

Application ref: 2019/6083/P  
Contact: Nathaniel Young  
Tel: 020 7974 3386  
Date: 24 February 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

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Town & Country Planning Law  
95-97 High Street  
St Mary Cray  
Orpington  
BR5 3NH  
Kent

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**225 A Brecknock Road**  
**London**  
**N19 5AA**

Proposal:

Change of use of ground floor from a mixed retail and office space (Class A1 and B1) to a mixed yoga studio and office space (Class D2 and B1).

Drawing Nos: TC/0278/PP/05, TC0278/PP/04, TC0278/PP/03, TC0278/PP/02,  
TC0278/PP/01

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 TC/0278/PP/05, TC0278/PP/04, TC0278/PP/03,

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 ground floor shall only be used for a Yoga Studio, and for no other purpose within Class D2.

Reason: To ensure that the future occupation of the building does not reduce its employment generating potential or adversely affect the adjoining premises or immediate area by reason of noise, traffic congestion and excessive on-street parking pressure, in accordance with policies G1, A1, A4, E1, E2, C2, C3, TC2 and T1 of the London Borough of Camden Local Plan 2017.

- 4 The use hereby permitted shall not operate outside of the following times: 07:00 - 21:45 Mondays to Fridays, 07:00 - 20:00 Saturdays, and 07:00 - 21:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC2 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, A4 and TC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The subject building provides 238sqm of office and retail space over 3 floors. The first and second floors of the building are Class B1 office space (approx. 177 sqm). The ground floor is a mix of Class A1 retail and Class B1 office space (approx. 61 sqm). There is no internal access between the ground floor and the first floor. The first and second floors are accessed by an external metal staircase on the front of the building while the ground floor has its own separate access door next to the external staircase facing the courtyard. As such, it is considered that the ground floor and upper floors can be treated as separate independent units.

Currently the first and second floors are vacant but remain in Class B1 use, as the prior approval consent (ref: 2013/4391/P) was never implemented and no subsequent change of use application has been submitted. The ground floor is considered to be in mixed Class A1 (furniture showroom) and B1 use as it appeared from the site visit that permission ref: 2013/4605/P had been implemented.

Recently an application (ref: 2019/3983/P) was refused on 05.02.20 for the change of use of the entire building into a single Class D2 yoga studio as it resulted in the unacceptable loss of Class B1 employment space.

The current proposal would involve the change of use of the ground floor, the first and second floors would be retained as Class B1 employment space. In terms of employment space, it is not considered there would be any loss beyond what has been established. Currently the existing office space on the ground floor appears to be ancillary to the Class A1 furniture showroom, the proposed Class D2 yoga studio would replace the Class A1 showroom and would retain the existing arrangement with the ancillary office space.

In terms of the loss of Class A1 retail space at ground floor level, the proposal is not considered to be contrary to the Council's town centre policies. The subject building is set back behind Brecknock Road and does not form part of the shopping frontage in a traditional sense. It is noted that while it forms part of the Brecknock Road/York Way neighbourhood centre, the building is not considered part of the shopping frontage and historically has not been in retail use. Currently part of the ground floor acts as an ancillary showroom to the Class A1 furniture shop at No. 225 which does form part of the shopping frontage. The subject building can be accessed through a covered vehicle access between nos. 223 and 225 or by walking through No. 225, access is not solely dependent on No. 225. The main shop at No. 225 to which the ground floor of the subject building is ancillary to, would remain unchanged and would continue to function as a Class A1 retail shop. The retail shop at No. 225 would continue to be viable and does not rely on the additional space provided by the ground floor of the subject building in order to properly function as an independent retail shop.

As such, the proposed change of the ground floor is considered acceptable. The Class B1 first and second floors of the subject building would be retained and would still be viable as an independent employment space as it has sufficient floorspace available and its own separate access independent from the ground floor. The proposed mixed Class D2 and B1 use (ground floor) and Class B1 use (1st and second floors) within the same building is considered to be an appropriate mix which would not impede the others ability function.

- 2 No external alterations are proposed, no loud music or noise generating extract/plant equipment would be involved and the building does not share any party walls with any residential dwellings. Prospective customers would attend booked classes at specific times making it unlikely that large groups of people would congregate outside the premises. As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies A1 and A4 of the Local Plan 2017.

Policy T1 of the Camden Local Plan and table 6.3 of the London Plan outline minimum requirements for cycle storage as 1 long stay cycle space, and 1 short stay space in this instance. Seven new cycle spaces are proposed in the existing forecourt of the property which would meet and exceed the minimum requirements. No new or additional car parking would be created as a result of the proposal which is compliant with Policy T2 of Camden's Local Plan. Given

the scale of the proposed works a construction management plan would not be required in this instance had the application been recommend for approval. The servicing of the unit would remain as existing and is unlikely to alter to a significant degree given the proposed use of the unit.

One comment was received following statutory consultation which raised concerns regarding the proposed operating hours and potential noise generated by people using the external staircase and congregating in the courtyard. In response to this comment, officers confirm that the external stairs would not be used in relation to the proposed change of use as it only relates to the ground floor of the building. Additionally, the applicant has clarified that the side access to the courtyard will be locked overnight and it would not be possible for customers to congregate in the courtyard in anticipation of the first class of the day to begin. Customers would enter through the shop, No. 225 Brecknock Road, to sign in no earlier than 07:00 before walking through the courtyard and directly into the yoga studio with no need to wait in the courtyard area between classes.

The sites planning history and relevant appeal decisions were taken into account when coming to this decision. The proposal is in general accordance with Policies A1, A4, C1, C2, D1, E1, E2, TC2, T1 and T2 of the Camden Local Plan 2017 and Policy SW1 of the Kentish Town Neighbourhood Plan 2016. The proposed development also accords with the policies of the London Plan 2016 and National Planning Policy Framework 2019.

- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 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.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras

Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 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 paragraph 38 of the National Planning Policy Framework 2019.

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, appearing to read 'DPope', is written over a faint, light-colored rectangular stamp or watermark.

Daniel Pope  
Chief Planning Officer