



Planning Statement

182 Drury Lane, London, WC2B 5PP

On behalf of
Opulence Spatisserie

07/07/2022
Job Ref: 3375

Practice Information

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1.0 Introduction

1.1 This Planning Statement has been prepared by Metropolis Planning and Design on behalf of Opulence Spatisserie, to accompany the submission of a planning application for a change of use at the property to provide a massage and spa facility across all levels of the premises.

1.2 Planning permission is sought for the following:-

“Change of use from cafe at ground and mezzanine floor levels and spa facility at basement floor level (Sui Generis) to a spa facility at basement, ground and mezzanine floor levels (Sui Generis).”

1.3 This statement provides an overview of the application site and its surroundings and considers the proposals in relation to the development plan and material considerations such as national planning policy and emerging local planning policies.

Application Documentation

1.4 In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, this statement should be read in conjunction with the range of documentation submitted in support of the planning application, as listed below:-

- Completed application form and certificates
- Community Infrastructure Levy Form
- Application Drawing – Site Location Plan
- Application Drawing – Existing Arrangement Plans
- Application Drawing – Proposed Arrangement Plans

2.0 The Application Site

- 2.1 The application site is No. 182 Drury Lane which is located in Covent Garden within the London Borough of Camden.
- 2.2 No. 182 Drury Lane measures approximately 115 sq. m (GIA) and is occupied by the Applicant Opulence Spatisserie.
- 2.3 The unit currently operates the spa and treatment facility at basement floor level. The associated cafe is contained at ground and mezzanine floor levels, with a small coffee / drinks counter, customer seating area, and toilet facilities.
- 2.4 The surrounding area is a mix of town centre uses typically with commercial premises at ground floor with the upper floors in residential occupation
- 2.5 The property is located within the Seven Dials (Covent Garden) Conservation Area and is designated a secondary frontage within the Council's Covent Garden Specialist Shopping Area.



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3.0 Planning History and Background

- 3.1 Planning permission was originally granted in 1976 for use of the ground floor as a retail shop (ref. 22000).
- 3.2 Since that time, the premises at both ground and basement floor levels operated as a showroom for a bespoke furniture maker for a period in excess of 10 years, which established a lawful Sui Generis use.
- 3.3 It is understood that the property was vacant between 2015 and 2018, as established by the Council's retail survey carried out at the time.
- 3.4 The current Applicant secured planning permission in December 2019 for the 'change of use from furniture showroom (Sui Generis) to cafe at ground and mezzanine floor levels and spa facility (Sui Generis) at basement floor level' (2019/1500/P).
- 3.5 At the time, the application was granted subject to a condition (No. 6) to ensure that the ground and mezzanine floor levels were only to be used for the approved café use and not be used for the spa facility use, or any other purpose.
- 3.6 The condition was included to ensure that no disturbance was caused to the detriment of the amenities of adjoining occupiers or users of the area generally, and to protect the character of the ground floor commercial unit.
- 3.7 Since the granting of the consent, the nature of the Applicant's business model has changed to focus on the wider wellness offer, which in part has been a decision based upon the fact that the associated café element of the business performed poorly.
- 3.8 This current application seeks to provide for an expanded spa and wellness facility within the premises.
- 3.9 As detailed within the following sections of this statement, the Applicant is able to demonstrate that the associated change of use and amended internal configuration will maintain the unit's contribution to the activity of the secondary frontage and will also provide an enhanced environment in terms of local amenity.

4.0 Proposed Development

- 4.1 Opulence Spatisserie, offers a variety of health, relaxation and beauty options for both women and men, with wider wellness services including massage, spa facilities, and holistic treatment provided by trained therapists.
- 4.2 As detailed above, this application seeks to remove the current café element, in favour of an expanded spa and wellness offer within the premises.
- 4.3 Accordingly, the application seeks planning permission for a change of use of the floorspace at ground and mezzanine floor levels from cafe and spa facility at basement floor level (Sui Generis) to a spa facility at basement, ground and mezzanine floor levels (Sui Generis).
- 4.4 The ground floor to the premises will contain an open reception hall, in place of the small existing sandwich / coffee counter. A small welcome desk / kiosk sits to the side of the entrance with display shelving showcasing the business' ancillary retail goods which are on offer and available to the general public.
- 4.5 A new treatment room will be housed on the mezzanine in place of the cramped seating area, and the basement will continue to house the associated spa treatment facilities.
- 4.6 The level of associated physical alterations is minor in nature and limited to internal spaces. There is no change to the overall floorspace quantum within the unit.

6.0 Planning Policy Context

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 6.2 This section outlines the Development Plan and material considerations which the proposals for the site will be assessed against.

Statutory Development Plan

The London Plan (March 2021)

- 6.3 The London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and now supersedes the previous Plan (2016).

Camden Local Plan 2017

- 6.4 The Camden Local Plan sets out the vision for shaping the future of the Borough and contains policies for guiding planning decisions.
- 6.5 The Local Plan was adopted by Council on 3 July 2017 and is the basis for planning decisions and future development in Camden.
- 6.6 A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

Material Considerations

National Planning Policy Framework 2021

- 6.7 This document replaces the previous version of the National Planning Policy Framework (NPPF) published in February 2019. The NPPF sets out the Government's planning policies for England and how these should be applied.

- 6.8 It provides a framework within which locally-prepared plans for housing and other development can be produced.
- 6.9 The NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

Planning Practice Guidance

- 6.10 The NPPF is also supported by Planning Practice Guidance (PPG).
- 6.11 This guidance is continually updated and provides additional guidance on a range of planning issues.

Supplementary Planning Documents

- 6.12 In addition to the above, other material considerations to the planning application include a number of supporting planning and guidance documents. Relevant to this application are:-
- Camden Planning Guidance (CPG) Town Centres and Retail (January 2021)
 - CPG Amenity (January 2021)
 - Seven Dials (Covent Garden) Conservation Area Statement

7.0 Planning Assessment

7.1 This section assesses the proposed development and its key planning considerations with reference to the prevailing planning policy framework.

The principle of development and the effect of the proposal on the retail function, vitality, and viability of the Covent Garden Specialist Shopping area

7.2 The application site lies within Covent Garden Town Centre and within the Central Activity Zone as defined in the Council's CPG Town Centres and Retail 2021.

7.3 The CPG provides that Covent Garden is an internationally significant shopping and entertainment destination and a major attractor of tourists. The area performs a specialist fashion retailing role with a high proportion of independent retailers. The area has a fine grain of development with mostly smaller sized shop premises.

7.4 Policies TC2 and TC4 aim to ensure the vitality and vibrancy of the shopping centre is maintained by future development.

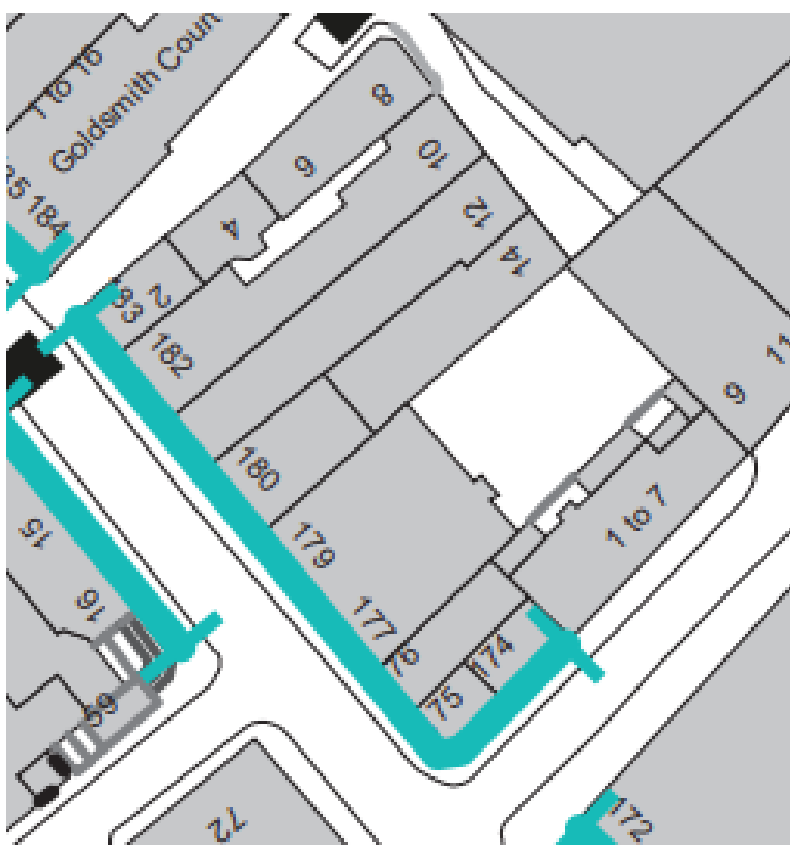
7.5 Camden's Planning Guidance provides a summary of controls which are intended to maintain the right balance and mix of uses in central neighbourhood centres to accord with Local Plan policy.

7.6 The CPG does not set any minimum threshold for retail units in the secondary frontages of the Covent Garden Specialist Shopping Area. The CPG guidance does seek to limit A3, A4 and A5 food, drink and entertainment uses, to a maximum of 25% of premises, while also seeking to ensure that there are no more than 2 consecutive premises being in non-retail use.

7.7 It is noted that since the publishing of the above guidance, use classes have changed with the introduction of the 2020 amendments to the Use Classes Order where many high street uses are now classified as commercial services under Class E.

7.8 The Explanatory Memorandum published as part of the legislative changes to the Use Class Order was explicit that the historic classifications did not reflect the diversity of uses found within town centres. Furthermore, the old use classes did not provide the necessary flexibility to allow businesses to adapt and diversify to meet changing consumer demands.

- 7.9 The introduction of a broader use classification (Class E) includes a comprehensive range of operations that are all considered suitable for a town centre location as they contribute towards vitality and viability.
- 7.10 Whilst the Applicant acknowledges that the proposed use being applied for may be more of a sui generis nature, it is considered that the Council should consider the proposals within the wider context and spirit of the legislation given the suitability of the proposed offer as a town centre use.
- 7.11 The application site is located within a peripheral part of the Covent Garden shopping area which is characterised by shops serving a more local catchment comprising hotels, businesses and residential uses in the area.
- 7.12 The application site forms part of a wider frontage which comprises 9 units within Nos. 174-183, as shown in the image below extracted from the Council's Town Centre and Retail CPG.



Nos. 174-183 Drury Lane, London, WC2B 5QF

7.13 Within the identified frontage, it is noted that Class E uses currently make up 67% of the frontage. A summary of uses across the range of units within the frontage is included within the table below.

	Property	Current Use within Use Classes Order
1.	No. 183	Sui-generis –Tattoo Parlour
2.	No. 182	Sui-generis – Café / Spa
3.	No. 181	Sui-generis – Escape Room
4.	No. 180	Class E – beauty salon
5.	No. 178-179	Class E – shop
6.	No. 177	Class E – hairdresser
7.	No. 176	Class E – restaurant
8.	No. 175	Class E – shop
9.	No. 174	Class E – café
	Total	66 % – Class E 44 % – Sui-generis

7.14 As the application site is not currently in traditional retail use, the proposal would not result in the loss of a protected use within the town centre.

7.15 The proposed use would also effectively remove a food and drink offer in an area where the CPG guidance already seeks to limit the overall number of such uses.

7.16 Furthermore, along this stretch of Drury Lane there are already 3 similar café, food and drink premises within the frontage (Nos. 174,175, and 176), and numerous others within the immediate vicinity.

7.17 Given that Nos. 183, 182, and 181 Drury Lane are all already within lawful sui generis use, the application proposal would also not result in the creation of more than 2 consecutive non-retail uses as controlled by the CPG guidance.

7.18 The 2019 planning permission at the application site (2019/1500/P) was granted subject to a condition to ensure in part that the ground (and mezzanine) floor remains as an active frontage for café use only.

- 7.19 The associated change of use and amended internal configuration will maintain the unit's overall contribution to the activity of the secondary frontage.
- 7.20 The application premises will continue to provide a bright, inviting, and active frontage to this section of Drury Lane. The existing shopfront is comprised of extensive double height glazing, also with glazed central double doors, affording views into the unit from the street.
- 7.21 There are no changes to the current shopfront proposed as part this application, and the premises will remain open to passing members of the public.
- 7.22 Display shelving is also to be included to internal walls showcasing the business' retail goods which are on offer and available to the general public. Whilst ancillary in nature, the wider offering further adds to the function of the street.
- 7.23 Overall, the proposed sui generis use would continue to make a positive contribution appropriate to this location and would maintain the character, retail function, vitality and viability of the street and the wider area.
- 7.24 The proposal would therefore be in accordance with policies TC2 and TC4 of the Camden Local Plan 2017, and the guidance within the Council's CPG (Town Centres and Retail 2021).

The effect of proposal on the living conditions of the occupiers of neighbouring residential dwellings

- 7.25 Policy A1 of the Local Plan notes that the Council will not grant planning permission for development likely to generate unacceptable impacts to neighbouring amenity.
- 7.26 The first-floor level of the application site is in residential occupation, as well as most of the upper floors of the properties within the terrace row the application site is part of.
- 7.27 Similarly, the upper floors of the terrace along to the north of the site are in residential occupation and this includes Goldsmith Court, a five-storey block of flats, which sits to the north of the application site.

- 7.28 As noted earlier within this statement, the 2019 planning permission (2019/1500/P) was granted subject to a condition to ensure in part that the ground (and mezzanine) floor shall not be used for the current spa facility.
- 7.29 The reason for the imposition of the condition was to ensure that no nuisance or disturbance was caused to the detriment of the amenities of adjoining occupiers or users of the area generally.
- 7.30 It is considered by the Applicant that the associated change of use and omission of the current café element at ground and mezzanine would actually provide an enhanced environment in terms of local amenity.
- 7.31 Given its very nature, the expansion of the spa facility at basement, ground and mezzanine floor levels would better safeguard the amenities of the adjoining premises. The spa facility would not be available outside the current opening times, and no customers will be on the premises and no sound emanating from the premises shall be audible within any adjoining premises.
- 7.32 Further, no music shall be played on the premises in such a way as to be audible at any time within any adjoining premises. The potential of litter and debris to harm the neighbouring amenity is also low.
- 7.33 Overall, the proposals would safeguard the amenity of any occupiers of any neighbouring properties in accordance with policy A1 of the Camden Local Plan.

9.0 Conclusions

- 9.1 This application seeks planning permission for a change of use of the floorspace at ground and mezzanine floor levels from cafe and spa facility at basement floor level (Sui Generis) to a spa facility at basement, ground and mezzanine floor levels (Sui Generis).
- 9.2 The proposed use is entirely appropriate given the location of the site within a secondary frontage within the Council's Covent Garden Specialist Shopping Area.
- 9.3 It will contribute towards vitality, function and viability of the area and will help to meet local needs.
- 9.4 The proposal will maximise the use of the existing floorspace with a positive, active use which reflects the changing needs of this small business and represents a sustainable form of development.
- 9.5 In light of the above, we respectfully request that the application is approved, and planning permission be granted for the use as described herein.