

Application ref: 2018/3237/P
Contact: Elaine Quigley
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Date: 9 October 2018

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ADARA
The Old House
Totteridge Green
Whetstone
LONDON
N20 8PA

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
Solar Court
88 Delancey Street
London
NW1 7SA

Proposal: Variation of condition 6 (Opening hours) of planning permission 2017/4792/P granted 06/04/2018 (for 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), namely to allow the premises to open 30 minutes earlier at 06:30) on Mondays to Fridays.

Drawing Nos: Covering letter produced by Venta Acoustics dated 28 June 2018; Gym noise assessment produced by Venta Acoustics dated 28 June 2018 and email from Dominic Dear (ADARA) dated 5th October 2018.

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 the original planning permission ref 2018/4792/P dated 06/04/2018.

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; Covering letter produced by Venta Acoustics dated 28 June 2018; Gym noise assessment produced by Venta Acoustics dated 28 June 2018 and email from Dominic Dear (ADARA) dated 5th October 2018.

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

- 4 The premises shall not be used as a cinema, music or concert hall, bingo hall, or dance hall within Class D2 of the Town and Country Planning (Use Classes Order) 1987 (as amended), or any statutory instrument revoking and / or re-enacting that Order.

Reason: The use of the premises as a cinema, music or concert hall, bingo hall, or dance hall could result in unacceptable levels of noise and disturbance, which would cause harm to the amenities of adjacent residential units, contrary to policies A1 and A4 of the 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 06:30 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.

Informative(s):

- 1 Reasons for granting planning permission.

The proposed variation of Condition 6 to change the hours of operation of the fitness studio/gym from 07:00 to 22:00 Mondays to Fridays and 08:00 to 20:00 Saturdays, Sundays and Bank Holidays to 06:30 to 22:00 Monday to Fridays and 08:00 to 20:00 Saturdays, Sundays and Bank Holidays is considered to be appropriate in this location. This is due to the fact that the unit is located next to a busy road junction of Parkway, Delancey Street, Regent's Park Road and Gloucester. The variation would provide flexible hours of use that reflect modern living patterns where users (particularly for fitness uses) are often looking to use the facilities before working hours.

The unit is located at ground floor level. Although there are residential units within the upper floors of the building above the gym the earlier opening time by 30 minutes in the morning would not significantly impact upon residential amenity, by way of the creation of noise / disturbances.

No objections were received in relation to the proposed variation. The site's planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies D1, A1, A4 and TC4 of the London Borough of Camden Local Plan 2017.

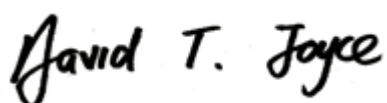
- 2 You are advised that condition 6 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.

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



David Joyce
Director of Regeneration and Planning