

10 August 2023

**Submitted via Planning Portal**

Planning Portal Ref: **PP-12345012**

Our Ref: **THEL3174**

Planning, Transport and Development  
London Borough of Lambeth  
Town Hall  
Brixton Hill  
London  
SW2 1RW

Dear Sir/Madam,

**ARCH 12, MILES STREET, LONDON, SW8 1RZ**

**APPLICATION UNDER SECTION 73 OF THE ACT SEEKING MINOR MATERIAL AMENDMENTS TO FULL PLANNING PERMISSION REF. 14/01372/FUL INCLUDING THE VARIATION OF CONDITION 7 (USE CLASS) – PP-12352580**

On behalf of our client, The Arch Company (“the Applicant”), we hereby submit an application under Section 73 (“S73”) of the above Act for a Minor-Material Amendment to the Full Planning Permission under your reference number 14/01372/FUL, at Arch 12, Miles Street.

Planning permission was originally granted, on 12 May 2014, for development under LPA ref. 14/01372/FUL for the following development:

*“Change of use from Office (Use Class B1(c)) and Storage (Use Class B8) to a Martial arts facility (Use Class D2) together with the installation of a ventilation grill and an airbrick to the rear elevation.”*

The Proposed Minor-Material Amendments are sought for a variation of the approved wording of Condition 7 (Use Class). The wording of the condition is as follows:

*“The use of the property shall be as a martial arts facility, and no other use within the D2 Use Class.”*

*Reason: To safeguard the amenities of surrounding occupiers and to ensure that the details of the use are acceptable (Policies 7, 9 of the Lambeth Unitary Development Plan (2007) Policies saved beyond 5 August 2010 and not superseded by the Core Strategy (2011))”*

Accordingly, the Applicant seeks to amend the wording of the condition approved within Condition 7 to allow for wider Class E Use.

## **Background**

Arch 12 is located within a south east facing railway arch beneath a raised railway line, and represents one of a row of arches located on the southern side of Miles Street. The site is located within 5 minutes walking distance of Vauxhall Rail, Bus and Underground Station, and as further elaborated later, had most recently been in use as a

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Martial Arts Centre (Use Class E(d)). The site is designated with the Central Activities Zone, and the Vauxhall, Nine Elms and Battersea Opportunity Area. The site is not listed, nor does it fall within any Conservation Area.

The permission (14/01372/FUL) is associated with a change of use for the building from former Use Class B1 (Office) (now Use Class E(g)) to Use Class D2 (Martial Arts Facility) (now Use Class E(d)). For the avoidance of doubt, the application also involved a number of minor alterations, including the installation of a ventilation grill and an airbrick to the rear elevation. No other physical changes were made to facilitate the use, with the floorspace remaining as per the existing arrangement. After permission was granted in May 2014 for the change of use, it is not exactly clear when the occupant (Urban Warriors Academy) had implemented the Martial Arts use.

The unit is now vacant, and this application seeks to widen the permitted uses for the unit to allow for a wider range of Class E uses to ensure a viable tenant can be found.

### Proposed amendments to wording

As you will be aware, following amendments to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. As such, it is now understood that the lawful use of the site falls within Use Class E. Therefore, the Applicant seeks to vary the wording of the existing condition to effectively open up the use of the unit to other Class E uses to secure the long term use of the site.

Approved Wording	Proposed Wording
<p>The use of the property shall be as a martial arts facility, and no other use within the D2 Use Class.</p> <p>Reason: To safeguard the amenities of surrounding occupiers and to ensure that the details of the use are acceptable (Policies 7 , 9 of the Lambeth Unitary Development Plan (2007) Policies saved beyond 5 August 2010 and not superseded by the Core Strategy (2011)).</p>	<p>Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the commercial unit shall not at any time be used other than for retail (Class E(a)), food and drink (Class E(b)) or indoor sports, recreation or fitness (Class E(d)).</p> <p>Reason: To ensure the uses are compatible with the retail cluster location and railway arches and to ensure acceptable internal noise levels can be established and protect residential amenity (policies ED6, ED7, PN2 and Q2 of the Lambeth Local Plan (2021)).</p>

### Principle of Class E Use

For the avoidance of doubt, the unit already benefits from a Class E use, albeit specifically restricted to a Martial Arts (gym) (now within Class E(d)) by Condition 8. This application proposes to loosen this restriction to allow for other Class E uses, specifically retail (Class E(a)), food and drink (Class E(b)) or indoor sports, recreation or fitness (Class E(d)) uses, to allow for a wider range of particular occupiers.

As confirmed by Paragraph 012 (reference ID: 13-012-20140306) of the Planning Practice Guidance, movement from one primary use to another within the same use class is not development, and does not require planning permission (unless restricted by a condition). Class E provides for use, or part use, for all or any of the purposes set out in that Class and the change of use between uses in Class E is therefore not development. Accordingly, the proposed widening of the proposed use of the unit other Class E uses (specifically E(a), E(b) and E(d) uses) is not classified as

development or a material change of use in line with the definitions set out within Section 55 of the Town and Country Planning Act 1990.

Notwithstanding this, the change of use is supported by the Development Plan, with Lambeth Local Plan Policy ED6 (Railway Arches) stating that the use of railway arches within London Plan Opportunity Areas for commercial, business, service, leisure and community uses will be supported. Annex 2 of the Lambeth Local Plan (London Plan Opportunity Areas, CAZ Retail Clusters, Major, District and Local Town Centres) provides further clarity on the purpose of Opportunity Areas and the Vauxhall CAZ Retail Cluster, noting the importance of retail functions and commercial development.

As it has been established, the arches already have an existing lawful Class E use, and there is clear policy support for Class E uses within the Central Activities Zone, and the Vauxhall, Nine Elms and Battersea Opportunity Area. The proposed variations are deemed to not fundamentally change the scheme nor prejudice the decision made by Planning Officers. As such, the proposed development would still deliver floorspace within the arches that is fit for purpose and in accordance with other nearby uses, in compliance with Local Plan Policy ED6.

For the avoidance of doubt, it has been proposed to exclude any Class E uses which may be detrimental to the areas amenity, to maintain the LPA's control over potential amenity and transport impacts of such uses, as well as to protect other preferred employment locations.

#### **Content of Application**

The application is submitted electronically via the Planning Portal. An overview of the submission documents accompanying this application is provided below:

- Covering Letter;
- Site Location Plan;
- Planning Application Form;
- Payment of the statutory application fee of £234 plus £64 admin charge made directly to the Planning Portal;

We trust the enclosed provides you with adequate information to progress and validate the application.

We are looking forward to continuing our positive discussions with you during the determination period, but if you require any further information or clarifications at this stage, please contact Jordan Bishop ([Jordan.Bishop@turley.co.uk](mailto:Jordan.Bishop@turley.co.uk)) or myself in the first instance.

Yours sincerely



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**Senior Planner**

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