

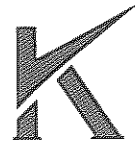
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**DESIGN AND ACCESS STATEMENT
CHANGE OF USE APPLICATION – MARTIAL ARTS STUDIO
&
ASVERTISEMENT CONSENT
69 TOTTENHAM COURT ROAD LONDON W1T 2HA**



1. INTRODUCTION

This application is seeking formal planning consent for a change of use at basement level from Sui Generis Amusement Arcade (although not in use) to D2 use class Assembly & Leisure with the intention to use the space as a martial arts studio at **69 Tottenham Court Road, London W1T 2HA**.

Having taken various advice, both formal and informal, we had been advised that the proposed change of use constituted a Permitted Development right under The Town and Country Planning (General Permitted Development) (England) Order 2015. These rights were guided by The Planning Portal, details of which are included within Appendix 1.

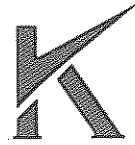
2. THE APPLICANT

Our client / the applicant – Mr. Rafael Nieto – already successfully runs a string of martial arts studios – “Xen-Do Martial Arts” – and has three other branches around London located in Golders Green, Marylebone and Baker Street. He is an eight times national Martial Arts champion, and has been a martial artist since 1975 and has represented the nation at World and European championships. He became Technical Director of the National College of Karate in 1988 and British Teach Coach in 1992. By 1994 he represented Britain at the World Association of Kickboxing Organisations (WAKO) and founded and developed the Spanish WAKO Organisation. Rafael is acknowledged as a leader in Martial Arts; he was presented by Henry Cooper Award for 2012 in recognition of his contribution to the inspiration development of young people and often approached on a consultancy basis by print and broadcast media. Our client also runs “Xen-Do Junior and Little Champs Programmes” for children and although these are managed and administrated from the studios, they are physically run in local schools.

The reason for providing the client information above is to reassure the council that our client has a wealth of knowledge in this field. He understands the market demand for facilities such as this and has demonstrated his ability to successfully launch his own businesses of this nature time and time again. It is also to demonstrate that as he is widely recognised as an ambassador for the sport and therefore extremely conscientious about presenting a professional high quality image in any of the studios that he is involved with.

3. ASSESSMENT OF THE SITE AND ITS SURROUNDINGS

The building comprises of a three storey terraced property with mansard roof and basement on the western side of Tottenham Court Road (between Goodge Street and Tottenham Street). The ground floor, basement, first and second floor rear extension use as an amusement arcade with a maisonette on the second and third floors. The front of the first floor was last in use as a dental surgery. Notwithstanding the occupation and use as an amusement arcade the basement had been vacant and unused for a number of years. This application relates to the basement of the property.



The property falls within the Central London frontage (primary frontage) and within the Fitzrovia and south west Bloomsbury Central London local area as defined in Camden Planning Guidance (see pg. 5). The area has a vibrant mix of uses including retail, offices, leisure, restaurants and residential and is in close proximity to the entrance to Goodge Street underground station. The site also falls within the Tottenham Court Road character area of the Fitzrovia Area Action Plan.

Although the site falls within the Charlotte Street conservation area the property itself is not listed.

Although the building is predominately used as an amusement arcade, our research indicates that there have been a number of successful applications to change the use including to an A2 betting office in 2003 and more recently an A3 restaurant in 2013 neither of which have been implemented.

The proposed development and change of use is for the basement only which currently falls within the amusement arcade demise and benefitting from Sui Generis Amusement Arcade use. However, it had been vacant and unused with no fixtures or fittings other than a toilet and the landlord's services cupboard.

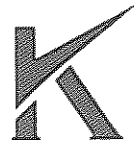
4. HOW THE PROPOSED WORKS RELATE TO THE EXISTING BUILDING

The proposed change of use and the associated modification involves internal alterations only and will have no impact whatsoever on the external appearance of the building. Existing external features will be maintained to the highest standard required for conservation areas and therefore it is considered that the proposals are in keeping with the general built form of the area.

There remains in situ a staircase accessing the basement which is intended to remain as it is as the tenant feels it already provides appropriate access to the basement and is situated at the front of the unit. The only internal alterations at ground floor level involve the installation of partitioning to separate the area around the staircase from the current amusement arcade. There will be no alterations to the fascia, signage or glazing. The only addition will be a new smaller fascia across half of the frontage below the existing Crystal Casino signage.

The internal modifications at basement level involve fitting out works only with installation of new W/C and changing rooms with the majority of the area remaining open plan to be utilised as dojo mats and reception area.

The opening hours for the studio are proposed as being 9 am to 9 pm Monday – Friday and 9 am to 3 pm Saturday and Sunday although these opening times have no physical impact on the users of the building as the other floors including the amusement arcade will be serviced by separate entrances. We note that the previous successful planning application to A3 restaurant use involved extended opening hours from 8 am – 11.30 pm Monday – Thursday, 8 am – 12 am on Friday and Saturdays and 9 am – 10.30 pm on



Sundays and public holidays. The proposed times for the martial arts studio will therefore have less impact on surrounding occupiers than a previous successful application.

In terms of creating employment our client expects the employees will number between 7-8 people as an estimate which will be made of 2 receptionists, 3-4 instructors, 1 cleaner and 1 catering employee.

In terms of the predicted volume of foot traffic entering / leaving the building – as well as the employees above our client estimates that the amount of visitors per day will be between 40 and 50 people.

5. IMPACT ON NEIGHBOURING PROPERTIES

The proposals only involve internal alterations to the basement level of the building and minor alterations to the ground floor and therefore there will be no physical impact on the neighbouring properties.

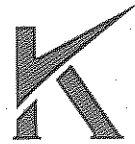
In terms of impact from customers arriving and leaving the premises the main entrance will be on Tottenham Court Road which is a lively road within close proximity to local amenities and is well served by public transport with bus routes along Tottenham Court Road and nearby underground station (Goodge Street) and the opening hours for the studio are not considered to be at unsociable times.

We believe that the introduction of a Martial Arts Studio would add to the rich mix and vibrant character of the area as well as providing new employment opportunities and it would also encourage traditional foot traffic to the area particularly when you consider the space has been redundant and not used. In accordance with core strategy policy CS7 the location is indeed perfectly suitable for the proposed use being in Camden's Central London frontages. Camden Planning Guided (see pg 5) also indicates that entertainment / leisure uses are an important part of a mixed use character of the Fitzrovia area.

The immediate locality comprises of A1 retail, D1 community use and A3 restaurant users (No. 71 t/a KFC and 64 t/a Le Pain Quotidien).

We do not consider the change of use to basement to D2 assembly and leisure would have a significant or any negative impact on nearby residential amenity compared to the existing arcade use which itself has far more extensive opening hours and does not provide the same desirability as a martial arts studio use.

Unlike the previous successful application to Class A3 Use, there is no need for the new use to install an extract flue or other equipment which would otherwise create potential noise and odours and also affect the external feature of the building. The proposed D2 use therefore we believe is more attractive.



Xen-Do's most recently opened premises is 73 Baker Street, London W1 where the existing use class was Class A2 financial services. The ground floor and basement were then let to an estate agent (Class A2 Use) and a successful application was made for a change of use to Class D2 at basement level. I consider this to be a similar location to Tottenham Court Road as Baker Street is within a conservation area and within Central London and a similarly busy thoroughfare with buses and traffic.

6. PROPOSED LAYOUT / MATERIALS

As mentioned previously, the change of use will have no visual impact on the external appearance of the building. The internal pallet of materials will match the high quality appearance of the interiors that the client's other Xen-Do martial arts studios feature. The layout will primarily be based on a well-lit central open plan studio space that will have padded mats covering the floor service (this is where the classes are held and is also referred to as the dojo) with separate partitioning of changing facilities for the men and women, WC and the reception area.

Xen-Do Martial Arts uses an independent design agency called Finch Interiors (<http://finchinteriors.co.uk>) which is an award winning London based designer ensuring a high quality appearance to the space.

The emergency exit to the rear of the basement has been retained as a common area to be used for emergency escape purposes.

7. PARKING

This request for a change of use does not propose any revisions to existing parking provisions of the property (currently no parking provisions exist) it is expected that staff and customers will use public transport as their primary method of visiting the property. The site is very well connected to public transport.

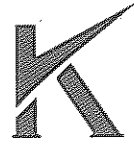
8. WASTE / RUBBISH COLLECTION

The change of use will have no effect on the current general waste collection system.

9. RELEVANT PLANNING HISTORY

We believe that the following council approvals to be relevant to this application:

Reference:	Decision Date:	Proposal Description:
PSX0304309	14 April 2003	Change of use of basement amusement arcade (Sui Generis) to betting (Class A2) office
2013/8103/P	16 July 2014	Change of use from amusement arcade (Sui Generis) to restaurant / café (Class A3) at basement level.



10. SUMMARY AND CONCLUSION

We feel that this proposal is in accordance with Camden Council's Core Strategy and Development Policies 2010 and Fitzrovia Area Action Plan 2014 and the relevant local development framework and taking into consideration all of the points previously listed about this request for a change of use seeking permission to open a martial arts studio at this location would be a great benefit to the building, the local community and the local economy. We feel it is in keeping with the rich and diverse mixed-use character of the area and we feel it would provide employment and will bring additional foot traffic to the vicinity and no residential use (C3) or commercial floor space will be lost in the process. Therefore we request that this application be approved.

APPENDIX 1

PLANNING PORTAL

PERMITTED DEVELOPMENT GUIDE



Change of Use

Planning Permission

Use Classes

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. This Order is periodically amended, the most recent amendment comprising The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

It is generally the case that you will need planning permission to change from one use class to another, although there are exceptions where the legislation does allow some changes between uses.

For example, A3 uses can change to A1 uses without the need for planning permission. However, if you are proposing to change the use of a premises or land, you should always seek advice from the local planning authority to confirm whether planning permission is required or not.

The following list gives an indication of the types of use which may fall within each use class. Please note that this is a guide only and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which use class a particular use falls into.

- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.
- **A2 Financial and professional services** - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It does not include betting offices or pay day loan shops - these are now classed as "sui generis" uses (see below).
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs).
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.
- **B1 Business** - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
- **B2 General industrial** - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).
- **B8 Storage or distribution** - This class includes open air storage.
- **C1 Hotels** - Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels).
- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
- **C3 Dwellinghouses** - this class is formed of 3 parts:
 - C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
 - C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
 - C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.
- **C4 Houses in multiple occupation** - small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
- **D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres.
- **D2 Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).
- **Sui Generis** - Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: betting offices/shops, pay day loan shops, theatres, houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, launderettes, taxi businesses, amusement centres and casinos.

Before you negotiate a lease or buy a property for your business, check whether you need to obtain planning permission for your intended use, and, if so, your chances of getting it.

Changes of use not requiring planning permission

Planning permission is not needed when the existing and the proposed uses fall within the same "use class", or if the Town and Country Planning (Use Classes) Order 1987 (as amended) says that a change of class is permitted to another specified class.

For example, a greengrocer's shop could be changed to a shoe shop without the need for planning permission as these uses fall within the same 'use class', and a restaurant could be changed to a shop or a estate agency as the Use Classes Order allows this type of change to occur without requiring planning permission.

Whilst a change of use might not need permission, any external building work associated with a change of use may still require planning permission.

The table below summarises the permitted changes of use following the 2015 Use Classes Amendment Order. The table simplifies the complex legislation and should be read as a guide only, and in conjunction with the additional comments and restrictions below.

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A1 (shops)	A2 , or up to 150m ² A3 subject to Prior Approval, or up to 200m ² D2 subject to Prior Approval and only if the premises was in A1 use on 5 th December 2013. A mixed use comprising an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions. C3 if the cumulative floorspace of the building is under 150m ² and subject to Prior Approval.
A2 (professional and financial services) when premises have a display window at ground level, but excluding betting offices or pay day loan shops	A1 , or up to 150m ² A3 subject to Prior Approval, or up to 200m ² D2 subject to Prior Approval and only if the premises was in A2 use on 5 th December 2013. A mixed use comprising an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions. C3 if the cumulative floorspace of the building is under 150m ² and subject to Prior Approval.
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3 except buildings that may be defined as "community assets".
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business)	Up to 500m ² B8 .
B2 (general industrial)	B1
B2 (general industrial)	Up to 500m ² B8
B8 (storage and distribution)	Up to 500m ² B1
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Sui Generis (casinos and amusement arcades/centres)	D2 , or only if existing building is under 150m ² A3 or subject to Prior Approval. C3 if the cumulative floorspace of the building is under 150m ² and subject to Prior Approval.
Sui Generis (betting offices and pay day loan shops)	A1 or A2 . C3 if the cumulative floorspace of the building is under 150m ² and subject to Prior Approval. A mixed use comprising a betting office or a pay day loan shop, or an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions.
Sui Generis (agricultural buildings)	A1 , A2 , A3 , B1 , B8 , C1 , C3 , D2 , all subject to meeting relevant criteria and Prior Approval. See notes below.

The table provides a summary for the most common changes of use that apply in most circumstances, but there may also be further restrictions that do not allow you to implement the change of use. For example, if the property is within a Conservation Area, National Park, or Area of Outstanding Natural Beauty, or if the building is a Listed Building or Scheduled Monument, within a site of special scientific interest, safety hazard area, or military explosives area.

Local Planning Authorities can also remove permitted development rights in certain areas, meaning that you will require planning permission, so you should always check with your local Council before you consider undertaking any works.

Some changes of use are also permitted, either only on a temporary basis, and/or subject to additional restrictions.

Some changes of use are subject to a Prior Approval procedure with the Local Planning Authority. This seeks approval of various matters, dependent on the nature of the use, but might typically include matters relating to parking and highways, flooding, and contaminated land. In the case of A3 uses, Prior Approval is required in respect of matters relating to noise, odour, waste collection, impact of the hours of opening, transport and highways impact, impact on existing shopping provision and the design of any external changes.

All Prior Approval applications require a fee to be paid to the Local Planning Authority.

There are some restrictions on the change of use of public houses (Class A4) where they have been designated or could be nominated as a "community asset". If a public house has already been defined by the Council as a community asset then there are no permitted development rights, and a planning application is required for any change of use or demolition. If the building is not a community asset, developers are required to give notice to the Local Planning Authority at least 56 days in advance of the commencement of any works. If community groups are then interested in buying the property to retain it as a community asset, then permitted development rights are temporarily removed, and the community group must be given the opportunity to purchase the property. See [Assets of Community Value \(England\) Regulations 2012](#).

Where a development comprises a "mixed use" in the retail uses classes and betting office / pay day loans shop category then there are also some permitted development rights for changes of use of that mixed use, similar to the presiding use identified in the table above. Check with your Local Planning Authority (See Class M).

Temporary permitted development rights currently apply in respect of the change of use of premises from a B1(a) office use to C3 residential use. This is subject to Prior Approval being sought in respect of flooding, contamination, highways and transport issues. For a property to benefit from C3 use, the use must begin by 30th May 2016 (See Class O).

Temporary permitted development rights also apply in respect of the change of use of premises from a B8 storage and distribution use under 500m² to C3 residential use. This is subject to a number of criteria being met and subject to Prior Approval being sought in respect of air quality, transport and highways impacts, contamination risks, flooding risks, noise impact, and impact on the sustainability of adjoining uses. For a property to benefit from C3 use, the use must begin by 15th April 2018 (See Class P).

Buildings with A1, A2, A3, A4, A5, B1, D1 and D2 uses are permitted to change use for a single period of up to two years to A1, A2, A3 and B1 uses.

Agricultural buildings under 450sq m are permitted to change to Class C3 dwellinghouses, together with some building operations necessary to facilitate the conversion. This is subject to meeting certain criteria, including no more than 3 dwellings within an agricultural unit.

It is also subject to Prior Approval being sought in respect of transport and highways impacts, noise impact, contamination risks, flooding risks, whether the building is suitable for a residential use, and the design or external appearance of the building (See Class Q).

Agricultural buildings under 500sq m are permitted to change to a flexible commercial use, comprising A1, A2, A3, B1, B8, C1 or D2 uses. This is subject to meeting certain criteria, and Prior Approval being sought in relation to uses over 150m² in respect of transport and highways impacts, noise impact, contamination risks and flooding risks (See Class R).

Agricultural buildings within land under 500sq m are permitted to change to a state funded school or a registered nursery. This is subject to meeting certain criteria, and Prior Approval being sought in respect of transport and highways impacts, noise impact, contamination risks, flooding risks and whether the building is suitable for the proposed use (See Class S).

Buildings and land within Class B1, C1, C2, C2A and D2 uses are permitted to change to a state funded school or registered nursery. This is subject to meeting certain criteria, and Prior Approval being sought in respect of transport and highways impacts, noise impact, and contamination risks (See Class T).

The following links provide the detailed legislation:

- [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)
- [The Town and Country Planning \(Compensation\) \(England\) Regulations 2015](#)
- [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Order 2015](#)
- [Explanatory memorandum \(PDF\)](#)