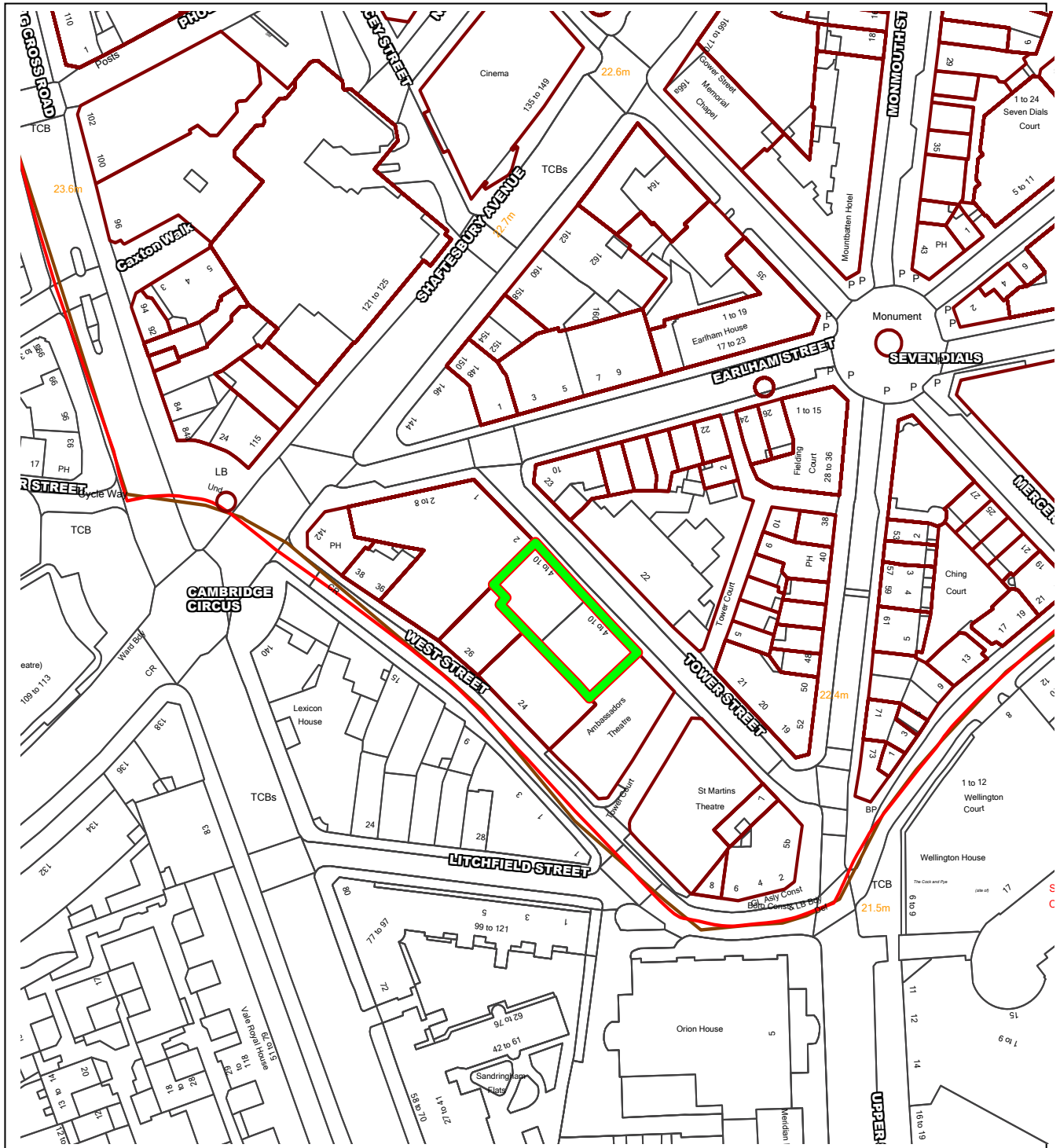


2025/0710/P- 4 to 10 Tower Street, WC2H 9NP



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2025/0710/P – 4-10 Tower Street, WC2H 9NP



Fig 1. (Above) Street Elevation of site looking southeast

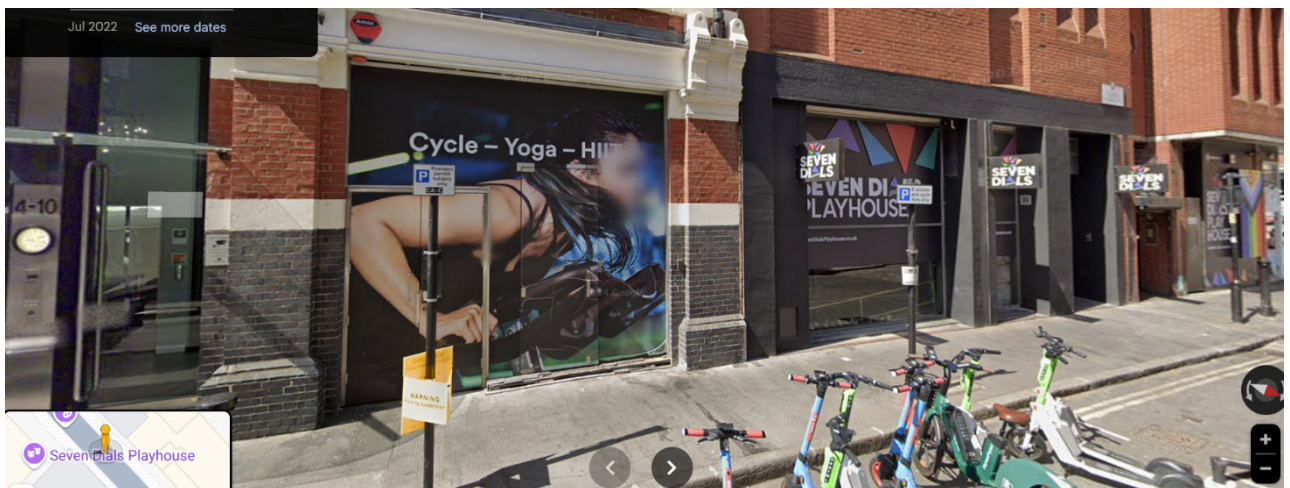
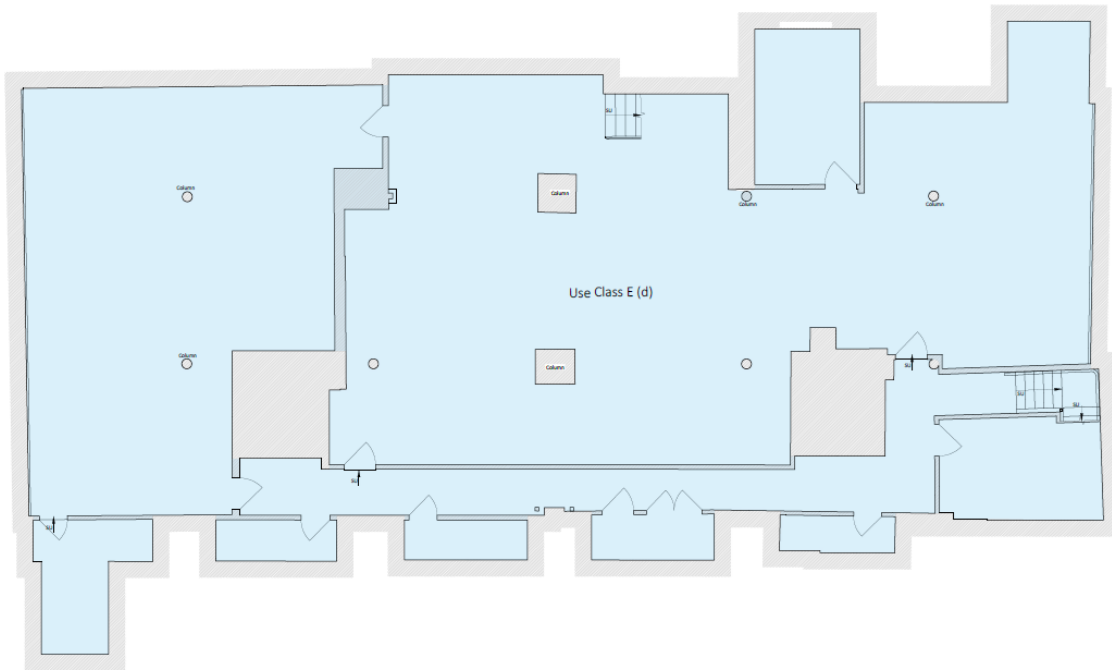
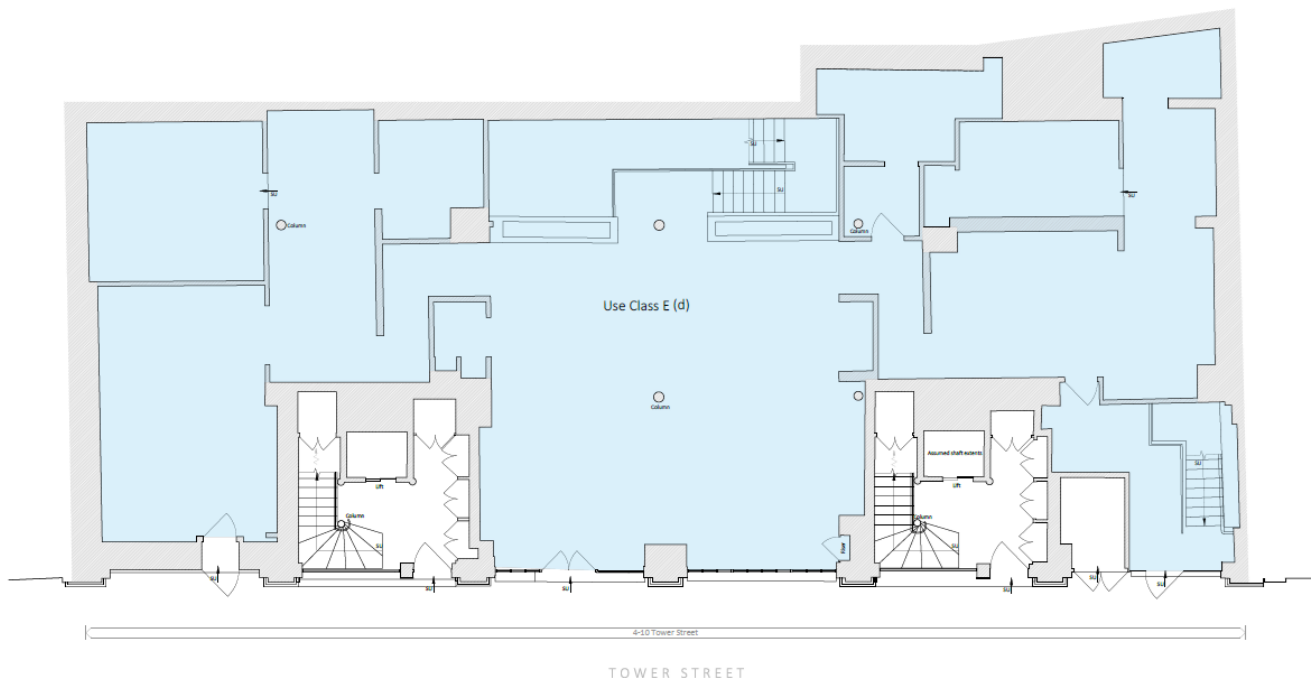


Fig 2. (Above) Street Elevation of site looking northwest

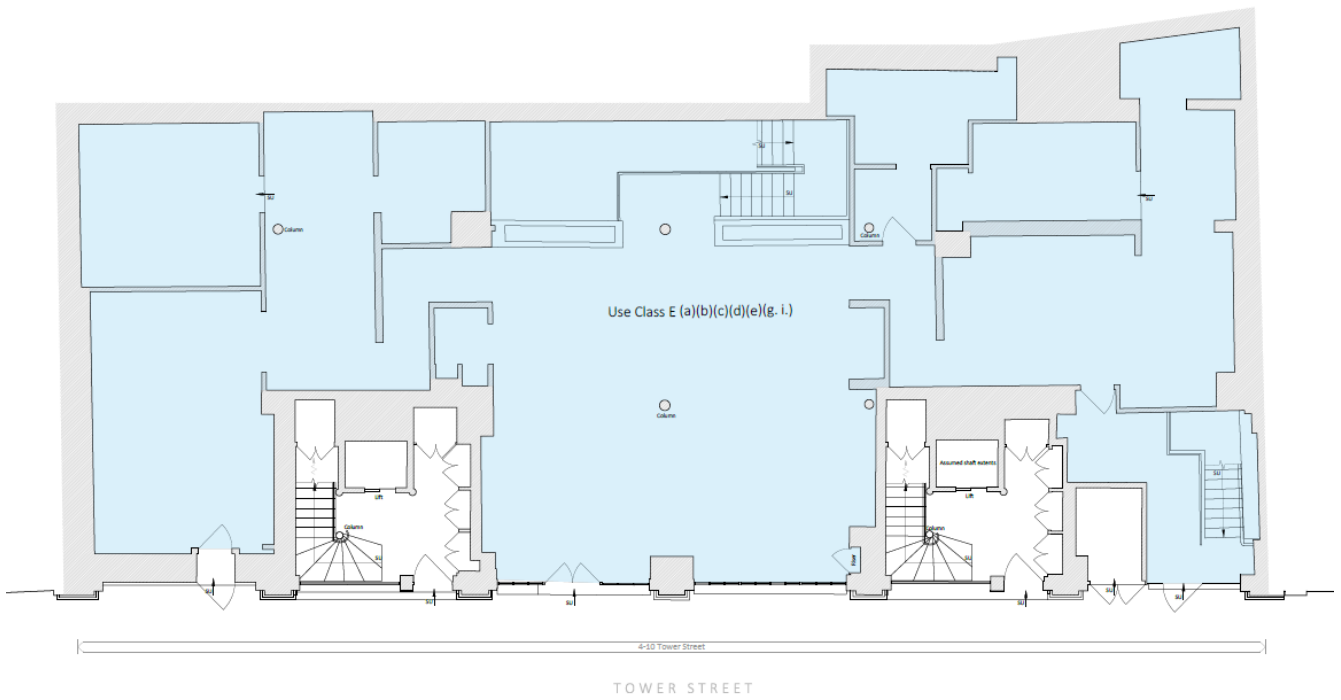
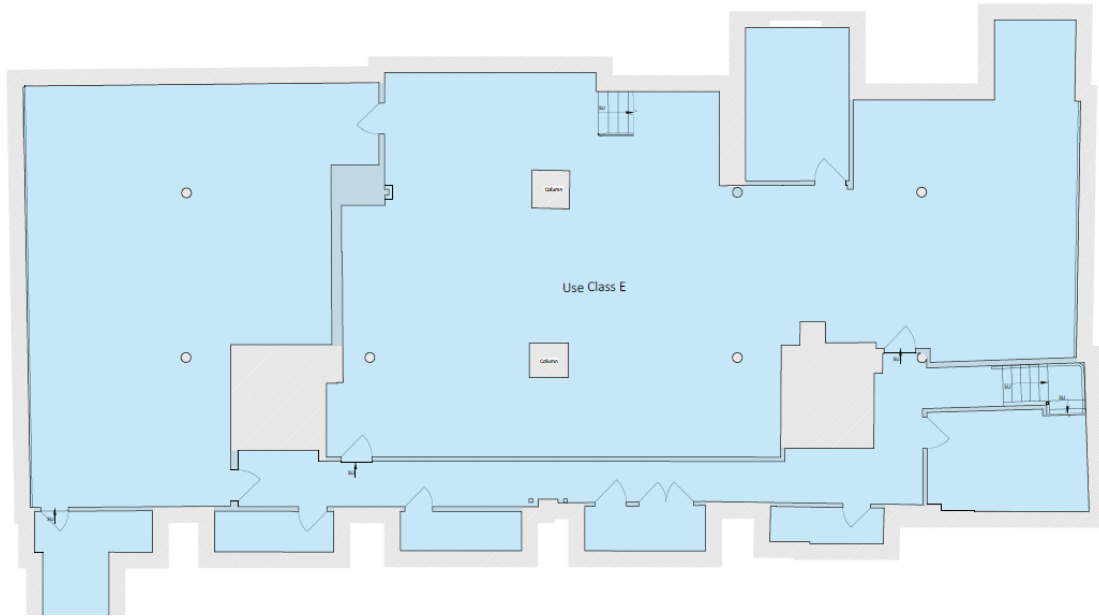


Basement



Ground Floor

Fig 3. Existing Floor Plans (Basement and ground floor)



Ground Floor

Fig 4. Proposed Floor Plans (Basement and ground floor)

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	01/05/2025
		N/A / attached		Consultation Expiry Date:	06/04/2025
Officer				Application Number(s)	
Adam Afford				2025/0710/P	
Application Address				Drawing Numbers	
4 to 10 Tower Street London WC2H 9NP				See Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of basement and ground floor levels from a fitness and spinning studio to Class E use					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	08	No. of objections	08
Summary of consultation responses:	<p>A site notice was displayed on 12/03/2025, expiring on 05/04/2025 and a press advertisement was published on 13/03/2025, expiring on 06/04/2025. Eight responses from residents have been received during statutory consultation, raising the following points:</p> <ul style="list-style-type: none">The potential for use as Class E (b) – restaurant/café – with the proposed broadening of uses associated with the change of use to Class E would mean there would be no control for change within the wider Class E use.The potential for use as a restaurant would create a myriad of amenity issues such as; noise, odour, waste, etc.Concerns more generally towards other potential uses within the Class E umbrella which may create noise, noting the site’s close proximity to residential flats (including those above).Request for restrictive conditions if approved to control opening hours, prevent external extraction, and to prevent Class E (b) use. <p><i>Officer’s response:</i></p> <ul style="list-style-type: none"><i>Due to the changes to the Use Class Order made in 2020, a number of uses have been consolidated into Class E, allowing for flexibility in moving between different uses that fall within Class E.</i><i>Regarding the use of restrictive conditions to control future development, two conditions will be applied, namely to control opening hours, the second condition to prevent the unacceptable impact of music. These conditions will ensure there are no unacceptable impacts on neighbouring amenities.</i><i>Any external extraction that would necessitate a restaurant opening would need further planning permission. Further assessment as to the principle of allowing for alternative Class E uses is outlined in the Land use section of this report.</i>			
Covent Garden Community Association (CGCA)	<p>The CGCA have objected and raised similar concerns to neighbours, with their concerns summarised as follows:</p> <ul style="list-style-type: none">The potential future use as a restaurant under Class E could result in noise and odour to residents;Other possible use changes within Class E may create harmful impacts to residential amenity, with the example of the current gym use, which resulted in noise and vibration impacts.The potential for late night noise would disturb residents and the CGCA request conditions on opening times.Other conditions are requested such as restricting the ability for Class (b) use, as well as to control soundproofing, deliveries, waste collection, queuing, and to prevent external extraction. Many of these conditions are directed towards potential restaurant use.			

Officer's response:

- *Conditions will be applied to control future development, specifically to control opening hours and prevent the unacceptable impact of music disturbance. These conditions will ensure there are no unacceptable impacts on neighbouring amenity.*
- *It is not considered necessary to impose conditions relating to the other issues raised, including queueing, deliveries, etc.*
- *External extraction would necessitate further planning permission.*

Seven Dials CAAC - No response received.

Seven Dials Trust – No response received.

Site Description

The site relates to the basement and ground floor of a four storey building located within the central London area of Covent Garden. The four story building is located mid-terrace on the western side of Tower Street, which forms a fairly narrow street with midrise buildings either side, with commercial uses at ground level and residential flats on upper floors (Class C3).

The site is currently used as a spinning / fitness studio on the basement and ground floors. The existing opening hours are as follows;

06:00 – 22:00 Monday to Friday
09:00 – 22:30 Saturday
10:00 – 22:30 Sunday
09:30 – 16:00 Bank holidays

The application site sits within the Conservation Area of Seven Dials, and the building is identified as making a positive contribution to the character and appearance of the conservation area.

Relevant History

2019/4356/P - *Amendments to wording of condition 4 of planning permission 2013/3023/P granted on 07/11/2013 (for 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)) namely to allow opening on bank holidays between the hours of 0930 and 1600 – Variation of planning permission approved 28th November 2019.*

2015/7188/P - *Details of sound insulation (Condition 5) and cycle storage (Condition 7) of planning permission 2013/3023/P dated 07/11/2013 (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) – Approval of details approved 22nd January 2016.*

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). – Non-material amendment approved 18th September 2015.*

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). – Planning permission approved 7th November 2013.*

Relevant policies

National Planning Policy Framework (2024)

The London Plan (2021)

Camden Local Plan (2017)

- C3 Cultural and leisure facilities
- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- D2 Heritage
- TC1 Quantity and location of retail development
- TC2 Camden's centres and other shopping areas

Camden Planning Guidance (2021)

- CPG Amenity (2021)
- CPG Community uses, leisure and pubs (2021)
- CPG Design (2021)
- CPG Town centres and retail (2021)

Seven Dials (Covent Garden) Conservation Area Character Appraisal & Management Plan (1998)

Draft Camden Local Plan

A [Submission Draft Camden Local Plan](#) (updated to take account of consultation responses) was reported to Cabinet on 2 April 2025 and the Council on 7 April 2025. The Council resolved to agree the Submission Draft Local Plan for publication and submission to the government for examination (following a further period of consultation). The Submission Draft is a significant material consideration in the determination of planning applications but still has limited weight at this stage.

Assessment

1. Background

- 1.1. The site originally received planning permission (ref. 2013/3023/P) for the change of use over two floors (ground floor and basement floor) from Class A1 (Shops) to Class D2 (Assembly and leisure) – specifying via condition that the proposed use is for spinning studio only, and also retaining the ability for A1 retail use. A subsequent S96a application (ref. 2015/4689/P) sought to expand the use to include use as a fitness studio (alongside a spinning studio). A further two applications were received since, however these related to discharging conditions and altering other conditions on the 2013 application relating to opening hours, rather than seeking to alter the use of the site further.

2. Proposal

- 2.1. Planning permission is sought to change the use of both the basement and ground floor levels from a fitness and spinning studio to flexible Class E use; Class E in its wider sense would allow for a range of different uses within the Class E umbrella without needing permission through a change of use application. It is noted that the site would currently be considered Class E(d), given it was previously Class D – though is technically restricted from changing use via permitted development rights by the existing permission. The proposals relate to the land use only and no external works are proposed.
- 2.2. The ability for flexible use change within Class E are embodied within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and Schedule 2, Part A

sets out the uses that fall within Class E (and between which change of use is permitted). This application is only required due to the restrictive condition attached to planning permission 2013/3023/P, as otherwise moving from one Class E use to another Class E use would be permitted development.

2.3. The principal considerations material to the determination of this application are as follows:

- Land use
- Neighbouring amenity

3. Land Use

- 3.1. The application involves the change of use from a fitness and spinning studio (restricted Class E(d) use) to Class E use, for both the basement and ground floor levels.
- 3.2. The site is situated within the Covent Garden Area and sits adjacent to Fitzrovia secondary speciality frontage. The general thrust of national, regional, and local policies seeks to secure and safeguard the vitality and viability of town centres. At a regional level, London Plan Policy SD6 (Town centres and high streets) sets out that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging strong, resilient, accessible, and inclusive hubs with a diverse range of uses that meets the needs of Londoners, including main town centre uses, night-time economy, civic, community, social, and residential uses.
- 3.3. At a local level, policy TC2 of the Camden Local Plan states it will seek to protect and enhance the role and unique character of each of Camden's centres and provide for and maintain, a range of shops including independent shops, services, food, drink, entertainment, and other suitable uses to provide variety, vibrancy, and choice. Policy TC4 meanwhile considers the effect of town centre uses and seeks to ensure development does not cause harm to the character, function, vitality, and viability of a centre, the local area, or the amenity of surrounding neighbours.
- 3.4. In policy terms, there is no objection to the proposed range of uses that Class E offers for this site. They are all suitable town centre uses that would support the vitality and viability of the Covent Garden Area. It is also noted that Covent Garden is recognised as a "*retail destination of national and international significance*" by CPG 'Town centres and retail', and that premises suitably for retail purposes should be protected and promoted. As such, it is considered that a Class E unit would be appropriate for the application site and the surrounding area of Covent Garden.

4. Neighbouring Amenity

- 4.1. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 4.2. Consideration has been given to the potential for restaurant use which the unit would be permitted to operate as, given it is a use falling under Class E, which is the key concern of the CGCA and local residents, specifically with regards to amenity issues such as noise and odour. It is important to note from the outset that a restaurant use is not proposed at this point in time, therefore the concerns relate to the potential for the use as a restaurant. Nonetheless, conditions are proposed which would address these concerns, including a restriction on opening hours and the playing of music on the premises that would be audible elsewhere. Concerns relating to other aspects associated with restaurant use, such as the installation of external extraction units, would require further planning permission.
- 4.3. Given this is only an application for a change of use, the impact with regards to privacy, outlook, and light would not change as compared to the existing use, and so are not relevant. There are therefore only potential noise and disturbance issues to consider; however, the

proposed uses are appropriate for the Town Centre location, as previously noted in the 'land use' section of this report. The nearest residential occupiers are those in the same building, and it is not considered that the proposed change of use would increase or lead to significant amenity impact beyond the established use. This includes consideration of the fact that sound insulation has been installed at the site (see the relevant history section of this report), as well as the fact that this site is located in a busy commercial area. It is also noted that uses that may come forward, including a restaurant use, would be subject to licensing controls, including in terms of opening hours and pavement seating.

- 4.4. With regards to the potential for noise and disruption from traffic, the location is sited within a busy commercial area of Central London, where there is therefore already servicing of other commercial units. It is considered that any servicing and refuse collection would be managed in a similar way to many of the existing commercial units in the area, which also do not benefit from rear entrances. The lack of parking would not be considered to contribute to an exacerbation of traffic, as the site benefits from a high prevalence of public transport due to the proximity to various methods of public transport.
- 4.5. Were the use to require plant equipment associated with extraction or active cooling, this would require further planning permission and noise and odour assessments (as appropriate) would need to be submitted to demonstrate an acceptable impact to amenity.
- 4.6. As such the proposal is considered not to harm the amenity of adjoining occupiers and would comply with policies A1 and A4 of the London Borough of Camden Local Plan.

5. Recommendation

- 6.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 2nd June 2025, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2025/0710/P
Contact: Adam Afford
Tel: 020 7974 7057
Email: Adam.Afford@camden.gov.uk
Date: 14 May 2025

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
4-10 Tower Street
London
WC2H 9NP

Proposal:
Change of use of basement and ground floor levels from a fitness and spinning studio (Class E(d)) to Class E use.

Drawing Nos: Site Location Plan A-001-P1, Basement Floor Plan A-200-P1, Ground Floor Plan A-201-P1, Amended Cover letter/DAS

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;

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

- 3 The use hereby permitted shall not be carried out outside the following times:

06:30 – 22:30 Mondays to Fridays

09:00 – 22:30 Saturdays

10:00 – 22:30 Sundays

09:30 – 16:00 Bank Holidays

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing

Enforcement Team prior to undertaking such activities outside these hours.

4 Biodiversity Net Gain (BNG) Informative (1/2):

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold.

Summary of statutory exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not major development and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a Biodiversity Gain Site.
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

5 Biodiversity Net Gain (BNG) Informative (2/2):

Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the

Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73(2D) of the Town and Country Planning Act 1990:

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

Phased development:

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer