

RE: W Spa Ltd, 148 Southampton Row, London WC1B 5AG
Application for change of use from A2 to sui generis

The application premises comprise of the Ground Floor and Basement of 148 Southampton Row, London WC1B 5AG. The useable ground floor area premises area is some 88 sq meters. The Basement is linked to the Ground Floor by means of an internal staircase. A Plan of the premises is attached to the application. This Plan includes a location plan and a floor plan of both floors of the application premises.

The Application is for Change of Use of the premises from Class A2 to that of Sui Generis. The Applicant is W Spa Ltd whose address is that of premises itself. The Director of the Company is Chengan Xin. The Applicant Company currently occupies the premises for the purpose of a Spa providing massage and other licensable special treatments to customers. The Applicant has applied for the grant of a Special Treatment Establishment Licence for the premises, and as a result will be thoroughly regulated by the Local Authority in the nature of the services that can be provided at the establishment.

The premises itself has had some history of Change of Planning Use. The premises were originally Class A1. They were used for the purpose of a laundrette/dry cleaning shop. These premises operated for over 40 years as a dry cleaning/laundrette being last known as "Capri Laundry".

In July 2012 we understand that the then owners of the property endeavoured to market the property for lease for Class A1 Use but as is apparent from a subsequent application lodged under your reference: 2013/1425/P little interest appears to have been shown by any A1 retailer. During the time of that letting, the only businesses showing interest in the property were A2 businesses such as Ladbroke's and currency exchange businesses.

The application 2013/1425/P was lodged by Ladbroke's in March 2013. They applied for Change of Use from Class A1 Retail to Class A2 Financial and

Professional Services to enable them to operate a betting shop. That application was considered and eventually approved on the 25th May 2013.

Ladbrokes themselves did not take up the occupation of the property as we believe that they were not able to obtain the necessary licence. The property was then re-marketed for lease, and was leased on the 29th June 2015 to Wei Yu Lin for use as a Gallery, such use being effectively a Class A1 use.

The lease of the premises was then assigned by Wei Yu Lin in March 2016 to Chengan Xin. Her business is W Spa Ltd. The Company has occupied the premises since then, opening their business of a Spa providing massage and other approved treatments in July 2016.

The premises themselves are in a busy row of shops in Southampton Row. The frontage comprises of some 19 Units, of which approximately half are in A1 use including gift shops and convenience stores. These shops serve local residents, tourists and visitors: the last two in large numbers.

At the time of the previous application made in 2013, consideration was given to Camden Core Strategy and Development Policies LDF, and in particular to Policy CS7 of the Core Strategy "Camden Centres and Shops". The same issues arise with the current application. The property is not within a designated centre, though it is in Central London.

Policy CS7 in principle supports the provision of small shops outside centres to meet local needs.

Policy DP10 and at Para 10.7 refer to the approach to be adopted in cases of Applications for Change of Use outside designated centres. The policy states "the council will seek to protect shops outside centres by only granting Planning Permission for development that involves a net loss of shop floor space provided that

a) Alternative provision is available within 5/10 minutes walking distance (approximately 400 to 800 meters)

b) There is clear evidence that the current use is not viable. We take into account the viability of the premises for the existing Use and in particular any history of vacancy in a shop unit and the prospect of achieving an alternative occupier. However, we recognise that as the number of people shopping locally has declined, it is unlikely that all shops outside centres will continue to find any occupier

c) The development positively contributes to the local character, function viability and amenity.

10.7 Further states that "the Council wishes to retain local shops outside centres wherever possible, including those on small shopping parades. Therefore we will resist the loss of shops (Class Use A1) unless there is an alternative provision within 5 to 10 minutes walk depending on the scale of the provision.

When considering change of use from Class A1 to Class A2 in 2013 the Council's attention was drawn to the number of dry cleaners and laundrettes that still operated in the area. Many of these still remain in operation. They include Alex's Dry Cleaners, Princeton Dry Cleaners, Diana's Dry Cleaner, Red and White Laundries, Denner Dry Cleaners, Ariana Dry Cleaning, Valet Dry Cleaning and Smart Line Dry Cleaners. Most are within a short walking distance from the application premises. Indeed the only premise to cease operation as a dry cleaners/laundrette in this period was the application premises.

The current application is for change of use from Class A2 to Sui generis. The premises have not in practice been utilised for Class A2 use as the betting shop was not opened as planned. The immediate previous use of the applicant was in effect as Class A1.

The Gallery that occupied the premises from 29th June 2015 until 23rd March 2016 was not financially successful and as a result the lease was assigned to the current occupier. The current rental is £55,000 per annum.

We understand that there is no similar Spa/Massage establishment in the vicinity. The establishment will provide a unique individual service in an area where there are many hotels including the Imperial Hotel, Bedford Hotel, Bonnington Hotel, Russell Hotel and Holborn Hotel. The addition of having Spa/Massage Treatment available is likely to lead to more leisure customers coming to the immediate area and spending in local shops adjacent to the application premises.

Use of the premises as Sui Generis for the purpose proposed is not likely to lead to any requirement for additional vehicular traffic. Most of the customers are likely to be tourists and visitors who are staying at the nearby hotels.

The Applicant believes that change of Use of this particular unit to Sui Generis will add to the footfall of the frontage and lead to the creation of extra jobs in the vicinity. The Applicant currently employs one full time staff member and one part time but it is anticipated that the number of staff will need to increase as the business expands.

The applicant will comply with such terms as the Local Authority may require in relation to hours of operation and other matters.

In summary we would suggest that the exercise previously conducted in relation to the use of the premises for Class A1 use continues to apply to the extent that it would appear there are no potential users within that class who are successfully able to operate a business at the premises. The inability of the previous Class A2 user to obtain a relevant licence again suggests that there is limited demand in that category.

The proposed use under sui generis represents an opportunity to provide a vital and new service in the immediate area which will be attractive to both locals and visitors alike.

We would suggest that this comes within the Local Authority's desire to both preserve local shops and ensure their viability. We therefore ask that approval be given to the change of use to sui generis.

 Signed.
Sparrow & Trieu Solicitors
(Solicitors for the Applicant)