

Mr David Sparrow
Sparrow & Trieu Solicitors
76 Shaftesbury Avenue
London
W1D 6ND

Application Ref: **2016/5418/P**
Please ask for: **Emily Whittredge**
Telephone: 020 7974 **2362**

6 April 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
148 Southampton Row
London
WC1B 5AG

Proposal:
Change of use from shop (A1) to massage and special treatments clinic (Sui Generis).
Drawing Nos: Drawing 1 of 1 (June 2016), Supporting Statement (Sparrow & Trieu Solicitors).

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 must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the



following approved plans: Drawing 1 of 1 (June 2016), Supporting Statement (Sparrow & Trieu Solicitors).

The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule [inset name or number of schedule of plans]

Reason:

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

Informative(s):

1 Reasons for granting permission

The application relates to a basement and ground floor commercial unit on the eastern side of Southampton Row within the Bloomsbury Conservation Area. The site lies within the Central London Area, but is not within a designated shopping frontage. The frontage contains a mix of retail, restaurant, education, hotel, financial and other uses.

The application seeks the retrospective change of use of the unit from Use Class A1 to a spa and special treatments centre (Sui Generis). The unit was formerly occupied by a gallery from June 2015 until March 2016, which was unprofitable. The loss of the retail use was previously granted in 2013, but the intended occupier (a betting shop) did not take up occupation, so the default use is A1.

There is a general presumption within the LDF to protect retail uses, although outside of designated centres there are no prescribed levels for the retention of retail units. Policy CS7 seeks to resist the loss of shops where this would cause harm to the character or function of a centre, and seeks to protect small and independent shops. Policy DP10 states that the Council will seek to protect shops outside designated centres by only granting planning permission for development that involves a net loss of shop floorspace provided that: alternative provision is available within 5-10 minutes walking; there is clear evidence that the current use is not viable; and the development positively contributes to local character, function, viability and amenity.

While the proposal would result in the loss of an A1 unit, the proposed Sui Generis use is defined as a use appropriate for a town centre, and would contribute to local character, function, viability and amenity. There are no other business premises in the immediate area providing similar services, and the use would therefore add to the variety and commercial mix of the area. There is relatively recent evidence of failed marketing of the premises as A1, a limited period of A1 occupation since this time including the recent failure of an A1 use. On balance, the change of use would help to retain commercial activity in the area, and is not considered to be harmful to the town centre function as a whole.

The unit has been granted a Special Treatments Licence, and due to the nature of services provided, is not expected to cause harm to public safety or amenity.

The site's area falls below the threshold for cycle parking provision. The site has the highest achievable PTAL score of 6b, cannot provide on-site parking and would be unlikely to obtain an on-street permit. It is therefore unnecessary to designate the site as car free in this instance.

As no extensions are proposed, and the floorspace is under 100sqm, no CIL contribution will be required.

The planning history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS5, CS7, and CS14, and policies DP10, DP12, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016 the National Planning Policy Framework 2015, as well as Policies G1, TC1, TC2, TC3, TC4, TC5 T1, T2 and A1 of the Camden Local Plan Submission Draft 2016.

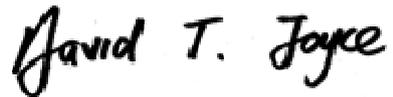
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The emerging London Borough of Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ended on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.
- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

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 that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning