



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday 22 May 2012 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Aden, Baker, Cummins, Hashmi, John, CJ Patel, RS Patel, Krupa Sheth and Singh

Apologies for absence were received from

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 April 2012 be approved as an accurate record of the meeting.

3. **Green Man, High Street, London, NW10 4TS (Ref. 11/0876)**

PROPOSAL : Erection of glazed extension to the rear to replace existing unauthorised rear extension; creation of 5 flats at upper floors to replace existing unauthorised 10 bedsits; external stair replacement at the rear and refuse storage, reinstatement of the front and rear windows at 1st and 2nd floor level and replacement of side entrance doors on both side elevations and new gate to the front elevation, external lighting at residential entrance on Rucklidge Passage and provision of new CCTV camera at the junction of Rucklidge Passage and Rucklidge Avenue ("car-free" scheme).

RECOMMENDATION: Grant planning permission subject to additional conditions, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

The application was deferred at the last meeting for a site visit at the request of the ward councillors. The Area Planning Manager, Andy Bates, in reference to the letter of support by Councillor Powney clarified that the application involved the removal of the awning and decking for which a condition was recommended to reinforce it. He continued that the removal of the decking would not directly affect disabled access but the applicant may need to make alterations to the ramped access arrangement. An additional condition as set out in the tabled supplementary report was recommended to address that.

He reported that as part of the application the door to the basement which did not align with the arched bricks would be replaced and access would be through the building. Members heard that the description of the development had been revised for clarity to add that all windows would be replaced with timber windows of the appropriate character. Andy Bates confirmed that the contribution towards CCTV would be required by a legal agreement which would need to be completed before planning permission can be granted. He drew members' attention to a condition that required the applicant to submit details of the lighting proposed to improve the character of the entrance, the exact location and design. With reference to the supplementary, he drew members' attention to the additional conditions and an informative for the grant of planning permission.

During debate, Councillor John expressed satisfaction that the applicant had addressed the concerns raised by ward members and residents but enquired about measures that could be taken if the restoration was not carried out. The applicant in response to Councillor Daly's request stated that he had not set a timetable for completion of the restoration work. The Head of Area Planning reinforced that the Council's stance was to ensure that the work was carried out without delay. He undertook to update members about its progress.

DECISION: Planning permission granted subject to additional conditions, informatives, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

4. Green Man, High Street, London, NW10 4TS (Ref. 11/0877)

PROPOSAL: Listed building consent for removal of unauthorised works to the ground and first/second floors, erection of glazed extension to the rear to replace existing unauthorised rear extension; creation of 5 flats at upper floors to replace existing unauthorised 10 bedsits; external stair replacement at the rear and refuse storage, reinstatement of the front and rear windows at 1st and 2nd floor level and replacement of side entrance doors on both side elevations and new gate to the front elevation, external lighting at residential entrance on Rucklidge Passage and provision of new CCTV camera at the junction of Rucklidge Passage and Rucklidge Avenue.

RECOMMENDATION: Grant listed building subject to conditions and informatives.

DECISION: Granted listed building consent subject to conditions and informatives.

5. 16B & 16C Callcott Road, London, NW6 7EA (Ref.12/0065)

PROPOSAL: Installation of juliet balcony to first floor rear window and proposed window to replace existing door at the second floor level of terraced property in use as three self-contained flats.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

With reference to the tabled supplementary report, Steve Weeks, Head of Area Planning, reported that the applicant's agent had confirmed that there were no proposals for a roof terrace to be considered under this application adding that any such application submitted in the future would be assessed on its own merits. He continued that as the applicant had not demonstrated that the existing outward opening door was authorised or how an inward opening door onto the staircase would comply with building regulations, the replacement window was considered to be the most appropriate solution. He added that the removal of the timber board blocking access to the flat roof at the second floor was considered to be in breach of the enforcement notice and as such a letter from the Council's Enforcement Team had been sent to the applicant advising him of the breach.

Mrs Bernadette Doyle an objector stated that the installation of juliet balcony window which would be close to her bedroom constituted an infringement on her residential amenities, loss of privacy and loss of use of her garden through noise and overlooking from the tenants at the property. In response to Councillor Daly's question about the situation since the enforcement notice was served, Mrs Doyle stated that she had observed a modest improvement.

Mrs Fiona Finlay an objector stated that the juliet balcony window was imposing and out of character with the other properties within the Conservation Area. Mrs Finlay raised questions as to how the roof access would be restricted to prevent noise nuisance to the gardens of the adjoining properties.

In accordance with the provisions of the Planning Code of Practice, Councillor Mary Arnold, ward member stated that she had been approached by the objectors. Councillor Arnold objected to the proposed development and urged members for refusal on the following grounds:

- a) Detrimental impact on the amenities of neighbouring residents.
- b) Overlooking and loss of privacy
- c) Noise nuisance from the tenant occupiers at the property.
- d) Evidence that the roof terrace was still in use despite the enforcement notice that had been served on the property.

In response to Councillor Hashmi's request, Steve Weeks clarified the proposal and added that it would be appropriate in conservation area terms to require the installation of a sash window to the upper floor. In response to a question about the option of appeal, he suggested that an Inspector would be looking at the actual harm caused by any window or door opening in comparison to those that already existed. The Head of Area Planning continued that the height of the juliet balcony handrail of 1.1m had been designed for safety reasons. In respect of the timescale for completion he requested members to delegate the negotiation to officers. He recommended an amendment to condition require the inclusion of sash windows.

DECISION: Planning permission granted subject to conditions as amended in condition 4 to require the inclusion of sash window and informatives.

6. 24 Creighton Road, London, London NW6 6ED (Ref.12/0372)

PROPOSAL: Creation of a basement level, erection of single storey side infill extension and rear dormer window, installation of single front and rear rooflights and replacement of all windows and front door to dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mr David Wyatt an objector alleged that the creation of a basement would have severe impact on adjoining properties including damage to their foundations, vibration and dust during construction. He added that his family would be particularly affected by the dust as his daughter already suffered from breathing problems. Mr Wyatt informed the Committee that a similar development at 32 Creighton Road (by the same applicant) had caused the movement of door frames and cracks to the adjoining property at 30 Creighton Road.

Mr David Hodge speaking on behalf of Queens Park Area Residents' Association stated that the applicant had not submitted a basement impact assessment for the application which he considered was necessary for such an application which would have severe damage to adjoining properties. Mr Hodge similarly referred to the development at 32 Creighton Road and the detrimental impact on the adjoining property. In response to an enquiry by the Chair about other harm that could be caused by the formation of the basement, Mr Hodge stated that it was the fear of the unknown impact in future.

Mr Steve McStea, the applicant's agent stated that the formation of the basement would not result in increased dust, noise and vibration as alleged by the objectors as it would be broadly similar to construction for house extensions. He continued that the applicant would do everything possible to ensure that any inconvenience was kept to the minimum by using dust prevention processes and operating machinery in strict accordance with guidelines. He added that the structural design for the basement was sound and that the Party Wall Act would be available to any neighbour whose property suffered unduly as a result of the development.

During question time, Councillor Daly asked officers as to whether there had been a review of basement development in the borough. Councillor Cummins referred to the basement development at 32 Creighton Road and its impact on adjoining properties adding that the detrimental impact from such a development would not be immediate but surface several years after the development had taken place, an outcome that was not covered by the Party Wall Act. The Head of Area Planning responded that when the issue had been raised previously, the approach of other authorities had been reviewed as well as the views of such bodies as the Environment Agency and the local Building Control authority. The conclusion to date was that, while the potential disturbance and the fear of some structural effects was recognised, there was no basis for an embargo on these types of

works. The approach was therefore to limit the design impacts of front lightwells, to seek to restrict the extent of the basement area and associated excavated areas to limit the impact on adjoining rear gardens and landscaping and to impose considerate contractor requirements.. Andy Bates added that condition 6 which required the person carrying out the works to be a member of the Considerate Construction Scheme and its code of practice would address some of the concerns raised by the objectors.

Councillor Daly moved an amended motion for deferral on the grounds of lack of adequate information on the impact of the development. This was put to the vote and declared lost. Members then voted on the substantive recommendation which was declared carried.

DECISION: Planning permission granted subject to conditions and informatives.

7. Regal Court, Malvern Road, London, NW6

PROPOSAL: Deed of Variation to the Section 106 legal agreement for full planning permission reference 00/2832 relating to affordable housing provision at Regal Court, Malvern Road, London, NW6

RECOMMENDATION: Grant planning permission for the proposed Heads of Terms for the deed of variation and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Granted planning approval for the proposed Heads of Terms for the deed of variation and delegated authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

8. Planning and Enforcement Appeal Monitoring

Members received a report sought to provide clearer information on appeals performance as well as highlighted some issues that may be raised by the number of appeals received and their outcomes.

RESOLVED:

that the planning and enforcement appeal monitoring report and the issues examined be noted.

9. Planning Appeals 1 - 30 April 2012

RESOLVED:

that the appeals for 1 to 30 April 2012 be noted.

10. Any Other Urgent Business

None raised at this meeting.

The meeting ended at 8:40pm

COUNCILLOR KETAN SHETH

Chair