

Mr Sati Panesar
DHA Planning & Development
Cervantes
Ellesmere Road
Weybridge
KT13 0HQ

Application Ref: **2016/6428/P**
Please ask for: **Tania Skelli-Yaoz**
Telephone: 020 7974 **6829**

31 January 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Ground Floor
159-161 Iverson Road
London
NW6 2RB

Proposal:

Change of use of ground floor from offices (Use Class B1) to dual/alternative use as office (Use Class B1) and/or fitness studio/gym (Use Class D2).

Drawing Nos: Site location plan, GA-001, GA-002, Sales particulars document, Cover letter by DHA dated 23.11.2016.

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, GA-001, GA-002.

Reason:

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

- 3 Notwithstanding the provisions of Class D2 (Leisure and Assembly) 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 any other use except a fitness studio/ gym.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise and increased traffic/ parking pressure etc. 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.

- 4 No sound emanating from the use shall be audible within any adjoining premises between 2000 hrs and 0800 hrs on Mondays-Saturdays and 1900 hrs and 1000 hrs on Sundays and bank holidays.

Reason: To safeguard the amenities of the adjoining premises in accordance with the requirements of policies 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.

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 approved B1(c) office use has not been implemented and the employment area remains vacant since its completion. The applicant has therefore sought to increase the potential occupancy of the site. An application approved on 18/10/2016 permits the use of the ground floor commercial space [164sqm] from Class B1(c) Light Industrial Use to Class B1(a) Office Use.

To further increase potential occupancy, this proposal seeks to permit the use of the ground floor commercial space to Class D2 Use, namely for a fitness studio/gym. The applicant has identified, by way of marketing evidence, the difficulty in offering the unit solely for B1 uses.

Whilst the proposal does not fully accord with the requirements of CPG5 (marketing requirements; section 7.18) the subject employment space has not been occupied with a B1 use since the above recent approvals to widen its B1 use and as such it is considered reasonable to revisit the aim of the main scheme under DP13 (d) to (f), in the context of the original permission granted under ref. 2013/7505/P.

Under this 2013 permission, a replacement employment space was sought to be provided on site to replace the loss of the previously existing B1c space. Although this proposal has the potential to result in the loss of specific Class B1 floorspace, this will be countered with the provision of a suitable replacement use in the locality, namely a leisure/ fitness facility, as well as the flexibility of office use, with a significant provision of employment for 8-10 employees which would match that of the permitted use. Whilst the development will have some impact in terms of loss of office space, it is considered that the proposed change of use from office use to flexible use for office use and D2 use would not result in harm to the economic viability of the area given the proposal would retain potential employment opportunities.

In the context of the this 2013 permission, the purpose of DP13 (d) to (f) is considered to be met in this case.

The proposals do not involve any external alterations and the development would not impact the character and appearance of the locally listed host building or the surrounding streetscene.

As a result of the change of use, with no external alterations, the proposal would not cause harm to the amenity of neighbouring residents in terms of a loss of privacy, outlook or daylight. To ensure the use does not result in disturbance to neighbours, a condition has been attached limiting the D2 element of the use to fitness studio/ gym and requiring that all music played within the building shall not be audible from anywhere outside the building

Whilst the development will have some impact in terms of potential additional car trips to and from the site, the size of the site is considered such that does not warrant additional mitigation measures to control this. The footway width directly in front of the site is insufficient to accommodate cycle stands and allow pedestrians and those in wheelchairs or with buggies to pass. As such there is little scope to

provide on-street cycle parking facilities directly outside the site. Some cycle parking is available outside the Thameslink station, 150m away. The site is located outside of the West Hampstead Town Centre but is only 150 metres from the new Thameslink entrance and the TfL WebCAT tool suggests a PTAL level of 5. Within this context, it is considered that a significant portion of potential users of the site by walking/ cycling and public transport.

No objections have been received prior to making this decision. The sites planning history were taken into account when coming to this decision.

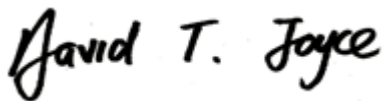
As such, the proposed development is in general accordance with policies CS5, CS8 and CS14 of the Camden Local Development Framework Core Strategy, and policies DP13, DP15, DP26 and DP28 of the Camden Local Development Framework and Policy 12 of the Fortune Green and West Hampstead Neighbourhood Plan.

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 that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Executive Director Supporting Communities