

05 September 2014
Delivered by post

2014/5886

Development Planning Services
London Borough of Camden
5th Floor
Town Hall Extension
Argyle Street
London
WC1H 8NJ

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)
57a and 57b Jamestown Road, London, NW1 7DB
Application to vary conditions of planning permission (ref: 2014/3348/P)

We write on behalf of our client Triyoga Ltd in support of an application made under Section 73 of the Town and Country Planning Act 1990 for the variation of conditions 4, 6 and 7 (detailed below) of planning permission (ref: 2014/3348/P) dated 5th August 2014. With this letter we enclose the following:

- Application form (duly completed);
- CIL Additional Information Requirement form (duly completed);
- Site Location Plan (ref: LS120652-03);
- Block Plan (ref: LS120652-04);
- Acoustic Report for 6 Erskine Road; and
- A cheque for the requisite fee of £195.

Site Context

The site is located within the Rotunda Complex, which comprises the Rotunda Building and 42-43 Gloucester Terrace, 57a, b, c and d Jamestown Road and 12 Oval Road. The site which is the subject of this planning application, comprises 57a and 57b Jamestown Road.

The site's immediate surroundings comprise residential to the north and west, with a mixture of residential and commercial uses to the east along Oval Road. The northern side of Jamestown Road can be characterised as a mixture of commercial, residential, retail, hotel and food and drink uses.

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Planning History

Planning permission was granted on 5th August 2014 for 'Change of use from offices (Class B1a) to flexible offices and leisure (Class B1a/D2) at ground and first floor level' of 57a and 57b Jamestown Road. This permission was granted subject to eight conditions. Those relevant to this application are as follows:

- 4 *The D2 use hereby permitted shall not be carried out outside the following times 0630 - 2100 Mondays to Friday and 0830 - 2000 on Saturdays, Sundays and Bank Holidays.*
- 6 *All openings (including windows, doors and rooflights) facing the rear of adjacent properties in Jamestown Road shall be kept shut while any activities (including cleaning) are taking place at the yoga institute after 19:30 hours Monday to Friday, 18:00 hours on Saturdays and all day Sundays and Bank Holidays.*
- 7 *Blinds if not already present shall be installed to all glazed areas facing the rear of adjacent properties in Jamestown Road. The blinds shall be kept drawn while any activities (including cleaning) are taking place at the yoga institute with lights on, after 19:30 hours Monday to Friday, 18:00 hours on Saturdays and all day Sundays and Bank Holidays.*

The planning permission (ref: 2014/3348/P) referred to above was sought to enable our client to use the application site for the purpose of operating as a yoga studio. Whilst the site is currently vacant, it is relevant to note that there are currently no restrictions on hours of operation associated with its use as an office.

Our client requires these premises in order to relocate from its original home at 6 Erskine Road to allow for the wider redevelopment of that site. It is relevant to note that there are similarities between the existing premises at Erskine Road (where Triyoga has operated since 2000) and the application site in terms of the proximity to residential dwellings. Also of relevance to this application is the S73 application, granted at appeal (APP/X5210/A/03/1122745), to extend the hours of operation of Triyoga's premises at 6 Erskine Road.

Proposals

As noted above, there are conditions (No. 4, 6 and 7) attached to the planning permission which place restrictions on the operation of the premises. The purpose of these conditions is to safeguard the amenities of adjoining premises in the area. Based on our discussions with officers, we understand the principle concerns relate to noise (intended to be mitigated by Conditions 4 and 6); and artificial light pollution (intended to be mitigated by Condition 7). However, our client considers the conditions to be overly restrictive and will curtail classes which are currently offered at 6 Erskine Road, thereby affecting Triyoga's business.

As set out within Circular 11/95: Use of Planning Conditions in planning permission, conditions should only be imposed where they are both necessary and reasonable, and well as enforceable, precise and relevant, and should not place unjustifiable burdens on applicants.

Against this background, this application seeks to vary these conditions to enable the Triyoga business to operate successfully from the site and provide a consistent offering to that which it currently operates at 6 Erskine Road and other premises in London. This is particularly vital not only for the successful operation of the business moving forwards, but also to minimise disruption and potential loss of custom in the process of relocating from 6 Erskine Road. We therefore request an amendment to Conditions 4, 6 and 7 as follows:

- 4 *The use of the premises to hold yoga, pilates and meditation classes hereby permitted shall not be carried out outside the following times 06:00 and 21:30 Mondays to Friday and 07:30 and 21:00 on Saturdays, Sundays and Bank Holidays.*
- 6 *All openings (including windows, doors and rooflights) facing the rear of adjacent properties in Jamestown Road shall be kept shut while any activities (including cleaning) are taking place at the yoga institute after 18:00 hours on Saturdays, Sundays and Bank Holidays.*
- 7 *Blinds if not already present shall be installed to all glazed areas facing the rear of adjacent properties in Jamestown Road. The blinds shall be kept drawn while any activities (including cleaning) are taking place at the yoga institute with lights on, after 18:00 hours on Saturdays, Sundays and Bank Holidays.*

Planning Policy Considerations

Policy CS5 (managing the impact of growth and development) states that the Council will protect the amenity of Camden's residents and those working and visiting the Borough by making sure that the impact of developments on neighbours is fully considered; by balancing the needs of development with the needs and characteristics of local areas and communities; and requiring mitigation measures where necessary.

Policy DP26 (managing the impact of development on occupiers and neighbours) contributes to the implementation of CS5. Policy DP26 states that permission will only be granted for development that does not cause harm to amenity and lists factors which will be taken into consideration including: visual privacy and overlooking; sunlight, daylight and artificial light levels; noise and vibration levels; and the inclusion of appropriate attenuation measures.

Policy DP28 (noise and vibration) states that the Council will seek to ensure that noise and vibration is controlled and managed. Development that exceeds Camden's noise and vibration thresholds will not be permitted. Further information and guidance is provided in CPG6 (Amenity). This sets out the Council's approach to managing the impact of noise and vibration, including the requirements for a detailed acoustic/noise report. It should be noted that such information was not requested by the Council in support of 2014/3348/P.

By its very nature, a yoga studio requires a quiet and relaxed environment. At Triyoga, participants are requested to remove their shoes on entering the building and to switch off mobile phones. For the most part, only one person would be speaking (at normal voice levels) in each classroom and that would be the instructor. Class members are encouraged to limit conversation as they gather their things together before leaving and as the new class prepares for the start of a session.

The proposed variation seeks to extend the use of the property for classes by half an hour in the morning (from 06:30 to 06:00) and evening (from 21:00 to 21:30) Monday to Friday; and by an hour in the morning (from 08:30 to 07:30) and evening (from 20:00 to 21:00) on Saturdays, Sundays and Bank Holidays. These hours of operation are required for Triyoga to operate its full range of classes. It is also imperative to the business model that sufficient classes are available outside of normal working hours and convenient for those who wish to practice yoga before/after work.

On weekdays, the first class is scheduled to start at 06:00. This is a self-practice class and whilst there is a teacher present, they do not talk to the class as a whole but work more closely with students on a one to one basis, albeit in a group setting. On weekday evenings the last class starts at 20:00 and finishes at 21:30. The last parts of these classes are focused on relaxation, breathing and rejuvenation within a calm

and quiet setting. On weekends, the earliest class starts at 07:45 (again this is a self-practice class) and the last class finishes at 21:00 (again this is a restorative class).

Whilst there is no noise assessment of the application site for operating within the approved D2 use, given the comparable circumstances and the nature of classes operating within the extended hours, we consider it reasonable to draw on the findings of the assessment undertaken at 6 Erskine Road (enclosed). This assessment, which was accepted by an Inspector at appeal, established that the yoga studio was not a constant source of noise and disturbance to nearby residents. It also established only a marginal effect on the general external environment when the windows were open, compared to when they were closed. The Inspector also accepted that the complete elimination of all noise is impractical and while people speaking in a normal voice may be audible this was not considered sufficient to justify withholding permission. We consider the same findings are applicable to the application site.

As at 6 Erskine Road, there is limited car parking provision at the site and the Council has accepted that most of the users of Triyoga at the site are anticipated to arrive through a combination of walking, cycling and public transport (consistent with 6 Erskine Road). There is therefore likely to be minimal change in the level of noise generated by vehicles arriving/leaving the site during the extended hours proposed.

There is currently no condition requiring the closure of blinds, nor is there any limit on the use of lighting in the building at present. Indeed, no such condition has been applied should the premises be used for B1 office purposes. In practical terms it is likely that the blinds will be closed naturally in response to darkening conditions outside to avoid a 'fish-bowl' effect for those participating in Triyoga's classes. This will protect both the amenity of adjacent residential properties and patrons of Triyoga. Our client does not believe a condition is required to achieve this and duly requests that if any is to be applied, it should be at the very most, consistent with that considered appropriate by the Inspector to 6 Erskine Road.

The proposed variation to conditions 4, 6 and 7 will not impact on the amenity of the surrounding residential properties. The proposed conditions will ensure that the Council will maintain an appropriate level of control over the use of the premises within D2 use. This will also continue to be an improvement on existing as there are currently no restrictions on the use of the site within office use.

Given the above, we consider it reasonable that the Council permits the variations thereby requested.

We trust the above is sufficient for your current purposes and look forward to confirmation that the aforementioned conditions can be varied to reflect the requested amendments detailed above. If you have any queries, please do not hesitate to contact either Sid Hadjioannou or myself at these offices.

Yours Sincerely



Susie Rolls
Senior Planner

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