

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

**Item No.** 8  
**Case No.** 11/0266

---

**RECEIVED:** 3 February, 2011

**WARD:** Welsh Harp

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 171-173, 171A, 173A, 175 & 175A Church Lane, London, NW9 8JS

**PROPOSAL:** Erection of a first-floor and second-floor extension above existing shops on Church Lane to create 2 x 2-bedroom flats and erection of a part ground-, first- and second-floor extension to create a three-storey building fronting Merley Court to provide 6 x 2-bedroom self-contained flats, provision of 8 car parking space and cycle parking (revised description).

**APPLICANT:** Trust House Securities LTD

**CONTACT:** Whymark & Moulton

**PLAN NO'S:**  
Refer to Condition 2

---

**RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

**SECTION 106 DETAILS**

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

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £48,000 (£3,000 per additional bedroom), due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) a S38/S278 Agreement to undertake works along the Merley Court frontage of the site to widen the road to accommodate four car parking spaces and a footway behind which will be adopted by the local highway authority.

All contributions are due on Material Start and index-linked from the date of decision.

And, to authorise the Head of Area 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**

The application site comprises a parade of shops on Church Lane, including the Co-op supermarket, Co-op Funeralcare, Co-op Pharmacy and Wishing Well public house. Part of the parade comprises two additional storeys which contain 3no. three bedroom residential maisonettes. To the rear of the site is the service yard for the commercial units which is accessed off Merley Court. To the north and west of the site are residential properties in Merley Court and three storey blocks of flats known as Mallard Court on Church Lane. To the south of the site is a parade of shops with residential above.

The site is located within a local centre. It is not sited within or adjoining a conservation area nor is it a listed building.

## **PROPOSAL**

Erection of a first-floor and second-floor extension above existing shops on Church Lane to create 2 x two-bedroom flats and erection of a part ground-, first- and second-floor extension to create a three-storey building fronting Merley Court to provide 6 x two-bedroom self-contained flats, provision of 8 car parking spaces, service bay, refuse storage and cycle parking.

## **HISTORY**

A number of planning applications and advertisement consent applications have been submitted for new shop fronts and signage.

Relevant planning history is provided below:

**10/1161:** Full Planning Permission sought for erection of a first-floor and second-floor extension above existing shops on Church Lane to create 2 x 3-bedroom maisonettes and erection of a part ground-, first- and second-floor extension to create a three-storey building fronting Merley Court to provide 6 x 2-bedroom self-contained flats, and installation of first-floor and second-floor window to Flat 171A - Withdrawn, 17/08/2010.

**H5125 3610:** Full Planning Permission sought for erection of single storey side extension to existing shop - Granted, 24/06/1977.

**E5713 7747:** Full Planning Permission sought for extension to shop and erection of two maisonettes over - Granted, 02/10/1974.

## **POLICY CONSIDERATIONS**

### **Brent's Core Strategy 2010**

**CP21: A Balanced Housing Stock** - New residential development should provide an appropriate range and mix of self contained accommodation types and sizes.

### **Brent's UDP 2004**

**BE2: Townscape: Local Context & Character** - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

**BE5: Urban Clarity & Safety** - Development should be designed to be understandable to users, free from physical hazards and to reduce the opportunities for crime, incorporating the aims of

'Secured by Design' and 'Designing Out Crime' concepts, including consideration of informal surveillance of public and semi private areas around buildings is maximised through the positioning of fenestration, entrances and other forms of overlooking. Entrances should be overlooked by development, provided with good lighting and are visible from the street.

**BE9: Architectural Quality** - Extensions and alterations to existing buildings shall be designed to:-  
(a) be of a scale, massing and height that is appropriate to their setting, civic function and/or Townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

**BE33: Tree Preservation Orders** - The Council will continue to make tree preservation orders to protect trees of high amenity value, particularly where trees are at risk of development.

**H20: Flats Over and Adjoining Buildings in Shopping Centres** - A more flexible approach towards development standards will be applied, but should still result in a satisfactory standard of accommodation. All flats should be accessed independently from the shop unit.

**TRN11: The London Cycle Network** - Developments should comply with the plan's minimum cycle parking standards (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

**TRN23: Parking Standards - Residential Developments** - Residential Developments should not provide more parking than the levels as listed in standard PS14 and PS16.

**SH19: Rear Servicing** - Rear servicing facilities by use of vehicles of retail and service outlets shall be retained and where necessary improved.

### **Supplementary Planning Guidance**

SPG17 Design Guide for New Development

### **Supplementary Planning Document**

S106: Planning Obligations

## **CONSULTATION**

Consultation Period: 14/02/2011 - 07/03/2011

### **Public Consultation**

107 neighbours consulted - representations have been received from three local residents and also from the Co-op. A summary of the comments received from local residents is provided below:

- When the land was excavated to built foundation for the shops, water filled up in the hole. There has been flooding within th Co-op pharmacy and there is a water mark on the building.
- Gas pipe in front of the shop
- Cramped space around the flats
- Additional noise and disturbance as a result of the new units
- Loss of light and privacy for the existing occupiers for 171 – 175 Church Lane, Merley Court

- and Mallard Way
- Lack of parking in the area
- Increased traffic will affect the safety of pedestrians
- No “green” amenity space for the flats
- Trees within Merley Court and Mallard Court that have been damaged have not been replaced
- Poor living conditions for new units above the Wishing Well public house
- New building will block signal to satellite dishes

The comments provided from the co-op are provided below:

They do not raise objections in principle to the scheme, however they are concerned with the impact of the development upon their servicing arrangements. They raise the following points:

- Delivery vehicles for the Co-op food store currently park on Merley Court and wheel cage down into the servicing yard. They are concerned about the location of the on-street parking spaces and whether this would interfere with food delivery vehicles
- They are concerned that the stacker system and barriers to protect it will compromise the servicing operations for both the Co-op pharmacy and funeralcare which both use the service yard
- They also point out that Co-op has a right of way across the whole of the servicing area.

#### Internal Consultation

**Landscape Team** - Advised that the development can proceed with little or no impact on the adjacent Cappadocian Maple (TPO tree) and early mature Black Poplar situated to the rear of the site.

**Transportation** - Proposal can be supported on Transportation ground subject to a Section 106 Agreement securing the following:

(i) a financial contribution of £8,000 towards non-car access/highway safety improvement and/or parking controls in the vicinity of the site and

(ii) a S38/S278 Agreement to undertake works along the Merley Court frontage of the site to widen the road to accommodate four car parking spaces and a 2m wide footway behind which will be adopted by the local highway authority.

They also requested the following amendments which have been addressed within the revised plans:

- (i) all doors and gates along the Merley Court frontage to not open outwards onto the pavement
- (ii) provision of an additional publicly accessible bicycle parking space on the Merley Court site frontage
- (iii) widening of the marked loading bay area within the rear service yard

**Environmental Health** - No objections raised in principle. Requested conditions are secured to minimise potential noise nuisance for the new flats and surrounding occupants.

#### **REMARKS**

##### **Introduction**

The site currently comprises four retail premises fronting Church Lane service road, comprising respectively a grocery store (620sqm), an undertakers' office (200sqm), a public house (165sqm)

and a chemist (125sqm). 3no. three-bedroom maisonettes are located above the grocery store and undertakers' office. A shared service yard is located to the rear of the site, accessed off Merley Court.

### **Previous application**

A recent application to provide 2 x three bedroom maisonettes above the public house/pharmacy and 6 x two bedroom flats above the rear of the grocery store (LPA Ref: 10/1161) was withdrawn by the applicants. Officer recommendation for this application was to refuse consent. Officer concerns related to the following issues:

- Excessive height and proximity of the two storey extension above the public house and pharmacy in relation to the communal garden of Mallard Court resulting in a loss of light and outlook and an overbearing appearance to the detriment of the amenities of the occupants of Mallard Court.
- Proximity of the two storey extension above the public house and pharmacy in relation to the Norway Maple tree located within the communal garden of Mallard Court which is protected under a TPO resulting in significant damage to the crown of this tree.
- In the absence of a Full Tree Protection Statement in accordance with BS5837: 2005, the siting of the car stacker system and associated excavation works involved in its construction, is likely to cause harm to the Black Poplar located to the rear of the site.
- Recessed entrances of flats 2, 3, 5 and 6 provide limited natural surveillance, fail to incorporate the aims and objectives of both "Secured by Design" and "Designing-Out Crime" concepts.
- Increased demand for parking which cannot be fully accommodated on site, resulting in additional demand for on-street parking around the site in a heavily parked area which cannot be readily and safely accommodated to the detriment of the free and safe flow of traffic.
- Car parking stacker system likely to result in insufficient space for transit sized and larger vehicles for the commercial units to be able to turn around within the site, to enter and leave the site in a forward gear.
- Insufficient provision of refuse storage for residential and commercial units, secure cycle storage and a disabled parking bay

This application seeks to address the above concerns.

### **Site Layout and Access**

The proposed scheme involves two elements, one being an extension of the existing two storey maisonettes above the ground floor shops facing Church Lane and an additional two storey element facing Merley Court. The existing maisonettes are accessed from Merley Court. Both the existing maisonettes and new units will be accessed from Merley Court via a new entrance lobby. The existing maisonettes will continue to be accessed via the existing walkway at first floor level. The new flats that form part of an extension to the existing maisonettes will be accessed via a shared communal space adjacent to the amenity space for the existing flats. It is proposed to formalise the amenity space for the existing flats to provide dedicated private amenity space.

Flats 1 and 4 of the new addition fronting Merley Court will be accessed off the shared communal space close to the main entrance. The other flats (Nos. 2, 3, 5 and 6) are accessed by one entrance between flats 2 and 3. In response to concerns previously raised by officers, the screened private areas for these flats have been reduced in depth and the window to the living

rooms of flats 2 and 3 allow for natural surveillance to this entrance point.

### **Design Scale and Massing**

The extension of the existing maisonettes fronting Church Lane will replicate the design and detailing of the existing building, proposed at 2 storeys in height with a pitched gable ended roof. It is however slightly lower than the ridge of the existing extension. This is to allow for a distinction between the two extensions to prevent awkward appearance when constructed. The design is considered acceptable and is in keeping with the general character of the area.

The two additional storeys fronting Merley Court reflect the design and height of existing development in the area including the existing maisonettes and building on the opposite side of Merley Court. The fenestration and detailing provides visual interest on the Merley Court frontage which currently comprises the flat roof of the single storey Co-op building. Sliding panels are proposed for the entrances to the refuse storage facilities. It is recommended that further details of the design of the sliding panels are secured through a condition as they will be a prominent feature in the streetscene.

### **Residential Quality for Future Residents**

#### *Unit sizes and mix*

This application proposes an additional 8 units in the form of 8no. two bedroom self contained flats. The mix of units is broadly considered acceptable for the site complying with the objectives of policy CP21 of Brent's Core Strategy given the current provision of 3 x three bedroom maisonettes.

Supplementary Planning Guidance 17 indicates minimum unit sizes for flats, the Council's current standards seek the following flat sizes as a minimum:

- 2-bedroom (3-person) flat - 55 square metres.
- 2-bedroom (4-person) flat – 65 square metres.

An assessment of the current scheme indicates that all flats are in excess of 60sqm, exceeding the minimum standards for a 2 bedroom (3 person) flat.

The flats are suitably stacked in relation to one another.

#### *Outlook and light*

All of the units have dual aspect. Outlook is considered acceptable from the windows of all of the proposed units. All units will be provided with sufficient levels of light.

#### *External amenity space*

SPG17 requires 50sqm of external amenity space for family housing and 20sqm of external amenity space for other units.

It should be noted that the existing maisonettes do not have any private external amenity space and given their location above shops there is limited room to provide external amenity space. This application is proposing to provide screened private amenity space outside each of the existing maisonettes and the proposed first floor flats (Flats 1, 2,3, 7 and 8). The amenity space ranges from approx.17.6sqm to 18.4sqm. Whilst the amenity space areas will not contain soft landscaping and its usability is limited, consideration has to be given to Policy SH20 which requires a more flexible approach to development standards for flats above shops. Given that the standard of accommodation is reasonable and that a Section 106 contribution is sought to enhance open space within the area, the quality and quantity of the amenity space proposed is considered

acceptable.

### **Impact on neighbouring residents**

SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties. Two such considerations are the 30-degree line from the nearest rear habitable-room window of adjoining existing residential development, measured from a height of 2.0m above floor level. The other consideration is the 45-degree line from the adjoining private garden/amenity space taken at the garden edge, measured from a height of 2.0m.

The scheme sits within a line drawn at 30 degrees from the nearest rear habitable room windows of Nos. 41 to 44 Merley Court (located to the rear of the site). Whilst it fails a 30 degree line when measured from Nos 1 to 6 Mallard Court, this is only when measured from a certain angle and does not affect the principle direction of outlook from this habitable room window which is in a south easterly direction. The new block fronting Merley Court also sits within the 30 degree line when measured from the habitable rooms on the rear elevation of the existing maisonettes (Nos. 171A to 175A Church Lane).

The two storey extension fronting Church Lane has been set in from the boundary with the communal external amenity space of Mallard Court. This is in response to concerns previous raised by officers as the previous scheme previous failed 45 degree line measured from the edge of this communal amenity space. It now sits within 45 degree line, and thus is not considered to appear excessive in scale or overbearing, when viewed from the communal amenity space for Mallard Court. When measured from the private amenity space for the existing maisonettes, the new block fronting Merley Court also sits within the 45 degree line. In terms of the relationship with Nos. 41 to 44 Merley Court, the eaves of the two storey extension fronting Merley Court fails 45 degree guidance. However, this is a small element of the scheme, and overall it is not considered to have an adverse impact upon the amenities of these occupants when in their rear garden by appearing overbearing.

#### *Outlook*

Outlook for the residential properties on Merley Court and Mallard Court is not considered to be affected by this proposal.

Outlook from the kitchen and second floor bedroom for the maisonettes at No. 171A Church Lane will be affected by the new block fronting Merley Court. This is due to the new block being located at a distance of 8.8m from the existing maisonette. To offset this impact, the plans originally proposed a flank wall window of No. 171A Church Lane at both the first and second floor to allow for dual aspect for the kitchen and bedroom. However, the agent has since advised that due to ownership rights and the tenancy agreement, it may not be possible to provide these windows. It is considered that whilst it would have been preferable to have these windows on the flank wall, the level of outlook from the kitchen and second floor bedroom window is not considered to be significantly affected as to warrant a reason for refusal. This maisonette will still have dual aspect and outlook to the side at an oblique angle. In addition, outlook for the first floor rear habitable room windows is already affected by the boundary wall of the walkway which is located at a distance of 6.5m from these windows. Outlook for the maisonette at No. 173A Church Lane, will be partly affected but views will still be allowed on a north westerly direction from the kitchen and second floor bedroom.

The two storey extension fronting Church Lane will project rearward of the rear building line of the existing maisonettes. The depth of the rear projection has been limited to 3.4m to meet the 2:1 guidance when measured from the nearest habitable room windows at No. 175A Church Lane, complying with SPG5.

## *Privacy*

Privacy standards for residential development are: 10m separation between habitable windows on the rear flank of the development and the rear boundary; and 20m distance between habitable rooms which face each other.

A distance of 20m is maintained between directly facing habitable room windows and a distance of 10m or more is maintained between habitable room windows and the site boundary. As such, the proposal is not considered to result in a loss of privacy or overlooking into the rear gardens or rear windows of adjoining properties.

Whilst it is noted that flank wall windows are proposed on the flank wall of the new blocks, as they are to non habitable rooms, it is recommended that a condition is secured for them to be obscured glazed.

## *Stacker System*

The car stacker system is to be located within the rear service yard along the boundary with the amenity space of Mallard Court and an open space between Nos. 39 to 40 and 41 to 42 Merley Court. As the car stacking system has potential to cause a noise nuisance to the proposed development and surrounding properties, officers in Environmental Health have recommended that a condition is secured to submit a report to demonstrate that the noise due to the staking system at the nearest noise sensitive facade shall be at least 10dB below the measured background level.

## **Highway Considerations**

The subject site is located in an area with moderate access to public transport (PTAL). On street parking along Church Lane service road is limited to a maximum stay of one hour between 8am and 6.30pm Mondays to Saturdays. On-street parking in Merley Court is unrestricted, but due to its narrow width means footway parking is commonplace, which is not authorised.

## *Car parking requirements*

The application proposes eight car parking spaces (one for each of the new residential units) within the rear service yard, provided through the use of a double stacker system containing six spaces and two further car parking spaces in the yard. One of the car parking spaces is incorporated into a wider loading bay, which will be allocated for residential parking during the evenings and for loading for the commercial units during the daytime.

Car park allowances for the existing and proposed floorspace within the site is set out in standards PS7, PS9 and PS14 of the adopted UDP 2004. As the site does not have good access to public transport services and is not located within a CPZ, full residential allowances apply. The existing commercial units would be permitted up to six spaces (three for the grocery store and one each for the other units), whilst the three existing flats would be permitted up to 4.8 spaces, given a total of 10.8 spaces. The addition of eight further units would increase the maximum allowance by 10.4 spaces to 20.4 spaces. There is currently no off street parking for the existing flats.

Whilst the eight car parking spaces within the rear service yard would meet the parking standards required for the additional eight units, consideration also needs to be given to possible overspill parking upon the adjoining highways. To address this concern, this application proposes to widen Merley Court by about 1.5m for a distance of 33m along the site frontage to provide half-width parking bay with a 2m footway behind. The works will be secured through the use of a S38/S278 Agreement as part of the S106 Legal Agreement. This will have the advantage of allowing cars to park on both sides of the street without having to park on and obstruct the footway as occurs as present. The proposed works to the highway will create four additional legal on-street parking spaces which is considered sufficient to mitigate the impact of the additional parking that would be likely to be generated in the area as a result of the proposal, with sufficient on and off street parking thereby proposed to satisfy the likely total demand from the existing and proposed units.



### *Disabled Parking*

The inclusion of a new disabled parking space within the new lay-by will allow Standard PS15 to be satisfied for the overall site. As it is proposed on the public highway, it will need to be subject to a Traffic Regulation Order (which will be at the discretion of the Highway & Transport Delivery Unity) and will be available for general use amongst all visitors to the area that hold Blue Badges, rather than being specifically allocated to this site.

### *Bicycle Parking*

Standard PS16 requires the provision of at least one secure bicycle parking space per residential unit. Six bicycle parking spaces is proposed within a store accessed from the lobby. In addition three publicly accessible bicycle parking spaces are proposed on the Merley Court frontage. This will meet standards and provide some space for the retail units.

### *Servicing*

A loading bay is to be marked out in the service yard to accommodate two transit sized vehicles. Tracking has been provided to demonstrate that transit sized vehicles can turn around within the site. Due to the limited space available within the service yard, one of the transit sized spaces on Mondays to Fridays will be available for the commercial units during the day (8.00am to 6.00pm) and as a residential parking bay during the evening (6.00pm to 8.00am). On Saturdays, Sundays and Bank Holidays it will be in use for the residential unit. The other servicing bay will remain in permanent use for the commercial units.

For larger vehicles (rigid lorries for the grocery store and brewery drays for the public house), it is acknowledged that the restricted width of the access and the junction onto Merley Court means that access into the rear service yard is currently very difficult at present and therefore front servicing or parking on Merley Court is more likely and will remain the case in the future. This proposal will not make the situation any worse. Intermediate sized vehicles (8m box vans etc) would still be able to reverse into the site from Merley Court.

The proposed development formalises the existing parking on Merley Court, ensuring that adequate space on-street is provided for servicing. In addition, the footpath adjacent to the parking spaces will be adopted and provide a clear route for trolley deliveries to the rear of the units. As such, whilst the existing servicing arrangements are not ideal, due to the limited space available on site, there is little scope to provide a more acceptable solution. There may be scope in the future for the on street parking spaces to be made available for servicing during set times, however, this would be subject to a Traffic Management Order and cannot be considered as part of this application.

### *Refuse arrangements*

The lobby entrance extension fronting Merley Court will contain bin stores for the existing and proposed units. The storage space available is considered sufficient to accommodate the bin store requirements as set out in Waste and Recycling Storage and Collection Guide for Residential Properties.

### **Landscaping**

No landscaping is proposed within the site boundary and due to the nature of the site, the opportunity for landscaping is limited. However, as discussed above, a communal external amenity space and dedicated private external amenity spaces areas will be provided for the residential units on the roof of the ground floor. It is recommended that details of edging treatments to restrict overlooking to neighbouring properties and any soft landscaping that can be incorporated within this area is conditioned.

There is a *Acer Platanoides* "Norway Maple" tree sited within the communal gardens of Mallard Court. Due to the high amenity value of this tree, a Tree Protection Order has been put on this tree. Officer's raised concerns during the course of the previous application with the proximity of the two storey extension fronting Church Lane in relation to the crown of this tree. As part of this application, the two storey extension is set in further away from the crown of the tree and an Arboricultural Report has been submitted to assess the impact of the extension upon the Norway Maple. It concludes that the size of the tree will need to be managed in the future by careful pruning. The Council's Tree Officer has advised that the development can proceed with little or no impact to the adjacent Norway Maple. It is therefore recommended that details of the pruning works that are to be carried out to this tree is conditioned and approved in writing by the Local Planning Authority prior to any works commencing on the pruning of this tree.

It is also noted that there is a young Black poplar situated in the rear garden of the properties on Merley Court. The proposed car stacking system is located in close proximity to this tree, and will require excavation to a depth of approximately two metres which may encroach on the poplar's root protection area. However, officers can advise that the adjacent boundary wall may well have intercepted and deflected much of the tree's root system and the subsequent loss of any tree roots that have found their way into the development site would have minimum impact on this relatively vigorous tree.

### **Noise Impact**

The proposed development places two units (fronting Church Lane) directly above the public house and the other units will be within close proximity to the air conditioning units for the shops. To minimise potential noise nuisance for the proposed residential units, it is recommended that a condition is secured for a noise assessment to be submitted for the site and proposed development. The assessment should take into consideration ambient noise levels at different times of the day and propose any measures necessary to achieve ambient noise levels for the building.

### **Response to objections raised**

Objections have been received during the consultation period, raising a number of concerns. The following objections have not been addressed within the Remarks section of the committee report and are discussed below:

- *When the land was excavated to built foundation for the shops, water filled up in the hole. There has been flooding within th Co-op pharmacy and there is a water mark on the building.*

The site is located within a low flood risk area. As such the application does not need to be supported by a Flood Risk Assessment. As the residential units are at first and second floor levels, it is not considered that they will lead to additional flooding as the foundations are already in place. Any structural issues with regards to the stability of the existing commercial units and maisonettes are a matter that needs to be considered by a structural engineer or as part of the Building Regulations.

- *Gas pipe in front of the shop*

A notifiable pipe line is not located within proximity to the application site. As such, the Local Planning Authority is not required to consult the Health and Safety Executive on this application. Nevertheless, during the course of the building works, the applicants are required to comply with health and safety legislation.

- *New building will block signal to satellite dishes*

The development is of a similar height to existing developments within the vicinity of the site. It is therefore considered that the impact of the development upon satellite signals is limited. However,

if satellite dish signals are affected consideration could be given to redirecting the dishes or providing a communal satellite dish for the blocks of flats.

### **Conclusion**

In conclusion the proposed development is considered acceptable in terms of its density, design and layout, its scale, mass and location, dwelling mix, and in the quality of residential accommodation proposed. The proposal meets the Council's parking and servicing standards and the applicants have agreed to a section 106 agreement providing a range of benefits.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent's Core Strategy 2010  
Brent's UDP 2004  
SPG17 "Design Guide for New Development"  
S106: "Planning Obligations"

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  
Housing: in terms of protecting residential amenities and guiding new development

### **CONDITIONS/REASONS:**

- (1) 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.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

09/087 - 01; 02; 03; 04 Rev C; 05 Rev D; 06 Rev C; 07 Rev C; and 08 Rev D

Arboricultural Report prepared by Suffolk Tree Service Ltd  
Design and Access Statement prepared by Whymark Moulton  
Access and Parking Statement Report prepared by Richard Jackson

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

- (3) All of the parking spaces and loading bay area proposed in the rear car park, as shown on the approved plans shall be constructed and permanently marked out prior to first occupation of proposed residential units hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a satisfactory development which contributes to the visual

amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) Further details of the design of the cycle stands both within the extended building and on the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site. The approved cycle stands shall be fully implemented prior to first occupation of the proposed residential units hereby approved and thereafter permanently retained.

Reason: To provide adequate facilities for cyclists.

- (5) The flexible space within the rear service yard as shown on the approved plans shall be used for the commercial units only between the hours of 08.00am to 18.00pm on Mondays to Fridays and at all other times including bank holidays be used as a residential parking space.

Reason: To allow the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (6) The windows in the flank wall of the building as extended facing Mallard Court and facing Nos. 171A to 175A Church Lane shall be glazed with obscure glass and the windows shall open at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (7) No windows or glazed doors other than any shown in the approved plans shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (8) Notwithstanding the submitted plans otherwise approved further details of the following shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site. The work shall be carried out in accordance with the approved details.

(a) details of materials for all external work, including samples

(b) details of the sliding doors for the refuse storage areas

(c) details of the east and west elevation of the new block fronting Merley Court at a scale of 1:100

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

- (9) Prior to commencement of any works on site, details of the pruning works required to the crown of the Cappadocian Maple (Norway Maple) located within the amenity space of Mallard Court, shall be submitted to and approved in writing by the Local

Planning Authority. The works shall thereafter be carried out fully in accordance with such approved details.

Reasons: To ensure that the existing trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

- (10) Prior to the commencement of the use of the car stacking system the operator shall provide a report to demonstrate that the noise due to the stacking system at the nearest noise sensitive facade shall be at least 10 dB below the measured background level. The method of assessment shall be carried out in accordance with the main requirements of BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'.

Reason: To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery.

- (11) Prior to commencement of works on site, a noise assessment shall be conducted for the site (including the public house, rear service yard and air conditioning units) and the proposed development and submitted to and approved in writing by the Local Planning Authority. The assessment shall take into consideration ambient noise levels at different times of the day and propose any measures to achieve the following internal ambient noise levels in accordance with BS8233:199 'Sound insulation and noise reduction for buildings - Code of Practice':

Living Rooms: 30 - 40dB (day: T=16 hours 07.00 - 23.00)

Bedrooms: 30 - 35 dB (night: T=8 hours 23.00 - 07.00) L<sub>max</sub> 45dB (night 23.00 - 07.00)

The development shall be completed in accordance with the recommendations and any proposed measures as identified within the noise assessment.

Reason: To obtain required sound insulation and prevent noise nuisance.

- (12) Notwithstanding the submitted plans otherwise approved, further details of the communal amenity space including planting (location, species, and numbers), treatment of the edgings of the building and division of the private external amenity areas (including details of height and materials of screen shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units hereby approved. The works shall thereafter be carried out fully in accordance with such approved details.

Reason: To ensure a satisfactory environment is provided for existing and proposed occupiers.

- (13) Notwithstanding the submitted plans otherwise approved, further details of the car staker system including details of its design, operation, construction, height and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The works shall thereafter be carried out fully in accordance with such approved details.

Reason: To ensure a satisfactory environment is provided for existing and proposed occupiers.

- (14) Notwithstanding the submitted plans otherwise approved, further details of the refuse storage for the residential units (including details of storage for residual waste, dry recycling and organics) and the commercial units shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The works shall thereafter be carried out fully in accordance with such approved details prior to the first occupation of the units hereby approved.

Reason: To ensure a satisfactory environment is provided for existing and proposed occupiers.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Core Strategy 2010

Brent's UDP 2004

SPG17 "Design Guide for New Development"

S106: "Planning Obligations"

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



## Planning Committee Map

Site address: 171-173, 171A, 173A, 175 & 175A Church Lane, London, NW9 8JS

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.