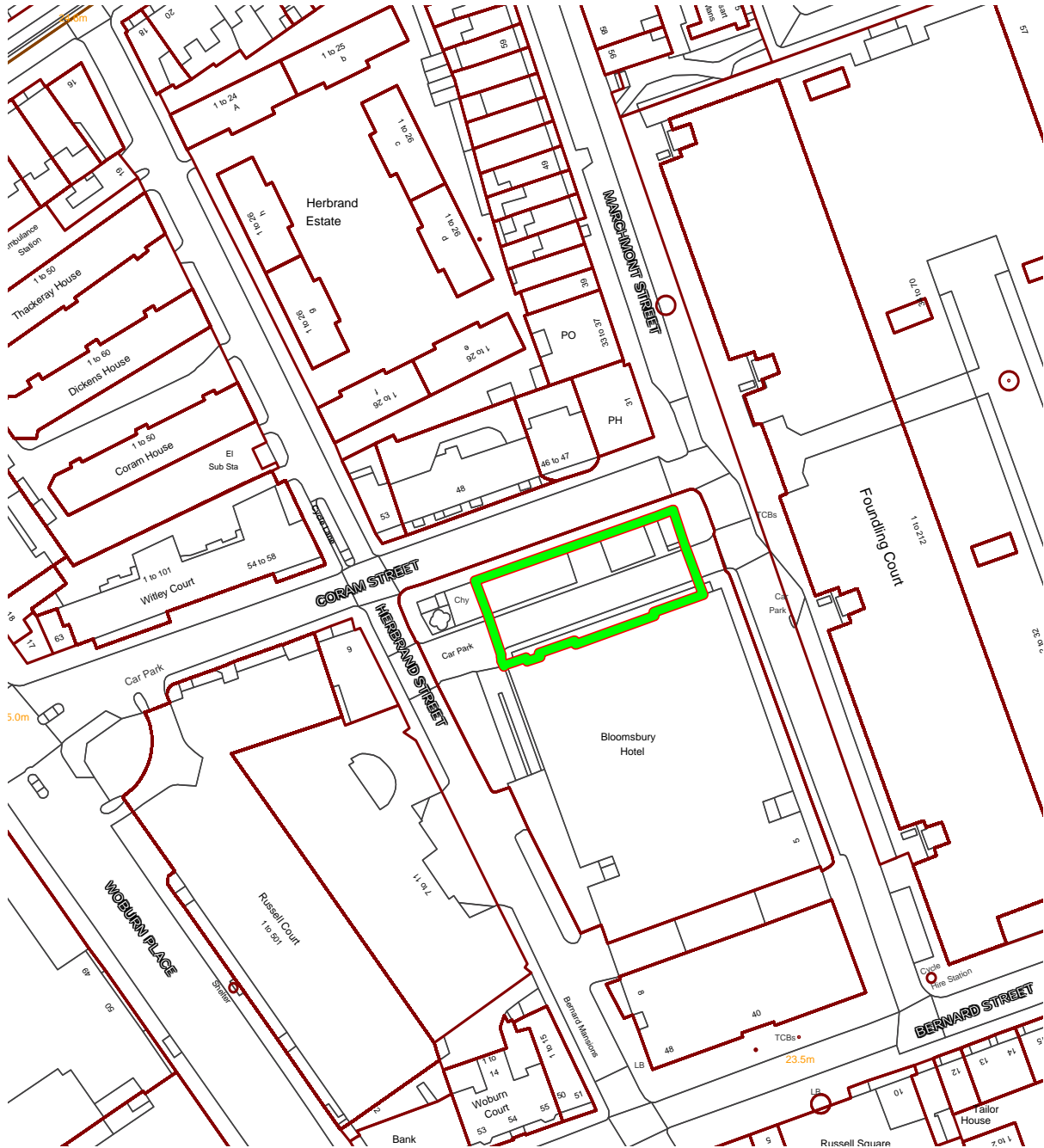


2017/3697/P

The Gym Group, The Old Heating Station, Coram Street



View of standalone structure with the Marquis Cornwallis PH, that also demark the boundary of the Bloomsbury Conservation Area, on the right hand side, and the modern hotel on the left hand side that is not in any Conservation Area.



View of the standalone structure with the hotel behind. The site is not in a Conservation Area.



View of the standalone structure with the Marquis Cornwallis PH on the left hand side and the listed Brunswick Centre at the back – both are within the Bloomsbury Conservation Area, and the hotel on the right hand side.



Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	06/09/2017
		N/A	Consultation Expiry Date:	
Officer			Application Number(s)	
Matthias Gentet			2017/3697/P	
Application Address			Drawing Numbers	
The Gym The Old Heating Station Coram Street LONDON WC1N 1HB			Cover Letter (revised 24/08/2017); Site Location Plan; Planning Statement (June 2017); 7569.170622.L1 - Clarke Saunders Letter (June 2017).	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Removal of condition 1 (hours of operation) of planning permission PS9704920R2 dated 17/04/1998 as varied by planning permission PSX0104075 dated 13/03/2001 and planning permission 2015/4176/P dated 28/10/2015 (Change of use to a gym) namely to allow the temporary 12 months 24-hour use of the premises 7 days a week.				
Recommendation(s):		Grant conditional Planning Permission		
Application Type:		Variation or Removal of Condition(s)		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	03	No. of objections	02
			No. Electronic	01		
Summary of consultation responses:	<p>The Statutory Consultations were carried out in the form of Consultation Letters (sent on 14/07/2017 and expired on 04/08/2017), and Site Notices (x4) (displayed on 19/07/2017 and expired on 09/08/2017).</p> <p>A letter of support was received from an Owner/occupier at 89 Judd Street, WC1H 9NE, summarised as follow:</p> <ul style="list-style-type: none"> - Gym is next to a luxury hotel with cars and taxis coming and going all night and close to a 24hr Tesco; - Low cost exercise facility favoured by shift workers, local residents; - Gym is underground and offers no disruption; - Other 24hr Gym facilities have been operating for some time without nuisance or disruption to neighbours. <p><u>Officer's Response:</u> See paragraphs 3.1 to 3.10</p> <p>A letter of support was received from an Owner/occupier at Flat 4, 45 Russell Court, Woburn Place, WC1H 0NJ, summarised as follow:</p> <ul style="list-style-type: none"> - Gym is entirely underground with no windows; - Having belonged to another 24 hour gym in this chain, at night they are frequented mainly by shift workers; - Very unlikely that the users of the gym will cause any nuisance; - The gym operates a strict access system using CCTV and entrance "pods" which ensure only genuine members can access the facility; - Entrance is immediately adjacent to the entrance of the large Holiday Inn hotel, with taxis and coaches dropping people off 24 hours a day; - The council could make a condition that the gym provides a 24 hour hotline for any residents to call if there are any disturbances. <p><u>Officer's Response:</u> See paragraphs 3.1 to 3.10</p> <p>An objection was received from an Owner/occupier at Flat 25, 46-47 Coram Street, WC1N 1HE, summarised as follow:</p> <ul style="list-style-type: none"> - The gym operates 24 hours at present and it is noisy, creating a humming/buzzing sound all night; - Camden already has strict time limits on deliveries to avoid noise pollution - but this doesn't seem to apply to the gym which has been allowed to operate even before permission has been granted. <p><u>Officer's Response:</u> See paragraphs 3.1 to 3.10</p> <p>An objection was received from an Owner/occupier at 50 O'Donnell Court, WC1N 1NZ, summarised as follow:</p> <ul style="list-style-type: none"> - Often come home late at night and walked down from Southampton Row with no taxis nor hordes of guests arriving or leaving from the hotel; - Residents from Foundling Courts have never complained about noise from the Holiday Inn hotel at night; - Or complained about the light from the hotel's signs; - Gym's lighting and TV have been extremely invasive; - Resident has asked if something could be done but was told no chance of it being stopped and would not give out phone numbers; 					

	<ul style="list-style-type: none"> - Area is very quiet with small footfall. <p><u>Officer's Response:</u> See paragraphs 3.1 to 3.10</p>
<p>Marchmont Association</p>	<p>An objection from the Marchmont Association was received, summarised as follow:</p> <ul style="list-style-type: none"> - At the Marchmont Association's recent AGM, a vote was taken on the proposed extension of trading hours of The Gym to 24/7. There were 9 in favour and 6 against, with about 20 abstentions. However, since this meeting The Gym has submitted its planning application, which has given rise to new concerns which the AGM was not aware of; - Facility will not be staffed at critical hours overnight; - The Gym has only given assurances in words about preventing nuisance being caused to residents; - Should include staff being available on the premises at all times to deal with 'unwelcome guests', tail-gating members, noise nuisance; - How residents might contact The Gym if woken by noisy customers or other such anti-social behaviour; - If the necessary ameliorative actions are not taken the premises should not be permitted to trade beyond the hours of the adjacent licensed premises; - Concerned to learn that residents of Foundling Court, opposite The Gym, are being kept awake by the bright lights of The Gym premises and TV in the window penetrating their windows; - Surprised that there is no breach of Planning when a new business causes such a nuisance following the alterations they have made to the premises. <p><u>Officer's Response:</u> See paragraphs 3.1 to 3.10</p> <p><i>With regards the light pollution caused by the TV and the internally illuminated hanging signs that are all displayed internally, these fall within Class 12 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and therefore have deemed consent.</i></p> <p><i>Any issues with light pollution would need to be dealt with by Environmental Health.</i></p>
<p>The Brunswick Tenants' and Residents' Association</p>	<p>An objection from the Brunswick Tenants' and Residents' Association was received, summarised as follow:</p> <ul style="list-style-type: none"> - Concerned that their website indicates they will be operating overnight without any staff; - 24/7 operation even with staff on the premises overnight is unacceptable in terms of its potential to cause late-night noise nuisance and anti-social behaviour in this high density residential area; - No means of contacting anyone in person (there is no phone contact even during the day) should there be any problems, ie., people tail-gating or being noisy and unruly outside the Gym; - The area is not in the West End and not part of London's night-time economy: after 11.00 p.m. the streets are extremely quiet with very little footfall; - The area is far quieter than Gray's Inn Road where recent requests for all-night trading have been refused; - After being refused permission for internally illuminated signage, The Gym installed its current internal lighting at street level in what is a glass box which is so bright it is extremely disturbing to the residents in Foundling Court and Coram Street penetrating their windows; - Then installed a television playing permanently and repetitively on a loop; - One local resident went over and talked to a manager and was told it was their advertising and there was "no chance it would be stopped"; - Decorative blue strip of LED lighting running along the narrow fascia board above the windows did not appear in the final approved drawings and photographs so we assume do not have planning permission. <p><u>Officer's Response:</u> See paragraphs 3.1 to 3.10</p>

With regards the light pollution caused by the TV and the internally illuminated hanging signs that are all displayed internally, these fall within Class 12 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and therefore have deemed consent.

The blue strip of light does not require any form of consent and didn't therefore form part of the proposal under application reference: 2017/1300/A

The internally illuminated fascia sign was granted Advertisement Consent on 31/05/2017 under planning reference: 2017/1300/A determined at Members' Briefing.

Any issues with light pollution would need to be addresses to and dealt with by Environmental Health. The alleged breaches have been reported to Environmental Health.

Site Description

The site is a standalone single storey metal frame structure with glazed elevations, sited at the eastern end of a strip of land surrounded by Coram Street to the north, Herbrand Street to the west, Marchmont Street to the east and the access road to the Bloomsbury Hotel to the south. It provides pedestrian access from street level to the basement which currently operates as a gym (commercial unit).

The site is close to Foundling Court/the Brunswick Centre which is grade II listed, and Bloomsbury Conservation Area. The site address is not itself in a Conservation Area.

Relevant History

Site Address History:

2017/1300/A – (granted on 31/05/2017) - Display of an internally illuminated fascia sign facing the hotel, and externally applied non-illuminated vinyls to all 4 elevations of street level foyers;

2015/4176/P – (granted on 28/10/2015) - Temporary removal of condition 1 (hours of operation) of planning permission PS9704920R2 dated 17/04/1998 as varied by planning permission PSX0104075 dated 13/03/2001 (Change of use to a gym) namely to allow 24-hour use of the premises for a period of 12 months;

PSX0104075 – (granted on 13/03/2001) - The variation of condition 1 of planning permission dated 17th April 1998 (ref. No. PS9704920R2) to extend the hours of operation as follow; 06.00 hours to 23.00 hours Monday to Friday, 07.00 hours to 22.00 hours Saturday and 08.00 hours to 22.00 hours Sundays and Bank Holidays;

PS9704920R2 – (granted on 17/04/1998) - Change of use from heating station to health and fitness club, and the erection of a glazed pavilion, as shown on drawing number 6.96 (received 20th March 1998), and letters dated 21st January 1998 and 19th March 1998;

Other Sites' History within Camden:

2015/5454/P – (granted on 18/11/2015) - Variation of Condition 1 (operational hours) of planning permission granted on 18/07/1997 reference PS9704354 for the change of use of vacant basement office storage and part of vacant retail unit to use as a health and fitness club. Variation of gym operational hours to include opening on Sunday 07:00-21:00 - 242 & 246 High Holborn, WC1V 7EX;

2014/5092/P – (Refused on 14/11/2014) - Change of use of basement, ground and 1st floors from office (Class B1) to gym (Class D2) - Places for People, 305 Gray's Inn Road, WC1X 8QR;

2010/4185/P – (granted subject to S106 on 18/01/2011) - Variation of condition 18 (restricted opening times of the gymnasium and Class A3 units) as attached to the outline permission granted on appeal (dated 17th February 2005, ref. APP/X5210/A/03/1135364, Council ref 2003/1858/P) in order to allow for the 24 hour operation of the gymnasium (Class D2) - 37-63 Fortune Green Road;

Site Enforcement History:

EN17/0283 - Use of the gym on a 24hr basis (Temporary removal of condition 1 under application reference: 2015/4176/P was granted for one year only, expiring on 27/10/2016.);

Other Sites' Enforcement History:

EN12/0497 - (closed 03/08/2012) - Noise and disturbance from people leaving the 24 hour gym - The Gym West Hampstead, Unit 2D, 41 Fortune Green Road, NW6 1DR;

Relevant policies

National Planning Policy Framework 2012

The London Plan March 2016

Camden Local Plan 2017

A1 – Managing the Impact on Development
C5 – Safety and Security

Camden Planning Guidance

CGP6 (Amenity) 2013 – Chapter 4

Bloomsbury Conservation Area Appraisal (April 2011)

Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

Assessment

1. Proposal and Background

- 1.1 Planning Permission is sought for the removal of condition 1 (hours of operation not to be carried out outside the times of 07:00 to 21:00 Monday to Saturdays, and not carried out at any time on Sundays and Bank Holidays) of planning permission PS9704920R2 dated 17/04/1998 as varied by planning permission PSX0104075 dated 13/03/2001 and planning permission 2015/4176/P dated 28/10/2015 (Change of use to a gym) namely to allow the temporary 12 months 24-hour use of the premises 7 days a week.
- 1.2 The opening hours as controlled by the original application reference: PS9704920R2 were varied under planning permission reference: PSX0104075 (granted on 13/03/2001) seeking to extend the hours of operation to be between 06.00 hours to 23.00 hours Monday to Friday, 07.00 hours to 22.00 hours Saturday and 08.00 hours to 22.00 hours Sundays and Bank Holidays. [see Relevant History above]
- 1.3 A subsequent application for yet further variation of the opening hours was granted on 28/10/2015 under application reference: 2015/4176/P [see Relevant History above] for the use of the gym from the original operating times - of between 07:00 till 21:00 - to a 24hr use for a temporary period of 12 months. The temporary 12 months period was in order to assess the impact of the extended opening hours onto the neighbours in terms of noise disturbance and anti-social behaviour.
- 1.4 It has been revealed, by the Marchmont Association, that the 24hr use of gym – as granted in 2015 - was never implemented. As such, it hasn't been possible to assess the impact of the 24hr operating of the gym on the surrounding amenity.
- 1.5 The proposal was originally submitted seeking a permanent 24hr use of the premises 7 days a week. This has been amended to a temporary permission of 12 months for the same reasons that applied to the 2015 application and grant.

2. Assessment

- 2.1 The principle consideration material to the determination of the application is the impact of the proposal on the neighbours' Amenity.

3. Amenity

- 3.1 Policy A1 seeks to protect the amenity of Camden's residents by seeking to ensure that development protects the quality of life of existing and future occupiers, neighbours and nearby properties by only granting permission to

development that would not harm the amenity of neighbouring residents. This includes noise and artificial light.

- 3.2 Policy A1 also states that Camden's dense character means that light pollution can be a bigger problem in the borough than in lower density areas where uses are not so close together. Artificial lighting should only illuminate the intended area and not affect or impact on the amenity of neighbours. Camden's high density and mixed-use nature means that disturbance from noise is a particularly important issue.
- 3.3 There is no issue of noise with regards the gym during the day, given the busy location opposite the Brunswick Centre. At night time, the shopping centre is obviously closed. Equally, the amount of customers wishing to use the gym facilities would decrease by the very nature of the late/night hours where the demand for such facility is reduced to a minimum. The foot traffic to and fro, and in and out, of the premises would therefore also be reduced to a very low level.
- 3.4 The applicant's supporting statement states that *'in terms of the operation of the gym facility itself, audio / visual equipment is placed on anti-vibration mounts, with volume limiters on all equipment to restrict sound to an acceptable level. The volume limiter is kept in a secure area of the gym to ensure that this cannot be interfered with. Audio / visual equipment in the gym is limited to a small number of units which are located around the building to avoid hotspots of noise. These are kept to a minimum noise level, enabling members to utilise personal MP3 players.'* This is further supported by a statement from Clarke and Saunders Acoustics Specialist Consultants.
- 3.5 The nature of customers using gyms tend to be for 'health reasons'. Meaning that the premises would not be used as a meeting point for drinking purposes whereby, with the presence of alcohol, concerns over anti-social behaviour and loud noises such as shouting/screaming/talking aloud would be more prevalent and to be anticipated.
- 3.6 The gym facility does not offer the option to purchase alcoholic drinks, nor does it promote or encourage the users of the facility to be intoxicated prior to entering the premises.
- 3.7 The applicant states that they ensure that a high level of security is provided by maintaining a friendly and welcoming environment and deterring any anti-social behaviour. Access to the property is strictly controlled by a two door portal in operation which requires a personal entry code to be entered into a key pad and restricts access to one person at a time only. The pin code enables The Gym to record attendance within the premises. These full height glazed partitions and portals also provide a barrier to noise transmitting from the main body of the gym via the accesses. An extensive network of CCTV cameras will operate throughout the premises providing coverage of all internal areas and external entrances. This CCTV will be monitored on a 24 hour a day basis through a remote monitoring system enabling operatives to identify and react to potential issues immediately.
- 3.8 The proposed security measures, as stated by the applicant, are quite satisfactory. Should issues with noise disturbances generated from the gym itself, or by any person or persons coming out of the gym or loitering outside the premises, anti-social behaviours – whether members or non-members, can be dealt with by the Noise Pollution Team in Environmental Health and/or the Police. However, given the likely users of the gym this is considered extremely unlikely. Should any such incidents become a 'regular occurrence', this would greatly impact on the possible grant of a permanent 24hr and 7days a week opening hours application. Noise conditions are attached to ensure there would be no noise emanating from the gym.
- 3.9 In view of the extended opening hours, a standard plant condition has been added to the decision to ensure that the prevention of any potential noise issues.

4. Conclusion

- 4.1 The temporary 12 months use of the gym as a 24/7 operation will enable to establish the suitability of the 24 hour operation, and is therefore considered to be acceptable.

5. Recommendation

- 4.1 Grant conditional Planning Permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 20th November 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Fred Woodrow
RPS CgMs
140 London Wall
London
EC2Y 5DN

Application Ref: **2017/3697/P**
Please ask for: **Matthias Gentet**
Telephone: 020 7974 **5961**

15 November 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**The Gym
The Old Heating Station
Coram Street
LONDON
WC1N 1HB**

DECISION

Proposal:

Removal of condition 1 (hours of operation) of planning permission PS9704920R2 dated 17/04/1998 as varied by planning permission PSX0104075 dated 13/03/2001 and planning permission 2015/4176/P dated 28/10/2015 (Change of use to a gym) namely to allow the temporary 12 months 24-hour use of the premises 7 days a week.

Drawing Nos: Cover Letter (revised 24/08/2017); Site Location Plan; Planning Statement (June 2017); 7569.170622.L1 - Clarke Saunders Letter (June 2017).

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

Condition(s) and Reason(s):

Executive Director Supporting Communities



- 1 For the purpose of this decision, condition no.1 of planning permission PS9704920R2, dated 17 April 1998 as varied by PSX0104075 dated 13 March 2001, shall be removed for a period of 12 months starting from the date of this decision notice.

Reason: The full impact of the proposal is unknown. The 12 months temporary permission will allow the Council to fully assess the impacts of the proposal on the surrounding area. The proposal is therefore in accordance with policies A1 and C5 of the Camden Local Plan 2017.

- 2 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(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 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 3 No music shall be played on the premises within the additional hours of use 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 G1, CC1, D1, A1, and A4 and [if A3/A4/A5 use] TC1, TC2 [if in Camden Centre or other shopping area], TC3 [if outside of a centre], TC4 [if in town centre] and TC5 [if small/independent shop] of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Planning permission was granted for the change of use from a heating station to a health and fitness club on 17/04/1998 (planning ref: PS9704920R2). Condition no.1 of this planning permission controlled the hours of operation from 0700 to 2100 Mon-Sat with no operation of the unit allowed on any other day. This condition was subsequently varied on 13/03/2001 (planning ref: PSX0104075) to extend the hours of operation as follows; 0600 to 2300 Mon-Fri, 0700-2200 on Sat and 0800-2200 on Sundays and Bank Holidays, and again under application reference: 2015/4176/P for the 12 months temporary use of the facility 24hrs a day and 7 days a week. The information submitted with this current application was considered to be adequate to demonstrate that the proposed extension of the operating hours would be appropriate for a period of 12 months. As such the temporary removal of condition no.1 of planning permission PS9704920R2 is considered acceptable. At the end of the 12-month period, the Council will be able to fully assess the impacts of the proposal on the surrounding neighbourhood.

As such, the proposed development accords with policies A1 and C5 of the Camden Local Plan 2017.

- 2 You are advised that the decision only relates to the removal of condition 4 and shall only be read in the context of the substantive permission granted on 17 April 1998 under reference number PS9704920R2 and is bound by all the conditions attached to that permission.
- 3 It is advise that the Council can take action under the Environmental Protection Act 1990 if the level of noises are different than stated within the Extract Noise Study (19/10/2017), and a statutory nuisance is witnessed.

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

Director of Regeneration and Planning

DECISION