

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	12 Melina Place, London, NW8 9SA		
Proposal	Variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL) for erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting. NAMELY, to amend the permitted hours of construction works to allow construction works between 08.00 and 13.00 on Saturdays and to amend the Construction Management Plan to allow deliveries to occur between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays.		
Agent	Pegasus Group		
On behalf of	Mr & Mrs Lewis		
Registered Number	17/02119/FULL	Date amended/ completed	9 March 2017
Date Application Received	8 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Refuse permission – on residential amenity grounds.

2. SUMMARY

The application seeks approval for variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL), which permitted the erection of new part one, part two storey plus basement dwellinghouse (Class C3) on this site with associated alterations to boundary walls.

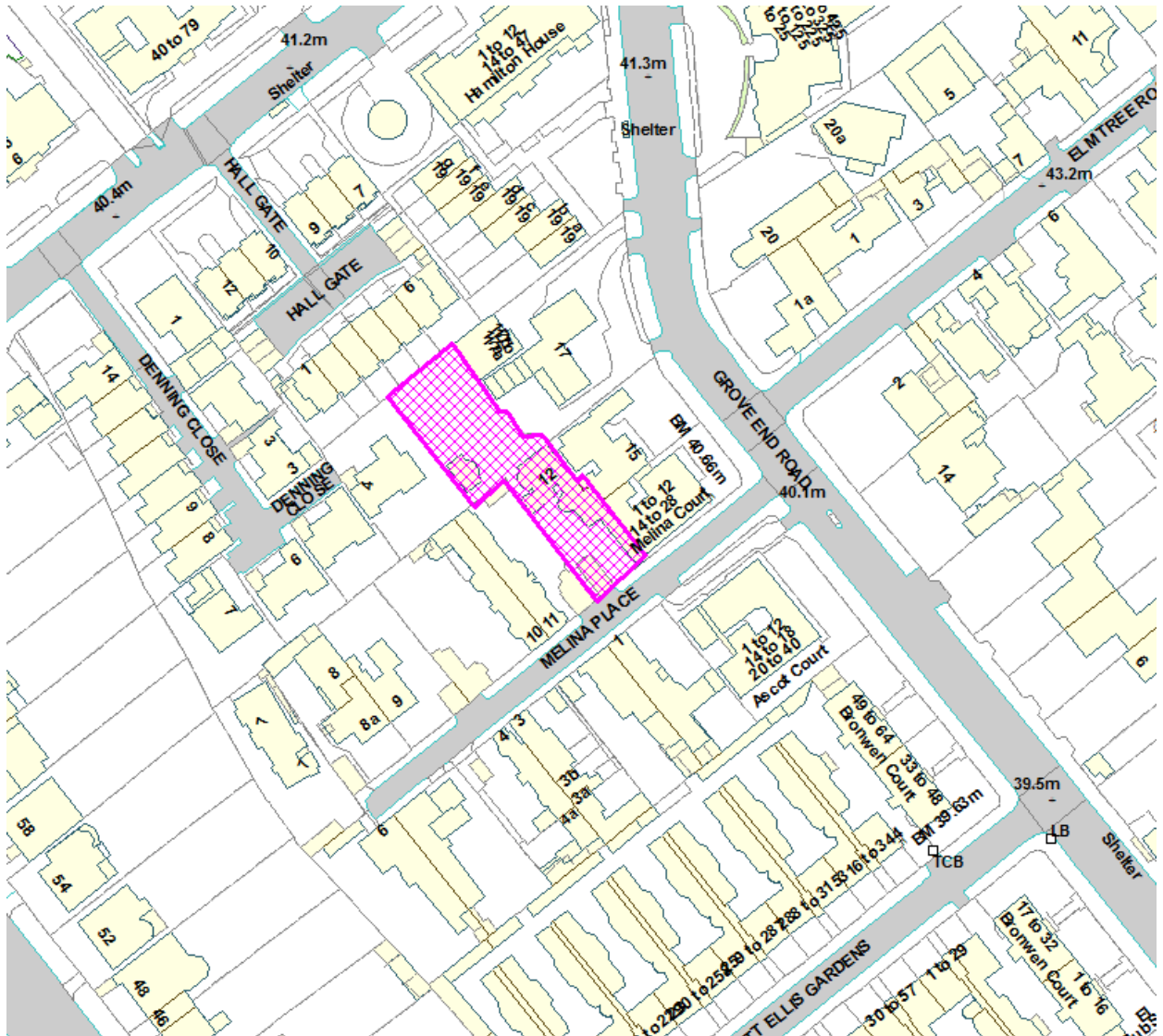
In granting permission on 16 August 2016, the Planning Applications Committee resolved that because of the particular circumstances of this site, any weekend working would have a material impact on the amenity of neighbouring residents. Accordingly the hours of construction works, which can be heard at the boundary of the site, were limited to between 08.00 and 18.00 Monday to Friday (excluding bank

holidays). The current application seeks to amend Condition 2 to allow extension of the permitted hours of construction works, to allow construction works that can be heard at the boundary of the site between 08.00 and 13.00 on Saturdays in addition to the hours previously permitted.

In terms of Condition 3, the current application seeks to amend the approved Construction Management Plan (CMP) to allow hours during which deliveries/ collections can be made to and from the site. It is proposed to extend the hours from between 09.00 and 16.30 Monday to Friday, as was included in the approved CMP following negotiations between the applicant, officers and neighbours in 2015/ 2016, to between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays. The currently approved hours are designed to allow residents in Melina Place, which is a cul-de-sac, to have unobstructed vehicular access to Grove End Road during peak hours (i.e. between 08.00 to 09.00 hours and 16.30 to 18.00 hours).

Because of the particular circumstances of this site, including the restricted access arrangements due to Melina Place being a cul-de-sac and the close proximity of the site to a significant number of neighbouring properties, the extension of construction hours to between 08.00 and 13.00 on Saturdays and the extension of deliveries/ collection hours to between 08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays would cause unacceptable harm to the amenity of local residents through prolonged noise disturbance during hours when residents are more likely to be at home and increased vehicular disruption during peak travel hours. This would be contrary to policies CM28.1, S29 and S32 of Westminster's City Plan adopted in November 2016 and policies ENV 6 and ENV 13 of the Unitary Development Plan adopted in January 2007.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View down Melina Place (top) and front of application site (bottom).

5. CONSULTATIONS

COUNCILLOR RIGBY

Notes strong opposition from the local community to amending these conditions especially the condition relating to Saturday working. Highlights that the conditions imposed restrict hours of work to prevent work on Saturdays and to restrict hours during which deliveries may be made to the site. The aim of these conditions is to limit impact of large construction site on the amenity of neighbouring residents. Identifies that residents are being flexible and do not object to extending the hours for deliveries to 5.00pm.

ST. JOHN'S WOOD SOCIETY

Strongly object to any variation of previously approved working hours as the restrictions to Saturday working were imposed after very careful consideration. Society opposes Saturday working in residential areas, particularly where access is so difficult as in Melina Place.

HIGHWAYS PLANNING MANAGER

No objection. Notes that the applicant will need to work with the City Council as Local Highway Authority to ensure temporary measures during construction are acceptable in highways terms.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 97.

Total No. of Replies: 13.

No. of Objections: 13.

No. in support: 0.

13 emails received from 12 respondents raising objection on all or some of the following grounds:

- Long history of noise and disturbance from consecutive construction projects in Melina Place.
- Construction work causes horrific noise, dust and inconvenience to neighbours
- Neighbouring residents should be allowed peace and quiet at weekends.
- Noise and disturbance has been particularly bad from construction involving basement excavation.
- Developments in Melina Place should not have been allowed in the first place.
- There should be a total ban on basement development.
- Noise from construction works in Melina Place is more due to proximity to neighbours rather than as a result of cumulative effect of multiple developments being implemented at the same time.
- Saturday working should not be permitted to overcome delay caused by unauthorised demolition.
- Melina Place is a quiet cul-de-sac and works in the road cause significant noise and dirt and structural damage to neighbouring properties.
- Weekend working should be prevented to provide neighbours with time to recover from impact of works during the week.
- Query what penalty has been imposed for demolition of the original building.

- Lorry ran into garage at No.11 Melina Place when making a delivery on 22 March causing considerable damage.
- Consideration should be given to neighbours given Melina Place is such a restricted road.
- Have had to install double glazing to reduce noise impact.
- Works prevent quiet enjoyment of gardens at weekends.
- Current delivery hours are designed to allow residents to get to and from work at peak times.
- 50 working hours a week should be sufficient to carry out the development.
- Works to No.15 Grove End Road were completed prior to work commencing on No.12 Melina Place and therefore the applicants justification in this regard is flawed.
- Whilst the end date of construction works may be brought forward by two months, the overall hours during which disruption will be caused will not be reduced. Application omits that the 80 Saturday mornings would be detrimentally impacted to reduce the overall build programme.
- Object to extension of delivery hours to 18.00 as site should be 'packed up' by then, but would not object to an extension to 17.00 hours.
- Despite the undertaking in the CMP not to lay up vehicles in the vicinity and to consult neighbours, vehicles have been laid up in Grove End Road and no correspondence has been sent to neighbours through out the construction works.
- Have not received a consultation letter.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is located at the north eastern end of Melina Place, to the rear of Melina Court. The site does not contain a listed building, but is located within the St. John's Wood Conservation Area.

The application site formally contained a two storey mid-19th Century single dwellinghouse, which was identified by the St. John's Wood Conservation Area Audit (2008) as an unlisted building of merit. The original building comprised a small two storey 'cottage', which had been extended to the front of the site along the boundary with Melina Court and to the rear in the form of a large flat roof two storey block. There was a double garage behind the front boundary wall and a conservatory to the rear of the site at the boundary with No.11 Melina Place and No.4 Denning Close, which was accessed by a link corridor from the main house. To the rear of the site was a large garden bounded by the rear of properties in Hall Gate, Denning Close and Grove End Road.

The house that formally stood on the site was completely demolished in March/ April 2016, during the course of works being carried out by the applicant to seek to implement the planning permission and conservation area consent granted in December 2012 (see section 6.2 of this report). However, the extent of demolition that occurred exceed that permitted by the 2012 permission and consent (as amended by the non-material

amendment applications approved in 2015) as the 2012 scheme retained the principal facades of the original cottage as part of the redevelopment of the site.

Permission was granted on 31 August 2016 after the Planning Applications Committee resolved on 16 August 2016 to grant permission for the erection of a replacement two storey dwellinghouse with basement floor (see Section 6.2). The 31 August 2016 permission does not permit the unauthorised demolition of the facades that should have been retained pursuant to the 2012 permission and consent and enforcement investigations into the unauthorised demolition are on-going.

The construction works that are currently being carried out are to implement the planning permission dated 31 August 2016 (copy of permission in the background papers for information)..

6.2 Recent Relevant History

31 August 2016 – Permission was granted for the erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting (16/01380/FULL).

In resolving to grant permission on 31 August 2016, the Planning Applications Committee (1) resolved to place additional restrictions on the hours of construction works so that no construction works could be carried out on Saturdays, Sundays or Bank Holidays, so as to protect the amenity of neighbouring residents.

12 December 2012 – Permission and conservation area consent were granted for demolition of existing front and rear extensions and garage and erection of new part one, part two storey extensions, alterations to front boundary, excavation of basement floor with lightwells, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and associated external alterations and landscaping. Removal of four trees and replacement tree planting (12/03803/FULL and 12/03804/CAC).

7. THE PROPOSAL

The application seeks approval for variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL), which permitted the erection of new part one, part two storey plus basement dwellinghouse (Class C3) on this site with associated alterations to boundary walls. As previously approved, Conditions 2 and 3 are worded as follows:

Condition 2

'You must carry out any building work which can be heard at the boundary of the site only:

- *between 08.00 and 18.00 Monday to Friday;*
- *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)'.

Condition 3

'You must carry out the development in accordance with the Construction Management Plan dated 3 August 2016 (Rev.D)'.

In granting permission on 16 August 2016, the Planning Applications Committee resolved that because of the particular circumstances of this site, any weekend working would have a material impact on the amenity of neighbouring residents. Accordingly the hours of construction works, which can be heard at the boundary of the site, were limited to between 08.00 and 18.00 Monday to Friday (excluding bank holidays). The current application seeks to amend Condition 2 to allow extension of the permitted hours of construction works, to allow construction works that can be heard at the boundary of the site between 08.00 and 13.00 on Saturdays in addition to the hours previously permitted.

In terms of Condition 3, the current application seeks to amend the approved CMP to allow the hours during which deliveries/ collections can be made to and from the site to be extended. It is proposed to extend the hours from between 09.00 and 16.30 Monday to Friday, as was included in the approved CMP following negotiations between the applicant, officers and neighbours in 2015, to between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays. The currently approved hours are designed to allow residents in Melina Place, which is a cul-de-sac, to have unobstructed vehicular access to Grove End Road from their properties during peak travel hours (i.e. between 08.00 to 09.00 hours and 16.30 to 18.00 hours).

8. DETAILED CONSIDERATIONS

8.1 Land Use

The current application does not seek any amendments to the previously approved redevelopment of this site to provide a replacement single dwellinghouse.

8.2 Townscape and Design

The current application does not seek any amendments to the physical appearance of the previously approved scheme and therefore does not raise any townscape or design considerations.

8.3 Residential Amenity

The key issue in this case is the impact of extending the hours of construction works and the hours for deliveries/ collections to and from the construction site on the amenity of neighbouring residents. In granting permission for the provision of a replacement dwellinghouse with a basement floor on this site in August 2016, the Planning Applications Committee considered that the circumstances of this site were sufficiently unique so as to justify restricting the hours of construction works to between 08.00 and 18.00 hours Monday to Friday, with construction works entirely precluded at weekends and bank

holidays. Melina Place is a relatively narrow cul-de-sac, meaning traffic cannot access properties within the street via the junction with Grove End Road at its eastern end. The properties within Melina Place, although relatively large in scale, are close together due to their narrow plots and the application site is also in close proximity to the densely populated mansion blocks at the head of Melina Place (Melina Court and Ascot Court). As a result, the impact of construction works, particularly more noisy demolition, excavation, structural and external envelope works, and construction traffic can have a significant impact on the amenity of neighbouring residents and this is borne out in the responses to consultation on the current application.

The proposed development includes basement excavation and therefore must be considered with regard to Policy CM28.1 in the City Plan. Part (A)(5) of that policy requires the construction impact of development on residential amenity to be minimised. Furthermore, Policy S29 sets out that *'The Council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment'*.

In most locations within the City given that construction works are a temporary phase necessary to deliver development, the undertaking of construction works on a Saturday morning between 08.00 and 13.00 would normally be considered acceptable, as the adverse impact on amenity caused is outweighed by a reduction in the overall construction programme. However in this location, for the reasons previously outlined, the undertaking of construction works on a Saturday morning would exacerbate the impact of construction works such that the reduction in the overall build programme of two months would be outweighed by the significant increase in noise and disturbance to neighbouring residents at a time when they are more likely to be residing in their homes. Thus, whilst the build programme would be reduced, the actual impact on neighbours would in fact be more severe than under the hours previously approved

The applicant argues that since the Committee's previous decision in August 2016 construction works on neighbouring sites at No.15 Grove End Road and No.5 Melina Place have been completed (see letter dated 8 March 2017 from Pegasus Group in the background papers). Whilst this is accurate in terms of the site at No.5 Melina Place, the construction works to erect a new mansion block at No.15 Grove End Road were completed prior to the determination of the previously approved scheme in August 2016. As such, whilst there has been some reduction in cumulative impact, the reduction is not as significant as suggested by the applicant. Furthermore, the position of the application site, closer to the junction with Grove End Road than other dwellinghouses in the street and immediately neighbouring mansion blocks, amplifies the construction impact on neighbouring residents in terms of noise and disruption.

It should be noted that the hours of construction work controlled by Condition 2 are for noisy works that are audible at the boundary of the application site. It is likely that many internal fit out works would not be audible at the boundary of the site and these could be carried out under the current Condition 2 at weekends and on bank holidays without harm occurring to the amenity of neighbouring residents. It is not clear if the applicants have considered this when quantifying the improvement in the build programme that would be achieved by amending Condition 2 to allow all forms of construction works on Saturday mornings.

In summary, because of the exceptional site specific circumstances in this case, the extension of the hours of construction works to allow noisy works to be carried out on Saturday mornings and extension of the hours of delivery/ collection to and from the site each day and are unacceptable in amenity terms and would cause a loss of amenity in terms of noise and disturbance, contrary to Policy ENV6 and ENV13 in the UDP and Policies CM28.1, S29 and S32 in the City Plan.

8.4 Transportation/ Parking

The Highways Planning Manager has considered the amendments proposed to the hours of construction works and the hours of deliveries/ collections to and from the site and is satisfied that in terms of the traffic and highways function of the wider highway network, the proposed amendments are acceptable.

However, whilst the impact on the wider highway network would not be so significant so as to warrant withholding permission, the extension of the hours for deliveries and collections to and from the site would have a significant adverse impact on the amenity of neighbouring residents in terms of the vehicular accessibility of their properties during peak hours (for example for travel to and from work, to deliver children to and from school, etc.). The impact on the vehicular accessibility of neighbouring properties in Melina Place would be such, given the fact that the street is a cul-de-sac, that the proposed hours would detract significantly from the amenity of neighbouring residents in this regard. This would be contrary to Policies CM28.1(A)(5) and S29 in the City Plan, which seek to protect the amenity of neighbouring residents, particularly where users of the public highway are significantly inconvenienced. Policy CM28.1 considers specifically the construction impact of development including basement construction and states that it will be '*...designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses; the amenity of those living or working in the area; on the users of the highway; and the traffic and highways function...*'.

8.5 Economic Considerations

No economic considerations are applicable for a development of this scope and size.

8.6 Access

No amendments are proposed to the previously approved access arrangements.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable given the scope of the application.

8.12 Other Issues

Concerns have been expressed regarding the extent of consultation carried out. 97 neighbour consultation letters were sent to immediate neighbouring properties in Melina Place, Grove End Road, Hall Gate and Denning Close. In addition to this a site notice was erected outside the application site and a press notice displayed in the local paper (The Gazette). The consultation exercise undertaken during the course of the application accords with the requirements of the City Council's Statement of Community Involvement in Planning (June 2014).

One objector has queried what action has been taken regarding the unauthorised demolition of the facades that were intended to be retained from the original building on this site. An enforcement investigation into the unauthorised demolition is continuing at the current time. The permission granted in August 2016 did not grant permission retrospectively for the unauthorised demolition, but rather only granted permission for the erection of a replacement dwellinghouse on this site.

9. BACKGROUND PAPERS

1. Application form.
2. Resolution of the Planning Applications Committee No.1 on 16 August 2016.
3. Copy of planning permission decision letter dated 31 August 2016.
4. Letter from Pegasus Group on behalf of the applicant dated 8 March 2017.
5. Letter and email from Councillor Rigby dated 29 March 2017 and 17 May 2017.
6. Email from the St. John's Wood Society dated 10 April 2017.
7. Memo from the Highways Planning Manager dated 27 March 2017.
8. Email from the occupier of 7 Melina Place dated 20 March 2017
9. Emails from the occupier of Flat 14, Ascot Court, Grove End Road dated 21 March 2017 and 30 March 2017.
10. Letter from the occupier of 2 Melina Place dated 21 March 2017.
11. Letter from the occupier of 4 Melina Place dated 22 March 2017.
12. Letter from the occupier of 1 Melina Court, Grove End Road dated 24 March 2017.
13. Letter from the occupier of 8 Melina Place dated 24 March 2017.
14. Letter from the occupier of Flat 5 Melina Court, Grove End Road dated 25 March 2017.
15. Letter from the occupier of 4a Melina Place dated 29 March 2017.
16. Letter from the occupier of 11 Melina Place dated 30 March 2017.
17. Letter from the occupier of 6 Melina Place dated 30 March 2017.
18. Letter from the occupier of 4 Denning Close, Hall Road dated 31 March 2017.
19. Letter from the occupier of 17 Grove End Rd dated 5 April 2017.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk .
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10. KEY DRAWINGS



Proposed



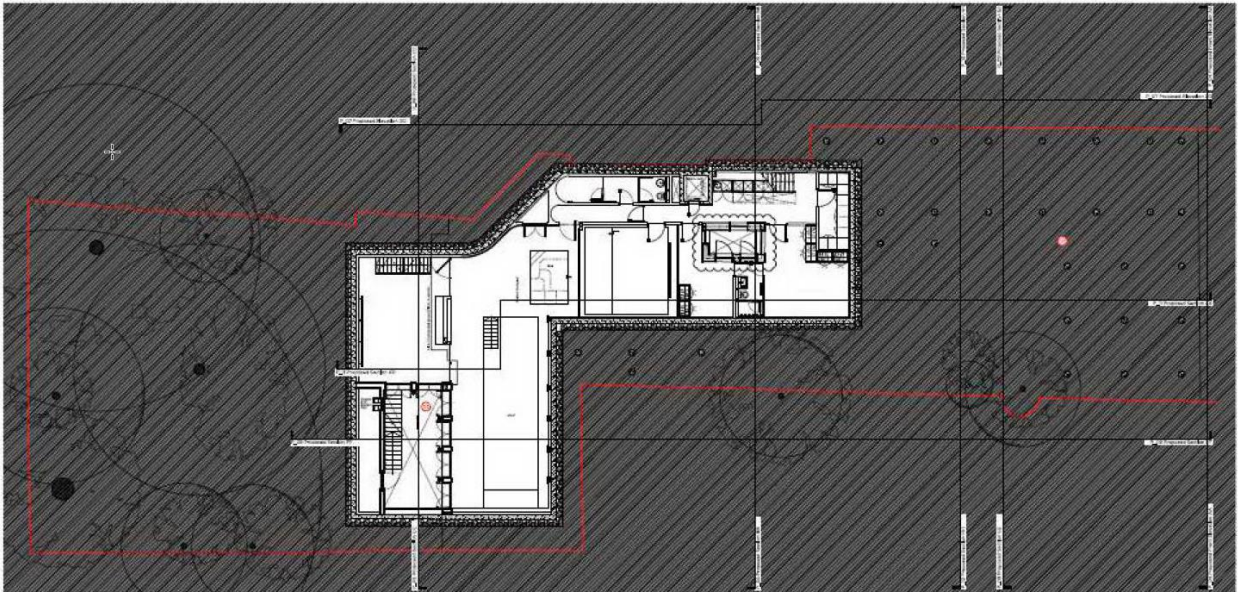
Proposed



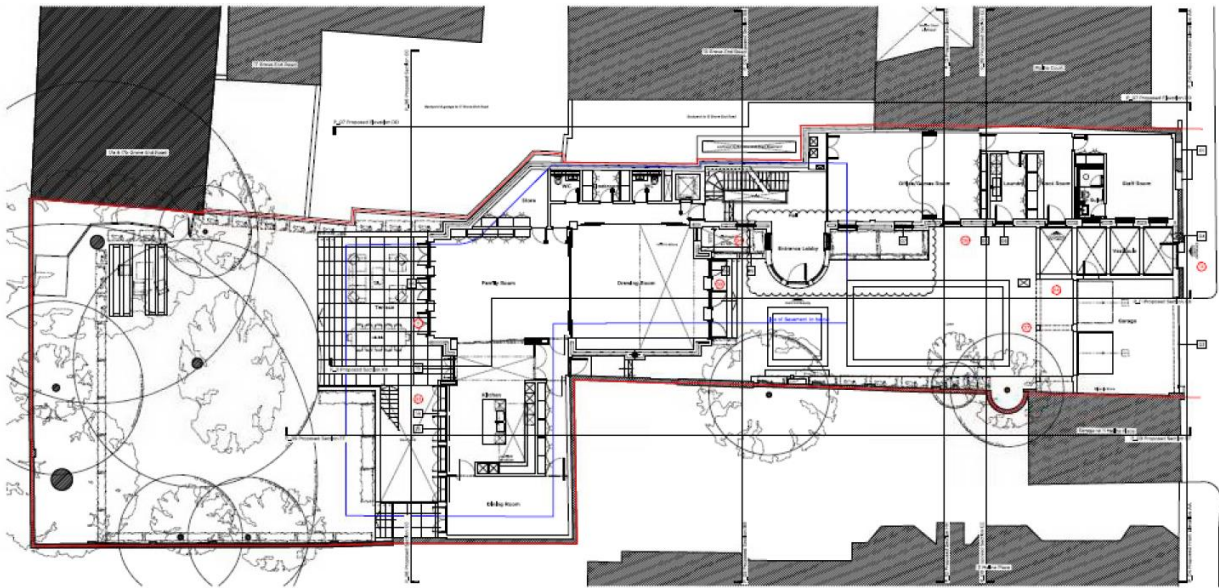
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Proposed

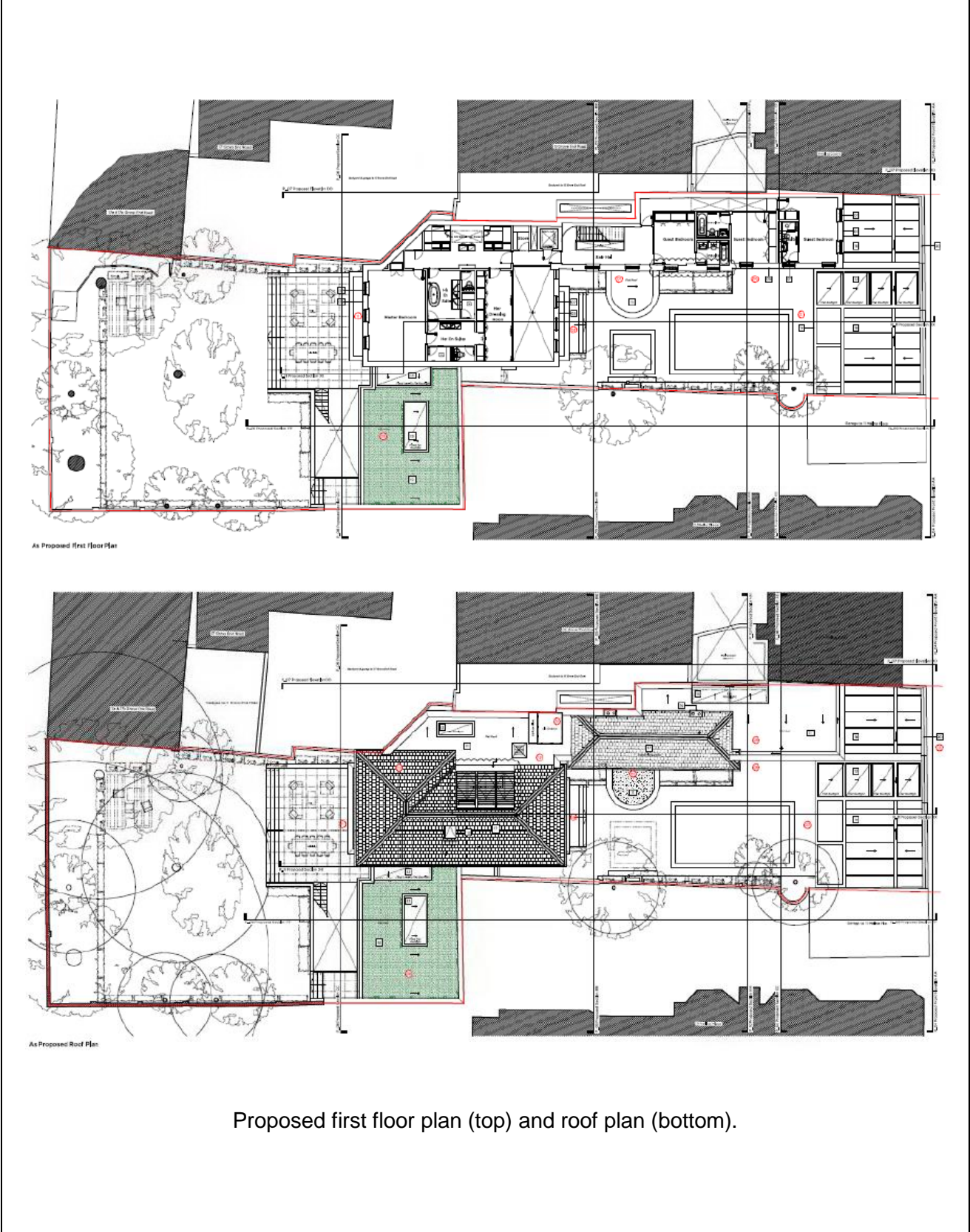


As Proposed Basement Plan

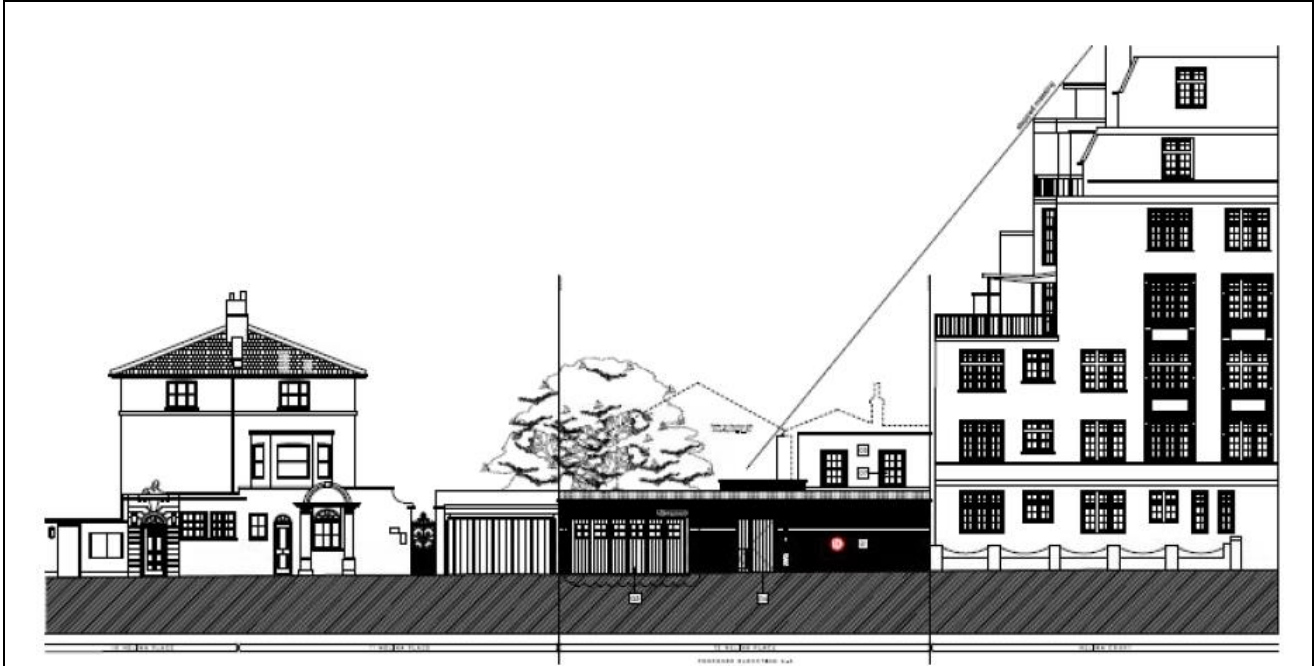


As Proposed Ground Floor Plan

Proposed basement plan (top) and ground floor plan (bottom).



Proposed first floor plan (top) and roof plan (bottom).



As Proposed Elevation A-A



As Proposed Elevation B-B

Proposed front elevation (top) and sectional elevation (bottom).

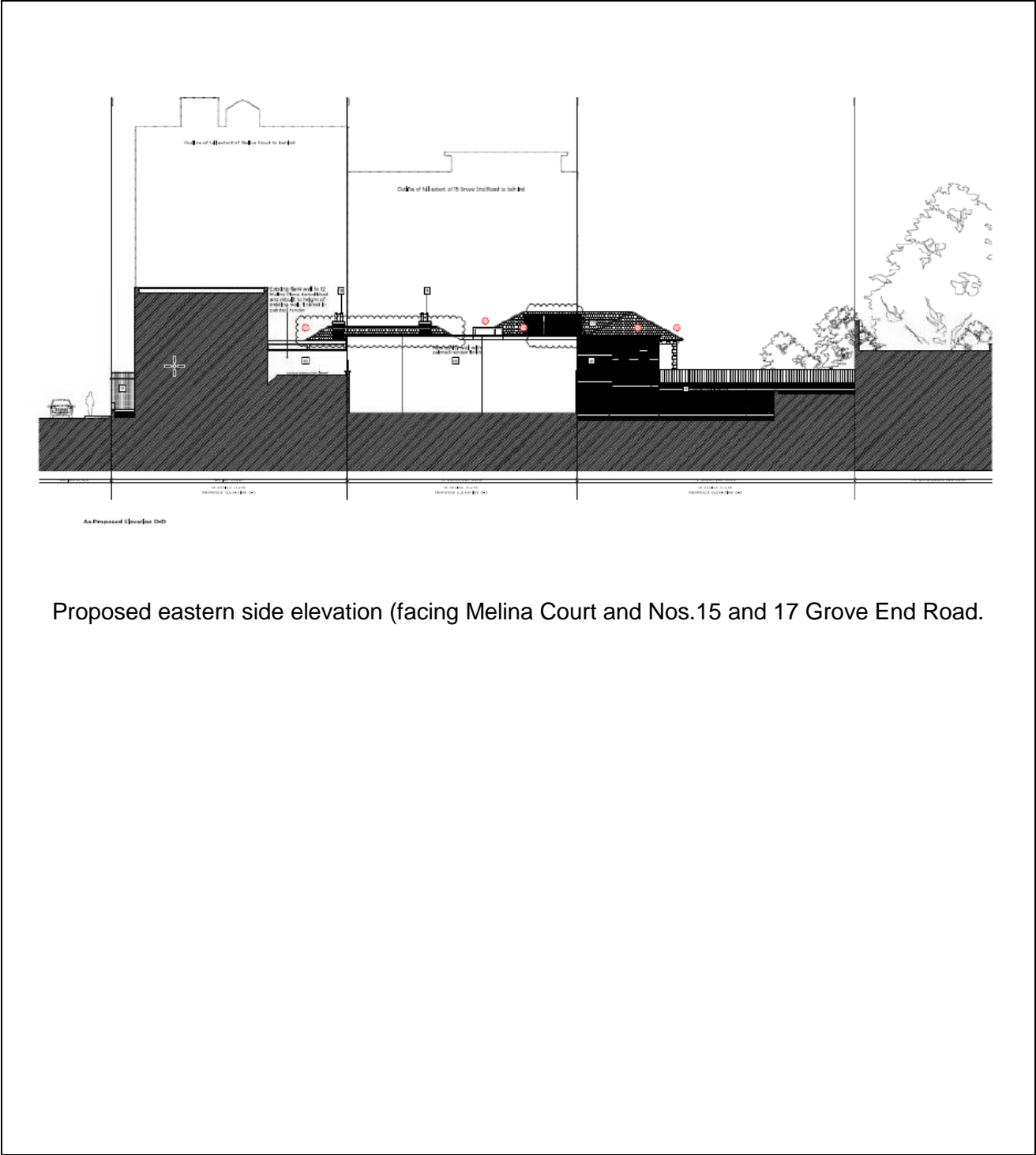


As Proposed Elevation X-X



As Proposed Elevation C-C

Proposed sectional western side elevation (top) and rear elevation (bottom).



DRAFT DECISION LETTER

Address: 12 Melina Place, London, NW8 9SA

Proposal: Variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL) for erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting. NAMELY, to amend the permitted hours of construction works to allow construction works between 08.00 and 13.00 on Saturdays and to amend the Construction Management Plan to allow deliveries to occur between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays.

Reference: 17/02119/FULL

Plan Nos: Letter from Pegasus Group dated 8 March 2017 and Construction Management Plan dated 2 March 2017 (Rev.E).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s)

Reason:

- 1 Because of the particular circumstances of this site, including the restricted access arrangements due to Melina Place being a cul-de-sac and the proximity of the site to a significant number of neighbouring properties, the extension of construction hours to between 08.00 and 13.00 on Saturdays and the extension of deliveries/ collection hours to between 08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays would cause unacceptable harm to the amenity of local residents through prolonged noise disturbance during hours when they are more likely to be at home and increased vehicular disruption during peak hours. This would be contrary to policies CM28.1 S29 and S32 of Westminster's City Plan adopted in November 2016 and policies ENV 6 and ENV 13 of the Unitary Development Plan adopted in January 2007.

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 Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, 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.

Item No.

9

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.