

Mrs Natasha Darne
54 Chingford Lane
Woodford Green
Essex
LG8 9QW

Application Ref: **2017/2206/P**
Please ask for: **Rob Tulloch**
Telephone: 020 7974 **2516**

12 June 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Basement and ground floor
4 Gate Street
London
WC2A 3HP**

Proposal:

Change of use of ground and basement floors from retail (Class A1) to gym (Class D2) at basement level and mixed A1/D2 on ground floor

Drawing Nos: Site Location Plan; 170223/E1; E2; E3; 3/1; 3/2; 3/3

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: 170223/E1; E2; E3; 3/1; 3/2; 3/3

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

- 3 No music shall be played on the premises, or other noise created, 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, and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

- 4 The D2 use hereby permitted shall not be carried out outside the following times 6.30am to 9.00pm Mondays to Fridays and 9.00am to 1.00pm on Saturdays.

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, and policies A1 and A4 of the Camden Local Plan Submission Draft 2016

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 Reasons for granting permission.

Policy DP10 (Helping and promoting small and independent shops) seeks to protect shops outside designated centres unless there is alternative provision

within 5-10 minutes' walk away, it also states that any proposed use in the Central London area should contribute positively to the local area. Local Plan policy TC3 (Shops outside of centres) also states that the Council will only grant permission for loss of shop outside designated centres provided the alternative provision is available within 5-10 minutes, there is evidence the current use is not viable, and the development positively contributes to local character, function, viability and amenity.

The proposal would see the conversion of the ground and basement floors from a retail use to a gym in the basement and a mixed use at ground floor level comprising gym at the rear and smoothie bar at the front. The two floors provide approximately 100sqm of floorspace with the retained retail area comprising approximately 25sqm.

The site is not within a designated area, but close to the Holborn Central London Frontage. As such, there is ample alternative retail provision nearby with the primary frontage of High Holborn 60m to the north and the secondary frontage of Kingsway 60m to the west. Although the site is not within a designated centre, there are a few shops and cafes nearby, but the surrounding area is predominantly in office use. It is considered that a small gym would positively contribute to the character of the area and its wellbeing in line with policy C1 (Health and wellbeing). Limited information has been submitted as to the viability of the existing use other than the applicant stating that the existing retail unit has been struggling for many years and the existing occupiers have decided to vacate. However, it should be noted that the proposal would retain a retail function at the front of the unit. As such, the loss of 75sqm of retail floorspace in this location is not considered harmful to local character, function or viability.

Opening hours of the proposed gym would be 6.30am to 9pm Mondays to Fridays and 9am to 1pm on Saturdays which would be secured by condition. There are flats above, but the small size of the gym is not considered to create any amenity issues in terms of noise and a condition will ensure that no noise emanating from the gym use will be audible from within adjacent properties. As such, the proposal is not considered harmful to the amenity of any adjoining occupiers.

The site has excellent public transport links and is within the Holborn and Covent Garden Controlled Parking Zone. It is anticipated that users of the gym will or work in the area and it is considered unlikely that users will visit from outside the area. Therefore the proposal would not have a noticeable impact on local transport conditions.

No objections have been raised in relation to the works. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and Policies DP10, DP15, DP16, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2012. The proposal also accords with Policies C1, C3, A1, A4, TC3 and TC5 of the Camden Local Plan Submission Draft 2016.

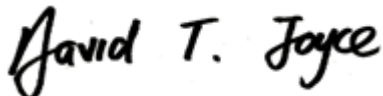
- 4 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

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



David Joyce
Director of Regeneration and Planning