

Miss Jocelyn Muir
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Application Ref: **2017/4645/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

25 October 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Unit 52 Brunswick Centre
London
WC1N 1BS

Proposal: Change of use of unit from Bank (Use Class A2) to a Gym (Use Class D2) with ancillary juice bar including the installation of additional air handling plant at sub-basement level and associated internal alterations

Drawing Nos: 0045/R-101-X0; 0045 / A-101-X0

Supporting documents: Noise Impact Assessment (ref. VA1928.170817.NIA) dated 18 Aug 2017; Heritage Statement (ref. AP/P/F-028); Planning, Design and Access Statement (ref. AP/P/F-028)

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: 0045/R-101-X0; 0045 / A-101-X0

Supporting documents: Noise Impact Assessment (ref. VA1928.170817.NIA) dated 18 Aug 2017; Heritage Statement (ref. AP/P/F-028); Planning, Design and Access Statement (ref. AP/P/F-028)

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: 07:00am to 21:00pm Monday to Friday, 08:00am to 20:00pm Saturdays and 08:00am to 16:00pm 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 D1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial parts of the premises from noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises.

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 No music shall be played on the premises in such a way as to be audible within any adjoining premises, adjoining highway/footway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct

impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the [adjoining] premises and the area generally in accordance with the requirements of policies G1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Before the use commences, all training/gym machinery shall be provided with anti-vibration measures in accordance with the scheme approved in writing by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy G1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 No servicing for the unit shall take place other than from within the basement levels of the centre.

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policies A1 and T4 of the London Borough of Camden Local Plan 2017

Informative(s):

- 1 Reasons for granting permission. [Delegated]

The change of use from a bank (A2) to a gym (D2) would not result in the loss of any retail units within the designated Neighbourhood Centre (NC), meaning that the existing level of units across the centre retained for retail purposes (26/39) would be maintained above policy threshold levels (50%). The proposed use would be suitable for the NC as it would provide a service for the local community, encourage a healthy lifestyle and would encourage trip generation, subsequently helping support other businesses. As the existing unit is a non-retail use, the proposed change would not alter the existing row of consecutive uses. Although the use would include an ancillary 'juice bar', it is noted that given that this use is subservient to the gym that it would not be considered development. It is has also been confirmed no primary cooking or alcohol consumption would occur on site and it would operate as an ancillary retail space, providing an active use for gym goers and local shoppers. As such, the change is not considered to harm the function, character or success of the centre.

The proposal would not involve any external alterations to the unit. As outlined above, the proposed use would be considered to remain appropriate for a NC and would thus preserve the character of the Brunswick Centre.

As no external alterations are proposed, the development would not result in any loss of outlook, light or privacy to any adjoining neighbour. In order to cool and

ventilate the unit, three new condenser units at sub-basement level are proposed. The submitted Noise Impact Assessment (NIA) confirms that due to the location of the plant and the specifications of models proposed, the cumulative noise emission levels from the plant would remain within the Council's acceptable noise thresholds (i.e. less than 10 and 15dB below background noise). Conditions are recommended to ensure that these maximum thresholds are not exceeded and that no music is played so as audible outside. The NIA includes recommendations for the incorporation of floor and ceiling noise-insulation build-ups as well as resilient mounts to training equipment to suppress noise and vibration from transferring through to upper floors. Whilst these measures are considered to be suitable to attenuate emissions and avoid harm, a condition is recommended for the submission of full details of these elements so the Council can be confident that their design is appropriate.

The proposed hours of operation as detailed in submitted documents were considered to be excessive given this a new type of use in the NC. Therefore, a revised time has been secured. To safeguard the amenities of the adjoining premises, a condition is secured to limit hours to 07:00-21:00 (Mon-Fri); 08:00-20:00 Saturdays and 08:00-16:00 Sundays and bank holidays. Although the proposed use is not likely to require heavy servicing, an additional condition is recommended to ensure that all service is completed at basement level to minimise noise and disturbance to local traffic conditions.

One comment was received following public consultation and was duly considered when forming this decision. The site/centre's planning history was taken into account when forming 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 Bloomsbury Conservation Area and GII listed building, under s.66 and 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Overall, the development is in general accordance with the London Borough of Camden Local Plan, with particular regard to policies C1, C3, C6, EC1, A1, A4, D1, D2, TC2 and T1. The development is also in accordance with the London Plan (2016) and NPPF (2012).

- 2 You are advised that condition 3 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website,

www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk).

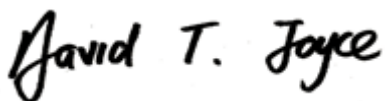
- 5 The display of an advertisement without consent is a criminal offence under Section 224(3) of the Town and Country Planning Act 1990. Under Section 225 of the Town and Country Planning Act, Section 10 of the London Local Authorities Act 1995 and Section 11 of the London Local Authorities Act 1995 the Council has powers to enter the land and remove the display. As such, the Council will commence prosecution/action to secure the removal of the advertisement.
- 6 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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



David Joyce
Director of Regeneration and Planning