

Ms Kamuran Kavaz  
217 Ordnance Road  
Enfield  
EN3 6AA

Application Ref: **2015/2038/P**  
Please ask for: **Ian Gracie**  
Telephone: 020 7974 **2507**

26 June 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**165 York Way**  
**London**  
**N7 9LN**

Proposal:  
Change of use from A1 Shop to D2 for use as a gymnasium

Drawing Nos: Site Location Plan (NGL654541); YWC SK 10.1; YWC SK 10.2.

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 [and DP25 if in CA] 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 Site Location Plan (NGL654541); YWC SK 10.1; YWC SK 10.2.

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 0700 - 2100 Mondays to Saturdays and 0700 - 2100 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, 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 a gymnasium (Class D2), as specified in the planning application, and shall not be used for any other purpose within Class D2.

Reason: To ensure that the future occupation of the building 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 policy 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 Development Policies.

Informative(s):

1 Reasons for granting permission. [Delegated]

The proposed gymnasium (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. Paragraph 3.60 of CPG5 states that the Council will resist schemes that result in less than 50% of ground floor premises being in retail use, or more than three consecutive premises being in non-retail use. A survey of the neighbourhood centre carried out on 5th May 2015 concluded that within the neighbourhood centre 93% of the units are in retail use. Therefore the loss of one retail unit would not result in less than 50% of the frontage in retail use. Furthermore the proposal would not result in more than three consecutive premises in non-retail use as the units either side of the application site are Class A1 retail use. It is not considered the proposal will harm the retail character and function of the neighbourhood centre. 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.

The nearest residential use to the premises is at the first and second floor level of the application site and either side of the application site at 167 and 163 York Way. In order to ensure any future use does not cause disturbance to the neighbours a condition has been imposed to ensure no music played on the premises shall be audible from within any adjoining properties or highway, whilst the hours of operation have been controlled by condition from 0700-2100 Mon-Sat and 0700-2100 on Sundays and Bank Holidays. Building Regulations also ensure that any noise impact would be mitigated.

The proposed opening hours are between 7am 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 unit. Given the location of the site which is surrounded by businesses on the ground floor level, its location within neighbourhood 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.

Three objections have been received which raised concerns of potential noise disturbance from the leisure use. Comments have been raised from no.165 and no.167 York Way regarding the potential noise from the unit and the need for sound insulation. However sound insulation would be a matter to be dealt with under building regulations. The sites planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies 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 2.14, and 4.7-4.8 of

the London Plan 2011; and paragraphs 14, 17, 23, 37 and 123 of the National Planning Policy Framework.

- 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 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 The Mayor of London intends to introduce a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time will need to pay a CIL including those submitted before April. This CIL will be collected by Camden on behalf of the Mayor of London. From April Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable. The proposed charge in Camden will be £50 per m2 on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented and we will issue a CIL demand notice setting out what monies needs to be paid when and how to pay The CIL will be collected from Camden on behalf of the Mayor.

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