

**Committee Report
Planning Committee on 12 January, 2011**

Item No. 9
Case No. 10/2862

RECEIVED: 4 November, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 27 Aylestone Avenue, London, NW6 7AE

PROPOSAL: Extension of time limit for application 08/0376 (Demolition of existing house and erection of 2-storey building comprising 8 self-contained flats, with provision of outbuilding for cycle storage, refuse storage, 8 parking spaces, new vehicular and pedestrian access to side and rear, hard and soft landscaping, and boundary fencing to site and subject to a Deed of Agreement dated 9th April 2008 under Section 106 of the Town and Country Planning Act 1990, as amended)

APPLICANT: Mr AA & HW Preiskel

CONTACT: Bell Cornwell LLP

PLAN NO'S:
Please see condition 7

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Terms to ensure the payment of £3,000 for each net additional bedroom (Total £36,000).

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

No. 27 is a large, two-storey dwellinghouse on the western side of Aylestone Avenue, immediately to the west of the junction with Chudleigh Avenue.

PROPOSAL

See above.

HISTORY

Planning application (Ref No: 08/0376) for the Demolition of existing house and erection of 2-storey building comprising 8 self-contained flats, with provision of outbuilding for cycle storage, refuse storage, 8 parking spaces, new vehicular and pedestrian access to side and rear, hard and soft landscaping, and boundary fencing to site and subject to a Deed of Agreement dated 9th April 2008 under Section 106 of the Town and Country Planning Act 1990, as amended was approved in April 2008

Planning application (Ref no: 06/2100) for demolition of existing house and erection of 2-storey building comprising 10 self-contained flats over 3 floors with provision of cycle and bin store, 10 parking spaces, new vehicular and pedestrian access, hard and soft landscaping, and boundary fencing (as accompanied by Planning & Design Statement dated July 2006) was refused on the 11th of October 2006.

An appeal against this refusal was dismissed by an inspector appointed by the secretary of state on the 27th March 2007.

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

BE3 relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE4 states that developments shall include suitable access for people with disabilities.

BE5 on urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.

BE6 discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.

BE7 Public Realm: Streetscape which requires a high quality of design and materials for the street environment.

BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.

TRN23 on parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

PS16 Cycle parking standards

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

National Planning Policy Guidance

Planning Policy Statement 1 – Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

CONSULTATION

47 Neighbouring properties and Brondesbury Park Ward Councillors were consulted on 24 November 2010. The Local Authority has received 4 objections. The objections are outlined below:

- The proposed development will harm the character of the area
- The proposed rear car park will be an eye sore, by way of reducing green space
- The new flats will devalue neighbouring properties
- The permission is being extended so the property may be sold off with more ease
- The development will overlook neighbouring properties
- The development will create increased Noise and traffic

All of these issues, bar the matter of resale of the property, have been addressed in the original report on the application as attached (Appendix 1). Whilst officers understand the concerns raised over resale, this is not a material planning consideration

REMARKS

Introduction

This application is for extension of the time limit on the original permission granted in April 2008 been judged to be acceptable in principle by members. The original committee report can be found as Appendix 1. The following is a summary of the issues relating to the approved application:

Your officers did not object in principle to the demolition of the existing building. However the impact of a larger building on the amenity of adjoining occupiers and the character and appearance of the Area had to be assessed. The accepted design can be viewed in two parts, i.e. 'Framework', which considers the character of the area and 'Detail', which involves appropriate materials and features such as the bay windows.

All approved units had access to either private or communal amenity space. Most units are appropriately stacked. However whilst a shortfall is noted, it is not considered to cause detrimental harm to future occupiers as the new build has the potential to be adequately insulated. Therefore the slight shortfall is not considered sufficient reason for refusal. Loss of amenity to neighbouring properties are mitigated by low roofs and the maintenance of separation between the proposed and existing buildings and obscure glazing

Background

The recession has had a significant impact on the development industry over the past two years. The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted. Demand for new properties has declined in the face of reduced household income and the ability of potential homeowners to secure mortgage finance has been severely limited, although house prices have remained surprisingly resilient.

As a result a number of consented schemes are at risk of not being commenced within three years of the permission being issued. The need for homes remains, however, and it is expected that the construction sector, which makes a significant contribution to the economy, will recover when the recession eases and liquidity returns to the credit markets.

Government response

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able to apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Procedural matters

The process is referred to as an extension for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes.

The Department of Communities and Local Government stresses that, although this is not a 'rubber-stamp' exercise, "development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date"

Brents Approach

Guidance titled 'Greater Flexibility for Planning Permissions: Guidance' has been published by the Government and this document informs how LPAs are to approach these types of applications (Communities and Local Government, 2009). LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly. The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed significantly since the original grant of permission"

Policy changes since April 2008

Below is a summary of the main policy changes to have occurred since planning permission was granted. Not all policy changes affect the scheme and of those that do, not all would make the scheme unacceptable. If any policy is now at odds with the scheme, its significance should be balanced against the guidance from the Government that LPAs take a positive and constructive approach to deciding these applications, which should be given substantial weight.

National policy changes

In terms of national policy statements, none of the changes are considered relevant to this application.

Regional policy changes

Draft London Plan 2009

The Mayor has just concluded (October 2010) consultation on the Draft London Plan. The draft plan includes policy 3.5 relating to the quality and design of housing developments. this states:

"The design of all new dwellings should take account of factors relating to 'arrival at the building and the 'home as a place of retreat, meet the dwelling space standards set out in Table 3.3, have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoner's over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process"

As this is a draft policy and has not yet been adopted, limited weight is given when assessing the extension of time limit to this application. However an assessment of the proposed accommodation has been made in relation to the draft dwelling space standards set out in Table 3.3 of the Mayor's draft London Plan. Given that not all the units are all in compliance with Council guidelines for minimum floor areas and the number that are marginally below the GLA draft standards is small, the proposal is considered to be acceptable. It should be noted that the policy is only at draft stage it is not considered to have sufficient weight to warrant refusing permission for the extension of time.

Local policy changes

Brent Core Strategy

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had begun prior to the decision to grant planning permission in 2008. The Core Strategy DPD was submitted to the Secretary of State on 30 September 2009. The Core Strategy has now been examined and the Council received the Inspector's report on 16 April 2010. This concludes that the Strategy is sound subject to a number of recommended changes. None of the changes are considered relevant to this application.

Substantial physical changes to the area since April 2008

No changes have occurred along the boundaries of the site and no applications to make changes in the future have been received.

Changes to the scheme

No changes to the scheme approved by Members at Committee in April 2008 are proposed.

Changes to the planning permission

To reflect the changes in policy described above, the following changes are made to the decision notice:

1. Update 'Summary reasons for approval
2. Add condition listing approved plans
3. Remove condition 2 from Planning Permission 08/0376. For the information of Members, Condition 2 was a restrictive condition requiring the works to be carried out in accordance with the plans. This has been phased out of formal decision notices as being unnecessary.

Objections

As discussed in the *Consultation* section, above, most of the objections raised have been addressed in the original committee report (Appendix 1) and given due weight and consideration by Members before planning permission was granted. In the circumstances set out it would be difficult for points now made to justify the refusal of 'Extension of time'

Conclusion

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which would otherwise lapse during the UK recession. Some policy changes were anticipated in the legislation and although the guidance made it clear that applications to extend planning permissions should not be considered a rubber stamp exercise, it also made clear that LPAs should be positive and constructive in their approach to determining them.

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the planning permission. In reaching this decision, your officers have attached substantial weight to the Government's guidance on how to approach these applications.

RECOMMENDATION: Grant Consent subject to Legal agreement

CONDITIONS/REASONS:

(1) The proposed development is in general accordance with policies contained in the:-

- Brents Unitary Development Plan 2004
- Central Government Guidance
- Council's Supplementary Planning Guidance.

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

- Built Environment: in terms of the protection and enhancement of the environment
- Environmental Protection: in terms of protecting specific features of the environment and protecting the public
- Housing: in terms of protecting residential amenities and guiding new development
- Transport: in terms of sustainability, safety and servicing needs

(2) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

(3) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

(4) During demolition and construction on site:-

(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;

(b) - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;

- (c) - Vehicular access to adjoining and opposite premises shall not be impeded;
- (d) - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;
- (e) - No waste or other material shall be burnt on the application site;
- (f) - All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
- (g) - A barrier shall be constructed around the site, to be erected prior to demolition;
- (h) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (5) The existing redundant crossover shall be reinstated to kerb-and-channel and all proposed new crossovers constructed at the applicants' expense, to the satisfaction of the Director of Transportation, before the development is brought into occupation.

Reason: In the interests of pedestrian and highway safety.

- (6) All areas shown on the approved plans, shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site, such landscaping work shall be completed during the first available planting season following completion of the development hereby approved.

The submitted scheme shall include details of:

- (a) proposed gates, walls and fencing, indicating materials and heights;
- (b) any screen planting on the boundary;
- (c) adequate physical separation such as protective walls and fencing, between landscaped and paved areas;
- (d) treatment of areas of hardstanding.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (7) The development hereby permitted shall be carried out in accordance with the following approved drawing

05053-75, 05053-76, 05053-77, 05053-78, 05053-79, 05053-80, 05053-81, 05053-82, 05053-83, 05053-84a, 05053-85a, 05053-86a, 05053-87a, 05053-88a, 05053-89a, 05053-90a, 05053-91a, 05053-92, 05053-93, 05053-94, 05053-95, 05053-96, 05053-97a, 05053-98

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

- (1) The applicant is advised to contact the Director of Transportation in order to arrange for works to arrange for works to create/remove crossovers in line with borough-wide standards

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: 27 Aylestone Avenue, London, NW6 7AE

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APPENDIX 1

Committee Report Planning Committee on 9 April, 2008

Item No.
Case No.

2/02
08/0376

RECEIVED: 6 February, 2008

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 27 Aylestone Avenue, London, NW6 7AE

PROPOSAL: Demolition of existing house and erection of 2-storey building comprising 8 self-contained flats, with provision of outbuilding for cycle storage, refuse storage, 8 parking spaces, new vehicular and pedestrian access to side and rear, hard and soft landscaping, and boundary fencing to site

APPLICANT: A. A. & H. W. Preiskel

CONTACT: Bell Cornwell

PLAN NO'S: 05053-75, 05053-76, 05053-77, 05053-78, 05053-79, 05053-80, 05053-81, 05053-82, 05053-83, 05053-84a, 05053-85a, 05053-86a, 05053-87a, 05053-88a, 05053-89a, 05053-90a, 05053-91a, 05053-92, 05053-93, 05053-94, 05053-95, 05053-96, 05053-97a, 05053-98

RECOMMENDATION

Approve

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- Terms to ensure the payment of £3,000 for each net additional bedroom (Total £36,000).

The applicant has agreed to enter into this s.106 agreement.

EXISTING

No. 27 is a large, two-storey dwellinghouse on the western side of Aylestone Avenue, immediately to the west of the junction with Chudleigh Avenue.

PROPOSAL

Demolition of existing house and erection of 2-storey building comprising 8 self-contained flats, with provision of outbuilding for cycle storage, refuse storage, 8 parking spaces, new vehicular and pedestrian access to side and rear, hard and soft landscaping, and boundary fencing to site.

HISTORY

Planning application (ref no: 06/2100) for demolition of existing house and erection of 2-storey building comprising 10 self-contained flats over 3 floors with provision of cycle and bin store, 10 parking spaces, new vehicular and pedestrian access, hard and soft landscaping, and boundary fencing (as accompanied by Planning & Design Statement dated July 2006) was refused on the 11th of October 2006.

An appeal against this refusal was dismissed by an inspector appointed by the secretary of state on the 27th March 2007.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STRATEGIC POLICIES

STR1 Housing (particularly affordable) is Priority Land-Use
STR3 Sustainable Development
STR5 Reducing the need to Travel
STR11 Built and Natural Environment
STR14 Quality of the Urban Environment
STR18 Additional Housing
STR19 New Housing Development

BUILT ENVIRONMENT

BE1 Urban Design Statements
BE2 Townscape: Local Context and Character
BE3 Urban Structure
BE5 Urban Clarity and Safety
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE12 Environmental Design Principles.

HOUSING

H8 Resisting loss of housing.
H9 Dwelling Mix
H12 Residential Quality – Layout Considerations
H13 Residential Density

TRANSPORT

TRN3 Environmental Impact of Traffic
TRN10 Walkable Environments
TRN14 Highway Design
TRN23 Parking Standards – Residential Developments
TRN35 Transport Access for Disabled People and others with Mobility Difficulties
PS14 Parking Standards – Residential Development
PS15 Parking for Disabled People
PS16 Bicycle Parking

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

EXTERNAL CONSULTATION

To date, a total of 12 letters of objection have been received from 2, 3, 4, 6 Chudleigh Road; 22, 23, 29, 74, 23, 28, 29 30; 31, 41, 74 Aylestone Avenue, 54 Milverton Road and Aylestone Avenue Residents' Association.

The main concerns raised can be summarised under the following:-

- development would be excessively dense
- overdevelopment of the site
- adverse impact on neighbours
- inadequate car parking
- insufficient amenity space provided
- the area is characterised by single-family dwellings
- proposal would be detrimental to highway safety
- increased opportunities for crime
- totally out of character with the area
- this would set a precedent for other similar unacceptable developments
- proposed design is unacceptable
- additional pressure on services from extra 10 units
- loss of trees
- reduction in property values

LANDSCAPE DESIGNER

Raises no objection to the proposal, although conditions would be required to be attached to any consent securing details of soft and hard landscaping on the site.

TRANSPORTATION ENGINEER

Raises no objection to the proposal. A more detailed discussion of the issue can be found in the main body of the report.

REMARKS

Members will be aware that a previous scheme for 10 flats was dismissed at appeal in March 2007. Therefore one of the key considerations is whether the revised proposal has overcome the difficulties identified by the inspector.

LOSS OF THE BUILDING AND DESIGN & APPEARANCE OF THE DEVELOPMENT

The building is not sited within one of the Council's designated Conservation Areas nor an ADRC (area of distinctive residential character). As a result, the area does not provide the same level of protection to existing buildings as would be the case if it was so designated or, even more sensitive, the building was statutorily listed.

This is not to say that the area does not have a character worthy of acknowledgement, but it does mean that it would be difficult for the Council to say that the demolition of buildings will never be allowed in this locality. Instead, the Council's approach should be that if buildings are to be removed, any replacement building should be of the necessary design quality, relating well to what is in the area. This stance has been supported by the 2007 appeal inspector.

In this case, whilst the building is not without merit, it is not considered that the existing house at No. 27 Aylestone Avenue is of such architectural quality that the Council should object, in principle, to its loss. The elevations of the building are considered to be fairly ordinary in terms of their architectural quality, but as indicated above, its demolition would only be considered once a replacement scheme has been formally approved by the Planning Authority and that is considered to be the key consideration at this time.

Policies BE2, BE3, BE7, BE9 and H12 of the UDP seek to ensure that new development positively enhances the character and amenity of an area. The character here is generally that of a suburban road of generally two storey houses. Despite this, it is considered that there is no objection to a flatted development, per se,

in this location. However, this would be on the basis that the resulting development would not detract from the well-established character of the area, and would positively enhance the area thereby.

The design of the development is fairly traditional, which is not, in itself, something that the Council would object to in principle. For the avoidance of doubt, your Officers would not object to a contemporary architectural approach here, but whichever approach is adopted, it would be on the basis that the quality of the development is acceptable. It is considered that the width of building has been reduced so to minimise its impact on the street front and hence the two Aylestone and Chudleigh Road elevations are excessive length. There is now sufficient design quality in the scheme to warrant support.

The design of the proposed development is better than the original submissions in that the six dormer windows fronting the highway which were specifically mentioned by the inspector have been removed. The proposal envisages a much simpler roofscape with two dormer windows to the front hence addressing both the Council and the Planning Inspectorate's concerns regarding the complicated roofscapes.

The footprint of the building has been altered so to replicate features in situ found in neighbouring property 25 Aylestone Avenue. The elevational treatment of the building has been selected to complement the adjoining properties and fit in with the character of the area in an attempt to enhance the streetscene.

The subject scheme proposes to build the new building 2m closer to No. 25 Aylestone Avenue than the existing building, with the new two storey development sited only 1.0 metre from the boundary. The appeal inspector, however, considered the point and was of the view that the proposed impact to be minimal and hence is not viewed to be unacceptable.

The creation of a smaller car park in the rear garden to accommodate 6 car parking spaces and the introduction of a vehicular access to serve that car park will not harm the character of the area. A suitably landscaped area of hardstanding has now been proposed with adequate planting around it to soften its appearance, it is considered that the proposed parking area is now appropriate and that a reduction in the number of flats proposed for the site has resulted in a decrease in the amount of the area given over to car parking and allowing more space for amenity/landscaping, to the benefit of the appearance of the area and future residents of the development.

DENSITY OF DEVELOPMENT

Policy H13 of the adopted UDP and SPG17 include criteria designed to ensure that new development is of an appropriate scale and density for the locality. Whilst there may be areas of suburban character that are unsuitable for significantly higher densities, the areas where there is the best case for moderately higher densities are areas with good, or better, public transport, as well as town and district centres with good public transport accessibility. SPG17 sets out a number of development characteristics (Table 1 para. 2.3) that can be used to assist in the consideration of the appropriate density for a particular scheme. In this case, the suburban character, the fact that the site is appropriate for families and that it needs a relatively high level of car parking provision all indicate that a high density scheme would not be appropriate here.

In addition, the guidance sets out a quantitative test in order to assess the appropriate density for any particular new or existing site. It includes a total of 4 density bands to be used as guidance.

	DENSITY (h . r. h.)
• In Major Town Centres/Near Major Transport Interchanges	• 240-700+
• Within 600m of Town Centres/Tube & Rail Stations.	• 240-450
• Area of Moderate/Above Moderate Transport Accessibility	• 150-350
• Area of Low Transport Accessibility	• 150-240

No. 27 Aylestone Avenue has a PTAL (public transport accessibility) rating of 1, meaning that it falls into the category of lowest accessibility. Therefore, the density of any development should fall within the 4th density band set out above. The proposed provision of 2 x three bed flats, 5 x two bed flats and 1 x one bed flat on the site would have a density in the lower limit, totalling approx. 156 habitable rooms per hectare. Hence the proposed density is seen to be acceptable. For the avoidance of doubt the, the appeal inspector considers the previous more dense scheme also acceptable.

LOSS OF FAMILY HOUSING

The Unitary Development Plan (para. 5.9.2) states that “where a development proposal entails demolition or change of use of residential accommodation, the Council will seek replacement dwellings comparable with the standard and amount of accommodation lost. This is to maintain the overall amount and quality of the dwelling stock and to ensure that the dwelling target policy STR18 is not jeopardised.” Policy H8 goes on to state:

“Development should not result in the net loss of residential housing accommodation where such accommodation can still be used, with or without adaptation, for permanent residential purposes, or loss of land within the boundary of sites in housing use to non housing uses. Where development entails demolition or other loss of dwellings, comparable replacement will be required. Specific exceptions to this policy are set out in the Community Facilities chapter.”

The proposed development seeks approval for the demolition of a family dwelling and the erection of a block of 8 flats in its place consisting of 2 x three bed flats, 5 x two bed flats and 1 x one bed flat. As a result, the proposal does not result in a net loss of housing and it also provides replacement large units comparable in size to the unit being removed and is, therefore, acceptable, in principle.

IMPACT ON ADJOINING OCCUPIERS

The proposed development would involve demolishing the existing two storey building on the site and erecting a 2-storey building, with an additional storey of accommodation in the roof, in its place. The existing building has a simple roofscape, [As would](#) the proposal with 2 dormer windows in order to achieve the amount of development proposed for the site.

Officers are of the view that the scheme has been designed to comply for the most part with the adopted guidance set down in the Council's SPG17, meaning that there are no problems in terms of how the building would relate to existing residents. The building would be sited in such a way so as to avoid creating an overbearing impact on, and resulting in a loss of light to, the occupiers of people living nearby and, as indicated above, although things will change for immediately adjoining residents, this change would not be so unacceptable so as to justify refusing consent on this ground. For the avoidance of doubt, there would be no clear glazed habitable room windows in the elevation of the building facing towards No. 25 meaning that there would be no loss of privacy to occupiers of that house and there would be a distance of approx. 33.0 metres between the rear facing windows in the new building and the nearest property in Chudleigh Road to the west. It is considered that this separation distance would be enough to ensure that amenities would be protected in this relationship.

The previous scheme was refused on the impact that it would have on No. 25, but the Inspectorate concluded that, 'I find the proposal would not unacceptably harm the living conditions at No. 25'

QUALITY OF RESIDENTIAL ACCOMMODATION

The Council's SPG17: “Design Guide for New Development” is the starting point for the assessment of this residential development. One of the key sections in the SPG covers the standards that would be applied relating to the required distances between habitable-room windows and other windows, as well as site boundaries.

In the case of the application proposal, it seems evident that the applicant has had some regard to SPG17 and the appeal decision in putting the proposal together. The site is located on the junction of two roads and, as indicated above, the proposed building has been designed so as to have no habitable room windows in any of the elevations that would conflict with people living nearby. In terms of the likely quality of accommodation for future occupiers, the submitted drawings indicate separation distances between windows and boundaries (the majority of units are orientated so as to face towards the road)

SPG17 sets out the minimum unit sizes for flats having different numbers of bedrooms. The Council's current standards seek the following flat sizes as a minimum:

- 1-bedroom flat – 45 square metres.
- 2-bedroom (4-person) flat – 65 square metres.
- 3-bedroom flat – 80 square metres.

An assessment of the current proposal indicates that the proposed flats shown on the plans do exceed the Council's guidelines, in quantitative terms.

A further issue is the provision of external amenity space on the site in order to serve the 8 flats proposed. SPG17 requires 20 square metres of space for each flat, meaning that a total of 160 square metres should be proposed here. Furthermore, each of the ground-floor flats will have a private area of enclosed amenity space. Some of this will be adjacent to the road.

In this case, and comparing favourably to the appeal scheme, the development would not rely exclusively on garden space to the front of the building, (approx 41 square metres fronting Aylestone Avenue) as there is an area of communal space to the rear and side that would provide approx. 545 square metres of external space. The proposed amenity space of the current application is better in many regards in that the amenity space is useable by the future residents and the increased amenity space creates more space for future landscaping which will enhance and improve the area. This view should be considered alongside the fact that the internal space proposed in these flats exceeds the SPG17 guidance. For the avoidance of doubt, although officers support amenity space provision proposed here the inspector did not object to the previous proposal on its grounds:

'The areas for amenity use, to the front of the proposed building, may not be the most practical in terms of future landscaping and everyday use but I find that they would be useable, of sufficient size and comparable to many other developments of this type. In addition, the proposal has unit floor sizes above that recommended, a high quality landscape design could be secured through condition and to many other developments of this type. In addition, the proposal has unit floor sizes above that recommended, a high quality landscape design could be secured through condition and to my mind the communal space is of a reasonable and usable size.'

In terms of "stacking", for the most part flats on different floors are located above one or another, meaning that the transmission of noise between them is likely to be limited. There are certain instances between the accommodation in the roof and the first floor where this would not necessarily be the case, but it is your Officers' views that these are limited in terms of their likely impact and that in the event that this proposal was to be acceptable in all other respects, it would not be appropriate to refuse consent on "stacking" reasons alone, given that this is a new-build proposal.

HIGHWAY MATTERS

The application site is at the junction of Aylestone Avenue and Chudleigh Road, both local access roads. The UDP does not define either of them as being "heavily-parked". The site lies within a Controlled Parking Zone but has low public transport accessibility with a PTAL rating of level 1.

The existing dwelling would have a maximum parking provision of 2 car-parking spaces, and the proposal to replace this with 8 dwellings will inevitably lead to a rise in the parking standard. The maximum provision allowable by policy PS14 would be 9.2 car spaces, and the provision of 1 parking space per flat, making a total of 8, is considered to be acceptable in highway terms. The Highway Engineer considers that any additional parking generated can be accommodated safely on-street, if required.

The refuse and bicycle store located adjacent to the parking area is also acceptable in terms of cycle storage provision and accessibility of refuse for collection/servicing purposes.

The envisaged 4.5m shared crossover and access for the two car-parking spaces onto Aylestone Avenue are of suitable size.

The proposed access and arrangements are considered to be acceptable from a technical highway point of view, in that visibility in both directions is acceptable.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
 - Bretons Unitary Development Plan 2004

- Central Government Guidance
- Council's Supplementary Planning Guidance.

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

- Built Environment: in terms of the protection and enhancement of the environment
- Environmental Protection: in terms of protecting specific features of the environment and protecting the public
- Housing: in terms of protecting residential amenities and guiding new development
- Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith, prior to occupation of the building.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities of the locality.

- (3) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (4) During demolition and construction on site:-

(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;

(b) - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;

(c) - Vehicular access to adjoining and opposite premises shall not be impeded;

(d) - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;

(e) - No waste or other material shall be burnt on the application site;

(f) - All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) - A barrier shall be constructed around the site, to be erected prior to demolition;

(h) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (5) The existing redundant crossover shall be reinstated to kerb-and-channel and all proposed new crossovers constructed at the applicants' expense, to the satisfaction of the Director of Transportation, before the development is brought into occupation.

Reason: In the interests of pedestrian and highway safety.

- (6) All areas shown on the approved plans, shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site, such landscaping work shall be completed during the first available planting season following completion of the development hereby approved.

The submitted scheme shall include details of:

- (a) proposed gates, walls and fencing, indicating materials and heights;
- (b) any screen planting on the boundary;
- (c) adequate physical separation such as protective walls and fencing, between landscaped and paved areas;
- (d) treatment of areas of hardstanding.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

INFORMATIVES:

- (1) The applicant is advised to contact the Director of Transportation in order to arrange for works to arrange for works to create/remove crossovers in line with borough-wide standards

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245