

Application ref: 2018/1026/P  
Contact: Alyce Keen  
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Date: 13 April 2018

**Development Management**  
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DWD  
6 New Bridge Street  
London  
EC4V 6AB

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**Offices and premises at ground floor**  
**44 - 46 Whitfield Street**  
**London**  
**W1T 2RJ**

Proposal: Change of use of the ground floor unit from office (use class B1a) to flexible use as retail (use class A1), financial and professional (use class A2), office (use class B1a), art gallery (use class D1d), doctor/dentist surgery (use class D1a) or fitness studio (use class D2e).

Drawing Nos: 1226-0100 rev G, 1226-1100 rev H. Supporting documents: Planning Statement dated 23/02/2018; Marketing Evidence dated October 2017.

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 The development hereby permitted shall be carried out in accordance with the following approved plans: 1226-0100 rev G, 1226-1100 rev H. Supporting documents: Planning Statement dated 23/02/2018; Marketing Evidence dated October 2017.

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

- 3 Notwithstanding the provisions of Class A1 (retail), Class A2 (financial and professional), Class B1a (office), Class D1d (art gallery), Class D1a (doctor/dentist surgery) and Class D2e (fitness studio) 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 not be used for any other uses within those classes or in other classes.

Reason: To ensure that the future occupation of the building does not adversely affect the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 The use of the premises for art gallery D1(d) or fitness studio (D2e) purposes as hereby permitted shall not be carried out outside the following times: 07.00 - 23:00 Mondays to Saturdays, 08.00 - 22:00 Sundays and bank holidays.

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

- 6 Prior to the first use of the premises as a fitness studio (Use Class D2(e)) as hereby permitted, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority.

The Assessment shall include details of any sound insulation measures for the floor/ceiling/ walls separating the ground floor unit of the premises from adjacent noise sensitive premises which are required to achieve 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, any additional mitigation measures necessary to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within adjacent noise sensitive premises

All such specified mitigation and sound insulation measures as approved shall be implemented prior to first use of the unit for D2 (e) purposes 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.

- 7 No deliveries, collections, loading or unloading associated with the development hereby approved shall occur other than between the hours of 08:00 to 18:00 hours on Monday to Friday, 09:00 to 21:00 hours on Saturdays and at no time on Sundays and Public/Bank Holidays.

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.

- 8 The use of the premises as an art gallery D1(d) or a fitness studio (D2e) shall not commence until all external doors to the premises have been fitted with self closing devices, which shall be maintained in an operational condition and at no time shall any external door or window be fixed in an open position.

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 Reasons for granting permission.

The host building is occupied by an office (B1a) use over all floors. It is located within the Charlotte Street Conservation Area and the Central London Area.

To further increase potential occupancy, this proposal seeks to permit the use of the ground floor unit from Class B1(a) to flexible Class A1/A2/B1(a)/D1/D2(e). The existing B1(a) office use within the remaining floors of the building will be retained. The applicant has identified, by way of marketing evidence, the difficulty in offering the unit solely for B1 uses. The subject employment space has not been occupied with a B1 use since its refurbishment in August 2014 and as such it is considered reasonable to revisit the aim of the main scheme under policy E2 (Employment premises and sites).

Although this proposal has the potential to result in the loss of specific Class B1 floorspace, this will be countered with the provision of a suitable replacement use in the locality, namely shop, financial or professional services, offices, art gallery or recreational facility, with a provision of employment. Whilst the development will have some impact in terms of the potential loss of office space, it is considered that the proposed change of use from office use to a flexible use of A1/A2/B1(a)/D1/D2(e) would not result in harm to the economic viability of the area given the proposal would retain potential employment opportunities.

The policy preference is for the development to be in B1 use, however it is recognised that the potential uses of A1/A2/B1(a)/D1/D2(e) would also deliver economic benefits for Camden residents and bring an active use to the premises. Therefore having considered the marketing evidence provided, on balance, it is considered that the proposed flexibility of the ground floor uses is acceptable in terms of the aims of policy E2.

The proposal involves no external works. Any shopfront alterations or advertisements will have to be applied for through separate applications. The proposed uses would enliven the adjacent Whitfield streetscene and would remain in keeping with the surrounding established character.

As no external alterations would be formed, the proposal would not cause harm to

the amenity of neighbouring residents in terms of a loss of privacy, outlook or daylight. To ensure the use does not result in disturbance to neighbours, conditions have been attached limiting the operational hours, requiring that all music played within the building shall not be audible from anywhere outside the building and that a Noise Impact Assessment be submitted prior to the commencement of the Class D2(e) use. The Assessment will be required to demonstrate that the activities associated with the Gym use will not have a harmful impact on the amenity of neighbours. This is imposed in order to safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4.

Due to the scale of development, its high level of accessibility and the existing servicing arrangement, no concerns are raised regarding servicing or trip creation. Due to site restrictions, there is little scope to provide further on-site or on-street cycle parking facilities directly outside the site. Some cycle parking is however available around the corner on Tottenham Street, 50m away. The site is located in close proximity to the Goodge Street station and has a PTAL level of 6b. Within this context, it is considered that a significant portion of potential users of the site by walking/ cycling and public transport and as such no concern is raised in this regard.

No comments were received prior to making this decision. The sites planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies G1, C2, C3, C6, A1, A4, E1, E2, D1, D2, TC1, TC5 and T1 of the Camden Local Plan 2017.

- 2 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).
- 3 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.
- 4 Please note that the flexible use permission will cease after a period of 10 years from the date of this decision in accordance with Class V of the General Permitted Development Order 2015 (as amended). After a period of 10 years following the determination date the use in situ at this point will become the established lawful use in perpetuity.
- 5 You are advised that the attached opening hours condition 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.

- 6 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](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk)).

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 informal style.

David Joyce  
Director of Regeneration and Planning