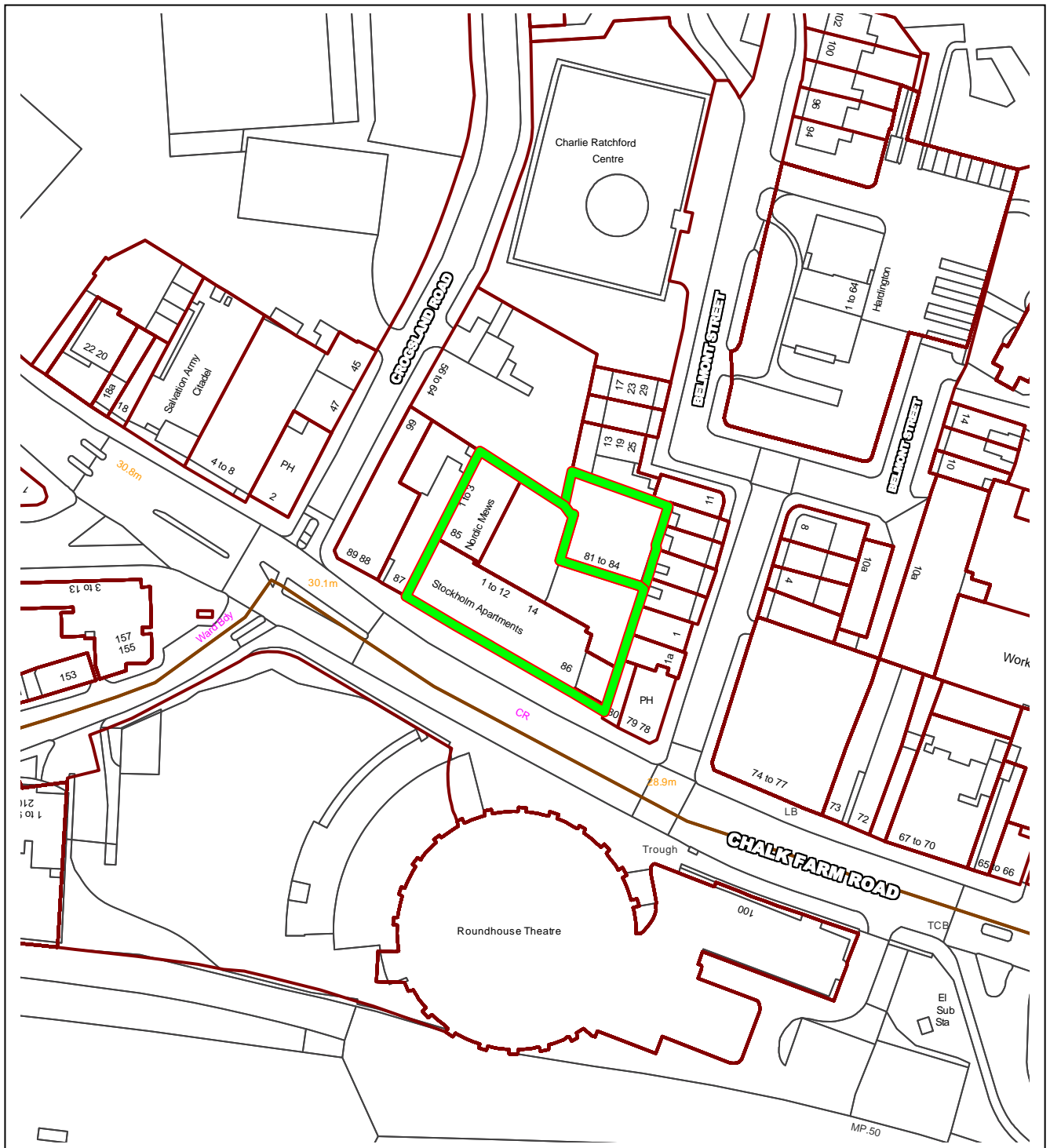


2014/4509/P 81 Chalk Farm Road OS Map



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2014/4509/P 81 Chalk Farm Road Site Photos



Photo 1 - Front elevation



Photo 2 – Main entrance to site (facing Chalk Farm Road)



Photo 3 – Residential flats to the east of the site.



Photo 4 - Residential flats to the west of the site.



Photo 5 – Opposite Mosaic Gym

| | | | | | |
|---|----------------------------|--------------------------------------|---|--------------------------------------|-------------------|
| Delegated Report (Members Briefing) | | Analysis sheet | | Expiry Date: | 08/10/2014 |
| | | N/A / attached | | Consultation Expiry Date: | 04/09/2014 |
| Officer | | | Application Number | | |
| Mandeep Chaggar | | | 2014/4509/P | | |
| Application Address | | | Drawing Numbers | | |
| 81 Chalk Farm Road London NW1 8AR | | | OS Extract, Noise Assessment 12 May 2014, Feedback from Customers, 406-010F, 406-002F, 406-003F, Current Class Timetable, Proposed Class Timetable. | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | |
| | | | | | |
| Proposal | | | | | |
| Variation of condition 1 of PE9800608R2 dated 01 March 1999 restricting the opening hours from 7.00am to 10.30pm Mondays to Fridays (with no classes commencing before 7.30am) and 8.30am to 10.00pm on weekends (with no classes commencing before 8.30am) to increase opening hours from 06:30am to 10:30pm Monday to Friday and 08:00am to 10:00pm at weekends (with no restrictions to class activity). | | | | | |
| Recommendation(s): | | Granted | | | |
| Application Type: | | Variation or Removal of Condition(s) | | | |

| | | | | | | |
|------------------------------------|---|----|------------------|----|-------------------|----|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 48 | No. of responses | 04 | No. of objections | 03 |
| | | | No. Electronic | 00 | | |
| Summary of consultation responses: | <p>A site notice was displayed between 20/08/2014 and 10/09/2014.</p> <p><u>Three objections</u> have been received from the owner/occupiers of No. 11 Stockholm Apartments, 5 Belmont Street and the owner of No 1-2 and 3 Nordic Mews raising the following concerns:</p> <p>1. Noise disturbance from loud music and person shouting instructions to accompany certain classes</p> <p><i>(Officer comments: Since the objections were received, the applicant has installed acoustic glazing to the front and side of the building, which are fixed shut to address noise concerns. Furthermore, Classes in the spin studio in the morning are to be held as a ‘silent spin basis’ using headphone technology with classes in the gym or studio having a more stringent noise policy applied to that which currently applies during the daytime. This includes pilates classes in the morning and no classes to be held in the main gym area. Noise is to be controlled using a combination of improved triple glazing and continued human control of sound levels to ensure neighbour disruption is kept to a minimum. In addition, conditions restricting no music to be played before 7:30am on the premises and for windows to be fixed shut at all times will ensure there will be no increase in noise disturbance to neighbouring residential properties).</i></p> | | | | | |
| CAAC/Local groups comments: | N/A | | | | | |

Site Description

The site lies to the north of Chalk Farm Road and comprises a three storey building fronting onto a semi-private courtyard – the entrance of which is on Chalk Farm Road. The building is used as a gym. Surrounding buildings are in residential use.

The site does not contain any listed buildings, nor is it within a conservation area.

Relevant History

PE9800608R2 - The variation of condition number 4 of planning permission no PL.9300955/R1. As shown on a letter dated 11 February from the applicant. The application restricted the opening hours from 7.00am to 10.30pm Mondays to Fridays (with no classes commencing before 7.30am) and 8.30am to 10.00pm on weekends (with no classes commencing before 8.30am) - Granted.

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2015 consolidated with amendments since 2011)

Local Development Framework (2010)

Core Policies

CS5 Managing the impact of growth and development

CS10 Supporting community facilities and services

CS16 Improving Camden's health and well-being

Development Policies

DP15 Community and leisure uses

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

Camden Planning Guidance (2011):

CGP6 (Amenity) + CPG1 (Design)

1.0 The Proposal

- 1.1 This application has come forward as a result of enforcement action. The application seeks planning permission to vary condition 1 of PE9800608R2 dated 01 March 1999 restricting the opening hours from 7.00am to 10.30pm Mondays to Fridays (with no classes commencing before 7.30am) and 8.30am to 10.00pm on weekends (with no classes commencing before 8.30am) to increase opening hours from 06:30am to 10:30pm Monday to Friday and 08:00am to 10:00pm at weekends (with no restrictions to class activity).

2.0 Assessment

- 2.1 The proposed variation of Condition 1 is to change the hours of operation of the fitness centre from 7.00am to 10.30pm Mondays to Fridays (with no classes commencing before 7.30am) and 8.30am to 10.00pm on weekends (with no classes commencing before 8.30am) to 0630hrs to 2230hrs Mondays to Fridays and 0800hrs to 2200hrs Saturdays and Sundays is considered to be appropriate in the location. As the fitness centre is located 10m away from the nearest residential building located to the south and west it is considered that the proposal would not significantly impact on existing residential amenity, by way of the creation of noise nuisance at unsociable hours.
- 2.2 The application is accompanied by an acoustic report which demonstrates that the proposal will comply with Camden's Noise standards. The Environmental Health Officer is satisfied that the proposed would not have any adverse impact on neighbour amenity in relation to noise. Environmental health have received one noise complaint from the gym in February 2015, however, no further complaints were made.
- 2.3 Neighbouring occupiers were consulted on the application. Three objections have been received. Since these objections were made, the applicant has fitted triple glazed acoustic glazing windows to the front and side of the building for the studios, which are always locked. As such, the variation to change the hours of operation would not have any impact on amenity for neighbouring properties. Conditions preventing the playing of music before 7:30am on the premises and for the windows to be fixed shut at all times will ensure there will be no increase in noise disturbance to the detriment of neighbouring residential properties.
- 2.4 As such, the proposed development is in general accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with paragraphs 14, and 17 of the National Planning Policy Framework. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2015; and paragraphs 14, and 17 of the National Planning Policy Framework.

3.0 Recommendation

- 3.1 Grant variation of conditions.

DISCLAIMER

Decision route to be decided by nominated members on Monday 7th September 2015. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Joseph Proops
Leisure Assets Management Ltd
81-84 Chalk Farm Road
London
NW1 8AR

Application Ref: **2014/4509/P**
Please ask for: **Mandeep Chaggar**
Telephone: 020 7974 **6057**

1 September 2015

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
81 Chalk Farm Road
London
NW1 8AR

DECISION

Proposal: Variation of condition 1 of PE9800608R2 dated 01 March 1999 restricting the opening hours from 7.00am to 10.30pm Mondays to Fridays (with no classes commencing before 7.30am) and 8.30am to 10.00pm on weekends (with no classes commencing before 8.30am) to increase opening hours from 06:30am to 10:30pm Monday to Friday and 08:00am to 10:00pm at weekends (with no restrictions to class activity).

Drawing Nos: OS Extract, Noise Assessment 12 May 2014, Feedback from Customers, 406-010F, 406-002F, 406-003F, Current Class Timetable, Proposed Class Timetable.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 For the purposes of this decision, Condition 1 of planning permission PE9800608R2 shall be replaced with the following condition:

REPLACEMENT CONDITION 1



The use hereby permitted shall not be carried out otherwise than between the hours of 0630hrs to 2230hrs Monday to Fridays and 0800 to 2200 on Saturdays and Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP12, DP26, and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 2 No music shall be played on the premises before 7:30 am 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 CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Within one month of the date of this permission, window locks shall be fitted to the secondary glazing (studio 1) and the windows of studio 4 in accordance with the approved acoustic report and the windows shall remain locked.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission (Ref: PE9800608R) is subject otherwise to the same terms, drawings (with the inclusion of the drawings attached to this permission), conditions as attached to the previous planning permission.

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

Director of Culture & Environment