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2021/2856/P	Leo Smith	10/07/2021 18:53:36	OBJ	Re: Planning Application: 2021/2856/P Cross Fit Gym, 144 Fortess Road, NW5

Dear Leela Muthoora and the Camden Planning Department,

I live at 223 Brecknock Road, my flat is below the rear of the gym (buildings are lower on Brecknock Road than on Fortess Road), there is a party wall separating the small yard at the back of my flat which is about 3.7m (12ft) high. The rear of the gym, directly above my yard and which looks down onto this, has a new extension built over part of it (since last summer) and an additional fence that runs along the wall, this adds to the height of the wall, around 70cm, and directly impacts on my daylight as well as the sense of enclosure felt in this location.

I work from home for much of the time and this has always been the case. Having the yard to be able to live and work-in as part of my home, and not having to close the windows at the back of the house, is a benefit and adds to the quality of my life and productivity – both work and non-work. Being restricted by noise and disturbance from the gym seriously impacts on this, and this has become worse in the last couple of years - where I can live and work in my home, my concentration, and my ability to function. The lack of consideration by the gym for the locality and residents is a social and a health matter.

Main Concerns (see below for details):

- Noise from ventilators and extractor fans – potentially all day and recently during the night and early morning.
- Noise and vibrations from gym activities, including weightlifting.
- Noise from playing loud music.
- Noise - shouting from trainers and class activities.
- Unsocial hours of gym activities – from 6am to 10pm, 7 days a week.
- Building extension, and the reduction of daylight into my home and backyard.
- With the raising of the height of the party wall through the addition of a fence and the new extension roof - encroachment and a sense of restriction.
- Being woken up through the night and early in the morning - Impact on my ability to sleep and work, and on my wellbeing and mental health.
- Serious concern about what might develop - including opening times, social activities, change in use of space, and increase in all the above - if the Application is granted.
- Rather than the 'inappropriateness of a personal condition', a personal condition – restrictions on use - would be extremely appropriate in this situation

Extension at the rear of the gym:

I raised concerns about the new extension with the gym and with Camden Council last summer, and followed this up with the Council. Until recently I never had a response from the Council, but this is being looked into now (Camden Planning-Enforcement Ref: EN21/0591 - July 2021).

Initially the gym manager said the extension was to help with sound reduction for the neighbours who were raising concerns about noise. During the next conversation he admitted they were planning to move some equipment outside so the outdoor space could be expanded into - this has proved to be the case.

The drainage on this extension is poorly fitted and does not cover the whole roof area – water runs from the roof and directly onto the party wall, the gutter also leaks and drainage pipes are poorly fitted.

(A separate matter is a damp/mould area on the party wall that has started appearing recently when it rains heavily. I'm concerned that the building of the extension has damaged the damp course, allowing water

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through. People at the gym say that this has not been damaged but I've not yet been able to check, given, I believe, the wall is their responsibility, it is something they should take seriously.)

Fan/Ventilator:

Last spring an extractor fan was installed on the rear door to the gym – the door accessing their outdoor space above my yard. This was extremely loud, and although they took a number of measures to insulate it, it was still very loud – giving out a deep base noise. This continued to be used and often early in the morning between 6-7am, waking me up.

This ventilator has now been removed and the door, I'm told, sound insulated. Other ventilation has been installed, I'm also told by gym staff, on the roof. I can not see these but I do continue to be woken up by the sound of a ventilator or extractor fan through the night. Again, I'm told by people at the gym that it is not their extractor fan making the noise - that they do not use it through the night or early in the morning, but I can not find any other source of where it is coming from. Since I spoke to people at the gym on Wednesday I have not heard the fan in the night or early morning, this might be a coincidence. The fan has been coming on somewhere around 3 or 4am and continuing for hours, sometimes on a 10 second on/off setting; or starting at 5am until around 6.30am. (I have to say - it is difficult at this time in the morning to have the energy to start hunting around the neighbourhood to figure out where this noise is coming from, though I have spoken to local businesses and they say they don't have extractor fans or are not used at night. This on-going situation is bad for my health.)

As noted earlier, one of the reasons they gave for installing the extension was to help with noise reduction, but this, while the fan was installed in the door, acted more like a drum or reflector for the sound – not a container.

Unsocial hours:

The gym often opens its back door, noisily, at 6am and weightlifting regularly starts at 6.35am - I'm woken by this, the dense thud and vibration of the very heavy weights being dropped onto mats that do not absorb the weight. I was told when raising this concern a few months ago that no weightlifting happens in the morning, and recently, "it's a gym, what do you expect?"

The gym is open 7 days a week and from 6am until 10pm. The levels of noise vary depending on classes and activities, and recently, possibly because of this current planning application I'm responding to, noise levels haven't been excessive. Having said that, this morning (Saturday) while having a late breakfast I did have to listen to someone shouting instructions in the style of a sergeant major.

Even through the supposed Covid-lockdown the gym continued to be used occasionally, waking me at 6.35am with weights being dropped.

Noise from gym activities – vocal/music/weights:

As with all our lives, the gym has been restricted over the last year because of the pandemic. During this time group activities have been limited and noisy classes have been less. This shouldn't be taken as normal and we should take previous experience, pre-Covid, as the gyms 'normal'. Concerns here are:

- Loud music played through the day and especially during group activities;
- Door being left open during hot weather and for ventilation – making noise/volume louder;
- Use of outdoor space for exercising, using exercise machines and weightlifting;
- Voices of trainers shouting instructions;
- Occasional social activities in the outdoor 'garden'\* space, including barbecues. Though these have not been often, I am concerned they may become more frequent with the change of consent/use.

(\*'Garden' was used to describe the outdoor space recently by gym staff, making me wonder if there is a plan

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to turn this area into a social space.)

Conclusion:

In the CrossFit application submitted to the Planning Department, they rely on the previous use of the site as industrial and that it has not been used as a warehouse for 40 years.

They recognise the site is: 'located in close proximity to primarily residential uses', and, 'If this were to be considered today as a new development in isolation, it would not be considered appropriate due to the impact on residential amenity'. ǃ

Although the site of the gym is contained and limited in relation to its accessibility, making industrial use not appropriate any longer, the hours of use and the noise disturbance to the neighbourhood from the gym is comparable to an 'industrial / employment use', and is actually worse because of the long hours it keeps.

The recent changes in planning regulations allowing for a change in classification and use of town and city centre sites/properties I do not think is appropriate in this instance – this area of Kentish Town is not its 'town centre', Tufnell Park is not a Town, it is a row of shops and lots of residential property, as is also noted in the Application. But it is a built-up area with major traffic issues. Camden Council should not be encouraging and enabling business to the detriment of local residents health and wellbeing.

I, and the other neighbours I've spoken to, are all concerned about the potential the change in classification will give the gym – longer hours, more noise, more disturbance, use of outdoor space as social space, the rights to do what they want, and giving the community little cause to complain or rights to not be disturbed. Having to take such action as this – write to you - is work and already I'm spending too much time on having to consider this organisation, never mind being sleep deprived by them!

Camden Planning Department should be proactive and take the catalogue of concerns to limit the gyms disturbance. If they have only just applied for this, which they should have done 4 years ago when they first moved in/took over, then a limited offer could be made based on 'good behaviour' for 12/24 months, to be reviewed. Rather than the 'inappropriateness of a personal condition', a personal condition would be extremely appropriate in this situation. The gym has never consulted the neighbours during the last 37 years from what I've heard from my neighbours, its been a constant stream of reacting to concerns and complaints, with limited impact or change. The last four years of CrossFit, and the period I have experience of this situation has been no different – they do something and its for me to deal with it, react, it shouldn't have to be like this.

A final point is the limited notices posted or lack of any letters sent to local residents who may be impacted by this Application. Although Camden has done what the Borough requests in this situation, I know from speaking to neighbours that people are unaware of this Application and have not seen the notices posted. This is a failure to communicate with resident's matters that may impact on them directly.

Thank you for taking time to consider these concerns.

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2021/2856/P	James Waring	10/07/2021 21:24:00	OBJ	<p>This objection represents the views of both my partner, Caterina Recina, and myself.</p> <p>As tenants of 2 Gottfried Mews – a property located on the immediate southern boundary of the warehouse in question - we do not necessarily oppose the premises being given a Class E classification. However, we are strongly opposed to the applicant using the premises for gymnasium activities during its current weekday operating hours (6.30AM – 9PM, Monday – Friday), due to the noise and sleep disruption this causes and the inefficient mitigations (such as sound-proofing) that have been taken to eradicate noise disruption.</p> <p>On the document titled “1984 Decision”, it states on additional condition (1) “The use hereby permitted shall not be carried out otherwise than between the hours of 9.00am and 10.00pm on Mondays to Saturdays.” As can be found advertised on the business’ website and as we can attest to from the noise and disruption issues we experience, the business is currently beginning operations at 6.30AM Monday to Friday. We believe that not only is this contrary to the authorised operating hours but it is wholly unreasonable, when the site is situated in a predominantly residential area, as cited by the applicants, and causes significant distress and disruption to residents in the area, such as ourselves.</p> <p>We agree with the applicant that ‘to return this property to industrial / warehouse use would be inappropriate as the local area has clearly shifted in terms of overall land uses and is now predominantly residential.’ However, the current usage as a CrossFit Gym is also not appropriate under the current trading hours (namely the start time of 6.30AM) and with the lack of sound-proofing the business has taken.</p> <p>As is advised by Camden Council and as we will further demonstrate in this objection, we have attempted to resolve this issue initially with the business owners before contacting the council to register a complaint. This has proven unsuccessful, hence our next appropriate action has been to raise this objection.</p>

#### Experiences with the business

We have been residents of 2 Gottfried Mews since December 2020. While the business has not operated consistently throughout this period, due to COVID-19 government restrictions (including when we first visited the property and when we first moved in), it has caused us significant distress and disruption when it has been in operation. This is particularly challenging during the early hours of the morning, from 6.30AM weekdays, when early morning classes at the gym start. As my partner suffers from Myalgic Encephalomyelitis, also known as Chronic Fatigue Syndrome, the sleep deprivation caused by this significant disruption is having an incredibly detrimental impact on her health.

Distress is caused by the activities undertaken in the gymnasium, with the sounds waking us up and physically shaking our building. We have reported complaints with the business on several occasions, to no avail. With no compromise or support from the business to mitigate the distress or an acknowledgement that they would try to look at addressing the problem for residents.

After requesting to meet with an owner of the business on, we explained the distressing situation. After suggesting some alternatives to current practices, such as using a different area of the gym during early mornings, or opening at a later time, or using more effective sound proofing, the business stated these were unreasonable and the premises had been used as gym for a long period, so our complaint was not valid. We suggested that we could let the business know the different times that are most problematic, to help them identify the worst offending activities and look to change these. The business agreed this would be useful. Since then, we have sent timings and described the noise issues to the gym (using the email address requested by the owner, examples below) but have never received a response from the gym or any further support.

We have found that the business is defensive and hostile to residents when raising these issues and has been unwilling to look to mitigate the disruption and look at sound insulation, outside of what they have already

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done, which we do not find fit for purpose or satisfactory, as the businesses operations still cause distress to the liveability of our property and noise disruption.

Within our own property, we have taken steps ourselves to try and mitigate the impacts of the noise and building vibrations, including using fans and a white noise machine during the night – to our own monetary cost – to mask the noises, as well as using headphones and ear plugs. This has been to no avail, as we are still suffering from disruptions in the early mornings, with the business continuing to be unwilling to engage.

#### Timeline of Engagement

- Tuesday 15th December 2020 – We move into 2 Gottfried Mews. Within the first few days of living here, we begin to experience disrupting noise and vibration issues at unsociable hours in the early morning.
- Saturday 19th December 2020 – Government announces London will move into Tier 4 Covid restrictions, resulting in CrossFit Tufnell Park closing. Noise and building vibration issues stop.
- Monday 12th April 2021 – The Government’s roadmap out of coronavirus restrictions allows gyms to re-open.
- Thursday 15th April 2021 – We contact neighbour (address can be provided on request) to enquire about noise and building vibration issues causing us distress and disruptions to our sleep in the early morning. They advise us that these issues relate to the operations of the gymnasium and have been an ongoing problem for residents and previously raised with Camden Council. On the same day, we e-mailed the gym to express our concerns regarding the noise and building vibrations being created by the gym at unsociable hours.
- Wednesday 5th May 2021 – after an exchange of e-mails, we agree to meet with the business owners on Saturday 11th May 2021.
- Saturday 11th May 2021 – met with owners to discuss the disruptions regarding noise and building vibrations. No resolution is agreed, with no acknowledgment from business owners of our issues.
- Tuesday 18th May 2021 – as previously indicated, we e-mailed the business owners a noise diary of the early morning disruptions we encountered (please see example in Annex A). No response is received.
- Wednesday 16th June 2021 – having waited for nearly a month without a response from the business, we followed up our previous e-mail to demonstrate that the issue is ongoing and to further emphasise our concerns (please see Annex B). Again, no response is received.
- Saturday 10th July 2021 – we submit our objection to the relevant planning application.

#### Annex A

Katy and James Recina-Waring  
Tue 18/05/2021 10:35  
To: Crossfit Tufnell Park

Hi,

Following our conversation on Saturday 8th May, we agreed we would try to keep a record of the timings when we're most affected by the noises we believe are coming from your premises. This we agreed would help identify what exercises might be causing the greatest disturbances.

Since then, both of us have spent time away from the flat (as we are in a bubble with my mother). However, we've identified two types of noise pattern which most affect us and disrupt sleep but which seem quite

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different. We hope the below may be useful in identifying the particular types of exercises that cause these noises and which could perhaps be swapped with quieter alternatives or done later in the session/day.

If it's more helpful to send notes from one week, we're happy to do this.

Please see below.

Thank you so much and again for meeting with us and happy to discuss any of the details.

Kind regards

Katy and James

Monday 10th May

Between 6.53am and 6.57am, we could hear a series of repeated thuds as well as two single loud bang noises.

There was then a short pause.

Between 7.00am and 7.09am, we could hear a series of shoter thuds (with less vibrations, unlike the first set).

Louder thumping sounds were heard 7.14am and 7.18am before a very loud clatter was heard, then another thump at 7.21am. Then things quietened down shortly afterwards.

We could then hear various noises and vibrations similar to the first set of noises (as noted above) from 7.49am onwards.

We stopped recording at 8am as this is a more reasonable time for the activity/noises.

On Tuesday 18th May, there seemed to be a different type of exercise which creates a different type of noise disturbance. This is more thudding and vibrations which shake our bedroom.

At 7.00am, noises which sounded like something heavy being dropped began. These repeated thumpings carried on for approximately 5 minutes before a pause.

At 7.10am, a drum-like sound then began and continued for about another 5 minutes, before inconsistent thumpings then resumed at approximately 7.15am until 7.24am.

Annex B

Katy and James Recina-Waring  
Wed 16/06/2021 07:18  
To: CrossFit TufnellPark

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Hi

We hope you are well and have been managing to enjoy some of the recent sunshine.

Further to our previous discussions, we wanted to raise that the noises from this morning's session (from roughly 6.40am) and Monday's morning sessions have been particularly loud and disturbing.

We wondered if perhaps new exercises/routines were being undertaken, and if so, whether it would be possible to switch these with quieter routines (and the louder ones conducted from later on in the morning, such as 8am onwards)?

Please do let us know what may be the cause of these particularly disturbing noises and what can be done to help alleviate the situation.

We understand colleagues will be busy but it would be deeply appreciated if you could respond please and we can find a solution to the situation.

Thank you

Kind regards

Katy and James

2021/2856/P    Colette Osborne    09/07/2021 16:17:53    OBJ  
 Property  
 Maintenance  
 Manager North  
 Camden Housing  
 Co-op.

Our property at 223 Brecknock Rd is at the rear of the CrossFit Gym and shares a boundary wall with the property. Currently the gym is operated outside the hours set down in the 1984 permission, with use starting as early as 6.40am. This is noisy and disturbing to our tenants, particularly as there are two flats that have bedrooms close to the boundary wall. If further permission is given for gym use of the building it would be usual for early morning and late evening sessions to take place. The gym backs onto a residential area with small gardens, our property in particular is very close to the gym and we are concerned that increased use would further disturb our tenants.  
 There is a small outside area that is next to the shared boundary wall with 223 Brecknock. Already there has been some development of this area with subsequent loss of light to our property. We are concerned that once further permission is granted that there will be more development of the site to maximise potential use.