

Mr Brian Kavanagh
Nicholas Taylor + Associates
31 Windmill Street
London
W1T 2JN

Application Ref: **2014/7784/P**
Please ask for: **Olivier Nelson**
Telephone: 020 7974 **5142**

18 February 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
79-81 Fairfax Road
London
NW6 4DY

Proposal:
Change of use from retail (Class A1) to a personal fitness facility and ancillary treatment rooms and office (Class D2).

Drawing Nos: PL/FR/001, PL/FR/100, PL/FR/101, PL/FR110, PL/FR/111, Planning statement, 79-81 Fairfax Road Report 12004.ADR.01 Rev A, LB Camden Self certified Acoustic Report Checklist

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans PL/FR/001, PL/FR/100, PL/FR/101, PL/FR110, PL/FR/111, Planning statement, 79-81 Fairfax Road Report 12004.ADR.01 Rev A, LB Camden Self certified Acoustic Report Checklist.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 The use hereby permitted shall not be carried out outside the following times 06:00 - 21:00 Mondays to Fridays, 07:00 - 17:00 Saturdays and 08:00-13:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Notwithstanding the provisions of Class D2 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall not be used for any other use than personal fitness facility (class D2), as specified in the planning application, and shall not be used for any other purpose within use class D2.

Reason: To ensure that the future occupation of the unit does not adversely affect the adjoining premises and the immediate area by reason of noise and disturbance and impact on the highway network, in accordance with policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP17, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

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

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and

policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The loss of the retail (A1) unit is considered to be acceptable given that the host property lies outside of a core frontage and it would not harm the retail prominence of the parade it forms part of. The unit has been vacant for a number of years. The proposal would be bringing the unit back into use. It is considered that the proposed use would contribute to the character, amenity, function, vitality and viability of the wider centre

The proposed personal fitness facility (D2) use is considered appropriate within this Neighbourhood Centre location. Paragraph 3.49 of CPG5, supported by paragraph 12.6 of DP12, advises that other uses in place of retail may be permitted where they are not considered to cause harm to the amenity, character, vitality, or viability of the Town Centre or the local area. CPG5 states that no more than 3 consecutive units outside A1 should be permitted. The unit is between two restaurants, so would create 3 consecutive units. However the health of the parade is considered to be good and over 50% remain in A1 use within the Fairfax Road neighbourhood centre. It is considered that on balance a personal fitness facility in this location would be acceptable in line with the above. In order to protect the character of the area and the amenities of the neighbouring occupiers an appropriate condition will be added to the decision notice taking away permitted development rights to convert the use into another type of activity within D2.

Given the retail nature of the street it is not considered that the use as a personal fitness facility with treatment rooms would cause harm to the amenity of neighbouring residents. Due to the nature of the use the proposal would not significantly harm the amenity of any adjoining residential occupiers in terms of loss of light, outlook, enclosure, privacy or noise.

34 Neighbours were consulted. No objections have been received. The sites planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS1, CS5, CS7, CS10 and CS11 of the London Borough of Camden Local Development Framework Core Strategy, and policies, DP12, DP15, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 2.15, and 4.7- 4.8 of the London Plan 2011; and paragraphs 14, 17, 23, 37 and 123 of the National Planning Policy Framework.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', with a stylized flourish at the end.

Ed Watson
Director of Culture & Environment