



## Planning Statement

In respect of

Opening Hours

at

117 Finchley Road  
NW3 6HY

On behalf of

The Gym Group

USP

April 2024

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## **1 INTRODUCTION**

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- 1.1 This application relates to the opening hours of the existing commercial unit at 117 Finchley Road and seeks to amend the operation hours on behalf of The Gym Group to enable 24 hour use for health and fitness operation of the premises.
- 1.2 The wider property comprises of a number of commercial units at ground floor and part lower ground floors. A Certificate of Lawfulness application has recently been approved (Ref: 2024/0126/P) to confirm the existing commercial units at 115-121 Finchley Road (the Site) benefits from unrestricted use within Class E. The application sets out the intention to amalgamate the units for their use as a gym (Use Class E).
- 1.3 New tenants have been secured to use the amalgamated units to provide health and fitness facilities for the local community. The amalgamated premises is to be occupied by The Gym Group a Class E health and fitness operator, to provide a new leisure facility.
- 1.4 The Gym Group has built a successful business model operating 24 hour health and fitness uses, and therefore, has considerable experience in ensuring that their units operate efficiently and without disruption. The Gym Group are an experienced operator with over 230 gyms operating across the country at present, including premises in Coram Street, Bloomsbury; Triton Square, Regents Place; Holborn; Angel; West Hampstead and Paddington.
- 1.5 The Gym Group aims to increase access to health and fitness activities to a wide demographic to encourage and improve health by providing a low cost and flexible gym membership option. The Gym Group provides a high quality but cheaper option for health and fitness activity, with 24hr opening hours providing flexibility for its customers.
- 1.6 The Gym Group provides a health and fitness use which is aimed at a different market to the current offer typically within the area. The Gym Group aims to increase access to health and fitness activities to a wide demographic to encourage improved health by providing a low cost and flexible option. On average 35% of The Gym Group's members have not been to a gym before with The Gym Group attempting to provide its facilities to a much wider market.
- 1.7 Membership of The Gym Group is at low cost, with no minimum contract period. As such members can join for just a single month, or have a break within their membership at nominal cost. The Gym Group opens on a 24 hour basis to ensure flexibility of use by its members, whilst of critical importance is ensuring that the amenity of surrounding occupiers is not unduly affected.
- 1.8 The commercial units to be amalgamated and occupied by TGG at Finchley Road are all unrestricted in terms of hours of operation, apart from No. 117 (demise area shown in Appendix 1). Planning permission was granted (Ref: 9005435) for the sub-division of units 117 and 119 in 1991 and use as restaurant (No. 117) and retail (No. 119) – a copy of the decision notice is included in Appendix 2. Condition 01 of the 1991 permission set out the hours of use of Unit 117 to 8am to 11:30pm to meet the requirements of the restaurant operator at that time.

- 1.9 This application has therefore been prepared to amend Condition 01 of planning application 9005435 relating to the opening hours of the premises unit No. 117 to bring the hours of operation in line with the remaining units to be amalgamated and enable 24 hour opening of the whole premises to meet the operational requirements of The Gym Group.
- 1.10 The application has been prepared in conjunction with input and assessment undertaken by Clarke Saunders Acoustic Consultants. The assessment has taken account of potential weight noise impact and vibration transmission to the properties above; operation of external plant equipment; and potential operational noise impacts on surrounding properties. Whilst this application specifically addresses the hours of use condition related to Unit 117, the acoustic assessment undertaken analyses and addresses these matters in respect of the operation across all proposed units to demonstrate the appropriate operation and management of the premises overall in terms of potential noise and vibration considerations.
- 1.11 As part of the preparation of the proposal and application we have also made contact with the Chair of the Local Residents Group and the Cresta House Residents Group, who had previously been active in coordinating and providing community comments on the former applications for the commercial kitchen use on the site. Information on the proposed occupier, their operation, control and mitigation measures were provided, together with offers to meet to discuss the proposals and any address any particular queries arising. Responses received declined the offer of a meeting, identifying that the proposed operation as a gym would likely have far less impact on the neighbourhood. The only queries raised were in respect of potential noise breakout in respect of classes and music. These queries have been taken into account in the proposal and have been addressed in this application submission through the Noise Assessment included with the application pack. Furthermore, in parallel to the submission of the application we have notified the Local Residents Group and the Cresta House Residents Group of the submission and in response to the queries we have circulated a summary note setting out further details of the proposed operation, noise analysis, and management and mitigation measures incorporated to control noise and ensure a safe and secure operation and environment. Ongoing engagement and liaison with the local community would continue throughout the delivery and operation of the use, including the provision of contact details to ensure a direct point of contact for any matters arising on site. A copy of this is included in Appendix 3
- 1.12 This Planning Statement sets out details of the site and surrounding area, the planning history of the site, the key planning policies which the proposed development needs to be considered against and the planning considerations of the application.

## **2 SITE AND SURROUNDING AREA**

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- 2.1 The Site is located on the west side of Finchley Road (A41) within the boundaries of the town centre at Swiss Cottage. The area is characterised by a mix of commercial and residential uses, with a variety of commercial activity in the vicinity including retail, leisure, public house and office uses.
- 2.2 This application relates to unit 117 only. Unit 117 Finchley Road is one of four commercial units located within the ground floor of No.115-121. The unit forms part of a 5-storey building, comprising various commercial uses at ground and lower ground, with residential properties above.
- 2.3 To the north of the site is a mixed use building, Cresta House, with commercial properties at ground floor, offices at first and second floor and residential above. To the west, at the rear of the building, and to the south of the unit, are residential properties within Dobson Close. To the east, on the opposite side of Finchley Road is a Public House and Odeon Cinema.
- 2.4 The site is accessed by excellent transport links with a bus stop outside and Swiss Cottage Underground station just to the north. The site lies on a busy junction with a number of pedestrian crossings.
- 2.5 The building is understood to date from the 1960s, when the building on Site was first constructed under planning permission ref: TP21868/5675. Since that time, the Site has accommodated a variety of high street uses at ground and basement levels.

### **3 PLANNING HISTORY AND EXISTING USE**

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- 3.1 Planning permission was granted in 1956 (ref: TP21868/5675) (later renewed in 1960) for the erection of a part two part and part five storey building, comprising shops and supermarket on lower-ground and ground, five self-contained flats at first floor and five self-contained maisonettes at second and third floors with ancillary garages at the rear. No conditions providing restrictions on hours of operation were contained in the decision notice.
- 3.2 The original building consisted of four commercial units nos. 115, 117, 119 and 121, each of which featured a main ground floor retail area and basement/lower ground floor within the main building below. In addition, the two central commercial units (117 & 119) projected rearwards to include the two-storey rear building at both ground and lower ground floor level.
- 3.3 The rear element of the lower ground floor was subject to temporary planning permissions in 2020 and 2021 for use as commercial kitchens. The planning permission granted 'the use of the land and buildings at the rear of 115-119 Finchley Road (lower ground floor), for commercial kitchens and delivery centre (sui generis) and the installation of external plant to facilitate that use including three (3) extract ducts, four (4) flues, three (3) air intake louvres and three (3) air condenser units. A further proposal to make this use permanent was refused in 2022 due to concerns in respect of the volume and frequency of deliveries; generation of odour; lack of contributions to local employment and training; and lack of operational management plan.
- 3.4 As a result of the refusal the commercial kitchen vacated and use of the rear element ceased to function.
- 3.5 An application has recently been approved (Ref:2024/0126/P) for a Certificate of Lawfulness to confirm the existing commercial units at the ground floor of 115-121 Finchley Road and rear lower ground accommodation benefit from unrestricted use within Class E. The application sets out the intention to amalgamate the units for their use as a gym (Use Class E).
- 3.6 No. 117 is currently occupied as a scooter shop. This has been in operation since circa. 2021. The unit had previously been a restaurant, which had been granted consent following the subdivision from Unit 119 in 1991. The 1991 consent (Ref: 9005435) included Condition 01 in respect of the hours of operation and set these to between 8am and 11.30pm to meet the operator requirements.
- 3.7 Whilst there have been planning permissions related to the other units within the building since the original consent for the site, none of these have set out requirements in respect of opening hours and therefore can be utilised without restriction.

## **4 PROPOSED DEVELOPMENT**

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4.1 The Gym Group are to occupy the commercial accommodation within 115-121 Finchley Road as a health and fitness operation, as confirmed under the recent Certificate of Lawfulness. The Gym Group opens on a 24 hour basis to ensure flexibility of use by its members and broaden the availability of the use to all areas of the local community.

4.2 The majority of the accommodation within the amalgamated premises already has unrestricted hours of use. To enable The Gym to also use the floorspace associated within No. 117 on a 24/7 basis, and bring the operational hours of this floorspace in line with the remaining accommodation, this application proposes a variation of the hours of use of Condition 01 of application ref: 9005435. The description of development is therefore detailed below:

*"Variation of Condition 01 (opening hours condition) of application 9005435 related to unit No.117 only to allow 24 hour operation."*

4.3 It is therefore proposed to amend the wording of Condition 01 as follows:

4.4 "The use hereby permitted shall not be carried out otherwise than between the hours of 08.00 am and 11.30 pm, [except for Class E\(d\) use which can operate on a 24 hour basis](#)".

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## **5 DEVELOPMENT PLAN**

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- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be considered in accordance with the statutory Development Plan and other material considerations.
- 5.2 The National Planning Policy Framework (NPPF), updated in 2023, forms the national planning policy guidance document, and is supported by the National Planning Practice Guidance, which is an online resource.
- 5.3 The Development Plan for this site consists of The London Plan (2021) and The Camden Local Plan (2017) adopted on 3 July 2017.

### **National Planning Policy Framework (2023)**

- 5.4 The NPPF includes a requirement on local planning authorities to plan positively for growth and identifies the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out three overarching objectives related to economic, social and environment objectives.
- 5.5 Paragraph 85 states that "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future".
- 5.6 Paragraph 96 identifies that "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling".
- 5.7 Paragraph 123 states that planning policies and decision making should promote an effective use of land. Para. 124d promotes and supports the development of under-utilised buildings.

### **Camden Local Plan**

- 5.8 According to the proposals map, the site lies within a Town Centre.
- 5.9 Policy G1 states the council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by:

- A) supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site.

- 5.10 Policy G1 goes onto state the location of growth will be within growth areas but also at highly accessible locations including Finchley Road. With a key priority for growth incorporating supporting businesses and job provision by providing suitable premises to support businesses expanding within Camden. Policy G1 states growth will be supported in a way that protects amenity and requires developments to avoid harmful effects on amenity of existing and future occupiers and nearby properties, or where possible, to take appropriate measures to minimise potential negative impacts.
- 5.11 Policy C1 states the council will promote strong, vibrant and healthy communities through ensuring a high quality environment with local services to support health.
- 5.12 Policy C3 states the Council will seek opportunities for new leisure facilities. New facilities should be located where as many people as possible can enjoy their benefits and make use of public transport to get there. Central London and town centres will, therefore, be the most appropriate locations.
- 5.13 Policy C5 relates to safety and security and states development will require appropriate security and community safety measures in buildings and demonstrate that they have incorporated design principles which contribute to community safety and security.
- 5.14 Policy A1 relates to managing the impact of development, stating the Council will seek to protect the life of occupiers and neighbours. The Policy states:

*"We will grant permission for development unless this causes unacceptable harm to amenity*

*We will: a. seek to ensure that the amenity of communities, occupiers and neighbours is protected."*

Factors will include noise and vibration levels.

- 5.15 Policy A4 states the Council will ensure noise and vibration is controlled and managed. Development should have regard to Camden's Noise and Vibration Thresholds (Appendix 3 of the local Plan). Permission will only be granted for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity.
- 5.16 Policy TC2 states the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors.
- 5.17 Policy TC4 states the council will consider noise and vibration generated inside and outside of a site, the potential for crime and anti-social behaviour, the health impacts of development and the impact of the development on nearby residential uses and amenity and any prejudice to future residential development.

## **6 PLANNING APPRAISAL**

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6.1 In this section, consideration is given to the key matters associated with the operation of the Unit 117 Finchley Road on a 24/7 basis for gym use:

- Residential Amenity;
- Premises Security.

### **Residential Amenity**

6.2 National policy seeks to avoid, mitigate and minimise the adverse impacts on health and quality of life arising from new development. Local Plan Policy TC2 states the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. Policy C1 promotes strong, vibrant and healthy communities; with Policy C3 supporting opportunities for new leisure facilities in town centre locations.

6.3 Policy G1 supports growth where it protects amenity and avoids harmful effects on amenity of occupiers and nearby properties to minimise potential negative impacts. Local Plan Policy A1 further relates to managing the impact of development, stating the Council will seek to protect the life of occupiers and neighbours, ensuring that the amenity of communities, occupiers and neighbours is protected, specifically related to noise and vibration. Policy A4 seeks to ensure noise and vibration is controlled and managed, including from plant and machinery.

6.4 Unit 117 Finchley Road is located as part of 4 existing commercial units No.115-121, with an additional commercial unit to the rear. The unit forms part of a 5-storey building, comprising various high street uses at ground and basement, with residential above.

6.5 The Site is located on the west side of Finchley Road (A41) within the boundaries of the town centre at Swiss Cottage. The town centre area is characterised by a mix of commercial and residential uses, with a variety of commercial activity in the vicinity including retail, leisure, public house and office uses. To the north of the site is a mixed use building, Cresta House, with commercial properties at ground floor, offices at first and second floor and residential above. To the west, at the rear of the building, and to the south of the unit, are residential properties within Dobson Close. To the east, on the opposite side of Finchley Road is a Public House and Odeon Cinema.

6.6 The site is accessed by excellent transport links with a bus stop immediately to the front of the property and Swiss Cottage Underground station just to the north. The site lies on a busy junction with a number of pedestrian crossings providing safe pedestrian routes within the local area.

6.7 The building is understood to date from the 1960s, when the building on Site was first constructed under planning permission ref: TP21868/5675. Since that time, the Site has accommodated a variety of high street uses at ground and basement levels.

- 6.8 All members and staff will enter and exit the building only from the front of the building on Finchley Road. There will be no access or entry via the side or rear of the building, apart from in emergencies.
- 6.9 From an assessment of visitors to other similar operations around the country and the scale and nature of the operation proposed, only 9.29% of visits are made between the hours of 23:00 and 06:00, with very minimal attendance between 00:00 and 06:00. Due to the nature of the gym use members attending between these hours tend to do so on an individual basis, rather than as part of groups, and comprises those working shifts, such as emergency service personnel. As such the potential for any impact in terms of noise and disturbance during these hours is limited and the extended hours of operation of the unit would not result in additional harm to the amenities of adjoining neighbouring or surrounding properties.
- 6.10 All noise and vibration from the operation of the premises is to be contained within the envelope of the unit. Audio / visual equipment is placed on anti-vibration mounts, with volume limiters on all equipment to restrict sound to an acceptable level. The volume limiter is kept in a secure area of the gym to ensure that this cannot be interfered with. Audio / visual equipment in the gym is limited to a small number of units which are located around the building to avoid hotspots of noise. These are kept to a minimum noise level, enabling members to utilise personal audio players.
- 6.11 The fit out includes bespoke floor build ups within the functional and free weights areas to control noise and vibration from the use of equipment and weights in these areas. Resistance equipment is also fitted with isolating washer collars to minimise noise and vibration impact.
- 6.12 Clarke Saunders Acoustics (CSA) has undertaken a noise and vibration assessment of the proposed use and assesses the operation of mechanical plant over the night-time period in accordance with the planning requirements of Camden Council.
- 6.13 The CSA report confirms that the gym will be fitted out and operated to control noise and vibration transfer from gym activities so as not to exceed NR(G)20 within the adjacent residential living areas and vibration controlled to 15mm/s<sup>2</sup>. Details of the fit out and flooring to achieve these levels is included in the submitted report.
- 6.14 The CSA assessment also demonstrates that the potential plant equipment will result in a low impact at surrounding receptors, whilst operational noise from amplified music and entertainment systems will result in sound levels below the background noise levels or would be generally inaudible and not cause disturbance to residents.
- 6.15 The proposals meet the objectives of Policy G1 by ensuring the gym would avoid harmful effects on amenity of surrounding occupiers and nearby properties, and the proposals minimise potential negative impacts.
- 6.16 The proposals are also compliant with Policies A1, A4 and TC4 related to managing the impact of development and potential amenity impacts in respect of noise and vibration. The Gym Group's aims are to be sensitive to the surrounding area, ensuring measures are taken to avoid any unacceptable harm, ensuring neighbours are protected, including harm from noise and vibration.

The proposals are demonstrated to not cause unacceptable harm to the amenity of neighbours, with noise and vibration appropriately controlled and managed.

6.17 To demonstrate the successful operation of the procedures and controls of The Gym we have enclosed an Acoustic Site Review Report which assessed a number of operational 24/7 The Gym Group facilities across the country to assess the operational model and the effectiveness of the mitigation and controls being implemented. The report demonstrates that the mitigation measures and management controls are effective and that The Gym Group premises using these measures operate on a 24/7 basis without undue impact on their surroundings, including premises operating within residential buildings.

6.18 We are aware of previous applications and appeals related to use and extended hours linked to the Deliveroo operation to the rear of the property. We have reviewed the local resident comments to understand the concerns key linked to this operation and explain how this proposal will not cause harm to the local amenity of neighbouring residents in these regards:

- ***Strong smells from extraction plant from cooking*** – *The use does not include any cooking or food preparation, no café is included as part of the operation.*
- ***Frequent delivery staff on mopeds and bikes*** - *We recognise this became a problem due to delivery staff on bikes using the side access lane for the kitchens, not following procedure when leaving the site and causing noise and disturbance when accessing the site. The proposed use and function does not include any delivery function or any external staff activity. The Gym Group will ensure the access for members and staff will be via the front of the unit on Finchley Road. The large majority of customers will access the facilities from the local area either on foot or via public transport.*
- ***Gangs of staff congregating in groups around the local area*** – *This will not result from the proposed operation as a gym as the previous delivery operation that resulted in staff waiting and congregating ready to collect and pick up orders will not exist as part of the proposed use. The accommodation includes staff welfare space internally within the premises. The majority of staff will access the site via public transport and the proposed use will not require any external staff activity.*
- ***Inappropriate, dangerous cycling by staff around the local roads*** – *No delivery function incorporated as part of the use therefore this will remove this issue.*

6.19 Given the nature of the operation, the management controls and mitigation measures employed by The Gym Group, the proposed incorporation of the floorspace associated within No. 117 on an extended hours basis would not have a detrimental impact on the amenity of occupiers within the surrounding area. The Gym Group are a considerate and conscientious operator who rely on the local population for a considerable element of their membership and as such take their responsibility to the local environment and surrounding occupiers very seriously to ensure that disturbance does not occur at any hour of the day or night. Liaison with the local community, including provision of contact details to enable any issues to be reported directly and addressed,

will take place throughout the operation of the unit. Details of process to appropriately address any matters arising are included in the acoustic report submitted.

- 6.20 The Gym Group has experience of providing 24 hour health and fitness uses in similar locations to the application site. Due to the proposed nature of the operation, and the proposed insulation and control measures to be incorporated, the proposed use of No. 117 as part of the 24 hour operation of the premises would not have an unacceptable impact on the amenities of surrounding occupiers or the environment within the local area.
- 6.21 The proposal will assist in meeting the requirements of Policy C3 of the Local Plan in providing a new leisure use in an accessible town centre location, providing opportunities for the local community to access health and fitness facilities, and improve their health and well being. The inclusion of this floorspace as part of the 24 hour use will allow a wider demographic to access the facilities and supports Policy C1 which aims to promote strong, healthy communities.

#### **Premises security**

- 6.22 Ensuring that a high level of security is provided throughout the operation is a principle objective of The Gym Group. Maintaining a friendly and welcoming environment and deterring any anti-social behaviour is a priority of both The Gym Group and to its members. Policy C5 requires appropriate security and safety measures be provided and incorporated to contribute to community safety and security.
- 6.23 Access to the property is strictly controlled. Between the hours of 8am and 8pm the front door of the premises will be open and access will be afforded to the lobby. At this point a two door portal will be in operation which requires a personal entry code to be entered into a key pad and restricts access to one person at a time only. The pin code enables The Gym Group to record attendance within the premises. These full height glazed partitions and portals also provide a barrier to noise transmitting from the main body of the gym via the accesses.
- 6.24 Between 8pm and 8am the main front entrance door is locked and again pin code input is required to gain access to the premises to restrict access to the entire premises to members of The Gym Group only outside of core hours. All fire escape doors are secured via mag locks which automatically disengaged in cases of emergency when the fire alarm is triggered, or break glass points engaged.
- 6.25 An extensive network of CCTV cameras will operate providing coverage of all internal areas and external entrances. This CCTV will be monitored on a 24 hour a day basis through a remote monitoring system enabling operatives to identify and react to potential issues immediately.
- 6.26 Maintaining a friendly and welcoming environment and deterring any anti-social behaviour is a priority to both the Gym Group and to its members. The Gym Group successfully operate on a 24 hour basis utilising this well tested system and have an exemplary safety record across all existing operational Gyms in the UK. This includes the operation of 24 hour premises adjacent to and in close proximity to residential properties, as well as units within residential buildings. The established operation and management measures set out will ensure a safe environment without an unacceptable impact on local amenity.

- 6.27      The measures employed by The Gym Group ensure the safety and enjoyment of the facility for both its members and for the local residents, and that only those with membership have access to the site. The proposal complies with Policy C5 and Policy TC4 of the Local Plan as providing appropriate security and community safety measures.

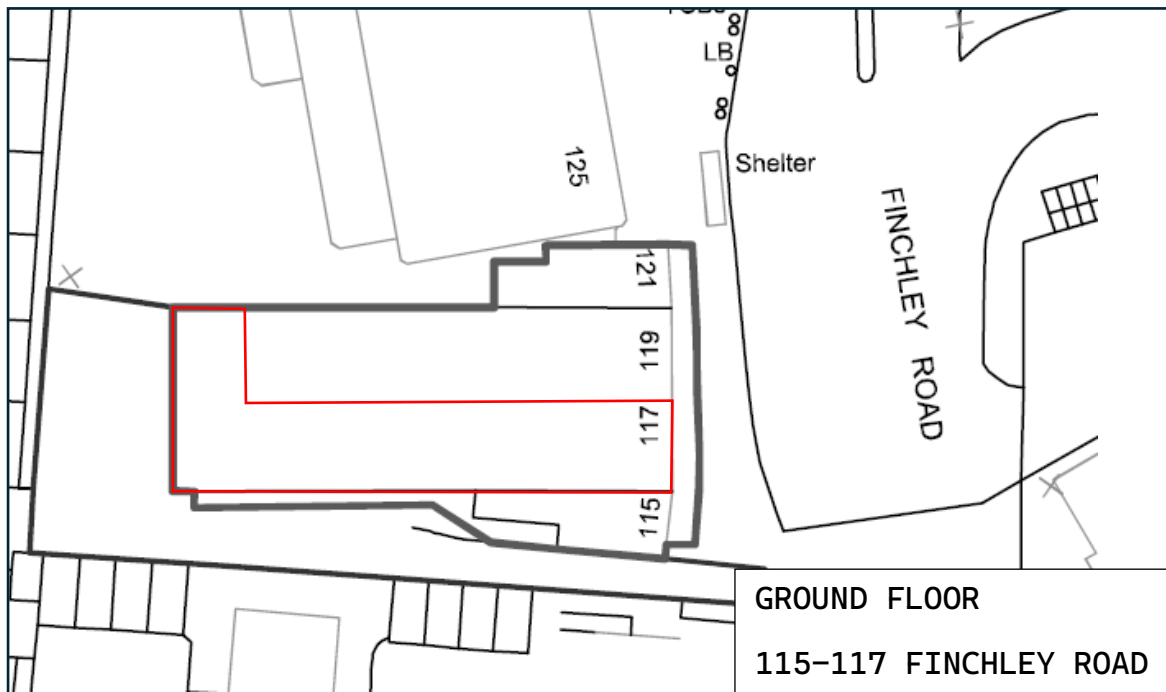
## 7 CONCLUSION

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- 7.1 This application seeks to vary the opening hours to confirm 24 hour operation of Unit 117 Finchley Road, to enable The Gym Group to operate their business on this basis across the amalgamated floorspace of 115-121 Finchley Road. Condition 1 of the 1991 permission Ref: 9005435 stated:
- "The use hereby permitted shall not be carried out otherwise than between the hours of 08.00am and 11.30pm"*
- 7.2 The proposed revised wording to provide this amendment is as follows:
- "The use hereby permitted shall not be carried out otherwise than between the hours of 08.00 am and 11.30 pm, **except for Class E(d) use which can operate on a 24 hour basis**"*.
- 7.3 The proposed wording enables the floorspace associated with No. 117 to operate on 24 hour basis in line with the remainder of the gym use across the ground and lower ground floor, whilst ensuring the existing hours of use remain in force for other potential Class E operators if the use were to change in future. This provides future control to the Council in terms of the acceptability of alternative hours of operation for other uses which may come forward.
- 7.4 The operational parameters of the use and the mitigation measures incorporated into the building fit out specification ensure that the proposal will not result in unacceptable impacts in terms of noise on surrounding occupiers or the local environment. This statement and supporting documents set out the mitigation measures and management controls to be put in place to ensure that the 24 hour operation does not result in any unacceptable impacts on amenity or the local environment.
- 7.5 Providing a high level of security throughout the operation is a principal objective of The Gym Group. Maintaining a friendly and welcoming environment and deterring any anti-social behaviour is a priority to both The Gym Group and to its members. The Gym Group successfully operate premises across the country on a 24 hour basis and utilise these well tested operational procedures and controls in all locations. The Gym Group has an exemplary safety record across all existing gyms in the UK. Therefore, the operation and management of the premises will ensure a safe environment without an unacceptable impact on local amenity.
- 7.6 The inclusion of 24 hour operation of the floorspace within No. 117 as part of the remainder of the gym operation will not have any unacceptable impact on the amenities of the adjacent residents by way of noise or disturbance. The proposal is in compliance with the Development Plan and we therefore respectfully request that the Council approve the variation to Condition 01 of planning application Ref: 9005435.



**APPENDIX 1 – No. 117 UNIT DEMISE PLAN**



**APPENDIX 2 – 1991 DECISION NOTICE**

## P L A N N I N G A N D T R A N S P O R T S E R V I C E S

PART OF THE PLANNING AND ENVIRONMENTAL SERVICES DEPARTMENT

CAMDEN TOWN HALL  
 ARGYLE STREET ENTRANCE  
 EUSTON ROAD  
 LONDON WC1H 8EQ  
 TEL 071 - 278 4444  
 FAX 071 - 860 5713



HEAD OF PLANNING AND TRANSPORT SERVICES · RICHARD RAWES · BA (Hons), MICE, CEng., DIP TE

J C Cunnane Associates  
 1 Latimer Road  
 TEDDINGTON  
 Middlesex TW11 8QA

Our Reference: PL/9005435/R2  
 Case File No: H7/13X/A  
 Tel. Inqu:  
 Mark Dykes ext. 2524  
 (Please ring after 2.00pm unless  
 enquiring about Tree applications.)

Date: 18 JAN 1991

Dear Sir(s)/Madam,

Town and Country Planning Act 1990  
 Town and Country Planning General Development Order 1988 (as amended)  
 Town and Country Planning (Applications) Regulations 1988

#### Permission for Development

The Council, in pursuance of its powers under the above-mentioned Act and Orders and Regulations made thereunder, hereby permits the development referred to in the undermentioned Schedule subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions.

Your attention is drawn to the Appeal Rights and other information at the end of this letter.

#### SCHEDULE

Date of Original Application : 25th July 1990

Address : 117-119 Finchley Road, NW3

Proposal : Sub-division and change of use of existing retail (Class A1) unit to form one hot food takeaway restaurant (Class A3) and one retail (Class A1) unit, and accompanying works of conversion as shown on drawing nos. KFC/1157/2 and KFC/1157/3 revised on 23.10.90 and 15.11.90

#### Standard Condition:

1. The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

#### Reason for Standard Condition:

1. In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

#### Additional Condition(s):

- 01 The use hereby permitted shall not be carried out otherwise than, between the hours of 08.00 am and 11.30 pm.
- 02 Before the use commences, additional sound insulation shall be provided for the building in accordance with a scheme to be approved by the Council to ensure that the use can be accommodated without detriment to

P L A N N I N G A N D T R A N S P O R T S E R V I C E S

PART OF THE PLANNING AND ENVIRONMENTAL SERVICES DEPARTMENT

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HEAD OF PLANNING AND TRANSPORT SERVICES : RICHARD RAWES : BA (Hons), MICE, CEng., DIP TE

(Cont.)

( Our Reference: PL/9005435/R2 )  
( Case File No: H7/13X/A )

the amenity of surrounding premises by reason of noise.

- 03 No music shall be played on the premises in such a way as to be audible within any adjoining residential accommodation.
- 04 The use shall not be commenced until full details of the new shopfront have been submitted to and approved by the Council.
- 05 Before the use commences any mechanical air handling equipment shall be satisfactorily sound-attenuated in accordance with a scheme approved by this planning authority.

Reason(s) for Additional Condition(s):

- 01 To safeguard the amenities of the adjoining premises and the area generally.
- 02 To safeguard the amenities of the adjoining premises and the area generally.
- 03 To safeguard the amenities of the adjoining premises and the area generally.
- 04 In order that the Council may give consideration to the details of the proposed development.
- 05 To protect the amenities of adjoining residents.

Informative(s):

- 01 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) Regulations 1989 (as amended). Application forms may be obtained from the Council's Planning Transport and Employment Services, Camden Town Hall, Euston Road, WC1H 8EQ.
- 02 Your attention is drawn to the need to consult the Council's Environmental Health and Consumer Services, 141 Euston Road, NW1 2AU (071 413 6066/7/8) regarding arrangements for the disposal of refuse.
- 03 Your attention is drawn to the need for compliance with the requirements of the Council's Environmental Health and Consumer Services, 141 Euston Road, NW1 2AU (tel: 071 388 2484) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 04 The means of escape in case of fire may be subject to control under the Building Regulations and/or the London Building Acts, and you are advised to consult the Council's District Surveyor, Engineering Services - Building Control, 141 Euston Road, NW1 2AU, (071 413 6100).
- 05 Details of all accommodation including conveyors, plant rooms, store rooms etc. should be submitted to the Council's Environmental Health and Consumer Services at 141 Euston Road, London, NW1 2AU.

**APPENDIX 3 – OPERATION SUMMARY NOTE**

# Operation Summary Note

## Introduction

This statement outlines who The Gym Group are and how they operate their sites to ensure they support and offer an excellent service to their neighbours and members.

The Gym Group provides a health and fitness use which is aimed at a different market to the current offer typically within the area. The Gym aims to increase access to health and fitness activities to a wide demographic to encourage improved health by providing a low cost and flexible option. On average 35% of The Gym's members have not been to a gym before with The Gym attempting to provide its facilities to a much wider market.

The Gym Group has built a successful business model operating 24 hour health and fitness uses, and therefore, has considerable experience in ensuring that their units operate efficiently and without disruption. The Gym are an experienced operator with 235 gyms operating across the country at present, including London premises in Coram Street, Bloomsbury; Triton Square, Regents Place; Holborn; Angel; West Hampstead and Paddington.

## Proposed Operation

The Gym Group provides a high quality but low cost option for health and fitness activity. The operation includes a range of cardio-vascular (rowing, running, cycling, etc) and resistance (weights) equipment.

The nature of the operation limits the requirement for music to be played within the premises, with music limited as members prefer to use personal audio players and headphones. Members cannot interfere with either the content or volume of the audio visual equipment which is controlled within staff only areas.

The Gym Group has experience of providing 24 hour health and fitness uses in similar locations and of the same scale as Finchley Road. The Gym attracts clientele which are usually based locally, and are likely to go to the gym on foot. The majority of trips are undertaken as linked trips either on their way to and from home or work, or as part of utilising other services and facilities within the area.

The proposed use will result in minimal deliveries and servicing as the use generates minimal waste and the only deliveries are limited to vending products. Servicing will be restricted to be undertaken between 7am and 8pm. As such the proposed use will have no harmful impact in relation to transport.

## **Premises Security**

Ensuring that a high level of security is provided throughout the operation is a principle objective of The Gym Group. Maintaining a friendly and welcoming environment and deterring any anti-social behaviour is a priority of both The Gym Group and to its members.

Access to the property is strictly controlled. Between the hours of 8am and 8pm the front door of the premises will be open and access will be afforded to the lobby. At this point a two door portal will be in operation which requires a personal entry code to be entered into a key pad and restricts access to one person at a time only. The pin code enables The Gym Group to record attendance within the premises. These full height glazed partitions and portals also provide a barrier to noise transmitting from the main body of the gym via the accesses.

Between 8pm and 8am the main front entrance door is locked and again pin code input is required to gain access to the premises to restrict access to the entire premises to members of The Gym Group only outside of core hours. We operate a zero-tolerance policy on sharing PIN numbers and memberships will be revoked if we are alerted to unauthorised access.

All fire escape doors are secured via mag locks which automatically disengaged in cases of emergency when the fire alarm is triggered, or break glass points engaged.

## **Closed Circuit Television [CCTV] and Remote Monitoring**

An extensive network of CCTV cameras will operate throughout the premises providing coverage of all internal areas and external entrances. We install high-specification CCTV across all of our sites which capture live images at all times. This CCTV will be monitored on a 24 hour a day basis to support the on-site operations, enabling any issues to be identified and reacted to immediately.

## **Help Points and what3words**

Help points are installed throughout our sites which provide a direct connection in the case of incidents arising. This is accompanied by a what3words location identifier to support emergency services in locating the gym. Bus stop signage within the premises is used to support way finding to help points.

## **First Aid**

An automatic or semi-automatic defibrillator and first aid kit is provided in the public domain for use by employees or members who injure themselves or become unwell whilst using the gym. These are monitored and maintained by our operational teams daily. Bus stop signage and Safety Station backing boards are used to support way finding.



## Security Checks

Our team will carry out security checks daily to follow up on any suspicious activity, during these checks they will review the following against CCTV footage:

- Multiple daily logins of the same PIN number to ensure the PIN hasn't been shared.
- Access being gained via PIN code immediately after one another.
- More than 1 person sharing a pod.

Once a suspicious activity has been confirmed a stop-at-gates function is applied to prevent the member entering the gym to enable the operational team to follow up with the offender.

## Noise Mitigation and Insulation

There are a number of control measures and techniques that are employed to mitigate against any impact on properties within the surrounding area.

The fit out of the gym will include the use of bespoke flooring material across the entire gym floor area, which provides sound insulation to equipment and reduces impact sound and vibration impacts. The existing building structure and proposed noise insulation measures will provide appropriate sound insulation for the areas used for cardio vascular equipment, whilst further acoustic mats are laid in the free weights areas to provide further mitigation against the potential noise resulting from dropped equipment and to restrict the transfer of noise and vibration into the buildings structure.

Audio/ visual equipment is placed on anti-vibration mounts, with volume limiters on equipment to restrict sound to an acceptable level. Audio / visual equipment in the gym is limited to a small number of units which are located around the building to avoid hotspots of noise. These are kept to a minimum noise level, enabling members to utilise personal music players.

A noise assessment has been completed and submitted with the application which demonstrates that the proposed plant will operate below existing background levels both at day and nighttime, and that noise from music and entertainment systems will be controlled to levels which are inaudible to surrounding residents and not cause disturbance.

Maintaining a friendly and welcoming environment and deterring any anti-social behaviour is a priority to both the Gym Group and to its members. The Gym Group successfully operate on a 24 hour basis utilising this well tested system and have an exemplary safety record across all existing operational Gyms in the UK. This includes the operation of 24 hour premises adjacent to and in close proximity to residential properties, as well as units within residential buildings. The established operation and management measures set out will ensure a safe environment without an unacceptable impact on local amenity.