

London Borough of Camden  
Regeneration and Planning  
5 Pancras Square  
London  
N1C 4AG

04 March 2025

Dear Sir/Madam,

**4-10 Tower Street, London, WC2H 9NP**  
**Town and Country Planning Act 1990 (As Amended)**  
**Full planning application for the change of use of the basement and ground floor levels from a fitness and spinning studio (Class E(d)) to flexible Class E use**

**Planning Portal Reference: PP-13694348**

On behalf of our client, Shaftesbury Covent Garden Ltd ('the Applicant'), please find enclosed a planning application for the change of use of the basement and ground floor levels from a fitness and spinning studio (Class E(d)) to flexible Class E use at 4-10 Tower Street, London, WC2H 9NP.

In order to aid your consideration of the proposals, please find enclosed the following:

- / Application Forms – prepared by Rolfe Judd Planning;
- / Site Location Plan – prepared by Fresson and Tee;
- / Existing and Proposed Drawings – prepared by Fresson and Tee; and
- / Design and Access Statement (*this letter*) – prepared by Rolfe Judd Planning.

The requisite application fee has been paid online via the Planning Portal on the date of submission.

## **THE SITE AND SURROUNDINGS**

This application relates solely to the basement and ground floor levels ('the Application Site') at 4-10 Tower Street. The wider Site is comprised of a four-storey building (plus basement), that forms part of a mid-terrace property on the western side of Tower Street. Tower Street connects Earlham Street and Upper St. Martin's Lane. The Application Site is currently in use as a fitness and spinning studio, with residential flats situated at the upper floors. The Site is within the Seven Dials Conservation Area.

In terms of planning, the Site is subject to the following designations:

- / Central Activities Zone;

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Registered at the above address

/ PTAL 6b; and

/ Seven Dials Conservation Area.

The relevant available planning history for the Site is outlined below:

### 2013/3023/P

*Dual/ alternative use of the ground floor for retail (Class A1)) and/or retail/leisure (Class A1/D2) and dual use of the basement retail (Class A1) or leisure (Class D2).*

Approved at Appeal, 7<sup>th</sup> November 2013

The above permission was granted subject to the following conditions:

2. *'The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 21559-01; 21559-02; 21559-03; 21559-04; covering statement from Rolfe Judd Planning dated 20/05/2013'.*

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 premises shall not be used as any other use within that Class other than as a spinning studio as outlined on the approved drawings and supporting documents.'*

### 2015/4689/P

*Amendment to Condition 3 (Controlling D2 Use as a 'spinning studio' only) to also include 'fitness studio' for planning permission (ref: 2013/3023/P) granted on 07/11/2013 (Use of ground and basement floor levels for retail and/or leisure (Class A1/D2) uses).*

Approved, 18<sup>th</sup> September 2015

### 2015/7188/P

*Details of sound insulation (Condition 5) and cycle storage (Condition 7) of planning permission 2013/3023/P dated 07/11/2013 (Dual/ alternative use of the ground floor for retail (Class A1)) and/or retail/leisure (Class A1/D2) and dual use of the basement retail (Class A1) or leisure (Class D2)*

Approved, 22<sup>nd</sup> January 2016

### 2019/4356/P

*Amendments to wording of condition 4 of planning permission 2013/3023/P granted on 07/11/2013 (for dual/ alternative use of the ground floor for retail (Class A1)) and/or retail/leisure (Class A1/D2) and dual use of the basement retail (Class A1) or leisure (Class D2)) namely to allow opening on bank holidays between the hours of 0930 and 1600*

Approved, 28<sup>th</sup> November 2019

The approval of planning application ref. 2013/3023/P facilitated flexible retail and leisure (previously Use Class A/D1) use at the ground and basement floors at the Site. The use of the Site was then confirmed as a spinning/fitness studio (application ref. 2015/4689/P), with the required sound insulation measures submitted to and approved by the Council under application ref. 2015/7188/P.

However, the conditions attached to planning permission ref. 2013/3023/P seek to restrict the use of the Site to an indoor sport, recreation use (Class E(d) – formerly D2). Notably, each of the above applications were determined prior to the amendments made to the Use Classes Order under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 – including the introduction of the new Class E. The restrictive conditions attached to the original permission are now considered to be unduly restrictive in

consideration of the introduction of Class E – which allows for greater flexibility, and the establishment of a mix of town centre uses in an appropriate location.

### THE APPLICATION SCHEME

This application relates to the basement and ground floors at 4-10 Tower Street and seeks a change of use from a spinning and fitness studio (Class E(d)) to flexible Class E use. It is proposed that the permission for the Site include the following uses:

- / Class E(a) – Display or retail sale of goods, other than hot food;
- / Class E(b) – Sale of food and drink for consumption (mostly) on the premises
- / Class E(c) – Financial and Professional Services;
- / Class E(d) – Sport, Recreation and Fitness;
- / Class E(e) – Provision of medical or health services; and
- / Class E(g) – Offices.

As stated above, the Application Site is currently vacant, following the departure of the fitness/spinning studio provider. The provision of flexible Class E use at the Site would increase its marketability and desirability, through its ability to meet a range of business needs, thus allowing for a broader range of potential occupiers.

### DESIGN

The application scheme relates solely to a change of use and does not propose any physical changes to the Site.

It is noted that the Application Site is identified within the Seven Dials Conservation Area Appraisal (CAA) as a Building of Merit - the CAA describes the Site as “a four-storey brick building with rendered string courses, and tripartite sash windows.” The application scheme would not have any impact on the features identified, nor the Site’s heritage features and would maintain the Site’s historic commercial nature.

### ACCESS

There is an existing public access at ground floor level, from Tower Street which will be maintained.

### PLANNING POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the Development Plan unless material considerations indicated otherwise. The Development Plan for the London Borough of Camden comprises:

- / The London Plan 2021; and
- / The Camden Local Plan (2017)

The National Planning Policy Framework (NPPF) is a material consideration in all applications.

### PRINCIPLE OF THE CHANGE OF USE

London Plan Policy SD4 relates to the Central Activities Zone and states that the rich mix of strategic functions and local uses within the CAZ should be promoted and enhanced. London Plan Policy SD6 (Town Centres and High Streets) states that the vitality and viability of London's town centres should be promoted and enhanced by encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners.

Policy E1 (Economic Development) of the Camden Local Plan highlights that the Council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. In addition, the policy states that the Council will maintain a stock of premises that are suitable for a variety of business activities as well as recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism.

Policy TC4 (Town Centre Uses) of the Local Plan states that the Council will ensure that the development of town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

#### **Class E(a) – Display or retail sale of goods, other than hot food**

Local Plan Policy TC1 relates to the quantity and location of retail development and highlights that the Council will seek additional retail provision within Camden's Central London frontages. Policy TC2 of the Camden Local Plan relates to Camden's centres and other shopping areas. The policy states that the Council will seek to protect and enhance the role and unique character of each of Camden's centres, and well as provide for and maintain a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.

Whilst the Site is not designated as a shopping frontage itself, it is situated within close proximity to both Earlham Street, and Monmouth Street's Primary Shopping Frontages. In addition, the Site has a long-standing commercial presence, having been occupied as a retail unit prior to its change of use to a fitness/spinning studio. The officer's report for application ref. 2013/3023/P acknowledges that there is a limited provision of retail on the Site's end of Tower Street. Through the provision of a retail unit at the Site, the development would be in keeping with the character of the area, and enhance the vitality of the local area, whilst aligning with the Council's aim to provide a range of shops.

#### **Class E(b) – Sale of food and drink for consumption (mostly) on the premises**

Both the London Plan and Camden Local Plan identify food and drink provision as a town centre use. As such, a change of use to Class E (b) is considered to be in keeping with the character of the area. It is acknowledged that any forthcoming food and drink operator may require a kitchen extract, and/or plant for their operation. The applicant is amenable to a planning condition require the submission of extract /plant details and approval by the Council prior to the commencement of hot food/cooking provision.

#### **Class E(g) – Offices/ Class E(c) – Financial and Professional Services**

The Central Activities Zone is a major business and employment area. London Plan Policy E1 relates to Offices. The policy states that increases in the current stock of offices should be supported in the Central Activities Zone. The policy further states that development proposals related to new or existing offices should take into account the need for a range of suitable workspace, including lower cost and affordable workspace. London Plan Policy E2 (Providing Suitable Business Space) encourages that provision of a sufficient supply of business space of different types, uses and sizes.

Local Plan Policy E1 (Economic Development) states that the Council will direct new office development to Central London, and town centres, in order to meet the forecasted demand of 695,000 sqm of office floorspace between 2014 and 2031. Local Plan supporting text (5.35) highlights that *“having a range of sites and premises across the borough to suit the different needs of businesses for space, location and accessibility is vital to maintaining and developing Camden’s successful economy”*

The provision of office/business space at the Site would contribute towards the Council’s aim to provide 695,000 sqm of office floorspace by 2031. The Site’s size and location can be adapted to suit a range of business needs, including those of small to medium enterprises. In addition, the Site has a PTAL 6b, indicating excellent public transport accessibility, and allowing for it to form a well-connected business location.

### **Class E(d) – Indoor Sport, Recreation and Fitness**

Whilst indoor sport, recreation and fitness uses do not strictly form a community use, it is acknowledged within the Officer’s Report for application ref. 2013/3023/P, that these uses provide a service to the local community and would therefore contribute to the vitality and viability of the local area.

The Site is currently in use as a fitness and spinning studio, and has been restricted to this use via Condition 3 of application ref. 2013/3023/P. Following the amendments made to the Use Class Order in 2020, the restriction to this use is now considered to be unduly restrictive and does not align with the introduction of Class E which seeks to allow for greater flexibility and the establishment of a mix of town centre uses in an appropriate location. The change to flexible Class E use would align with the Council’s aim to provide for a range of retail and business types, whilst also furthering the economic development and growth in the local area. This change of use will also allow the Site to be occupied by other uses that fall within the envelope of Class E(d).

Notably, through the discharge of the conditions attached to planning permission ref. 2013/3023/P, details of the sound insulation measures provided in connection with the spinning/fitness use were submitted to and approved by the Council. These measures have been provided on the basement floor, ground floor and ground ceiling and provide acoustic mitigation to the residential units on the upper floors above. The decision notice for 2015/7188/P (discharge of Condition 5) confirms that these insulation measures are satisfactory.

### **Class E(e) – Provision of medical or health services**

Local Plan supporting text (4.21) states that the Council considers community facilities to refer to a wide range of social infrastructure that provides a service to the community. This includes childcare, education, and healthcare alongside other uses. Supporting text (9.32) further states that community uses are considered to form part of town centre uses. Policy C2 (Community Facilities) of the Local Plan states that the Council will work to ensure that community facilities and services are developed and modernised to meet the changing needs of the community and reflect new approaches to the delivery of services. The above policies indicate that the provision of medical or health services in the Site’s town centre location will be supported by the Council.

### **AMENITY**

Local Plan Policy A1 (Managing the Impact of Development) states that the Council will seek to protect the quality of life of occupiers and neighbours and will grant permission for development unless it causes unacceptable harm to amenity. Local Plan Policy TC2 states that the Council will make sure that, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area.

As stated above, as part of the implementation of the spinning/fitness studio, the Site now incorporates sound insulation at basement floor, ground floor and ground ceiling levels. These measures have been confirmed as satisfactory by the Council and ensure that there is no adverse impact of any Site noise to the residential occupiers at the upper floors. In addition, none of the above uses proposed outdoor seating, nor the use of openable windows, and should any extract plant be required it would be subject to a separate planning application and assessment by the Council. As such, the proposed change of use is not anticipated to cause any harmful amenity impacts to the local area.

### SUMMARY

This application relates to for the change of use of the basement and ground floor levels from a fitness and spinning studio (Class E(d)) to flexible Class E use at 4-10 Tower Street, London, WC2H 9NP. The proposed change of use fully accords with the extant London Plan and Camden Local Plan policies and would enhance the vitality and viability of the application Site by allowing it to be occupied by a variety of suitable town centre uses. The provision of flexible Class E at the Site will increase its marketability, by allowing to meet the needs of the broadest possible range of potential occupiers.

We trust you will find the submitted information sufficient to validate our client's application and we look forward to a swift and positive outcome. However, should you require any further details or would like to organise a site visit, please do not hesitate to contact the undersigned.

Yours faithfully

*Susan Kaweesa*

For and on behalf of  
Rolfe Judd Planning Limited