



Boyer
PLANNING

Date: 29/08/2014

Ref: Triton Square

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Katherine Dean
Development Management Service
Planning and Development
London Borough of Camden
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c/o Town Hall, Judd Street
WC1H 9JE

Dear Ms Dean,

The Regents' Place Health Club, 50 Triton Square, NW1 3XB
Application for Lawful Development Certificate of Proposed Use

We hereby apply for determination for a Lawful Development Certificate for proposed use concerning the above address.

This letter considers the reasons that the proposed use should be Use Class D2 in accordance with the current use of the site as a Health Club with ancillary café and not separate Use Class A3 under the Town and Country Planning (Use Classes) Order 1987 (as amended). This submission is following an application that has been submitted under reference: 2014/5201/P for the installation of a glazed door to the front of the building allowing direct access to the ancillary café to make sure that there is not a perception of change of use.

The application is formed from:

- Completed and signed application form.
- This covering letter that sets out the site details and the relevant requirements inline with the GPDO Amendment Order 2014.
- A Site Location Plan.
- The planning application fee which has been paid online.



RTPI



Description of Site

The lawful development certificate relates to The Regents' Place Health Club, 50 Triton Square, NW1 3XB. The subject site is occupied by a Health Club and ancillary café. This is part of the wider Triton Square development.

Site History

An application has been submitted and is currently pending a decision. The application reference is 2014/5201/P and the proposal is for:

Installation of glazed door to the front of the building.

Please refer to the submitted drawings, for further detail.

Description of lawful proposed use

The lawful development certificate of proposed use relates to the continued Use Class D2 Health Club with ancillary cafe and not separate Use Class A3 under the Town and Country Planning (Use Classes) Order 1987 (as amended).

The reasons for the proposed use are outlined within the assessment paragraph of this letter.

Assessment

The site is currently under Use Class D2 and has an ancillary Health Bar/Café that can currently be used by members of the public as well as the Regent's Place Health Club members. An application was submitted on the 27th August 2014 under reference 2014/5201/P for the installation of a glazed door to access the ancillary Health Bar/Café directly from Triton Square and this application follows on from that. This application is submitted to make sure that there is no perception of change of use.

Planning guidance states that where land or buildings are being used for different uses which fall into more than one class, then the overall use of the land or buildings is regarded as mixed use, which will normally be sui generis. The exception to this is where there is a primary overall use of the site, to which the other use or uses are ancillary.

The latter is the case for the Regent's Place Health Club as it is still Use Class D2 with an ancillary Health Bar/Café and the reasons for this are outlined below.

1. The site is currently owned by the Health Club Collection and has a designation for Use Class D2 and as such is run as a health club where members are able to exercise. This primary use takes up the majority of the sites area with the Health Bar/Café located in the front corner of the site adjacent to the entrance.
2. The Health Bar/Café has always been accessible to the general public as well as the Health Club members and is currently accessed through the entrance to the gym. The installation of a new door at the front of the café will therefore not change the prospective clientele and any increase in the amount of business due to the new access will be minimal.

3. The Health Bar/Café will remain as part of the Health Club and access will be able to be gained from the former to the latter and vice versa. In the proposed drawings submitted under application 2014/5201/P a shutter is to be installed to allow physical separation from the Health Bar/Café and Health Club but this is for security purposes only.

The Health Bar/Café is therefore ancillary to the primary Use Class D2 for a Health Club.

Conclusion

The planning system is designed to be generally flexible with ancillary uses, and should only engage where the impact of the ancillary use becomes such that it changes the impact of the overall premises. In such circumstances the ancillary use is effectively no longer ancillary, and the premises should be reclassified accordingly. This is not the case for The Regent's Place Health Club as even after the installation of the new door it will not fundamentally change the use of the overall premises and the primary function will remain as Use Class D2.

Therefore, for the reasons set out above, Use Class D2 is proposed in accordance with the current use of the site including the ancillary café not Use Class A3 under the Town and Country Planning (Use Classes) Order 1987 (as amended).

Please contact me on 02032682437 if you have any questions about the application.

Yours sincerely

James Tavernor
Planner

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