

MR/ P7517
23rd August 2019

London Borough of Camden
Planning Department
Town Hall
Judd Street
London
WC1H 9JE

Dear Sirs

4-10 Tower Street, London, WC2H 9NP
Submission of an Application under Section 73 of the Town & Country Planning Act 1990 (as amended) to vary Condition 4 of Planning Permission 2013/3023/P

Planning Portal Reference Number: PP-08063187

On behalf of the applicant, Another Space, please find enclosed a Section 73 application for the variation of condition 4 (Opening Hours) pursuant to planning permission (reference 2013/3023/P), namely to permit the use of the basement and ground floors on Bank Holidays, between the hours of 0930 and 1600.

In addition to this covering letter, the following information has been submitted electronically via the Planning Portal.

- Application Forms;
- CIL Liability Form; and
- Decision Notice (reference 2013/3023/P).

A planning application has been submitted via the Planning Portal (reference PP-08063187) and the relevant planning application fee (£234.00) has also been paid via the Planning Portal.

Site Location

The application site is located on the western side of Tower Street, a short connecting street between Earlham Street and St Martin's Lane. The street falls within the main busy retail and entertainment district of Seven Dials and Covent Garden, also referred to as the 'theatreland'.

The property is comprised of a basement, ground plus three upper floor levels. The basement and ground floor is currently in operation by the applicant and operator, Another Space, to provide for cycle, HIIT and yoga activities. All workout classes are located at basement level with appropriate acoustic screening and mitigation measures, with front of house, reception and small retail area at ground floor level.

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The upper levels of the building are in historic residential use (Class C3) with access via Tower Street at ground floor level.

Relevant Planning History

The ground and basement floors of the property have been host to a number of planning uses. The planning history deemed relevant to this application is detailed below:

- 9501178 - *Use of the ground floor and basement for either retail/ showroom use within Class A1 or business use within Class B1 of the Town and Country Planning (Use Classes Order) 1987 as shown on drawing numbers 94/583/20-27. – Approved 16th June 1995*
- PSX0004944/R2 - *Use of the basement for (Class A3) restaurant only and associated external alterations. Use of the ground floor for (Class A1) retail and associated shopfront alterations, as shown by drawing numbers 011, 012, 013, 014, 015a, 016 & 030. – Approved 9th November 2000*
- PSX0304307/P - *Change of use of basement from Non-residential institution (use class D1) to an alternative use as either retail (use class A1), financial and professional services (use class A2) or non-residential institution (use class D1). – Approved 29th May 2003*
- 2013/3023/P - *Dual/ alternative use of the ground floor for retail (Class A1)) and/or retail/leisure (Class A1/D2) and dual use of the basement retail (Class A1) or leisure (Class D2). – Granted 31st May 2013*
- 2015/4689/P - *Amendment to Condition 3 (Controlling D2 Use as a 'spinning studio' only) to also include 'fitness studio' for planning permission (ref: 2013/3023/P) granted on 07/11/2013 (Use of ground and basement floor levels for retail and/or leisure (Class A1/D2) uses). – Granted 19th September 2015*

As demonstrated above, the application site's planning history demonstrates a mix of uses which have been deemed appropriate in this property and would provide a complementary role to the surrounding community – both residential and commercial.

A copy of the planning permission 2013/3023/P has been submitted as part of this application for the Council's interest and clarity.

The Proposal

The applicant and existing operator, Another Space, has been in operation at the site since 2013. The fitness studios have proven to be extremely popular to the local market providing a necessary leisure activity in the centre of London for local residents and local employees, whether early morning or during the evening after work.

As part of the original permission, the basement and ground floors were installed with acoustic insulation to prevent any noise break out from customers or fitness studios to the upper level residential accommodation. Apart from some initial queries raised by a resident during the opening month of the fitness studio, to date, no further comments have been raised. The existing operation has been effectively managed to ensure its operation does not impact upon the amenity of local

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residents. As a result, this application therefore seeks to extend the opening hours of the premises to include bank holiday.

Accordingly, under planning permission reference 2013/3023/P, Condition 4 states:

The use hereby permitted shall not be carried out outside the following times 0630 - 2230 Mondays to Fridays, 0900 - 2230 on Saturdays, 1000 - 2230 on Sundays and not at all on Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

The applicant now seeks to amend this condition to extend the hours the uses are permitted to be carried out on site to include Bank Holidays between the hours of 0930 and 1600. It is considered that the proposed extension to include Bank Holidays - an addition of 8 days per year with significantly reduced hours - will not have any noticeable amenity impacts on the locality.

The proposal therefore includes an amendment to the original wording of Condition 4 to extend the permitted hours of operation. The suggested amendment to the wording of the condition is:

The use hereby permitted shall not be carried out outside the following times 0630 - 2230 Mondays to Fridays, 0900 - 2230 on Saturdays, 1000 - 2230 on Sundays and 0930 – 1600 on Bank Holidays.

It is confirmed that all existing hours during the week will remain as existing. The amendment solely seeks addition operating hours on Bank Holidays.

Planning Considerations

The proposal is considered to remain compliant with and supportive of those relevant planning policies of which the application was originally determined against, and now superseded by the Council's recently adopted Local Plan.

In line with the National Planning Policy Framework it is recognised that the planning system can play an important role in facilitating healthy communities. This includes the provision of appropriate access for the local community to appropriate leisure and community facilities. In accordance with Paragraph 91, this includes the accessibility of local services to enhance the sustainability of communities and residential environments.

Local Plan Policy C3 (Cultural and Leisure Facilities) states that the Council will seek to protect and enhance existing leisure facilities providing they do not adversely affect the amenity of the area or the local community. Supporting text further adds that leisure facilities offer an essential support to the success and vibrancy of town centres and health and wellbeing opportunities for the local community.

Local Plan Policy A1 (Managing the Impact of Development) states the Council will seek to protect the quality of life of occupiers and neighbours. The Council will seek to ensure the amenity of

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communities, occupiers and neighbours is protected from (inter alia) noise and vibration levels.

Local Plan Policy A4 (Noise and Vibration) of Camden's Local Plan (2017) notes that the Council will seek to ensure that noise and vibration is controlled and managed. Permission will not be granted for proposals that will generate unacceptable levels of noise and vibration.

Camden's CPG for Amenity (2018) recognises that food, drink, entertainment and leisure uses can cause particular difficulties in terms of noise and disturbance if not sufficiently managed. Where such uses are proposed, noise sensitive aspects should be sited away from noise sensitive facades and/or effectively screened.

The current use (a fitness studio) on the ground and basement floors has been operating successfully without nuisance problems to the adjoining residential occupiers for a number of years (approximately 6 years). A single complaint was received more than 18 months ago and steps were taken to address the issue. No classes are undertaken on the ground floor, which hosts reception and changing facilities, with all floors being acoustically mitigated to assist in the prevention of noise breakout or disturbances.

The existing wording of Condition 4 allows for the permitted uses to be operational between the hours of 1000 - 2230 on Sundays. It is considered that the extension to include Bank Holidays, at notably reduced hours of 0930 - 1600 will not have any material impact on residential amenity. Further, the wider Seven Dials area features a number of existing establishments which have Bank Holiday opening hours. The inclusion of 8 days a year (Bank Holidays) will not introduce any new residential amenity concerns in context of the existing operation.

The proposed extension of hours (albeit significantly reduced so not to impact upon residential amenity) will allow for the expansion of fitness classes over Bank Holidays to satisfy local demand and provide parity with those existing operations elsewhere across London.

In addition, this would bring the existing use in line with similar operators within the locality whom currently operate on Bank Holidays as follows:

- Oasis Sports Centre (32 Endell Street)
 - Bank Holidays: 09:00 - 16:00
- PureGym London Covent Garden (12 Macklin Street)
 - Bank Holidays: 10:00 - 18:00
- GymBox (42-49 St Martin's Lane)
 - Bank Holidays: 10:00 - 18:00
- Nuffield Health Covent Garden (9 Endell Street)
 - Bank Holidays: 10:00 - 18:00

Against this context, the variation of Condition 4, as suggested, can be considered supportive of those plan policy objectives of the NPPF and local policies C3, A1 and A4 of Camden's Local Plan (2018) and Camden's CPG for Amenity.

Summary

We trust you agree that the variations to the hours of operation are acceptable. Should you wish to discuss the proposal please do not hesitate to contact the undersigned.

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Yours faithfully

Mark Rattue

For and on behalf of
Rolfe Judd Planning Limited