

Mr Michael Wood
Indigo Planning Limited
Swan Court
Worple Road
Wimbledon
London
SW19 4JS

Application Ref: **2015/0814/P**
Please ask for: **Sally Shepherd**
Telephone: 020 7974 **4672**

7 April 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
7 - 9 Pond Street
London
NW3 2PN

Proposal:
Change of use of ground floor of no.7 and lower ground floors of nos. 7 and 9 from restaurant/bar (Class A3/A4) to pilates studio (Class D2).

Drawing Nos: Site location plan; C1193/IL/AR/103/A; C1193/IL/AR/104/A; 1036-S01; 1036-S02

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 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; C1193/IL/AR/103/A; C1193/IL/AR/104/A; 1036-S01; 1036-S02

Reason:

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

- 3 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 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.

- 4 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 as a cinema, music and concert hall, bingo and dance hall, swimming bath or a skating rink.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise and excessive on-street parking pressure in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The use hereby permitted shall not be carried out outside the following times 6:30am to 9:00pm Mondays to Sundays including Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 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 Reason for granting planning permission:

Permission is sought to change the use of the ground floor of no. 7 and the lower ground floors of nos. 7 & 9 from a restaurant/bar (Class A3/A4) to a pilates studio (Class D2). Originally nos. 7 & 9 were two separate properties, however in 1978 the lower ground floor and rear gardens of the two buildings were combined and the ground, first and second floors of no. 9 were separated and maintained as a separate property which is currently in use as a funeral parlour.

The site is not located within a town or neighbourhood centre and the A3/A4 use is

not protected under the Council's policies. The site has been vacant for at least two years and part of the reason for this is the inability to lease the premises in its current use due to the impact it had previously on the adjoining residential units. As the site has been vacant for a long period, the existing use is not considered to contribute to the character, function, vitality or viability of the area and the loss is not considered to be contrary to Council policies. The proposed pilates studio would provide a service to the local community and would contribute to the vitality and viability of the local area by bringing a vacant building back into use.

Policy DP15 states that new leisure uses should be close to the community they serve, accessible by a range of transport modes and located in Town Centres where they are expected to attract large numbers of visitors. The site is not located within a designated town centre, however it is well served by public transport (PTAL of 5 - very good) and is within close proximity to the South End Green neighbourhood centre. The pilates classes would be available the local community and it is envisaged that customers would travel to the studio by public transport. The size of the development is below the threshold at which cycle parking is required. As such, it is considered that the new use is acceptable and it is unlikely to raise any implications on the local transport network.

No external alterations are proposed. Internally, revisions were sought to ensure the special interest of the building is preserved. It is proposed to add a partition wall at ground floor level to form an office which would re-instate the original plan. At the basement level, partitions would be added to form a changing room area and two existing doorways would be bricked up to create a studio room. One of the doorways is historic and so the brickwork is to be inset. It is also proposed to demolish a wall in the basement of no.9 and the nibs of this wall will remain. In light of the above, the revised proposal is considered to preserve the special interest of the building and is acceptable.

The nearest residential use to the premises is at the first floor level of the application site and at 11 and 5 Pond Street. Comments have been raised from nos. 11 and 5 Pond Street regarding the potential noise from the pilates studio. As the studio will be at the basement level, it is unlikely that any noise generated from the studio would have an impact on the nearest residential occupiers. However, in order to ensure any future use does not cause disturbance to the neighbours a condition will be imposed to ensure no music played on the premises shall be audible from within any adjoining properties or highway.

The proposed opening hours are between 6:30am to 9:00pm Monday to Sundays including Bank Holidays. The applicant has confirmed that the number of people attending each class would be low due to the small size of the studio. Given the location of the site which is surrounding by businesses on the ground floor level, its proximity to the neighbouring centre and the nature of the proposed use, it is not considered that the number of people attending or the proposed operating hours would result in disturbance neighbouring amenity. The proposed opening hours will be secured via a condition.

2 Reason for granting planning permission (continued):

The planning and appeal history of the site has been taken into account when coming to this decision. Two letters of support were received as well as two comments regarding potential noise from the studio which has been addressed above. A third comment was received regarding the impact on the building's structural stability from the removal of one of the pillars. This matter would fall under building control rather than planning and an informative will be added to remind the applicant to apply for building control permission where necessary.

Special regard has been attached to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.66 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5, CS10, CS11 and CS14 of the London Borough of Camden Local Development Core Strategy and policies DP15, DP16, DP17, DP24, DP25 DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies Policy 4.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011 and paragraphs 14, 17, 56- 66 and 126-141 of the National Planning Policy Framework.

- 3 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).
- 4 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.
- 5 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charge.

The proposed charge in CIL will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please follow the link provided: http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from planning portal;
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or queries to CIL@Camden.gov.uk

- 6 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Planning Portal (<http://www.planningportal.gov.uk/PpApplications/genpub/en/CreateApplication>).

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



Ed Watson
Director of Culture & Environment