

Mr Daniel Herman
82 Brim Hill
N2 0EY

Application Ref: **2017/5382/P**
Please ask for: **Samir Benmbarek**
Telephone: 020 7974 **2534**

6 February 2018

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
529A Finchley Road
London
NW3 7BG

Proposal: Change of use of ground floor retail unit (Use A1) to retail and fitness studio (sui generis use).

Drawing Nos: Unnumbered Location Plan (OS Extract); 160405-529; Email from Daniel Herman dated 12th January 2018.

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered Location Plan (OS Extract); 160405-529; Email from Daniel Herman dated 12th January 2018.

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

- 4 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 A1, A4, and TC3 of the London Borough of Camden Local Plan 2017.

- 5 The use hereby permitted shall not be carried out outside the following times 06:30-20:00 Mondays to Saturdays and 06:30-20:00 Sundays and Bank Holidays.

The roller shutters at the rear of the ground floor unit shall be kept closed at all times during those hours of use.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC3 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the commencement of the ground floor unit, details of the sound insulation of the floor/ceiling/walls separating the fitness area and retail area from adjacent residential uses shall be submitted to and approved in writing by the local planning authority. Such 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 include such mitigation measures as necessary in order to achieve the 'Good' criteria of BS8233:1999 within the dwellings.

The details as approved shall be implemented prior to first occupation of the community facility 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 A1 and A4 of the London Borough of Camden Local Plan 2017

Informatives:

- 1 No external alterations are proposed and as a result, there would be no harm to the

character and appearance of the host building or the surrounding area. The unit is not located within a designated town centre frontage or within a neighbourhood centre.

The proposal involves the change of use of 70sqm of A1 (retail) space into sui generis space with retail activity at the front of the unit and the rear to be operated as a fitness studio. The two uses would not be independent of each other with patrons of both uses using the same front entrance. Access to the fitness studio would be via the retail unit at the front.

Policy TC3 of Camden's Local Plan expects shops outside of designated retail centres to be retained and would only permit the loss of such if there is alternative provision nearby and there is evidence that the premises are not viable to continue as retail. Although there is a change of use from retail to sui generis, the proposal would still maintain retail activity at the front of the ground floor unit with an active frontage within the parade of commercial premises along Finchley Road. This would continue to support the character of the area. The sui generis use with the introduction of the fitness space at the rear alongside its retail operation is considered acceptable in land use terms in this context.

The applicant has provided details of the operation, patronage and logistics of the proposed unit. It has been confirmed that the gym space would be limited to 6x people at any given time. The expected catchment area is local and patrons would walk to the premises. Therefore, it is considered that there would be no significant impact upon transport, highways and local parking. The area of the gym element at the rear is small and therefore it is considered unlikely that the uses within would be intensive which would lead to consequent adverse impacts of noise in relation to neighbouring adjoining residential occupiers.

The applicant has stated that noise insulation will be installed to mitigate impacts of noise to adjoining residential occupiers. Noise insulation would be secured by condition upon approval. Further conditions will be imposed to restrict the hours of operation; ensure that music/noise generated by the gym use is not audible from within any adjoining properties, premises or highways and that the existing roller shutters will be kept locked to further ensure the amenity of adjoining residential occupiers is maintained. Overall, the proposed change of use is considered to not adversely impact upon neighbouring amenity.

Two objections in regards to the proposal were received prior to the determination of this application, which were duly noted. The planning history of the site and relevant appeal decision were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, D1 and TC3 of the London Borough of Camden Local Plan 2017. The proposed development also accords with Policy 13 of the Fortune Green & West Hampstead Neighbourhood Plan, the London Plan 2016 and the National Planning Policy Framework 2012.

- 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.

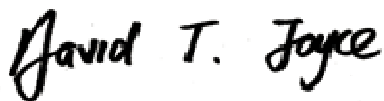
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

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