

Mr Apostolos Karastamatis
gridline
237 Regents Park Road
London N3 3LF

Application Ref: **2017/6640/P**
Please ask for: **Charles Thuaire**
Telephone: 020 7974 **5867**

30 January 2018

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Jack Straws Castle
North End Way
London NW3 7ES

Proposal:

Change of use of basement and ground floor levels from Class D2 (health club/personal training centre) to flexible use of Class B1 (office) or Class D2 (leisure).

Drawing Nos: Letter from Albany Homes dated 21.11.17; 648-01-00 rev1, 01 rev1, 02 rev1, 03 rev2, 04 rev2

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 - Letter from Albany Homes dated 21.11.17; 648-01-00 rev1, 01 rev1, 02 rev1, 03 rev2, 04 rev2

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

- 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 only be used as a health club/gymnasium and for no other purpose.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, traffic congestion and excessive on-street parking pressure in accordance with policies G1, A1 and T1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 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 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.
- 3 Reasons for granting permission.

The basement and ground floors were previously occupied by a gym but was vacated in December for financial reasons. A different gym operator prior to this also vacated the site, apparently due to financial viability reasons. Prior to the D2 use the unit was in restaurant use which also closed due to lack of success. Although no marketing exercise has been carried out for alternative Class D2 leisure use tenants, the history of this site shows that use of the premises for health club and other leisure uses has not been successful for viability reasons. The site is some distance from other town centre uses and tube station. Other health clubs exist within a mile distance, such as 3 in Golders Green and 2 in Hampstead, thus there is adequate provision nearby in compliance with policy C3 and its longterm loss would not harm the overall range of cultural and leisure facilities within this part of the borough. It is considered that the size, layout and location of the premises,

being under residential flats with a basement floor without natural daylight and relatively isolated without onsite car parking, make it relatively unsuitable or unattractive for a number of uses within Class D2.

Nevertheless the proposed dual use will ensure that D2 leisure space is retained here in the longterm if the alternative proposed B1 use is not taken up within 10 years. A condition will be imposed to ensure that it is only used as a gym and no other purpose within Class D2, in line with the original permission for change of use to a health club here on 24.8.04 ref 2004/2042/P.

The proposed use as Class B1 offices will be less than 500sqm and employing about 8 people. Although the site is not in designated growth area or town centre, this is a small scale expansion of office use which can be considered appropriate near the Hampstead town centre which, according to policy G1, is not highly accessible by public transport and where significant growth is not expected. A small scale growth of commercial space for small businesses is in compliance with policy E1. It is noted that permission was granted on appeal on 30.5.08 for change of use from restaurant to B1 office, on the basis that it would not generate any further traffic as it served by several bus routes. Thus a precedent has already been set for this business use here. It is considered that the office use would be equally suited to the premises as the current gym; it would rely on people walking, cycling or using buses to access the site. The basement could be used for storage, meeting room and ancillary facilities. The proposed office would not generate any noisy activities beyond those already created by the previous gym.

The proposed Class B1 use will not cause any adverse impacts on the amenity of adjoining residential occupiers or on local transport conditions, as the nature of its use, hours of operation, pedestrian generation and servicing will be similar to the existing gym.

One objection has been received prior to making this decision. This and the planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, G1, C3, E1 and T1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

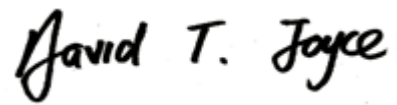
- 4 You are advised that if implemented, the alternative use permission hereby granted gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would revert to whichever of the uses is taking place at the time.

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 style with a large initial 'D' and 'J'.

David Joyce
Director of Regeneration and Planning