirability of preserving or enhancing the asset or its setting. Specified assets include, amongst others, scheduled monuments, gardens or other areas of land included in a register maintained by the Historic Buildings and Monuments Commission for England, and World Heritage Sites.

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

The building is unlisted building of merit which makes a positive contribution to the character and appearance of the conservation area. Whilst set behind a tall boundary wall which fronts the street, the building is a valuable historic building.

Extensions

This two storey rear extension will add an additional bay to the host building in a matching style. This will largely match the massing of the adjacent building and it is therefore considered acceptable.

The single storey rear extension has been set back level with the host building and has an improved relationship with the corner of the host building.

The introduction of a semi-circular rotunda on the side elevation is considered acceptable.

The replacement extensions to both sides of the main house are considered adequately subservient. Details of new external windows and doors, rooflights and the pergolas have been secured by condition. A sample of the Portland stone cladding for the extension has also been secured by condition to ensure that it will complement the stucco finish on the main house.

Basement

The external manifestations for the new basement, which has been reduced in size from what was originally proposed, include a lightwell behind the garage and a lightwell flanking the main entrance to the house. These are considered to be discreetly sited and

not to harm the appearance of the building or the townscape.

Street Facing Elevation

The proposal to remove one window and replace with render is considered acceptable and helps to improve the relationship of the building with the street.

Conclusion

For the reasons above, the proposals are considered to comply with City Plan policies 38-40 and are acceptable in design and townscape terms.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 33 aims to minimise local environmental impacts of development. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

Daylight & Sunlight and sense of enclosure

An objection to the second consultation has been received on the grounds of the impact on light and overshadowing especially from the first floor extension.

Impact to 1 Melina Place

The first floor extension would line up with the height and projection of the first floor of the neighbouring property, No 1 Melina Place, therefore would result in no significant loss of sunlight/daylight or increased sense of enclosure to that property. Its limited size and distance from other properties would mean that it would also have no significant impact on other neighbouring properties.

Impact to 3 Melina Place

The replacement rear extension would abut the rear extension of No1 for its entire length along the boundary between the two properties and would be below the rear boundary height. The replacement garage would be marginally higher than the existing garage building however because of the distance to the nearest windows facing the development at No 3 Melina Place and the limited height increase it would cause no significant loss of sunlight/daylight or increased sense of enclosure to this property.

Privacy

An objection has been received on the grounds of the proposals impact on privacy and overlooking.

The windows to the ground floor extensions would be within existing fenestrated elevations and largely replicate the existing situation facing into the garden of the property. The window to the first floor extension would simply replicate the existing window at rear first floor level albeit in the new building line projecting approximately 2 metres further back. The proposal is not considered to result in any significant increase in overlooking or loss of privacy to neighbouring properties.

9.6 Transportation, Accessibility & Servicing

The proposal has no transportation or highways impact.

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.

9.8 Other Considerations

Basement

A number of objections from neighbours and St John's Wood Society have been received in relation to the construction impact of the proposals. Specifically, these objections and comments include a request for a restriction on Saturday construction works (as was imposed on the permission for works including a basement at 12 Melina Place in 2016), an objection to no Construction Management Plan being submitted, concern regarding construction disruption in a cul-de-sac including traffic congestion, parking and access.

Policy 45 of the City Plan relates to basement development.

Part A is concerned with flooding, construction impact, structural matters and design and heritage impact. A structural statement has been submitted with the application. Building Control have assessed this and stated that it is acceptable. They have also confirmed that the amended reduced size basement is also acceptable in terms of its structural impact. The Construction Method Statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using a combination of Contiguous piles and RC underpinning which is considered to be appropriate for this site. The proposals are considered to comply with Part A,1 of the policy and the objections received on the construction method and flooding can therefore not be sustained.

Part A,2 of the policy seeks to safeguard adjacent properties during the course of construction. As noted above a number of objections from neighbours and St John's Wood Society have been received in relation to the construction impact of the proposals.

A signed pro forma Appendix A, in relation to the City Council's Code of construction Practice has been submitted with the application. A condition requiring evidence that any implementation of the scheme will be bound by the council's Code of Construction Practice is recommended. This has been the method to reduce the potential amenity impacts of basement construction works since the council's adoption of the (CoCP) at the end of July 2016. The objections received on the grounds of congestion, noise and access during construction works can be monitored and controlled through the CoCP and this is considered the most appropriate method for this application as opposed to

the Construction Management Plan requested by some objectors.

It is also recommended that the Council's standard condition regarding construction noise is added to any permission. This includes a restriction preventing piling, excavation and demolition work on Saturdays. This together with the CoCP is considered the most appropriate way of controlling noisy works and preventing disturbance within anti-social hours. The proposals comply with Part A,2 of the policy.

As addressed in the design and heritage section of this report, the proposals are considered acceptable in conservation and design terms and the lightwells are discreet. The proposals comply with Part A 3-4 of the policy.

Part (B) Policy 45 relates to the design and scale of basement excavation development. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The St Johns Wood Society have raised concerns that the proposed basement does not fully comply with the council's basement policy.

The proposed basement is to be excavated largely beneath the footprint of the building. Where it extends beyond the footprint it has the required 1.2m of soil and drainage depth provided above the basement slab. Although the depth of the basement storey would be marginally greater than the approximate 2.7m floor to ceiling height recommended in the supporting text of Policy 45 at approximately 3.7-3.9m, this depth is to help practically achieve the required soil and drainage layer and will accommodate internal mechanical ventilation and servicing. The internal floor to ceiling height of the whole basement will be 2.7m. In this case is considered to comply with the basement policy. The basement would be below less than 50% of the garden. The basement would be located beneath the footprint of the building at the boundary with No 1 Melina Place and front boundary where no margin of undeveloped land would be required. A margin of undeveloped land is maintained along the boundary with the access passage to 3a Melina Place where one of the lightwells is situated and it would be located over 15 metres from the rear boundary. The proposal does not encroach on the highway. No archaeology report is required as the site is located outside of an Archaeological Priority Area. The proposals are considered to comply wholly with Part B of the policy.

The proposals are therefore considered to be consistent with the council's basement policy.

Trees

There are two trees in the garden of 2 Melina Place, a large mature London plane tree and a small to medium sized cherry tree. These trees are protected by virtue of being within the St Johns Wood Conservation Area. The cherry tree is proposed to be

removed to facilitate the proposal and the London plane is intended to be retained.

The originally proposed scheme was considered unacceptable by the City Council's Arboricultural officer due to the likely impact on the mature plane tree. However, following the significant reduction in size of the basement and the provision of details of tree protection methods proposed during construction the arboricultural officer raises no objection subject to tree protection conditions. It is considered the proposal is acceptable in terms of its impact on trees subject to any permission including these conditions.

Objections have also been made at the loss of an ornamental cherry tree as a result of the proposal. The arboricultural officer has stated that the proposed removal of this tree is regrettable but could be considered acceptable due to its relatively small size and limited wider amenity value.

Other Issues

An objection was received that several properties in Melina Place were not consulted on the proposals. As a result, the initial consultation was extended to cover the other properties in Melina place. These properties were also included in the second consultation for the amended proposals.

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 Westminster CIL payment is £120,626.57, whilst the estimated Mayoral CIL payment is £14,278.92 (prior to any relief). 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 conditions to secure the following

- Applicant adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development

- Arboricultural Method Statement and Tree Protection Plan
- Site investigation for land contamination.

The applicant has agreed to the imposition of the condition.

10. Conclusion

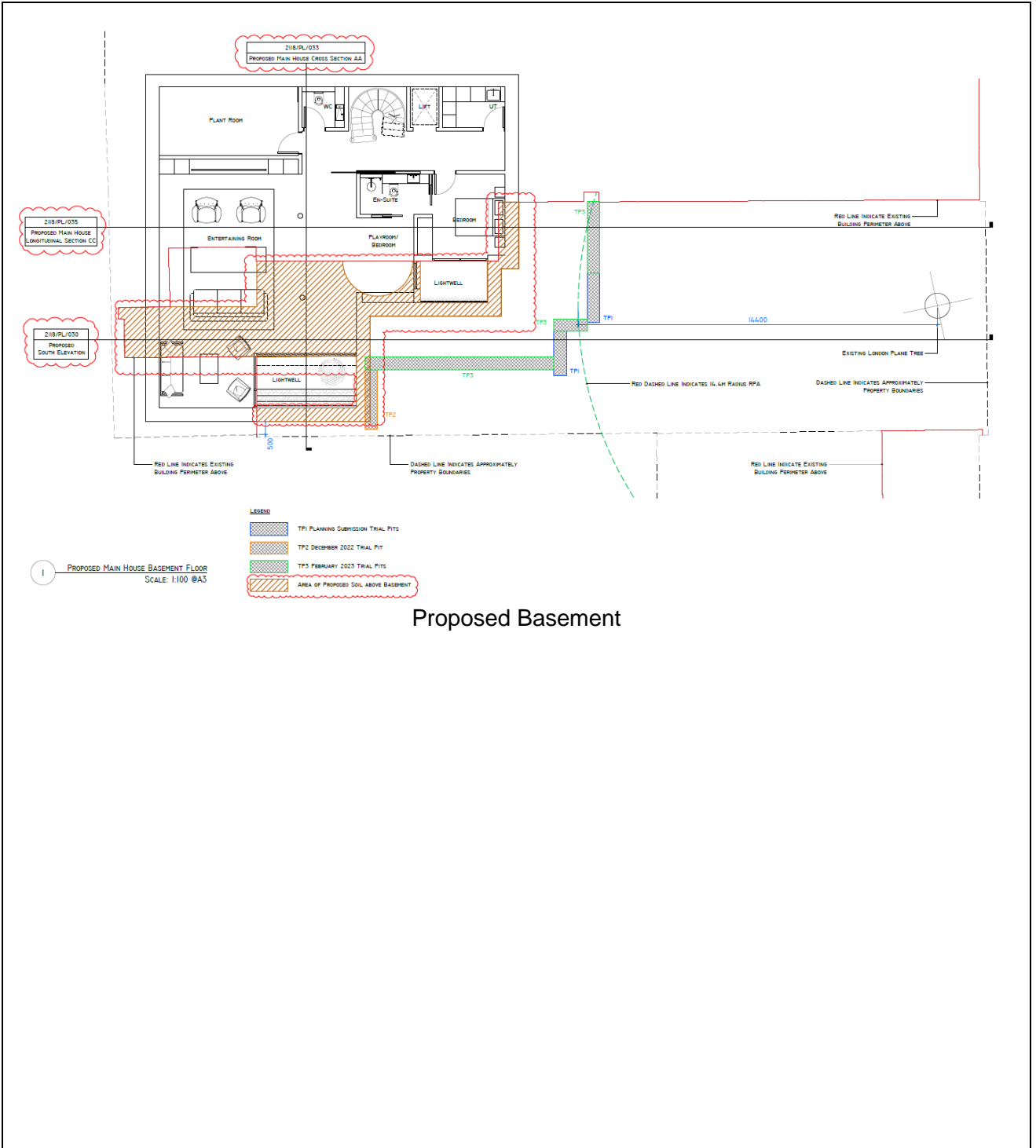
Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in amenity, design, conservation, sustainability and arboricultural terms. The proposed extensions and alterations are considered to protect the character and appearance of this building and of the St John's Wood conservation area.

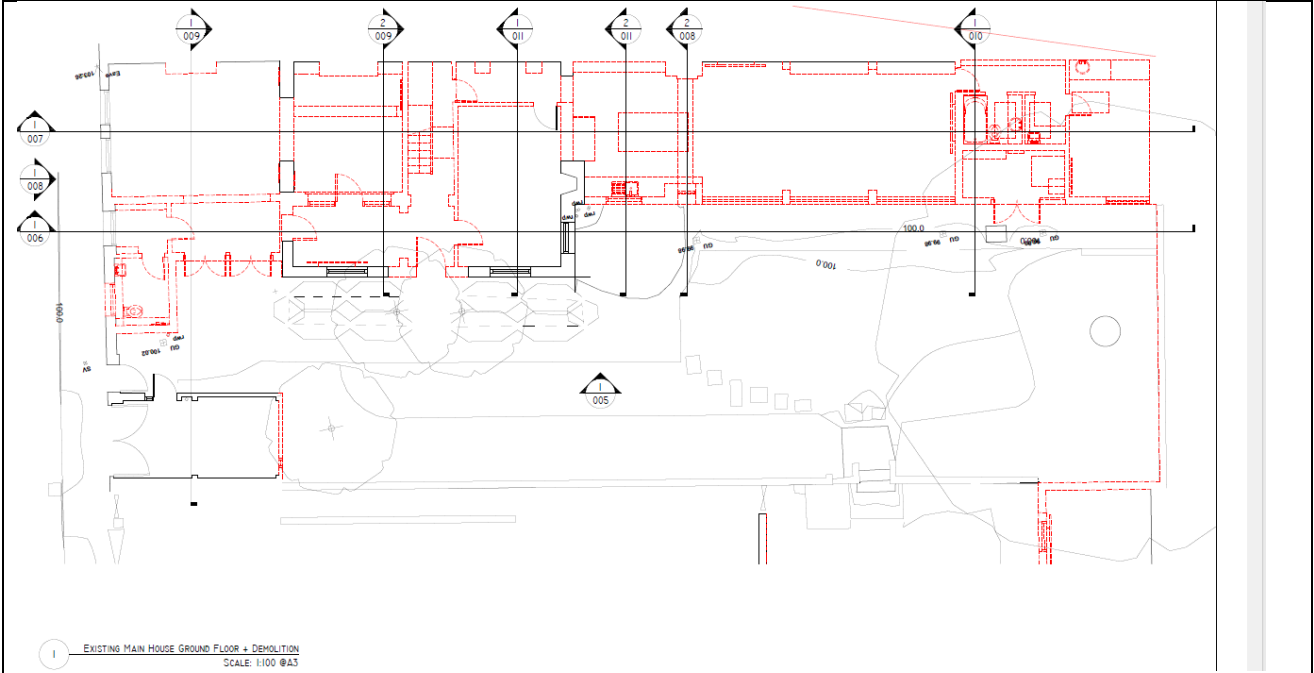
As such, the proposal is considered acceptable, mindful of policies 7, 8, 34, 36, 38, 39, 40 and 45 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings 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

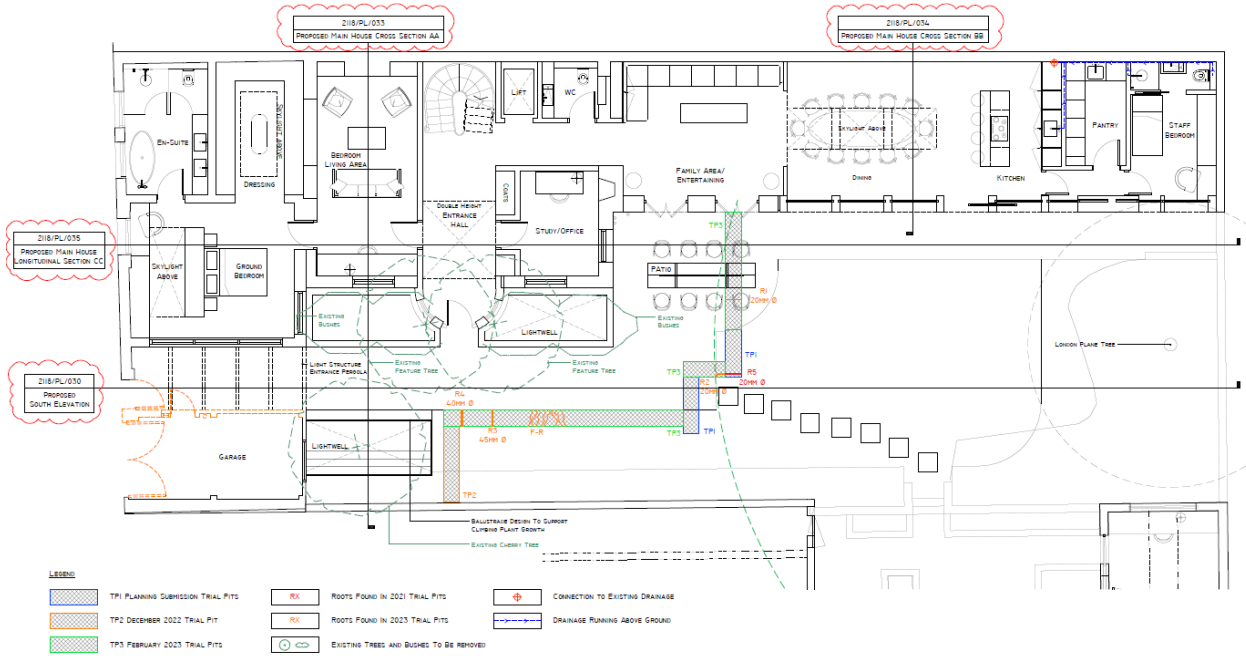
11. KEY DRAWINGS





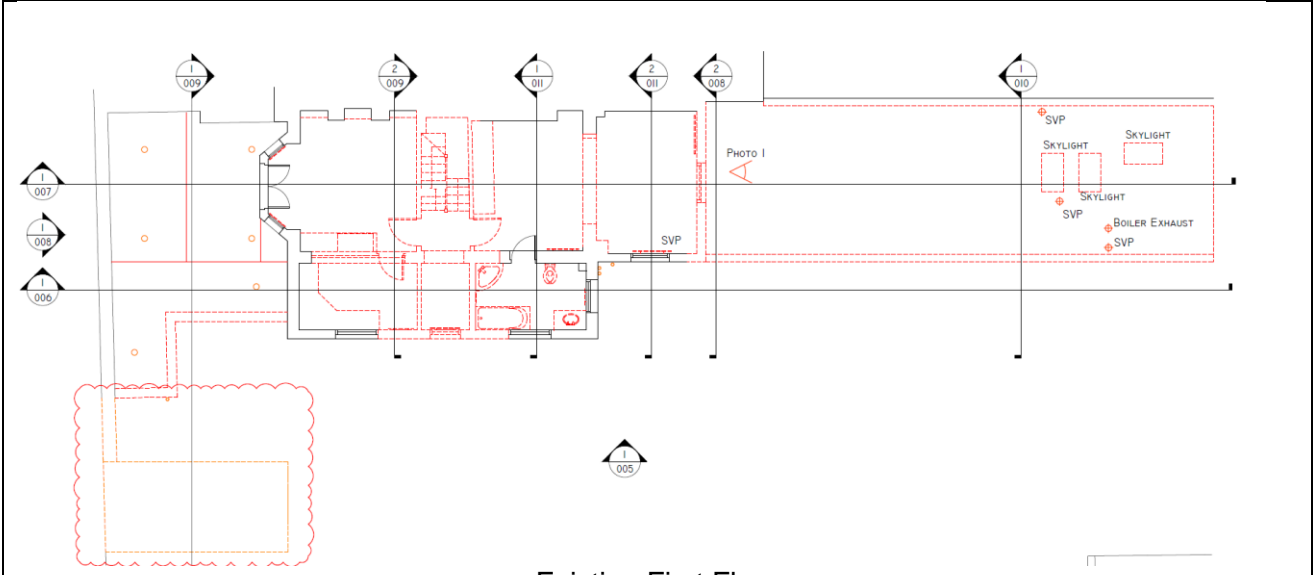
1 EXISTING MAIN HOUSE GROUND FLOOR + DEMOLITION
SCALE: 1:100 @A3

Existing Ground Floor

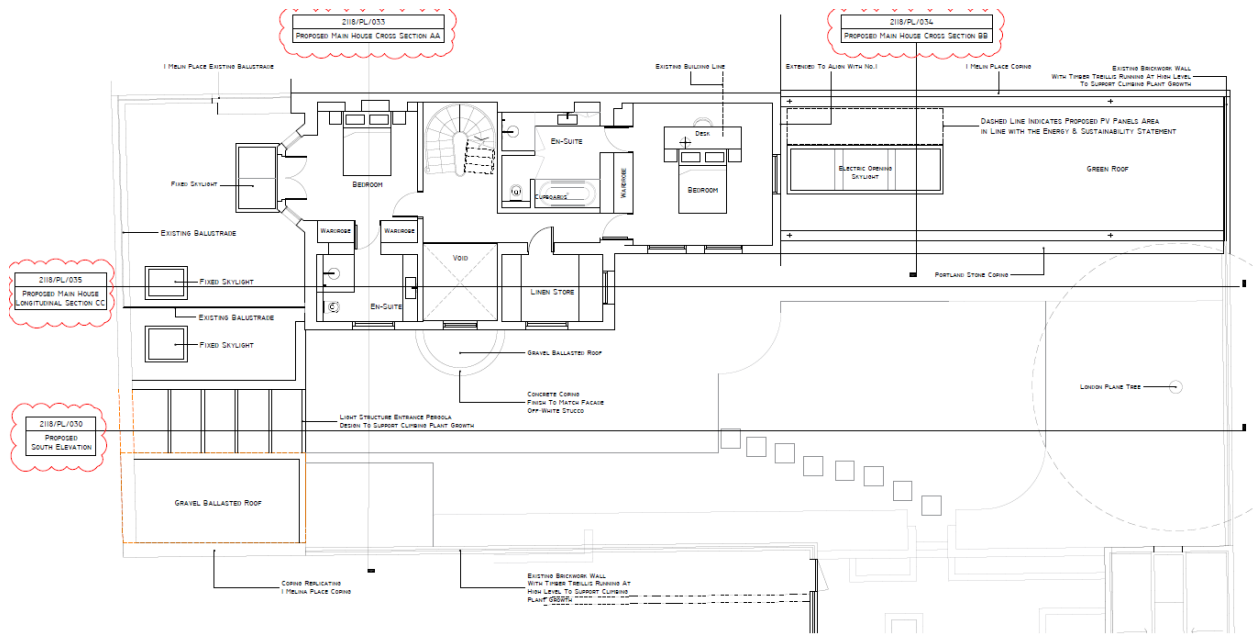


1 PROPOSED MAIN HOUSE GROUND FLOOR PLAN
SCALE: 1:100 @A3

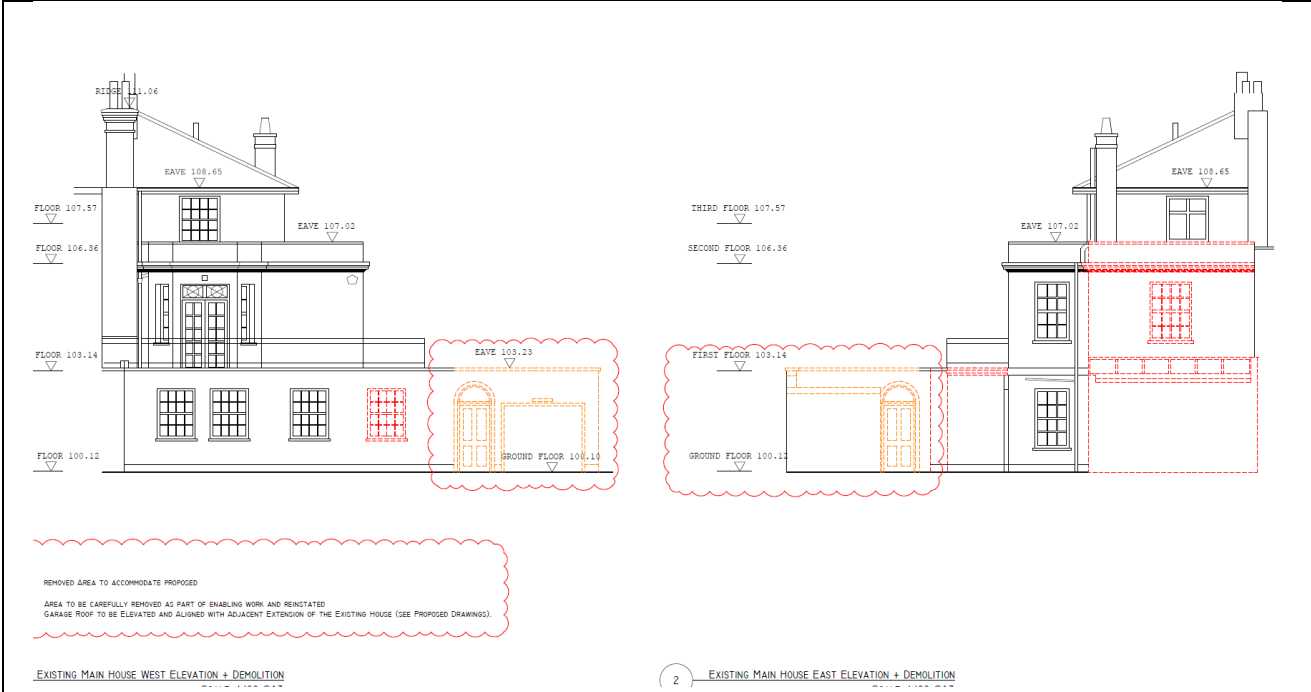
Proposed Ground Floor



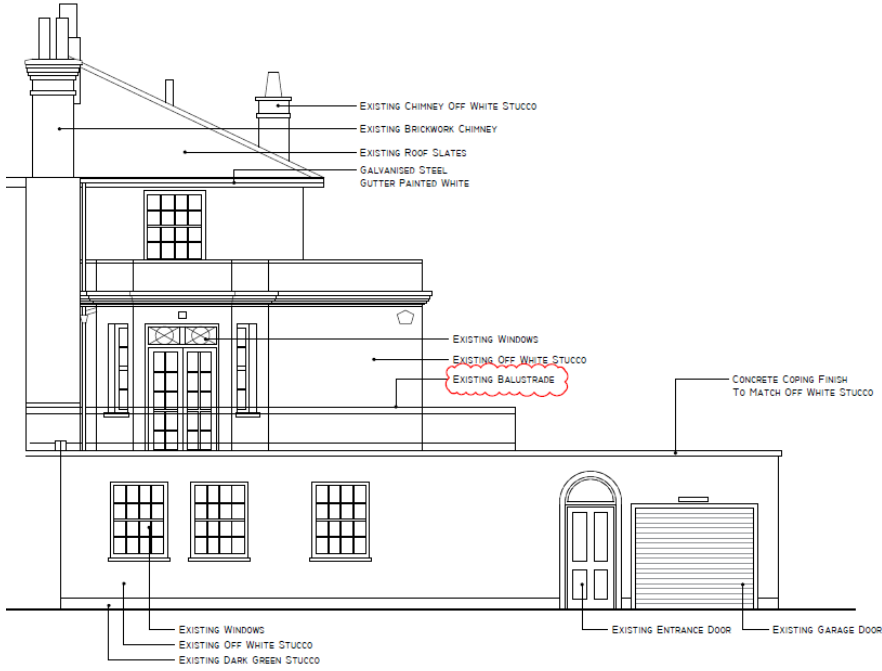
Existing First Floor



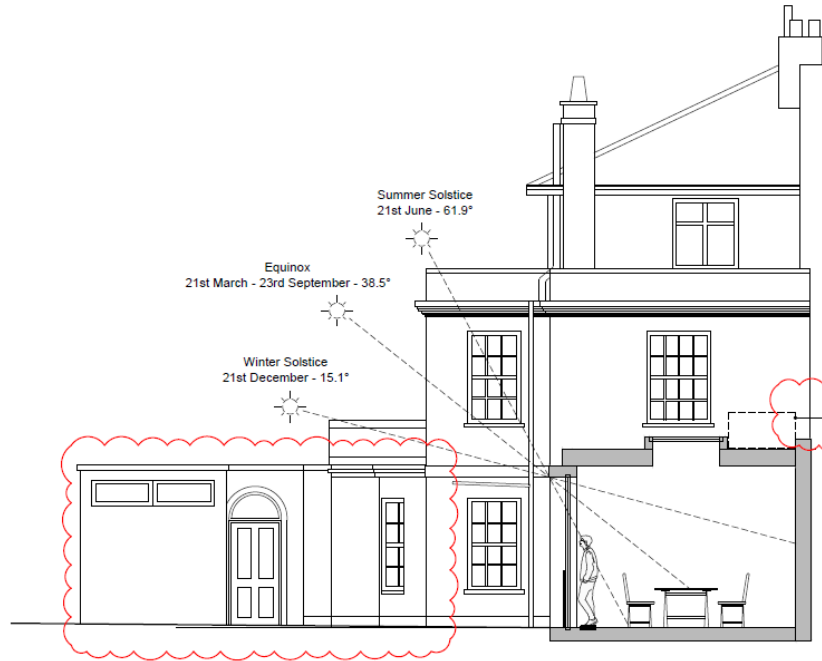
Proposed First Floor



Existing West and East Elevations



Proposed West Elevation



Note: Equinox and solstice angles are based on a location of latitude 51°-London-



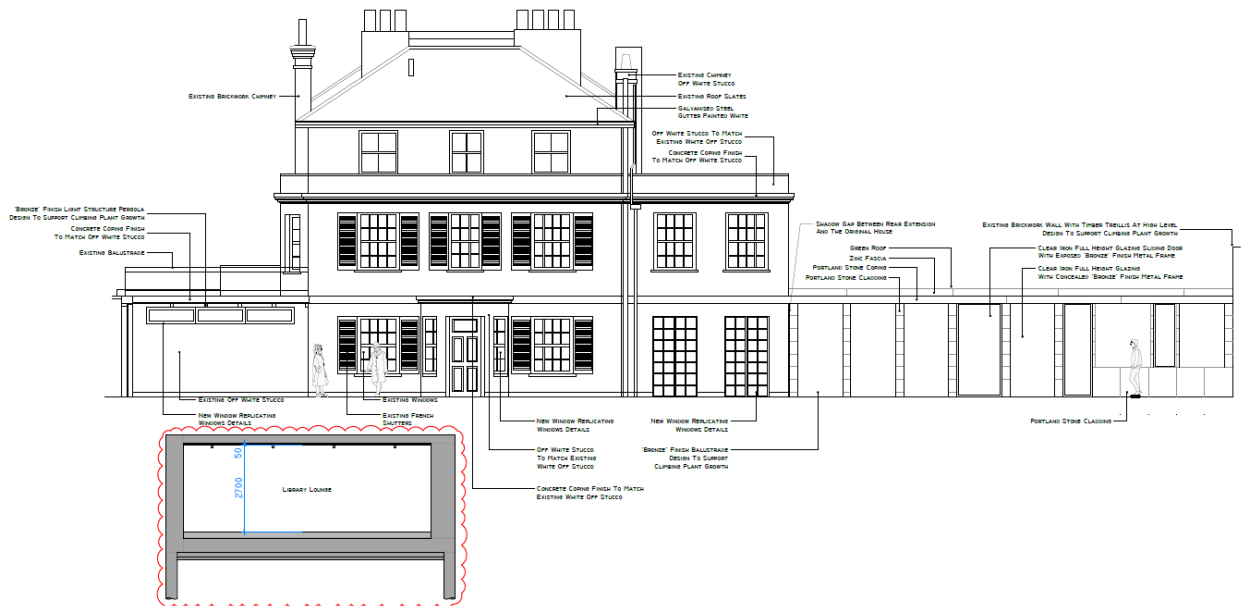
PROPOSED MAIN HOUSE EXTENSION CROSS SECTION BB THROUGH ROOFLIGHTS

SCALE: 1:100 @A3

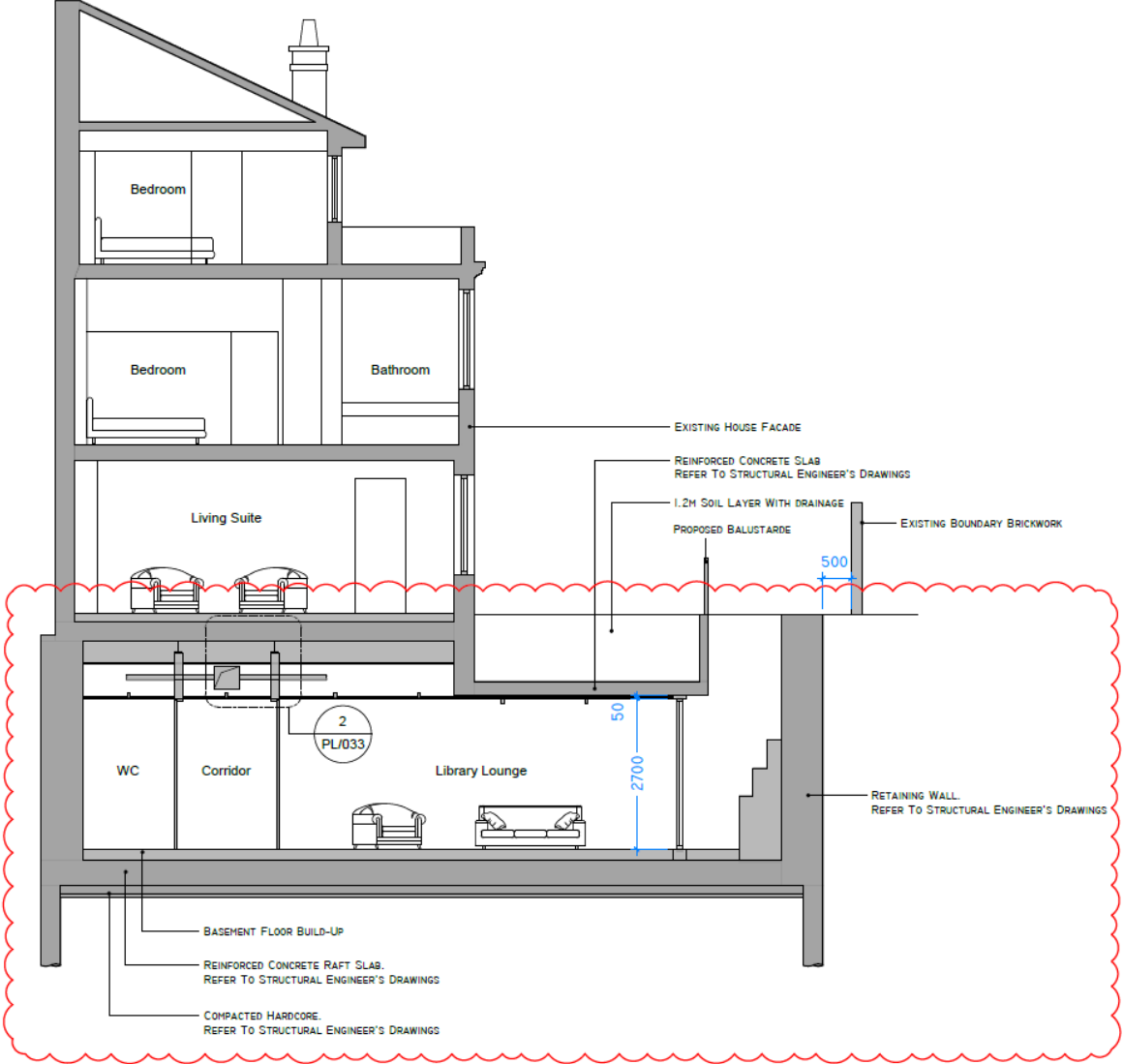
Proposed Section also showing east elevation



Existing South Elevation



Proposed South Elevation



Proposed Section through main House and basement

DRAFT DECISION LETTER

Address: 2 Melina Place, London, NW8 9SA

Proposal: Alterations to the existing building including side and rear extensions at ground and first floor, rebuilding of rear extension and creation of basement and lightwells and associated works.

Reference: 22/03593/FULL

Plan Nos: 2118/PL100; 2118/PL110; 2118/PL001A; 2118/PL002B; 2118/PL003A; 2118/PL005; 2118/PL006B; 2118/PL007B; 2118/PL008B; 2118/PL009A; 2118/PL010B; 2118/PL011B; 2118/PL020F; 2118/PL021L; 2118/PL022F; 2118/PL023D; 2118/PL030E; 2118/PL032A; 2118/PL033D; 2118/PL034A; 2118/PL035; Design and Access Statement; Planning Statement; Basement Impact Assessment (for information only), Construction Method Statement (Trees) MS01 P3 dated 03.10.2023; Energy and Sustainability Statement dated 28th November 2023; Flood Risk Assessment and SuDs Report;

Case Officer: Richard Langston **Direct Tel. No.** 020 7641 07866036470

Recommended Condition(s) and Reason(s)

- 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 **Pre Commencement Condition.** Prior to the commencement of any: , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

- 4 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of photographic samples of the Portland stone facing material and glazing that you will use. 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 work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of plans and elevations 1:20 / sections 1:10 of the following parts of the development - any new external windows and doors, rooflights and the entrance pergola. 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 approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 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 Roof, , You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 8 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 9 You must apply to us for approval of the PV panels on the roof of the ground floor rear 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 and you must provide, maintain and retain these energy efficiency measures before you start to use any part of the development, as set out in your application., , You must not remove any of these features.

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) and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021)

- 10 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment SuDs Report unless otherwise first approved in writing by the Local Planning Authority.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 11 You must not use the roof of rear ground floor extension of the roof of the first floor rear extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 12 You must apply to us for approval of an arboricultural method statement and tree protection plan explaining the measures you will take to protect the trees on and close to the site. The information you submit to satisfy this condition must be site specific and must be informed by and include the construction methodology, site setup and sequencing detailed within the Construction Method Statement MS01 P3 dated 03.10.2023 provided by geostructural solutions. 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.

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)

- 13 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:

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 1 year 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 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

- 14 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

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 Please be advised that the photo of the Portland stone sample should demonstrate that the proposed stone is not too 'shelly' (not have lots of inclusions) in comparison with the stucco facing on the existing main house.

- 3 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
- 4 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)
- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 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.**
- 7 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2

developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

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.