

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	12 Melina Place, London, NW8 9SA		
Proposal	Details of Construction Management Plan pursuant to Condition 3 of planning permission dated 12 December 2012 (RN: 12/03803).		
Agent	Pegasus Group		
On behalf of	Mr & Mrs Lewis		
Registered Number	15/05040/ADFULL	TP / PP No	TP/14056
Date of Application	05.06.2015	Date amended/ completed	06.10.2015
Category of Application	Non DCLG		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Approve details.





12 MELINA PLACE, NW8

2. SUMMARY

The application seeks approval of a detailed Construction Management Plan (CMP) pursuant to Condition 3 of planning permission for demolition of the existing front and rear extensions and garage and erection of new part one, part two storey extensions, alterations to the front boundary, excavation of a basement floor with lightwells, alterations to the side boundaries with Nos. 15 and 17 Grove End Road and Melina Court, associated external alterations and landscaping and removal of four trees and replacement tree planting, which was granted permission by the Planning Applications Committee on 12 December 2012 (RN: 12/03803).

The key issue in this case is the compliance of the CMP that has been submitted with the requirements of Condition 3 (a full copy of the submitted CMP is provided in the background papers). Condition 3 states that:

'No development shall take place, including any works of demolition, until a Construction Management Plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.'

The applicant has provided a detailed construction programme, with commencement of development planned for early December 2015, with completion occurring in February 2017. The programme provides a breakdown of the phases of development and identifies the type of work and deliveries which can be expected with each phase. Phase 1 comprises strip out between December 2015 and February 2016, Phase 2 between February and April 2016 comprises piling and beam formation for the new basement, Phase 3 between April 2016 and September 2016 comprises excavation works and construction of new extensions, and Phase 4 between October 2016 and February 2017 comprises fit out works and landscaping. Given the scale of the development and the permitted hours of work (under Condition 2 of the planning permission dated 12 December 2012), the construction programme is considered to be reasonable and is not unduly long. The noisiest works would be confined to the period between December 2015 and October 2016, after which fit out and landscaping works should not cause such significant disturbance to neighbouring residents. The CMP provides full contact details for the project manager who will be responsible for the management of the development and the applicant has undertaken to provide 24 hour contact details for the main contractor, the basement contractor, the site safety advisor and the contracts manager on a sign outside the site. The CMP sets out that the site manager will communicate regularly with neighbours via a newsletter so they are aware of construction progress. Accordingly part (i) of Condition 3 has been satisfied.

The submitted CMP confirms that the site will not provide parking for site operatives and contractors will be required to park in local pay and display parking spaces or in local car parks. Accordingly, site operatives and visitors would not adversely impact on the operation of the highway in Melina Place during construction works and the CMP therefore addresses the requirements of part (ii) of the condition.

Due to the limited width of Melina Place and because it is a cul-de-sac, the locations for loading and unloading of construction vehicles has been particularly contentious and has been the main aspect of the CMP that has attracted objection from neighbouring residents in Melina Place. The first two iterations of the CMP proposed the carrying out of loading and unloading of construction vehicles on the highway in Melina Place. However, in light of the significant weight of objection this arrangement received (see summarised concerns in Section 3 of this report), the applicant has revised the CMP so that all loading and unloading of construction vehicles will occur on-site. This is to be facilitated by the phased construction of the basement below the site, with the front section of the basement excavated below a pre-formed ground floor slab. Construction vehicles will still be required to reverse into Melina Place with the assistance of two banksmen, but the overall disruption to residents in Melina Place will be much reduced relative to the on-street loading and unloading arrangements set out in the earlier iterations of the CMP and the footpath along the north west side of Melina Place would not be obstructed during construction. The revised arrangements would not necessitate the removal of any existing street furniture in Melina Place.

In addition to the amended loading and unloading arrangements, in the latest iteration of the CMP the applicant proposes to limit construction vehicles visiting the site to between 09.00 and 16.30 hours to avoid obstruction to neighbours during busier periods of the day in the morning and late afternoon. For deliveries outside of these hours neighbours are to be given four weeks notice.

The applicant has undertaken to coordinate deliveries with the construction works ongoing at No.5 Melina Place to prevent congestion within Melina Place.

All plant and materials will be stored on site and not on the public highway. Due to the limited size of the undeveloped areas of the site, materials are to be organised to be delivered 'just in time' so as to minimise materials stored on site at any one time. This approach to storage is acceptable. Following the amendments that have been made to the CMP, it is now in accordance with part (iii) of the condition.

The CMP proposes the installation of a 2.4 metre high security hoarding with vehicular gates to the street frontage of the site. Following amendment of the CMP the hoarding would not extend on to the highway and the proposed hoarding is considered to be appropriate for a development site of this scale. A decorative display and public viewing facilities are not required for a residential development of this scale. As such, the requirements of part (iv) of the condition have been met.

Whilst wheel washing is not proposed (the vehicles will not be driven significantly on to the site), the CMP does provide an undertaking to sweep and wash down the highway outside the site in Melina Place on a daily basis to prevent an excessive build up of dust and dirt on the public highway.

The CMP provides a comprehensive set of measures for dealing with dust and dirt during construction works including use of monoflex sheeting, prompt removal of waste and materials from the site following their use, minimisation of drop heights, damping down, good maintenance of construction plant, covering of skips and dust extractors/dust suppression

equipment on powered tools and equipment. The CMP notes that an Environmental Advisor will brief site operatives on the measures to be taken on the site to manage the suppression of dust and dirt. These measures are considered to be sufficient to comply with part (v) of the condition.

A licensed waste carrier will be appointed to handle all waste from the site, with waste segregated on site to increase recycling, minimise waste going to landfill, with the aim of zero waste to landfill, and to ensure that hazardous waste is disposed of in the appropriate way. The measures for waste disposal proposed are considered to be acceptable and reflect good practice for construction site management. As such, it is considered that part (vi) of the condition has been met.

Objections have been raised in respect of the principle of basement development. However, the current application relates only to the specific construction management matters set out in Condition 3 of the 12 December 2012 permission and does not revisit the principle of a basement below the redevelopment of this site, which was agreed when the Planning Applications Committee previously resolved to grant permission in December 2012. As such, the objections raised on these grounds cannot be supported.

Concerns have been raised in relation to the potential for noise disturbance from construction works. However, noise disturbance is not a particular requirement of Condition 3, as this is controlled by Environmental Health legislation (The Control of Pollution Act 1974) and the hours of work condition (Condition 2), which prevents construction works that can be heard at the boundary of the site occurring outside of 08.00 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. Furthermore, all basement excavation work is prevented outside of the hours of 08.00 and 18.00 Monday to Friday.

3. CONSULTATIONS

REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON INITIALLY SUBMITTED SCHEME (JUNE 2015)

COUNCILLOR RIGBY

Advises that he has been contacted by a resident regarding this application and considers that the CMP is not sufficiently robust for what is a confined and challenging site.

HIGHWAYS PLANNING MANAGER

No objection. The hoarding and skip details will need to be approved by Highways Licensing and all necessary highways licenses should be secured (e.g. skip or scaffolding licenses).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 103; Total No. of Replies: 6.

Six emails received raising objection on all or some of the following grounds:

- Noise and disturbance from building works, including pile driving.
- Works at No.12 should not commence until the current works at No.5 Melina Place have finished in mid 2016.
- Residents in Melina Place have had to endure successive periods of disruption following construction works at a number of the properties in the cul-de-sac.
- Loss of residents parking bays.
- Traffic chaos and congestion will be caused in Melina Place.
- Driveway to Ascot Court has been blocked by previous similar development in Melina Place.

- Noise from engines of construction vehicles.
- Danger to pedestrians as a result of vehicles driving on the pavements.
- Applications for basements should be frozen pending the introduction of Parliamentary legislation to ban basement development.
- Compensation should be paid to those who are disturbed.
- Concern regarding extent of public consultation.
- Concern regarding the cumulative impact of a number of basement developments occurring in Melina Place concurrently.
- Concern that emergency vehicles will not be able to access neighbouring properties in an emergency due to construction vehicles on the highway.
- The undertaking to prevent construction contractor's vehicles and construction traffic from parking in Melina Place should be secured by condition.
- Provision of 'just in time' deliveries runs contrary to Traffic Management Plan proposal to keep traffic volumes as even as possible.
- Frequency and size of vehicles required for first 20 weeks of construction will cause disruption to the highway.
- Restriction of deliveries to 'non-peak hours' should be defined in the CMP.
- Melina Place is an unsuitable road down which to reverse more than 400 lorries.
- Arrangement of deliveries/vehicle movements should be agreed with all residents in Melina Place and not just those referenced in the CMP.
- Concern about the accuracy of the CMP as parking bays outside Nos.1 and 2 Melina Place do not exist.
- Not clear from the CMP submitted for No. 12 where muck and concrete lorries will park and if it is going to be on the street then up to four residents parking bays would need to be suspended.
- Works at No.5 Melina Place have breached hours of works in terms of deliveries occurring before and after the specified hours and no banksmen have been deployed.
- City Council should undertake more intensive monitoring of these construction sites to ensure compliance with the approved CMP.
- Basement development should not be permitted as a matter of principle.
- Previous similar development in Melina Place has obstructed the entrance to Ascot Court.
- The Council's SPD on basement development will have little impact and all planning applications involving basements should be frozen pending introduction of Parliamentary legislation to ban such development, as is proposed by Karen Buck MP.
- Compensation should be paid to those disturbed by construction activity.

REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON 1ST REVISED CONSTRUCTION MANAGEMENT PLAN (CMP) (AUGUST 2015)

WARD COUNCILLORS (REGENT'S PARK WARD)

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 107; Total No. of Replies: 8.

Eight emails received from six respondents raising objection on all or some of the following grounds:

- Concern that basement development will be being carried out concurrently at Nos.5 and 12 Melina Place. Consider that the developments should not be carried out concurrently.
- All delivery vehicles should reverse into Melina Place to ease their exit from the street. No turning should be permitted in Melina Place.

- Concern that the CMP, if agreed, will not be appropriately monitored to ensure compliance.
- Note that similar (now completed) development at No.1 Melina Place had a lesser impact on neighbours as construction vehicles were loaded/unloaded on site.
- Consider that loading and unloading of construction vehicles should occur on-site.
- Parking on the street outside the site is likely to block this cul-de-sac street.
- The CMP suggests that the construction vehicles parked on the street for loading and unloading will block access to the garage of No.11 Melina Place and this could be for considerable periods of time.
- Would potentially need to remove part of footpath, lamp columns and pillars to allow cars to pass construction vehicles parked on-street.
- Hoarding should not be extended over pavement until after major basement works have been complete as they will force pedestrians into the street.
- Obstruction of emergency vehicles.
- Ask for site meeting with case officer (this was undertaken on 24 September 2015).
- CMP should specify vehicle movements for construction traffic should be limited to between 09.00 and 16.30.
- Construction vehicles should not be allowed to 'lay up' in close proximity to the site prior to making deliveries to the site.
- Unclear what will happen to lamp posts and fixed posts outside No.12 Melina Place (shown in location of on-site servicing are in CMP).
- Damage to carriageway caused by heavy construction vehicles and query who is responsible for repair works.
- No construction works should be permitted at weekends.
- Proposed Construction Management Plan would be ineffective in terms of noise control.
- Noise from previous works at No.1 Melina Place breached the hours of works condition and noisy works occurred at weekends and into the evenings.
- All applications for basement development should be frozen pending new planning policies to curb them (notes RBKC policy).
- Note that Melina Place was blocked for 20 minutes by a construction vehicle on 24 September 2015.

REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON 2ND REVISED CMP (OCTOBER 2015)

COUNCILLOR RIGBY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection. The hoarding and skip details will need to be approved by Highways Licensing and all necessary highways licenses should be secured (e.g. skip or scaffolding licenses).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 107; Total No. of Replies: 3.

Three responses received. One email withdrawing earlier objections and two emails raising concerns/objections on all or some of the following grounds:

- Occupiers of No.6 withdraw their previous objections on basis of the Revision B Construction Management Plan as construction vehicles are to be accommodated on site and construction vehicles visiting the site are to be limited to between 09.00 and 16.30.
- Not convinced that in practice coordination with the works already underway at No.5 Melina Place will be successful.

- Wonder whether the post in the highway opposite No.12 should be removed to aid access to the application site during construction and to avoid it being damaged.
- Objection to the principle of basement development. All applications involving basement development should be frozen pending the continued passage through Parliament of the Basement Excavation (Restriction of Permitted Development) Bill 2015-16 which is being promoted by Karen Buck MP and had its first reading on 16 September 2015. Second reading is scheduled for 29 January 2016.

BACKGROUND PAPERS

1. Application form.

REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON INITIALLY SUBMITTED SCHEME (JUNE 2015)

2. Emails from Councillor Rigby dated 10 July 2015 and 7 August 2015.
3. Memo from the Highways Planning Manager dated 7 July 2015.
4. Email from the occupiers of 6 Melina Place dated 30 June 2015.
5. Email from the occupiers of 11 Melina Place dated 1 July 2015.
6. Email from the occupier of 7 Melina Place dated 3 July 2015.
7. Email from the owners of 2 and 3A Melina Place dated 6 July 2015.
8. Email from the occupier of 4 Melina Place dated 7 July 2015.
9. Email from the occupier of 14 Ascot Court, Grove End Road dated 16 July 2015.

REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON FIRST REVISED CMP (AUGUST 2015)

10. Email from the occupier of 7 Melina Place dated 26 August 2015.
11. Email from the occupiers of 6 Melina Place dated 27 August 2015, 24 September 2015 and 28 September 2015 (with attached photograph and response from case officer dated 5 October 2015).
12. Email from the owners of 3B and 8a Melina Place dated 28 August 2015.
13. Email from the owners of 2 and 3A Melina Place dated 30 August 2015.
14. Email from the occupier of 14 Ascot Court, Grove End Road dated 1 September 2015.
15. Email from the occupier of 11 Melina Place dated 24 September 2015.

REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON SECOND REVISED CMP (OCTOBER 2015)

16. Memo from the Highways Planning Manager dated 27 October 2015.
17. Email from the owners of 2 and 3A Melina Place dated 10 October 2015 and response from case officer dated 15 October 2015.
18. Email from the occupiers of 6 Melina Place dated 16 October 2015.
19. Email from the occupier of 14 Ascot Court, Grove End Road dated 26 October 2015.
20. Copy of Revision B Construction Management Plan dated 5 October 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 12 Melina Place, London, NW8 9SA

Proposal: Details of construction management plan pursuant to Condition 3 of planning permission dated 12 December 2012 (RN: 12/03803).

Plan Nos: Construction Management Plan dated 5 October 2015 (Revision B).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Unconditional or if an Advert Application only the standard advert conditions

Informative(s):

- 1 This permission fully meets condition 3 of the planning permission dated 3 December 2012. (I11AA)

DRAFT

