

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

24 May, 2017  
09  
16/5237

## SITE INFORMATION

RECEIVED	5 December, 2016
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	53 Lonsdale Road, London, NW6 6RA
PROPOSAL	Change of use from vehicle repair garage (B2) to tap room (A4) at ground floor and first floor level.
APPLICANT	Mr Wyles
CONTACT	Iceni Projects
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_131522">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_131522</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "16/5237" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Time limit (3 years)
2. Approved Plans
3. Restriction of the use of the outdoor seating area to specified hours
4. Restrictions on the hours of use of the premises
5. Restriction of the playing of loud music and amplified sound
6. Outdoor seating and associated structures shall be demountable and removed during deliveries
7. Submission of details of noise mitigation measures
8. Submission of details of a site investigation and remediation and verification for contaminated land
9. Any other planning conditions considered necessary by the Head of Planning

### Informatives

1. Party Wall
2. A sign should be erected reminding patrons to be quiet and act responsibly when leaving the premises
3. Any other informatives considered necessary by the Head of Planning

And that the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

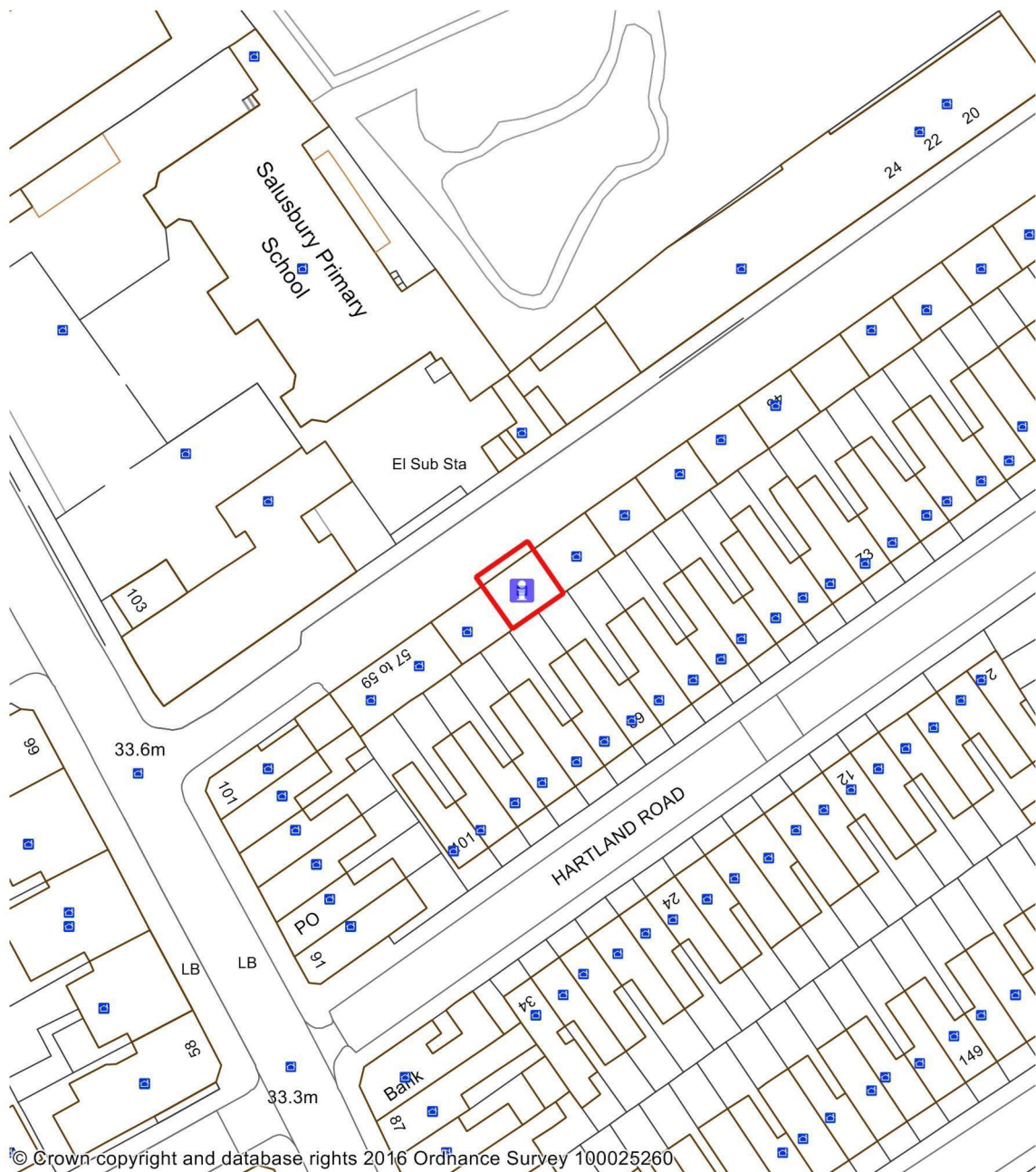
## SITE MAP



### Planning Committee Map

Site address: 53 Lonsdale Road, London, NW6 6RA

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This map is indicative only.

## PROPOSAL IN DETAIL

The application proposes converting the existing vehicle repair garage to a taproom in which, from time to time, beer is also brewed. A tap room is similar to a public house in that the primary function is to serve alcohol but in this case there is also an ancillary brewing facility that is reflective of more modern public houses that have recently emerged with the growing popularity of craft beer. The brewing element would also remain ancillary to the main A4 use otherwise a change of use may arise. The proposed works will be internal with the exception of an air conditioning unit on the roof to the rear of the building. The ground floor would be used as the bar area and the first floor would be used as mixed use space changing throughout the day from an ancillary office space to an additional seating area.

## EXISTING

The site is on Lonsdale Road, which is characterised by a variety of commercial premises including restaurants, classes and offices. It consists of a two storey mid terraced "mews" type property that is currently in use as a vehicle repair garage.

The site is not located within a conservation area nor does it contain any listed buildings. Residential properties are located to the south of the site in the form of the rear of terraced properties on Hartland Road.

## SUMMARY OF KEY ISSUES

**Representations Received:** Objections were received from four residents raising concerns regarding noise from the equipment and also from patrons of the premises. Seven letters of support were received stating that the business would be a valuable addition to the local area and that it would improve the existing site.

**Principle:** Although a Local Employment Site would be lost the proposed change of use to a tap house would improve the appearance of the site and contribute to the vitality and viability of Lonsdale Road which has developed as a commercial rather than industrial street. The principle of development is therefore considered to be acceptable.

**Impact on Neighbouring Amenity:** Due to the mitigation measures proposed concerning noise, odour and contamination and through the use of suitable conditions it is considered that the proposal would not materially harm the amenity of neighbouring residents.

**Parking & Servicing:** It is considered that the modest amount of traffic that would be generated by the development would not undermine highway safety

**Character and Appearance:** Due to the modest nature of the alterations which only include repairs and the fact that the front elevation will largely be retained it is considered that the proposal would not harm the character and appearance of the property or streetscene.

## RELEVANT SITE HISTORY

No planning history

## CONSULTATIONS

### Statutory publicity

Neighbour notification letters were issued to fourteen adjoining properties on the 14/12/2016. During this period seven letters of support were received which raised the following points:

- The use would be a good addition and improvement to the area
- The community would identify with the premises
- It would improve the appearance of the existing garage and Lonsdale Road
- Creation of jobs

During the course of the application the original description was amended to reflect the correct description of development. As a result of this the neighbours who were initially consulted and the supporters who submitted comments were re-consulted to inform them of the change in description on the 15/03/2017. During this fourteen day period four objections were received that raised the following concerns:

<i>Objection</i>	<i>Officer response</i>
Noise from: <ul style="list-style-type: none"><li>• mechanical plant; and</li><li>• customers</li></ul>	Subject to conditions the proposal would not materially harm neighbouring residents. Further commentary can be found in the main body of the report under 'Impact to neighbouring amenity'.

#### **Internal consultation**

Environmental Health – no objections subject to conditions

Policy – no objections

Transport & Highways – no objections

## **POLICY CONSIDERATIONS**

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

- The National Planning Policy Framework (2012)

#### **Development Management Policies**

DMP1 Development Management General Policy

DMP4A Shop Front Design and Forecourt Trading

DMP12 Parking

DMP14 Employment Sites

DMP21 Public Houses

## **DETAILED CONSIDERATIONS**

Officers hold the key considerations to be the following:

1. Principle
2. Impact on neighbouring amenity
3. Parking and Access
4. Character and Design

### **1. Principle**

1.1 On balance, the change of use is acceptable, with the significant merits of the scheme outweighing the limited harm.

1.2 The premises are currently used as a vehicle repair garage. As such Development Management Policy DMP14 is relevant as the site is considered to be a Local Employment Site (LES). DMP14 states that the Council will allow the slow release of LESs where a) continued wholly employment use is unviable; or b) significant benefits consistent with the wider objectives of the Development Plan are achieved. In this case the premises are still in use and the proposal if approved would result in the loss of a LES. However consideration has been given to the existing use, the character of Lonsdale Road and the benefits that the proposal would bring to the area.

1.3 The existing vehicle repair garage stores a number of broken down vehicles directly outside the premises on the street. This is considered to be unsightly and detracts from the appearance of the site and general area. The proposal would see the existing use removed and with it the storage of broken down vehicles.

1.4 Recently Lonsdale Road has developed as a mixed use road with commercial premises including offices open during the day and restaurants open in the evenings and night time. Lonsdale Road is not located within a designated primary or secondary shopping frontage but is located directly beside and within walking distance of Queens Park Town Centre. It now contributes to the overall vitality and viability of the Queens

Park area. The proposal would see the creation of a tap room that conforms with the growing night time economy of Lonsdale Road and remove an existing industrial use. As such it is considered that the proposal would result in significant benefits consistent with the wider objectives of the Development Plan by improving the aesthetics of Lonsdale Road and also by contributing to the growing night time economy in this area. In addition to this public houses can make a valuable contribution to the community by adding character to the area and providing employment and a place for social interaction.

1.5 The principle of converting the property from a vehicle repair garage to a taphouse is therefore considered to be acceptable in principle, subject to the material planning considerations set out in this report.

## **2. Impact on neighbouring amenity**

2.1 The impact of the proposal on the living conditions of neighbours would be acceptable, subject to conditions.

2.2 Residential properties are located to the south of the site in the form of Hartland Road. The properties here are two storey terraced properties whose rear gardens directly abut the shared boundary wall of the application site. Due to the nature of the proposed use Environmental Health officers have assessed the proposal in terms of the impact of noise, hours of use and odour on neighbouring residents. The two properties located on either side of the site, Nos.51 and 55 Lonsdale Road, consist of a stores and workshop.

2.3 The applicant has submitted a Noise Impact Assessment Report in support of the application due to the proposed operation of the premises and also the inclusion of an air conditioner condenser unit on the roof of the building at the rear of the site. Officers have assessed this report and are in agreement with the findings and methodology used. It is recommended that a restrictive condition be imposed to ensure that the mitigation measures described in the approved Noise Impact Assessment are implemented. With the mitigation measures in place officers consider that the neighbouring residents would not be materially harmed.

2.4 Due to the proximity of neighbouring residents officers recommend that the outdoor area is not used after specific hours which will be secured by condition. In addition to this the hours of use of the premises and the use of loud music would also be conditioned to ensure that the impact on neighbouring properties would be kept to a minimum.

2.5 With regard to odour the applicant has provided information on the proposed kitchen area and brewing process. As no hot food will be prepared on site there are no concerns with odour from the kitchen. Officer's have also considered the brewing process and have found that odour generation is unlikely to cause material disturbance at the nearest residential premise.

2.6 Taking these factors into account and the mitigation measures proposed officers consider that the proposal would not materially harm the amenity of neighbouring residents. As the site was previously in use as an industrial site a condition is proposed to secure a site investigation to determine the nature and extent of any soil contamination.

## **3. Parking, Access and Servicing**

3.1 The proposal is acceptable in terms of parking, access and servicing, subject to conditions.

3.2 Car parking allowances for employment uses are set out in Appendix 1 of the DMP 2016. The site does not currently, and would not in the future, benefit from parking and the absence of any allocated parking space within the site accords with standards. The site fronts a privately maintained road, whilst the surrounding streets are subject to CPZ restrictions during the day, so there are no concerns regarding overspill parking by staff on surrounding streets. The pub is also not large enough to give rise to concern regarding excessive customer parking in the area at evenings and weekends, with the majority of customers likely to travel to this site by public transport.

3.3 Two bicycle parking stands have been provided in front of the property, in accordance with standards. The stands will be brought in at night for security reasons which is considered acceptable.

3.4 Servicing standards are set out in Appendix 2 of the DMP and require both the existing and proposed uses to be serviced by 8m rigid vehicles. There is a 2.5m wide forecourt area along the building frontage from which 8m vans can deliver. As some beer is to be brewed on the site, some raw materials are expected to be brought to the site and the small scale of the brewery means deliveries of the finished product are expected

to be made with the applicant's own 4x4 van. The pub will require other breweries to bring beer kegs to the site and deliveries of spirits will also be made. The nature of the business means deliveries by major breweries are less likely though, so it is again likely that the majority of deliveries will be by van rather than large brewery drays. A condition is however recommended that the forecourt area is cleared during loading/unloading so that delivery vans do not block traffic flow along Lonsdale Road.

#### **4. Character and Design**

4.1 The only physical alterations to the front of the property improvements to the soil and rainwater pipes and the repair of some loose fitting tiles on the roof. As such the character and appearance of the property will be maintained.

#### **5. Conclusion**

5.1 The proposal would result in the loss of a Local Employment Site however the proposed change of use would have benefits that are consistent with the wider aims of the development plan. Subject to the implementation of mitigation measures and suitable conditions the proposal would not materially harm the amenity of neighbouring residents. The application is therefore recommended for approval.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

### DECISION NOTICE – APPROVAL

Application No: 16/5237

To: Mr Westhoff  
Iceni Projects  
Flitcroft House  
114-116 Charing Cross Road  
London  
WC2H 0JR

I refer to your application dated 05/12/2016 proposing the following:  
Change of use from vehicle repair garage (B2) to tap room (A4) at ground floor and first floor level.

and accompanied by plans or documents listed here:  
See condition 2  
at 53 Lonsdale Road, London, NW6 6RA

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 12/05/2017

Signature:

**Alice Lester**  
Head of Planning, Transport and Licensing

### Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG



**SUMMARY OF REASONS FOR APPROVAL**

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

Development Management Policies (2016)

- 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):

D021\_B\_EXISTING AND PROPOSED GROUND FLOOR PLANS  
D021\_B\_EXISTING AND PROPOSED FIRST FLOOR PLANS  
D023\_B\_EXISTING AND PROPOSED REAR ELEVATIONS  
D024\_EXISTING LONG AND CROSS SECTIONS  
D025\_C\_PROPOSED LONG AND CROSS SECTIONS  
D026\_\_PROPOSED PUBLIC REALM PLAN + ELEVATION  
D028\_\_GENERAL SITE LOCATION PLAN

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

- 3 The outdoor seating area shall not be used except between the hours of
- 1000 hours and 2200 hours Mondays to Saturdays
  - 1000 hours and 2100 hours Sundays and Public Holidays

and at no other time whatsoever.

Reason: To protect acceptable local noise levels and neighbouring amenity

- 4 The premises shall not be used except between the hours of:-

- 08:00 hours and 23:00 hours Mondays to Fridays
- 10:00 hours and 00:00 hours Saturdays
- 10:00 hours and 23:00 hours Sunday and Public Holidays and at no other time.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 5 No music, public address system or any other amplified sound whatsoever shall be audible outside the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- 6 Any and all outdoor seating and associated structures shall be demountable and shall be removed for the duration of deliveries.

Reason: to ensure delivery vehicles can load or unload within the site boundary and without obstructing Lonsdale Road.

- 7 The development shall not be occupied unless the mitigation measures described in the approved Noise Impact Assessment (Noise Solutions Ltd Project reference 86355 Rev 1 dated 17/11/16) have been implemented in full The approved mitigation measures shall be maintained for the lifetime of the development.

Reason: To protect acceptable local noise levels and neighbouring amenity

- 8 (a) Prior to the commencement of any works on site, with the exception of works necessary to facilitate compliance with part (a) of this condition, a Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Site Investigation shall be carried out by competent persons in accordance with the principles of BS 10175:2011 to determine the nature and extent of any soil contamination present; include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors

(b) Prior to the commencement of any works, with the exception of works necessary to facilitate compliance with part (b) of this condition and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use; include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works shall be carried in accordance with the approved details in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Any remediation measures required by part (a) above shall be carried out in full.

(c) Prior to the occupation of the Development and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall demonstrate that the remediation has been carried out in accordance with the approved Remediation Strategy; and that the Development is permitted for its approved end use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

Any person wishing to inspect the above papers should contact Barry Henn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232