

Application ref: 2017/4792/P  
Contact: Elaine Quigley  
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Date: 6 April 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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Child Graddon Lewis  
Studio 1  
155 Commercial Street  
Spitalfields  
E1 6BJ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**86-88 Delancey Street**  
**LONDON**  
**NW1 7SA**

Proposal: Change of use of the existing B1 office space to flexible B1 office / D2 gym and ancillary juice bar at ground floor level within the main building and ground and first floor levels of the two storey building at the rear. Erection of a single storey cycle parking storage area at the ground floor rear elevation of the main building.

Drawing Nos: 00(GE)E001; 23(B1)E001 rev C; 23(00)E001 rev C; 23(01)E001 rev C; 00(EL)E001 rev A; 00(EL)E002 rev A; 23(B1)P001 rev F; 23(00)P001 rev F; 23(01)P001 rev E; 00(EL)P001 rev C; 00(EL)P001 rev C; Extract of brochure from Cyclehoop showing Sheffield Stand

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 and D2 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 00(GE)E001; 23(B1)E001 rev C; 23(00)E001 rev C; 23(01)E001 rev C; 00(EL)E001 rev A; 00(EL)E002 rev A; 23(B1)P001 rev F; 23(00)P001 rev F; 23(01)P001 rev E; 00(EL)P001 rev C; 00(EL)P001 rev C; Extract of brochure from Cyclehoop showing Sheffield Stand

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

- 4 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 fitness studio / gym use.

Reason: To ensure that the future occupation of the ground floor of the main building and the two storey building at the rear does not adversely affect the adjoining premises/immediate area by reason of noise and disturbance in accordance with policies D1, A1 and TC4 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 D1, A1, and A4 and TC4 of the London Borough of Camden Local Plan 2017.

- 6 The use hereby permitted shall not be carried out outside the following times 07:00 to 22:00 Mondays to Fridays and 08:00 to 20:00 Saturdays, 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 TC4 of the London Borough of Camden Local Plan 2017.

- 7 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 part(s) of the premises from residential dwellings. 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 'Good' criteria of

BS8233:2014 within the residential dwellings. Approved details 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 D1, A1, and TC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

Planning permission was granted for the redevelopment of the site in 2008 which included B1 commercial floor space at the ground floor of the main building and in the new two storey building at the rear. The development has been completed however since completion (2 years ago) the office floorspace has remained vacant.

The proposal involves the loss of floorspace in established office (Class B1(a)) use to be replaced by a flexible Class B1 office/Class D2 gym use.

Considering the loss of employment space first, policy E1 acknowledges jobs are provided by many types of uses within the borough, not just those based in offices. Policy E2 advises premises suitable for continued business use will be protected and that changes to non-business uses will be resisted, except where it can be demonstrated that the building is no longer suitable for the existing use and the possibility of retaining, reusing or redeveloping the site has been explored.

The proposal in this case is for flexible use meaning that it would still be possible for the building to be used for B1a office use again in the future. The proposal would retain all the key features of the building that make it suitable for office use. It is proposed to add internal partitions within the building at the rear for bath/ shower rooms but these could easily be removed in the future to reinstate the larger floorplates. The floor to ceiling heights, doorway/corridor widths, amount of light and flexible internal arrangement would all remain as existing. Therefore the physical features of the premises would be retained which would make it easily changed back to office use again.

The flexible basis of the planning permission sought would negate the need for a planning application to revert to office use if the change of use occurred within 10 years of the date of permission. However even after this time Camden's policies would make a planning application for change of use from D2 back to office use, a more straight-forward matter than say, changing back from residential use.

The Council will resist the development of business premises unless it is satisfactorily demonstrated that loss of the building is no longer suitable for its existing business use and that the possibility of retaining, reusing or redevelopment the site or building for similar alternative type and size of business use has been fully explored over an appropriate period of time. To demonstrate the above, the applicant has submitted a marketing summary dated 2018. The summary states that consistent marketing efforts from 2014 when the building works were completed by the marketing agents Frank Knight (2015) and then by Shelley

Sandzer when the applicant purchased the units in 2016 until the application was submitted in 2017. The summary concludes that the marketing efforts have been unsuccessful. This is due to a number of reasons including the compromised internal layout of the main part of the building with a drop in internal floor level across the front units (due to network rail tunnel infrastructure below), restricted access to the office building at the rear of the site with no direct access from the street, shared provision of services and amenity space with residential uses on the site, and design of the frontage (large glazed windows) that lends itself to a high street retail use rather than office use outside the town centre. The property has been marketed consistently and continuously over an extended time period with no interest coming forward. Parts (a) and (b) of Policy E2 have therefore been satisfied.

- 2 Turning to the principle of the proposed D2 use, policies E8 and C3 recognise the contribution that leisure uses make in helping sustain a balanced economy and providing employment opportunities. D2 facilities in general are considered under C3 which advises that small scale leisure uses can to be located anywhere in the borough providing they do not have an adverse impact on the surrounding area or the local community. This would be addressed in the paragraphs below on amenity.

It is recognised that there would be employment benefits resulting from the proposal. This would be through the direct employment associated with the gym creating employment provision for approximately 39 employees as well as the ancillary café/juice bar. Whilst it is anticipated that the cafe would mainly be used by the gym staff and members' it would provide potential employment opportunities for the local residents and members of the public would be able to use the space. This would provide limited additional public benefit.

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 a leisure/ fitness facility, with a significant provision of employment for 39 employees. Whilst the development will have some impact in terms of loss of office space (if the gym use remains for 10 years and becomes lawful), it is considered that the proposed change of use from office use to gym use would not result in harm to the economic viability of the area given that the proposal would retain potential employment opportunities. It is considered that an application for a flexible office/gym use can be justified in land use policy terms.

Colleagues in the Council's economic development and policy teams reviewed the marketing evidence provided. They advised that whilst they are keen to see a B1 use retained, they recognise that the D2 use would also deliver economic benefits for Camden residents and provide an active use to the premises. In light of the marketing evidence provided and the potential for continued employment use, the requirements of policy E2 are considered to be met.

The proposal involves associated works to the rear ground floor of the main building to include erection of a single storey cycle parking enclosure within the courtyard area. Views of the cycle parking storage area would be afforded to within the site itself and would not be considered to impact the character and appearance of the host building or the surrounding streetscene.

The intensity of a gym use compared to the existing office use could be significantly increased and this could have the potential to impact on the surrounding area due to increased comings and goings and activity on the premises. To ensure the use does not result in disturbance to neighbours, a condition would be attached limiting the D2 element of the use to fitness studio/ gym and would require all music played within the building would not be audible from anywhere outside the building. Conditions will also secure insulation measures between the gym use and the above residential uses to safeguard amenity. No external alterations are proposed and the development would not result in any loss of light, outlook or privacy.

- 3 Given the sites excellent access to public transport, it is considered that a significant portion of potential users of the site by walking/ cycling and public transport. The footway width directly in front of the site is sufficient to accommodate cycle stands and allow pedestrians and those in wheelchairs or with buggies to pass. As such 6 on-street cycle parking spaces in the form of Sheffield stands would be located immediately outside the front elevation of the building. A total of 6 secure covered cycle parking spaces would be provided within the courtyard area of the site for the staff of the gym/office. The Council's Transport Officer has confirmed that this is acceptable.

The existing site includes 7 car parking spaces within the basement. The proposal would reduce the number of car parking spaces to 2 (5 standard spaces). The retained parking spaces would remain for the sole use of residents. The loss of 2 parking spaces in order to facilitate the development would be supported in line with Policy T2. A swept path diagram was submitted as part of the proposal to demonstrate that standard sized motor cars would be able to access and egress the basement car parking spaces in a safe and efficient manner. The Council's Transport Officer has confirmed that this is acceptable.

The building would continue to be serviced in the same way as it is currently from Delancey Street. A servicing management plan would not be considered necessary in this instance.

One objection was received in relation to the original scheme that included the loss of the 2 existing residential maisonettes at the rear of 103-105 Parkway however the scheme has been amended during the course of the application to remove this element of the scheme. No further consultation responses have been received prior to making this decision. The sites planning history was taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies G1, C3, E2, A1, A4, D1, TC4, T1, T2, T3 and T4 of the Camden Local Plan 2017.

- 4 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).

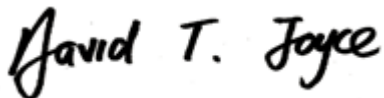
- 5 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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.
- 6 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, slightly slanted style.

David Joyce  
Director of Regeneration and Planning