



GERALDEVE

London Borough of Camden
Planning and Borough Development
5 Pancras Square
c/o Judd Street
London
WC1H 9JE

72 Welbeck Street London W1G 0AY
Tel. 020 7493 3338
www.geraldeve.com

FAO: David Fowler

23 February 2021

Our ref: LJW/NFD/AKG/AJA/J10003

Your ref: 2015/1937/P // PP-09444524

Dear Sir

39-45 Kentish Town Road, London, NW5 8NX
Non-Material Amendments to Planning Permission ref: 2015/1937/P

We have been instructed by our client, Stanley Sidings Limited, to submit an application on their behalf for a non-material amendment to planning permission (ref: 2015/1937/P, dated 29 September 2015) at 39-45 Kentish Town Road, London, NW5 8NX ('the site').

This application seeks approval to amend the description of development and the permitted opening time for the gym approved at Area E of the Hawley Wharf development following a request from a prospective tenant.

Background

Planning permission (ref. 2015/1937/P) was granted for the redevelopment of the site on 29 September 2015. Planning permission ref: 2015/1937/P granted the following development:

“Erection of a six-storey mixed use building comprising flexible employment/gym at ground floor level and 24 flats (1 x studio, 9 x 1 bed, 9 x 2 bed and 5 x 3 bed) together with associated works to create public realm improvements and landscaping.”

322sqm GIA gym floorspace was relocated to the basement of Building D under NMA ref: 2019/2927/P, dated 13 September 2019, to the main masterplan permission (ref: 2020/0362/P). Building D located within Area D of the Hawley Wharf masterplan is physically linked to 39-45 Kentish Town Road which is also known as Area E.

The floorspace associated with the gym is now fully constructed but remains vacant. This application seeks changes to the description of development to accurately reflect the approved location of the flexible employment/gym use at basement and ground floor shown on the approved drawings and to amend the gym operating hours to encourage occupancy of the unit approved in the basement of Building DE.

Pre-Application Discussions

The proposals have been discussed informally with the planning officer at Camden who confirmed that the proposal could be dealt with via a non-material amendment application.

The Hawley Wharf Community Liaison Group associated with the masterplan development were notified of the proposed change to the gym opening hours via email on 22 January 2021. At the time of submission, a response has been received stating “*I have no issue with the extended gym operating hours*”.

Proposals

Description of Development Amendment

The Applicant is in advanced discussions with a prospective gym operator for the site, who have flagged an inconsistency with the reference to the location of the approved flexible employment/gym use across the following: a) the description of development as shown on the decision notice (ref: 2015/1937/P, dated 29 September 2015), b) the approved drawings, c) the committee report, dated 1 April 2015 and d) the Section 106 Agreement, dated 29 September 2015.

The discrepancy is that description of development for the planning permission only refers to the flexible employment/gym use at ground floor level, whereas the approved plans (refs: 13096_EP_(00)_1190 and 13096_EP_(00)_1200), committee report, dated 1 April 2015 and Section 106 Agreement, dated 29 September 2015 refer to the flexible employment/gym use being located at both basement and ground floor levels.

Accordingly, this application seeks to regularise this inconsistency by amending the description of development to remove any reference to the floor level of the approved flexible employment/gym use at the site.

Therefore, the following amendment to the description of development is proposed:

“Erection of a six-storey mixed use building comprising flexible employment/gym at ground floor level and 24 flats (1 x studio, 9 x 1 bed, 9 x 2 bed and 5 x 3 bed) together with associated works to create public realm improvements and landscaping.”

The proposed amendment would give confidence to the prospective gym operator as to the planning position of the approved flexible employment/gym use at the site and would contribute to securing occupation of the site.

The changes proposed to the description of development do not materially alter the development for which planning permission has been approved and are considered acceptable.

Gym Hours

The Applicant wishes to amend the opening hours for the gym use approved at the site following a request from a prospective tenant for the gym has requested that the opening time be brought forward to 06:30. This time is consistent with the opening hours of gyms in the area including: i) Fitness First, 128 Albert Street, Camden Town and ii) The Fitness Mosaic, 81-84 Chalk Farm Road.

The gym use is located in the basement of Building DE, with access from ground floor level. Condition 11 of the planning permission (ref: 2015/1937/P) controls the opening hours for the gym use and states:

“Any gym use hereby permitted shall not be carried out outside the following times: 08:00hrs to 23:00hrs Sunday to Thursday and Bank Holidays and 08:00hrs to 00:00hrs on Friday and Saturday.”

The noise levels of the approved gym are set and controlled by planning conditions 8 and 9 of the planning permission (ref: 2015/1937/P). Condition 9, which required details of sound insulation, was approved in 2017 (ref: 2017/0633/P, dated 30 May 2017). Condition 8 states that **“The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.”** Given that the noise levels for the gym use are controlled by the planning permission and the gym use is located at basement level it is considered that extending the opening hours would not have any material effect on the amenity of the surrounding area.

As it is not considered that the proposed hours would have any material effect on the planning permission, we believe that this change could be dealt with via a non-material amendment to planning permission ref: 2015/1937/P, which would seek to amend condition 11 in the following way:

“Any gym use hereby permitted shall not be carried out outside the following times: 06:30hrs to 23:00hrs Sunday to Thursday and Bank Holidays and 06:30hrs to 00:00hrs on Friday and Saturday.”

Extending the opening hours as proposed is considered acceptable as it will encourage the occupation of the unit and would bring the gym hours in line with similar operations in the area.

Application Documentation

As part of the submission of the application on the Planning Portal, we enclose the following documents:

- A copy of this cover letter; and
- Application form and notices.

The requisite planning application fee of **£234** has been paid concurrent to the submission of this application.

We trust that you have everything required to progress with the determination of this non-material amendment application.

In the meantime, should you have any questions, please do not hesitate to contact Anna Gargan or Andrew Jackson of this office.

Yours faithfully



Gerald Eve LLP

ndavies@geraldeve.com

Tel. +44 207 333 6371

Mobile. +44 782 694 7819