

Miss Joan Murphy
29 New Inn Yard
Shoreditch
London
EC2A 3EY

Application Ref: **2016/2164/P**
Please ask for: **Seonaid Carr**
Telephone: 020 7974 **2766**

16 June 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Unit 3 Arthouse
1 York Way
London
N1C 4AS**

Proposal:

Change of use of ground floor unit from flexible uses (A1-A5, B1 and D1) to a yoga and fitness studio (Class D2) for a temporary period of five years.

Drawing Nos: Site Location plan, Cover Letter from Joan Murphy of Frame and 1767-001.

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 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, Cover Letter from Joan Murphy of Frame and 1767-001.

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

- 3 The use hereby permitted shall not be carried out outside the following times 0600 - 2200 daily.

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 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 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 policy 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.

- 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 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.

- 6 The use hereby permitted is for a temporary period only and shall cease on or before 5 years from the date of this planning permission at which time the premises shall revert to their former lawful use which is flexible use of A1-A5, B1 or D1.

Reason: In order that the long term use of the site may be properly considered in accordance with policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP13 and DP15 of the London Borough of Camden Local Development Framework Development Policies.

Informatives:

1 Reason for granting permission:

Unit 3 has yet to be occupied following the completion of Building J and has yet to adopt one of the flexible uses permitted. The applicant is seeking permission for a temporary period of 5 five years to operate the unit in conjunction with Unit 2 which is also operating as a yoga studio following the granting of permission to operate as D2. Whilst not included within the flexible uses originally consented for, it would not result in the loss of an existing use or facility at the site, furthermore it would provide a use which would add to the vitality and viability of the King's Cross Opportunity area. No external alterations are proposed.

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 located within the Central London Area and is well served by public transport (PTAL of 6b - excellent) and therefore would be readily available and easily accessible to the local community. The Yoga and Pilates classes would be available to the local community and it is envisaged that customers would travel to the studio by public transport. As such, it is considered that the new use is acceptable and it is unlikely to raise any implications on the local transport network.

The nearest residential use to the premises are the flats of Building J located on the floors directly above. As the studio is at ground floor 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 highways.

The proposed opening hours are between 6:00am and 10:00pm daily. The number of people attending the studio and the proposed operating hours are considered not to result in the disturbance of neighbouring amenity, given the location of the site which is surrounded by a variety of business units, its location within the Kings Cross Development Area and the nature of the proposed use. The proposed opening hours will be secured via a condition.

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 CS5, CS7, CS10 and CS11 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP15, DP16 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.16 and 6.3 of the London Plan 2015, consolidated with alterations since 2011; and paragraphs 14, 17, 70 and of the National Planning Policy Framework.

2 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).

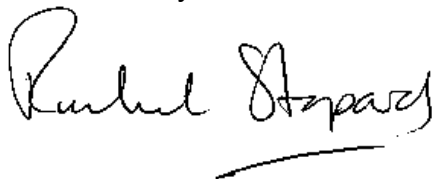
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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.

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 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Director of Supporting Communities