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27119/A3/KH

Submitted via the Planning Portal Ref: PP - 05784488

7th February 2017

Dear Sir/Madam

**BOOM CYCLE, UNIT 4 BASEMENT, EAGLE HOUSE, 16 PROCTOR STREET, LONDON WC1V 6NX
SECTION 73 PLANNING APPLICATION BY BOOM! SPIN LTD**

We act on behalf of Boom! Spin Ltd ("the Applicant") and hereby submit a Section 73 Application to vary Condition 5 attached to Planning Permission Ref: 2013/4089/P at Eagle House, 16 Proctor Street, London.

The Application Site

The Site extends to 250 sqm and comprises a fitness studio (Use Class D2) at basement level with access from ground floor. In November 2013, Planning Permission was granted by the London Borough of Camden ("LBC") for a *'change of use at basement and part ground floor level from retail (Class A1) to fitness studio (Class D2) and installation of associated three air conditioning units to basement undercroft* (Ref: 2013/4089/P). The business has been open and operational since three.

Planning Application

The Planning Application submission comprises the following:

- Completed Application Form and Certificates, signed and dated;
- Copy of Decision Notice Ref: 2013/4089/P;
- Site Location Plan (Drawing Ref: 1302_100); and
- Environmental Noise Assessment (January 2017) prepared by KP Acoustics.

The Planning Application Fee of £195 has been paid via the Planning Portal Ref: PP-05784488.

Planning Permission was granted subject to a restriction on opening hours (Condition 5) to safeguard the amenities of the adjoining premises and the area generally. Now that the studio has been established at the Site for three years, the Applicant now requires an extension to opening hours to allow staff to open, set up and operate slightly earlier for fitness classes. The amendment is proposed for a temporary period of one year to assess the effect of the development on the area as endorsed by Guidance (see PPG Ref ID: 21a-014-20140306).



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In granting the original Planning Permission, LBC considered it necessary to impose a condition on opening hours due to residential properties which are in relatively close proximity to the Site. As currently worded Condition 5 states:

"The use hereby permitted shall not be carried out outside the following times 0700 - 2200 Mondays to Fridays; 0900 - 2200 Saturdays and 0900 - 1800 on Sundays and Bank Holidays".

The current application seeks to vary this Condition so that it reads:

"The use hereby permitted shall not be carried out outside the following times 0600 - 2200 Mondays to Fridays; 0830 - 2200 Saturdays and 0900 - 1800 on Sundays and Bank Holidays".

Proposed Development

Condition 3 of Planning Permission Ref: 2013/4089/F states that 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. The Boom Cycle operation complies entirely with the requirements of Condition 3. The Applicant is a responsible operator which seeks to protect the amenity of neighbouring residents and its business interests. No noise complaints have been received by Environmental Health in respect of the operation.

The variation of condition 5 is proposed in order for the development to meet the specific needs of the Applicant (Boom Cycle) and their operational requirements. For a trial period, it is proposed to extend the permitted morning opening hours by one hour on weekdays (06:00) and a half hour on Saturday (08:30). The amendment is not considered to be significant and will allow staff to set up and operate slightly earlier classes.

The Application is supported by a Environmental Noise Assessment prepared by KP Acoustics. This assessment demonstrates compliance with British Standard 8233:2014 and criteria set by the London Borough of Camden (LBC) for plant to be 10dBA below the lowest background noise level. The Assessment confirms that the studio during the proposed extended hours can operate while protecting the amenity of neighbouring residents.

The Development Plan for Camden comprises the London Plan (March 2016), Core Strategy (November 2010) and the Development Policies (November 2010). The Development Policies provide detailed planning policies that LBC will use when determining Planning Applications. Development Policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) seeks to protect the amenity of neighbouring residents and occupiers. This is carried forward to emerging Local Plan Policy A1 (Managing the Impact of Development) . The considerations relevant to the Proposed Development relate to noise levels from the extension of opening hours. Policy DP28 (Noise and Vibration) confirms that LBC will not grant Planning Permission for development that exceeds local noise thresholds. This is reflected in the emerging Local Plan Policy A4 (Noise and Vibration). This increase in opening hours is considered to be minimal and is in full compliance with the British Standard and LBC noise criteria. Consequently, the proposal is compliant with Policies DP26 and DP28 of the Development Policies.

The proposal will not result in any intensification of use of the Site and as such, believe the proposed opening hours are acceptable.

We trust that you have the necessary information with which to register and process this planning application. If you have any queries or require any further information in the meantime please do not hesitate to contact Katie Harley at this office.

Yours faithfully



BARTON WILLMORE

Enc.

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