

Ms Katie Harley
Barton Willmore LLP
7 Soho Square
London
W1D 3QB

Application Ref: **2017/0753/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

31 March 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**Unit 4 Basement
Eagle House
16 Procter Street
London
WC1V 6NX**

Proposal:

Variation of condition 5 (Opening hours) of planning permission 2013/4089/P granted 05/11/2013 (for change of use at basement and part ground floor from retail (A1) to fitness studio (D2) and installation of 3x AC units), namely to allow an increase in the opening hours Mondays to Saturdays

Drawing Nos: Site Location Plan; 10119013; 201; 408; letter from Shackleton Property Ltd dated 18/09/2013; Noise impact addendum letter (ref 15424.170131.L1 dated 31/01/2017); 1302_100 - Location Plan; Covering letter (dated 07/02/2017).

The Council has considered your application and decided to grant permission subject to the following condition(s):



Condition(s) and Reason(s):

- 1 Condition 05 of the planning permission granted on 05/11/2013 under reference number 2013/4089/P shall be replaced by the following condition:

REPLACEMENT CONDITION 05:

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.

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, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and emerging policies A1 and A4.

- 2 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.

- 3 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 use other than a gymnasium.

Reason: To ensure that the future occupation of the building does not adversely affect the amenities of the adjoining premises and immediate area 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 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 10119013; 201; 408; letter from Shackleton Property Ltd dated 18/09/2013; Noise impact addendum letter (ref 15424.170131.L1 dated 31/01/2017); 1302_100 - Location Plan; Covering letter (dated 07/02/2017).

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

Informative(s):

1 Reasons for granting variation of condition.

The proposed variation of Condition 5 to change the hours of operation of the fitness studio from 07.00 to 22.00 (Monday to Friday), 09.00 to 22.00 (Saturday) and 09.00 to 18.00 (Sunday and Bank Holidays) to 06.00 to 22.00 (Monday to Friday), 08.30 to 22.00 (Saturday) and 09.00 to 18.00 (Sunday and Bank Holidays) is considered to be appropriate in the location. This is due to the fact that the unit is located in a very busy area of central London; with other premises with similar opening times in close proximity (i.e. the nearby 'Square Pig' public house and L'Express Coffee cafe). The variation would provide flexible hours of use that reflect modern living patterns where users (particularly for fitness uses) are often looking to use the facilities before or after working hours.

The unit is located at lower ground floor level, not immediately adjacent to any residential accommodation and the additional hours would not significantly impact upon residential amenity, by way of the creation of noise / disturbances.

No objections were received in relation to the proposed variation. The site's planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies as well as policies A1 and A4 of the Camden Local Plan Submission Draft (2016). The proposed development also accords with the London Plan 2016 as well as the National Planning Policy Framework 2012.

2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permissions.

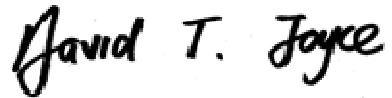
3 The emerging London Borough of Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ended on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

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
Director of Regeneration and Planning