

Mrs Gebina Ham  
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Application Ref: **2015/5122/P**  
Please ask for: **Jonathan McClue**  
Telephone: 020 7974 **4908**

12 November 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**9-11 Tottenham Street**  
**London W1T 2AQ**

Proposal: Retrospective change of use to basement from retail (A1) to gymnasium (D2)

Drawing Nos: (743-LY-)0S10; 0B10; 0B20, Planning Design and Access Statement dated September 2015 and Additional Information dated November 2015.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans (743-LY-)0S10; 0B10; 0B20, Planning Design and Access Statement dated September 2015 and Additional Information dated November 2015.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 Notwithstanding the provisions of Class D2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and



Country Planning (General Permitted Development) Order 2015, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the building shall only be used as a gymnasium only and for no other purpose.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, general disturbance or traffic congestion in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1 Reasons for granting permission.

The application unit is located on the basement floor with access from a single door at ground floor level. It lies within a secondary frontage of the Fitzrovia Area of the Central London Area. The unit has a lawful use as a retail (A1) premises, however, it has been used as a gymnasium (D2) by Good Vibes Fitness since August 2011. No formal enforcement action has been sought under ref: EN11/078.

The loss of the retail (A1) unit is considered acceptable in this instance due to its location at basement level with its street level presence limited to an entrance in the façade of a ground floor restaurant (A3). There would be a minimal loss of retail frontage and it is not thought that the existing retail unit contributes significantly to the character, function, vitality, viability and amenity of the area. The proposed gymnasium (D2) is considered appropriate within its Central London Area location. Paragraph 3.49 of CPG5, supported by paragraph 12.6 of DP12, advises that other uses in place of retail may be permitted where they are not considered to cause harm to the amenity, character, vitality, or viability of the Town Centre. It is considered that on balance a gymnasium in this location would be acceptable in line with the above. The gymnasium has been in use for four years and provides a beneficial service to local residents and workers without harming the amenity of adjoining occupiers. In order to protect the character and amenities of the area and neighbouring occupiers permitted development rights to convert the use into another type of activity within use class D2 would be removed via condition.

No cycle parking is proposed which is considered acceptable in this instance as the change of use is below the Council's 500sq.m threshold; there is limited space within the basement to provide cycle parking facilities; the ground floor occupies the entire site with no courtyard/garden space available and the applicant has demonstrated that there are a number (at least 26) of public cycle parking spaces within a short walking distance.

There are no external changes proposed and the proposal would preserve the character and appearance of the Charlotte Street Conservation Area. Due to the nature of the use and its location the proposal would not significantly harm the amenity of any adjoining residential occupiers in terms of loss of light, outlook, enclosure, privacy or noise.

The site's planning and appeal history has been taken into account when coming to this decision. One comment was received from a resident above the site who supports the principle of the change of use as Good Vibes have been good neighbours. Issues were raised regarding extractor units and other plant equipment, which are related to the ground floor restaurant use, however these do not form part of the current application and have been approved under a separate planning application ref: 2015/2510/P.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS1, CS5, CS7, CS10, CS11, CS14 and CS16 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP10, DP12, DP15, DP17, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 2.15, 3.19, 4.7, 4.8, 6.9 and 7.4 of the London Plan 2015, consolidated with amendments since 2011; and paragraphs 14, 17, 23-27, 29-41 and 126-141 of the National Planning Policy Framework.

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

A handwritten signature in black ink, appearing to read 'Ed Watson', written in a cursive style.

Ed Watson  
Director of Culture & Environment