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Development Planning
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Dear Sir / Madam

**9 HOLLES STREET, LONDON, W1G 0DB
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR FULL PLANNING PERMISSION**

On behalf of our client, One Rebel Limited (hereby referred to as 'the Applicant'), please find enclosed an application for Full Planning Permission for the Change of Use at 9 Holles Street, London, W1G 0DB ('the Site') from its existing betting shop use (Sui Generis) to an indoor fitness studio (Use Class E).

Site Description

The Site comprises the 'BetFred' betting shop at 9 Holles Street, which is a short walk north-west of Oxford Circus Underground Station and due south of Cavendish Square Gardens. The Site forms a unit within an integrated multi-use street block bounded by Oxford Street, Holles Street, Cavendish Square and John Prince's Street. The building as a whole is dominated by the 20-storey office tower which sits above part of the site, known as 33 Cavendish Square. The Site is located in a highly commercial area, with very few residential properties within the surrounding area, the nearest residential dwelling is a flat located at the 20th floor of the south wing of 31-33 Cavendish Square. The site is unlisted and does not fall within a conservation area, it is however bounded by the Harley Street Conservation Area to the west and north.

As noted above, the Site was last in use as a betting shop, occupied by 'Betfred'. It therefore has an existing Sui Generis Use Class. There is no relevant planning history associated with the Site. However, planning permission was granted in March 2019 (18/03075/FULL) for a gym use on the ground floor of the adjacent unit. The operator of that unit is 1Rebel who is the Applicant for this application.

Proposed Development

This application proposes the unit's change of use from an existing betting shop Sui Generis Use Class to a Use Class E indoor fitness studio. The operator of the gym will be 1Rebel, who own a number of studios through London. Rather than being a traditional gym, 1Rebel's business model means that users sign up to join sessions that run daily. This can range from low intensity pilates classes to more high intensity cardio classes.

To confirm, this application proposes no change to the external appearance of the buildings and no installation of any external plant equipment. The proposed use would be operated in conjunction with the gym granted consent under planning permission 18/03075/FULL.

The description of development will read as follows:

"Change of use from betting shop (Sui Generis) to indoor fitness studio (Class E)."

Assessment

The Applicant has identified the opportunity for this Site to enhance the indoor leisure provision in conjunction with the adjacent unit.

From a planning perspective, it is considered that replacing a betting shop with an indoor fitness studio will be a positive change for the Site as well as the broader local area in which it is located. The promotion of health and fitness over more unhealthy hobbies such as gambling will help to improve the atmosphere of Holles Street and will encourage people to visit the local area. Ultimately, the encouragement of such a use will help to create a healthier city.

It is relevant that aforementioned Planning Permission 18/03075/FULL, that was granted for the adjacent unit in March 2019, deemed the application's proposed uses, which includes a gym use on ground floor and food court on upper floors, to be appropriate for this location within the Core Central Activities Zone. Moreover, the adjacent unit was granted 'special circumstances for being able to overcome the potential pitfall of retail floorspace loss in this area of the City of Westminster due to recognition of the Site's setback from the primary retail frontage'.

Notwithstanding the Site is sui generis use and not retail use, WCC has therefore identified a lack of retail need on this site, with the last application's Case Officer arguing that the proposed gym and food court use on this site would provide a complementary high street use. It is considered that the findings of the last application's Case Officer remain relevant to this application.

The proposed hours of operation is envisaged to be 06.00 – 22.00. This is the same as was previously proposed within the extant permission and was considered then by the Case Officer

to be acceptable considering the Site's busy location off Oxford Street and the limited residential housing within proximity of the site. These operating hours are therefore once again considered to be acceptable.

Planning Policy Consideration

This section considers the proposals and associated impacts against planning policy relevant to the Site. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination of planning applications should be in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan documents that are relevant for a policy assessment for this Site currently comprises the new Westminster City Plan 2019-2040 (adopted April 2021). In addition to this, this assessment will also consider the policies of the London Plan (2021) and the relevant policies outlined in the National Planning Policy Framework (NPPF, February 2019).

NPPF (2019):

NPPF Policy 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. It is considered that the proposed indoor fitness use on this site will help to promote healthy lifestyles in this area.

NPPF Policy 92 states that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments to provide for the social, recreational and cultural facilities and services the community needs.

London Plan (2021):

Policy GG1 aims to provide and improve access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration.

Policy GG3 is concerned with creating a healthy city and aims to promote more active and healthy lives for all Londoners. The promotion of an indoor fitness centre will help to meet the aims of this policy.

Policy SD4 states that the vitality, viability, adaptation and diversification of the international shopping and leisure destinations of the West End (including Oxford Street, Regent Street, Bond Street and the wider West End Retail and Leisure Special Policy Area) together with other CAZ retail clusters including locally-oriented retail and related uses should be supported. It goes on to say that the attractiveness and inclusiveness of the CAZ to residents, visitors and businesses should be enhanced and that development of social infrastructure that meets the distinct needs of the CAZ should be supported. Policy SD4 goes on to state that development of social infrastructure that meets the distinct need of the CAZ should be supported, as proposed within this application.

Policy S1 aims to develop London's social infrastructure and supports proposals that provide for high quality, inclusive social infrastructure.

Policy SD6 states that the provision of social infrastructure should be enhanced, particularly where it is necessary to support identified need from town centre and local residents, and facilities should be located in places that maximise footfall to surrounding town centre uses.

Westminster's City Plan 2019-2040 (2021)

Policy 14 states that town centre uses will also be supported in principle throughout the parts of the CAZ with a commercial or mixed-use character, having regard to the existing mix of land uses and neighbourhood plan policies. The informative to this policy states that 'although they provide active frontages and serve visiting members of the public, a predominance of uses such as shisha bars, **betting shops** and fast-food takeaways (which are all classified as sui generis uses) can undermine town centre vitality and viability and be detrimental to public health, and should be avoided'. It is therefore considered that the proposed change of use is acceptable in this area.

Summary and Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

This letter assesses the proposed development against the Development Plan and other relevant national and regional planning policy. For the reasons outlined above, the principle of the Development is consistent with the broad objectives of planning policy and in accordance with the Government's overarching objectives for sustainable growth. It is considered that as

the Applicant is proposing a sustainable change of use in a suitable area, with no proposed external changes to the building. As such, the Proposed Development is considered acceptable and should therefore be granted planning permission.

Submission Documents

In addition to this letter, we duly enclose the following documents in support of the application:

- Planning Application Form and Ownership Certificate, prepared by DP9;
- CIL Additional Information Form, prepared by DP9;
- Site Location Plan;
- Existing Planning Application Drawings, prepared by KSS; and
- Proposed Planning Application Drawings, prepared by MGPM.

Please note that the requisite payment has been made through the planning portal. A Design and Access Statement is not required as there are no external changes proposed to the Site.

We trust that you have all the necessary information to validate and duly determine the planning application. Should you wish to discuss any aspect of the submission then please do not hesitate to contact Marcus Stuart of this office.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Stuart', with a horizontal line extending to the right.

DP9 Ltd.