

 **Planning Committee Map**
Site address: FIRST FLOOR, 1-3 Lonsdale Road, London, NW6 6RA
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This map is indicative only.

RECEIVED: 10 January, 2012

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: FIRST FLOOR, 1-3 Lonsdale Road, London, NW6 6RA

PROPOSAL: Variation of condition 4 (for temporary one year period) involving the extension of hours of usage to 06:00 - 22:00 Monday to Saturday and 06:00 - 21:00 Sundays and bank holidays of full Planning Permission ref:11/1956 *Change of first floor use from office (use class B1) to yoga studio (use class D2)*

APPLICANT: Dr Susannah Tomkins

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant Consent.

EXISTING

The site is the first floor yoga studio at 1-3 Lonsdale Road, which is a road characterised by mixed employment uses. The adjoining uses are as follows. Downstairs, unit 1-3 Lonsdale Road is B1 office, next door units 5-7 Lonsdale Road the use is D2 dentist. The building abuts the rear gardens of residential properties 1, 3 and 5 Hartland Road, the gardens are approximately 7m in length. The property is end of terrace so its east flank wall faces the residential properties approximately 12m away the other side of Donaldson Road, whilst the front elevation faces the flank elevation of 40 Donaldson Road which has first floor residential use. The property is not in a Conservation Area and is not listed.

PROPOSAL

See above.

HISTORY

Planning reference 11/1956: Change of first floor use from office (use class B1) to yoga studio (use class D2), granted 17/10/2011. Approved hours of use were conditioned as follows;

*0900 hours and 2100 hours Mondays to Fridays
0900 hours and 2000 hours Saturdays and
0900 hours and 1930 hours on Sundays and Bank holidays*

POLICY CONSIDERATIONS

UDP 2004

TRN22 Parking Standards - Non - Residential Developments
EP2 Noise & Vibration

Adopted 2010 Core Strategy

CP23 Protection of existing and provision of new Community Facilities

CONSULTATION

Neighbours/Consultees

35 letters sent to neighbouring owner/occupiers. To date 12 representations have been received, consisting of 3 objections and 10 letters of support.

The main points in the objections are as follows;

- Current hours of use form a key part of Councils noise control since the permission contains no conditions limiting noise.
- Noise generated from people arriving and leaving classes in close proximity to residential properties.
- Increase in visitor numbers material consideration.
- Parking is already stretched on Hartland Road.

Letters of Support raised the following points;

- Yoga is a quiet form of exercise.
- Would allow for classes before going to work which would be very beneficial.
- Would create additional business for existing businesses in the area.
- Promotes health and well being.

Statutory Consultees

Environmental Health Officers recognise the potential noise disturbance generated by people coming and going early in the morning if not carefully controlled.

Response

The following responds to some of the concerns shown above. Those that are not addressed here will be in the remarks section. The use is expected to be quiet and the applicant has provided details of installed sound installation. Also conditions attached to this permission are a means of mitigating potential noise disturbances generated from the extended hours.

Regarding an increase in visitor numbers, this is a material consideration and its impact has been assessed in relation to parking. The following report will demonstrate that the current CPZ in operation, the parking standards for the use and low volume of car usage from users means that the extension of hours will have a minimal impact toward neighbouring parking capacity.

The following report responds to other concerns listed above.

REMARKS

Impact to neighbouring Amenity

The Yoga/Pilates studio use was granted 17/10/2011 ref:11/1956, partly on the basis it was not expected to cause significant noise disturbances. The use was restricted through condition to only this activity so as to safeguard neighbouring amenity from other uses falling within D2 that could be potentially more noise generating. Environmental Health colleagues report that no noise complaints have been received since the use commenced.

The proposed extended hours will be outside of normal working hours, both in the morning and evening, with an additional 3 hours proposed in the morning and extra 1 or 2 hours (depending on the day) in the evening, so its potential to cause disturbance in particular to the adjacent residential properties needs to be assessed.

In terms of noise mitigation for the use itself, the applicant has provided detail of the installed soundproofing for the floor achieving 49dB airborne sound insulation and 36dB impact sound insulation. This exceeds 2010 Building Regulations Part E which states for more sensitive

residential uses that airborne insulation measures should achieve a minimum 43dB airborne sound insulation whilst impact sound insulation should not exceed 64dB. This demonstrates that the adjoining non residential uses will be successfully safeguarded from the limited noise generated from the classes. Furthermore it is expected these neighbours will not be present outside of working hours so are less likely to be affected by the early and late classes.

In terms of the neighbouring residential properties, the rear elevation of the building abuts the rear gardens of several residential properties on Hartland Road. Whilst they are in close proximity, the rear elevation of the property is a solid wall with no windows, hence it would successfully shield any limited sound generated by the classes. The front elevation however contains windows and faces onto the flank elevation of 40 Donaldson Road which is a residential property with a first floor window that could potentially be habitable. As such, despite the quiet nature of the activity there is potential for some limited disturbance given the early start proposed.

As a safeguard, it is considered appropriate to require that the windows remain closed whilst activities (including cleaning) are taking place in the yoga studios before 8am Monday to Saturday and 9am on Sundays and bank holidays. As an additional safeguard, a condition will require that no music shall be played on the premises so as to be audible in adjoining premises or the highway. In addition to this, it is considered appropriate to make this permission temporary for a period of a year, unless otherwise confirmed in writing by the Local planning Authority. This will enable the Council to monitor the impact of the works and assess any impact on amenity. In 12 months time it would allow the return to the previously approved hours if the extended hours prove to cause problems.

Parking

Some concerns have been expressed regarding the possibility of over spill car parking causing highway safety issues in the nearby Donaldson Road and Hartland Road, both of which are defined in the UDP-2004 as being heavily parked. Between the hours of 08:30 and 18:30 on weekdays, both roads are subject to a CPZ so are not at risk of over spill. Also as the following paragraph will explain, the low volume of car use generated by the yoga studio currently has little impact on the parking capacity outside of the CPZ hours and is expected to do so if hours of use are extended.

The scale of the operation is not considered large. At most 40 people could be accommodated at the premises, and classes are likely to be smaller than this. The applicable car parking standard for a D2 use is PS10 of the UDP-2004, which will permit 1 car space per 60 patrons, plus employee parking of 1 car space per 5 staff. This would mean 2 car spaces would be the maximum permissible for the use. The private frontage of the site can accommodate 2 car spaces, making over spill parking very much less likely.

The scale of the operation is certainly not so large that a Travel Plan would be required, however in light of the concerns raised, with particular regard for strain on existing provision and potential noise generated from shutting car doors, the applicant was asked to provide a survey to demonstrate the typical modes of transport for the current use.

The applicant supplied the following data collected during a recent week. *A large majority- 74%- came on foot or by bicycle. Of the remaining 26% around half came by public transport (so arrived on foot) and half by car. 18 people by car in a week and the majority of those in the evening. No one drove to any morning classes.* Whilst it is fair to say that early and late classes may operate differently, the survey does demonstrate that the overall car usage is low and broadly in line with the standards for a D2 use as set out above. Officers consider that the patterns are unlikely to change significantly.

In terms of impact on existing parking provision outside of CPZ hours, in the unlikely event of over spill parking during the early morning classes it is expected that spaces will already be filled by residents so will not impact on the overall quantum of parking available for people who live nearby.

In the evening, given the limited volume of car usage recorded, it is not considered to amount to any significant impact beyond what the current hours of operation generate. Also in relation to noise from car doors closing early in the morning, given that the volume of car usage is minimal this is not expected to cause a significant disturbance.

The applicant has indicated a willingness, and will be reminded through an informative, to provide information about public transport access to the site via their website and/or via leaflets provided on-site, in the interests of encouraging sustainable travel to the site and minimising use of the private car.

Summary

The main issues for consideration including parking and noise disturbance have been discussed and it is considered that, providing appropriate measures of control are applied through the permission, the extension of hours will not have an unacceptable impact. In addition it is considered the extension of hours meets a specific local need given the number of letters of support from local residents received and the application is recommended for approval.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

- Brent Unitary Development Plan 2004

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

- Environmental Protection: in terms of protecting specific features of the environment and protecting the public

CONDITIONS/REASONS:

(1) This extension to the hours of use, hereby approved, must be read in conjunction with the conditions attached to planning permission 11/1956 which granted consent for the original change of use.

Reason: In order to ensure that the Local Planning Authority is able to exercise proper control over the development in the interests of safeguarding neighbouring amenity.

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s), in addition to those approved in the original permission ref:11/1956.

Soundproofing for yogaloft:1-3 Lonsdale Road, London NW6 6RQ

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

(3) All front windows shall be kept shut while activities (including cleaning) are taking place at the yoga loft studio before 0800 Monday - Saturday and before 0900 Sundays and bank holidays.

Reason: To safeguard the amenities of neighbouring occupiers and the area generally.

- (4) No music shall be played on the premises in such a way as to be audible within the adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of neighbouring occupiers and the area generally.

- (5) This approved variation of condition shall be valid for a period of a year from the date of approval, after which the hours of use shall revert to that specified through condition 4 in original permission ref:11/1956 unless otherwise confirmed in writing by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of the proposal and to safeguard the amenities of neighbouring occupiers and the area generally.

- (6) The use of the premises to hold yoga classes shall not be carried out outside the following times: between 0600 - 2200 Monday - Saturday and 0600 - 2100 Sundays and bank holidays.

Reason: To safeguard the amenities of neighbouring occupiers and the area generally.

INFORMATIVES:

- (1) The applicant is encouraged to provide information about public transport access to the site via their website and/or via leaflets provided on-site

Reasons: In the interest of encouraging sustainable travel to the site and minimising use of the private car.

- (2) This granting of permission does not preclude the use from any noise investigation/enforcement action, should complaints be made.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368