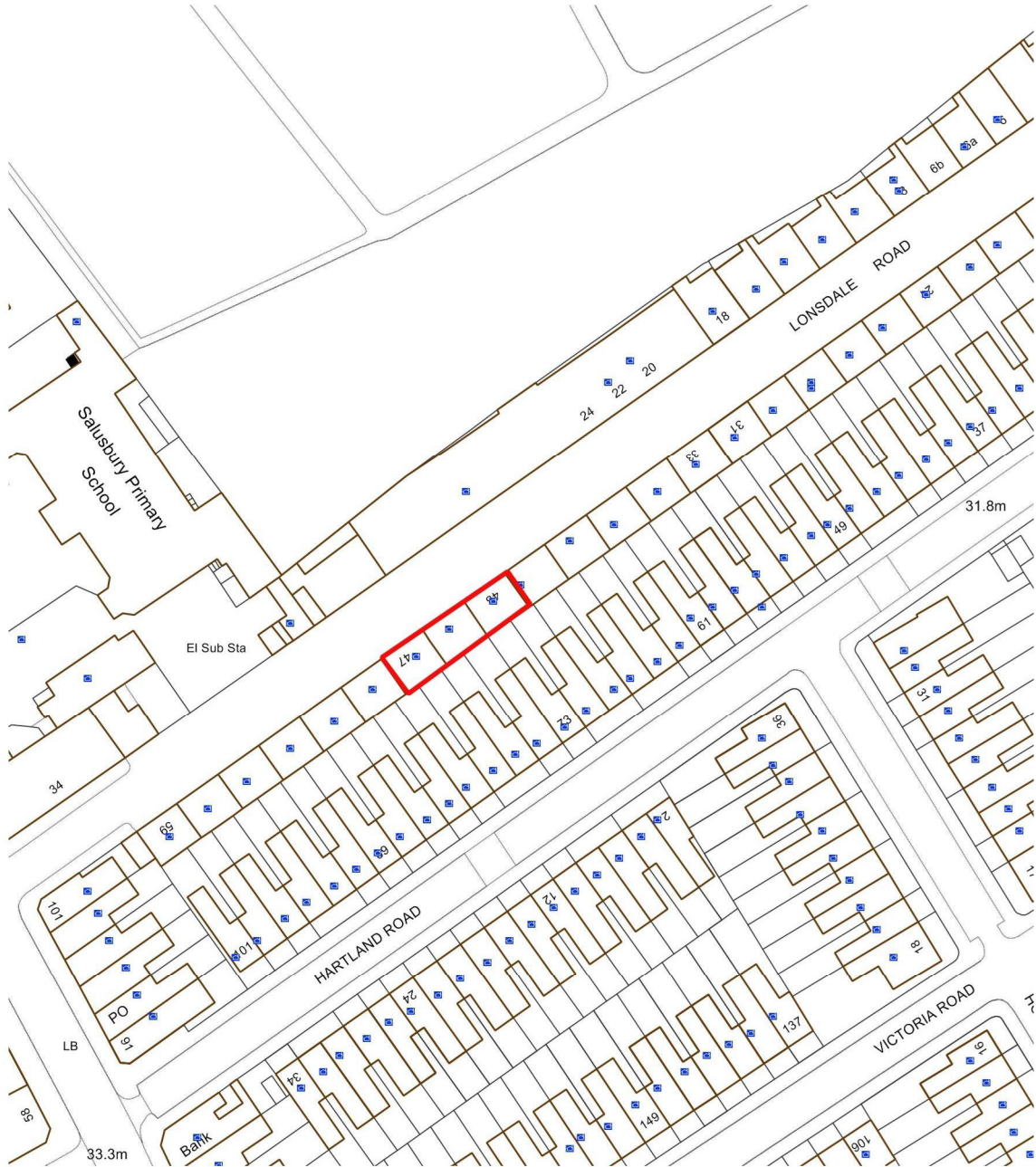




**Planning Committee Map**

Site address: Lonsdale House, 43-47 Lonsdale Road, London, NW6 6RA

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This map is indicative only.

**RECEIVED:** 4 January, 2012

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Lonsdale House, 43-47 Lonsdale Road, London, NW6 6RA

**PROPOSAL:** Change of use of ground floor from printing press (Class B2) to mixed use comprising restaurant (Class A3), wine bar (Class A4) and delicatessen selling hot and cold foods for consumption off the premises (Classes A5 and A1), including the installation of extraction plant, external alterations to the front elevation of the building and the creation of an external seating area.

**APPLICANT:** Mr Mark Gautier

**CONTACT:**

**PLAN NO'S:**

Please See condition 2

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## **RECOMMENDATION**

Grant Consent

## **EXISTING**

The subject site, located on Lonsdale Road, is occupied by a mid terrace property consisting of vacant B2 use at ground floor and a pilates studio on the upper floor. Lonsdale Road is a private road, unadopted by the Local Authority, and the applicant has indicated on the submitted site plan that the curtilage of the subject site extends beyond the footprint of the existing building towards the centre of Lonsdale Road. As such, whilst the enclosed area may previously have had the appearance of forming part of the public footpath, it is in fact private land.

## **PROPOSAL**

See above

## **HISTORY**

Full planning application (Ref No: 11/0292) for the Change of use of ground floor from workshop to cafe (Use Class A3), including retractable awning and creation of outside seating area to the front of the building was granted consent on 5 April 2011

## **POLICY CONSIDERATIONS**

The following policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application. Specific issues relate to the principle of the change of use, impact on adjoining occupiers and highway considerations.

### **Unitary Development Plan 2004**

**STR2** - For development of retail uses, first consideration will be given to sites in Major Town Centres, then sites on the edge of Major Town Centres followed by District Centres and then sites on the edge of District Centres, followed by local centres and only then, out-of centre sites.

**STR11** - The quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the borough will be refused.

**BE7** - A high quality of design and materials will be required.

**TRN1** - Planning applications will be assessed, as appropriate for their transport impact, including cumulative impacts on the environment and on the road network and all transport modes, including public transport, walking and cycling.

**TRN11** - Developments shall comply with the Council's minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

## **PARKING AND SERVICING STANDARDS**

**PS6** - Business (use Class B1) and Financial and Professional Services (Use Class A2), General Industry (Use Class B2) and Warehousing (Use Class B8)

**PS7** - Shops (Use Class A1) less than 2000sqm

**PS9** - Food and Drinks parking requirements

**PS16** - Cycle Parking

**PS20** - Public houses need to be serviced by 10m rigid vehicles

**EMP9** - Where a Local Employment Site is in or adjacent to a town or district centre and contributes to regeneration then uses for which the sequential approach (policy STR2) applies will also be permitted providing it accords with the relevant policies elsewhere in the plan.

**SH1** - The Council will use its powers to improve the attractiveness of the borough's town centres which will include measures to attract appropriate investment and to improve accessibility, the range of facilities and the environment.

**SH3** - Proposals on sites on the edge of Major Town Centres and District Centres should be consistent with the scale and function of the centre within which they are located and should have no unacceptable impact on the vitality and viability of other town or district centres and that the development would be acceptable by a choice of means of transport.

**SH21** - New shop fronts should be of a standard of design which respects the shopfront designs of adjoining properties

## **CONSULTATION**

34 Neighbouring properties were consulted on 17 January 2012. The Local Authority has received 5 objections. These are outlined as:

- Owing to the nature of the development opening hours will be late, causing disturbance (noise) to neighbouring amenity
- The extraction system will cause a disturbance by way of odour and noise to neighbouring amenity
- Strain on parking
- The extraction system will be visible above the ridge line of the property fails to respect the character of the area

The extraction system located on the roof of the property will create an unsympathetic development.

## REMARKS

The proposal seeks permission for the change of use of ground floor from printing press (Class B2) to mixed use comprising restaurant (Class A3), wine bar (Class A4) and delicatessen selling hot and cold foods for consumption off the premises (Classes A5 and A1), including the installation of extraction plant, external alterations to the front elevation of the building and the creation of an external seating area. These shall be addressed in turn

### Principle of use

The adopted UDP 2004 designated Lonsdale Road as a site specific proposal which encouraged a range of uses including those proposed in this application. The Development Planning Document adopted by the Council last year as a part of the LDF no longer included the site and therefore, the UDP site specific proposal has effectively been superseded. In 2011 as explained above a proposal to change the use of the ground floor to retail (A1) was granted. Given the previous use of the site as a B2 use, the provisions of EMP9 should have been considered in that assessment. The view was taken that the change was acceptable partly because of the character of the immediate locality and the general policy approach adopted by the Council to the road over time.

No marketing information was submitted to support the change, however, an extant permission for an A1 use does now exist. Nevertheless, this is a proposal for a clearly different set of uses and it falls to be determined on its own particular merit. The amenity considerations are discussed below, but in pure policy terms particularly with the extant consent, it is considered that the change is acceptable providing the necessary safeguards are in place. For the avoidance of doubt, this does not mean that all future similar uses submitted for Lonsdale Road would be approved and the Council would need to be clear that in the event that such uses were forthcoming the road was not becoming dominated by a single use, continuing to retain its mixed character. That point has not yet been reached.

The use is not objected to in principle, even without the specific site allocation. It is evident that over time the aspiration of the Council was to create a mixed use character for the area, including a range of uses, and the application proposal continues to comply with this broad approach. However for the avoidance of doubt a condition requiring that this permission begins within 3 years from the date of the 2011 proposal (Ref No: 11/0292) rather than this one is proposed.

### Extraction System

The ducting and associated fans are to be installed internally which will minimise the potential for noise nuisance. The duct will terminate approximately 0.8m above ridge, 0.5m forward of the highest part of the roof fronting Lonsdale Road which will minimise the potential for odour nuisance. The extraction system has been assessed by the Council's Environmental Health Officer and will be able to address matters of odour and would not cause so much noise that it would be detrimental to neighbouring amenity. By way of appearance the extraction system is considered to be sympathetically designed by reason of its size, location and material. It is located adjacent to an existing chimney.

For the avoidance of doubt objectors have referred to an existing extract system at a nearby site located on the junction of Lonsdale Road and Salusbury Road. The extraction system proposed is fundamentally different in appearance to the extraction system installed on 'Jacks Cafe' and the extraction system there is currently being investigated by the Councils Environmental Health Officers.

The proposed kitchen ventilation system appears acceptable as it stands but Officers suggest attaching a condition to the permission so to ensure the system is installed to the standard shown in the applicants' submission.

### Parking and Servicing:

Lonsdale Road is a local access road which is not defined as heavily parked. It is excluded from neighbouring Controlled Parking Zones given that it is a private street but has a good Public Transport Accessibility level of 4. Under Parking Standard PS6, B2 uses can be permitted 1 car space per 150sqm where PTAL ratings are moderate. As such the existing use can be permitted a single car parking space. In addition, under PS19 units between 100sqm and 280sqm in floor area should provide a loading bay for an 8m rigid vehicle. At present, parking and servicing take place from Lonsdale Road, which has a one-way traffic direction.

The proposed A1/A3/A4/A5 use can be permitted 1 car space per up to 400sqm (PS9), so in effect the car parking standard will be unchanged. In terms of servicing requirements, a "Transit" sized bay will suffice for this use (PS20). This can more easily be accommodated on-street on the building frontage, except in cases where draught beer is served, in which case a 10m rigid bay for a beer dray-wagon is required. As the application refers to a "wine bar" it is less likely that the larger vehicle bay would be required. A Transit bay can more easily be accommodated on-street on the building frontage than the existing 8m requirement. A condition requiring details of servicing shall be attached to this permission if approved.

As regards the external seating area, this is located within private frontage, and will not impact on traffic flow, while as discussed above sufficient servicing and parking space will be retained.

Refuse and recycling storage is shown towards the western end of the site, within the building but close to one of the doors onto the street, so that it will be easy to wheel out the bins at collection times. This is acceptable.

Cycle parking should be provided for A3 uses at a rate of 1 space per 20 covers (PS16). The proposed layout of the café provides room for 54 diners inside and a further 34 outside (total of 88). This means that at least four cycle stands should be provided. There is room to provide suitable facilities at the western end of the site. Details of suitable cycle storage shall be secured by condition.

### Elevational changes

The proposal seeks to improve the street facing elevation by way of:

- Replacing a roller shutter door with a pair of part glazed doors
- The enlargement of two existing windows
- Proposed awning

The proposed awning will span 3.5m along the forecourt and will not project beyond the private frontage of the premises. The new glazed doors will be similar to others on the street, and the enlarged windows will align the sills with the existing windows. The proposed changes are considered to respect the character of the area and no objection is raised with the changes

### Response to objectors Concerns

So to minimise the impact on neighbouring amenity, a condition to control the hours of operation is suggested as:

0800 hours and 2300 hours Mondays to Fridays

1000 hours and 0000 hours Saturdays

1000 hours and 2300 hours Sunday and Public Holidays and at no other time without the written consent of the Local Planning Authority.

Although the application building backs directly onto the rear gardens of Hartland Road there are no openings in the rear of the building. It is considered that there should be no increased level of disturbance as a result of the proposal. All other matters have been addressed in the main body of this report

### Conclusions

The proposed change of use is acceptable and complies with the council policies relating to developments on the edge of district town centres of which the application premises forms part. Issues of parking, elevational changes to the premises and neighbour amenities will also not be compromised and on this basis, the application is recommended for approval.

**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:-

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

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 on the date of 5 April 2011

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 drawings:

MG-0545-001

Proposed Elevation Rev B

Proposed Plan Rev B

Existing Elevation

Existing Plan

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

- (3) Details of adequate arrangements for 4 secure cycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (4) The kitchen extraction and ventilation system shall be installed in accordance with the approved specification. Equipment installed shall thereafter be operated at all

times and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby residents

- (5) The premises shall not be used except between the hours of:-

0800 hours and 2300 hours Mondays to Fridays

1000 hours and 0000 hours Saturdays

1000 hours and 2300 hours Sunday and Public Holidays and at no other time without the written consent of the Local Planning Authority.

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

- (6) Details of adequate servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

#### **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 Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245