



Appeal Decision

Site visit made on 25 April 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/H5960/W/24/3355475

Cross Fit Putney, 243, 245, 247, 249 and 251 Putney Bridge Road, London SW15 2PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Thorburn against the Council of the London Borough of Wandsworth.
 - The application reference is 2024/1348.
 - The application sought planning permission for the change of use from Class B1, B2 and B8 to a Crossfit Gymnasium Class D2 (opening times Monday to Friday 06.00 to 22.00; Saturday 07.00 to 16.00 and Sunday 07.00 to 16.00) with associated Class A3 Restaurant and Café without complying with a condition attached to planning permission reference 2018/3527, dated 19 October 2018.
 - The condition in dispute is No 5, which states: The use hereby permitted shall not be open to customers other than between the hours of: (a) 0600hrs to 2200hrs Mondays – Fridays, (b) 0700hrs to 1600hrs on Saturdays, (c) 0700hrs to 1600hrs on Sundays and Bank Holidays.
 - The reason given for the condition is: To safeguard the amenities of the neighbourhood, in accordance with Council policy DMS1 of the Development Management Policies Document (adopted March 2016) coupled with the requirements of the National Planning Policy Framework 2018.
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Decision

1. The appeal is dismissed, and planning permission is refused for the variation of condition 5 pursuant to planning permission dated 19/10/2018 ref 2018/3527 (Change of Use from Class B1, B2 and B8 use to a Crossfit Gymnasium Class D2) so as to allow an extension of business hours including non-fitness related events to 0500 to 0000 Monday to Saturday and 0700 to 2100 Sunday and Bank Holidays as amended by planning permission dated 15/09/2020 ref 2020/1279.

Application for costs

2. The appellant has made an application for costs against the Council. This application is the subject of a separate decision.

Procedural matters

3. The description of the proposal given in my decision is taken from the Council's validation letter, dated 1 May 2024, which is also stated in the appellant's Statement of Case.
4. The Council has confirmed that had the planning application remained with it for determination, planning permission would have been refused for the following reason:

“By reason of the close proximity of the site to neighbouring residential properties, the potential high noise levels associated with the use, and the lack of the submission of a noise impact assessment, it is considered that the proposed extended opening hours would cause significant harm to neighbour amenity by allowing a potentially noise intensive use to be operational within core sleeping hours. The proposal is therefore contrary to Local Plan Policies LP2 and LP45.”

Background

5. The use of the appeal premises as a gymnasium was granted planning permission in October 2018. A minor non-material amendment was approved in September 2020 that altered the description of development to omit the hours of opening. The revised description reads as follows: Change of Use from Class B1, B2 and B8 use to a Crossfit Gymnasium Class D2 with associated Class A3 Restaurant and Café. Condition 5, which is the subject of this appeal, remained unaltered.
6. The proposal, as submitted, seeks to extend the opening times to between 0500 hours - midnight, Monday to Saturday, and 0700 to 2100 hours on Sundays and Bank Holidays. The appellant's updated Planning Statement puts forward amended opening times, which are up to midnight on Friday and Saturday only, and for the gymnasium to operate until 2200 hours on Sunday. The appellant has also indicated that an opening time of 0500 hours is no longer sought. The reason for the extended hours is to allow non-fitness related events to take place within a part of the appeal premises.

Main Issue

7. The main issue is the effect of the proposal on the living conditions of the occupiers of nearby residential properties with particular regard to potential noise and general disturbance.

Reasons

8. The gymnasium operates from within a series of arches beneath a well-used railway line. The main entrance of the property faces a busy road. It falls within an area of mixed character with residential properties close by on 3 sides of the site.
9. Several measures are put forward to minimise the transfer of noise from events held within the appeal premises to outside the property, the key details of which are summarised in the appellant's Event Management Plan (EMP) and the updated Planning Statement. These documents set out various mitigation measures and good management practice that collectively would ensure that the noise likely to be generated by events would be contained within the building. With appropriate conditions in place to secure these measures, I consider that the use of the appeal premises within the extended times would not be a source of undue noise and general disturbance to local residents.
10. The proposal would, however, bring additional activity to the site with people arriving and leaving the main entrance of the appeal premises just off Putney Bridge Road. This activity would take place up to midnight on Fridays and Saturdays at a time when residents close to the site are more likely to be at home and can reasonably expect quieter conditions in which to sleep and relax. Over this period, the coming and going of visitors has the potential to cause disturbance if people behave inconsiderately by, for instance, congregating along the road and talking loudly, or leaving vehicle engines running or slamming doors shut. These

and other activities could create sudden or loud noises close to residential properties, and this is of concern to many interested parties, amongst other things.

11. Despite the efforts of the appellant, with private trained security and adherence to an agreed EMP, it seems to me almost inevitable that some visitors would behave insensitively while leaving the premises. I therefore agree with the concerns of several interested parties who value the quieter conditions in the late evenings and already find that the use of the appeal premises harms this.
12. I acknowledge that the number of additional opening hours sought is a small percentage of the total time in which the gymnasium is open to customers. However, the impact on amenity would be proportionally greater for the reasons given. Placing a limit on the capacity of the premises during the opening times sought or restricting the number of events that may take place during any one year would not reduce the potential for noise and disturbance during those times.
13. On the main issue, I therefore conclude that the proposal would materially harm the living conditions of the occupiers of nearby residential properties. Accordingly, it conflicts with Policies LP2 and LP45 of the Wandsworth Local Plan 2023-2038 insofar as they aim to safeguard residential amenity.
14. The extended opening hours would enable the operator to diversify the business and provide additional income streams. In doing so, the business would be better placed to address the challenges posed in a difficult economic climate following the restrictions that were imposed during the Covid outbreak. I note that other gymnasiums have recently closed and that the appeal premises could be left vacant if the gymnasium were no longer a viable business. Several interested parties support the proposal. Planning policies also encourage proposals that diversify and enhance the evening and night-time economy, the dual use of facilities, and the economic and community use of the railway arches. However, an appropriate balance needs to be struck between the needs of the business and the amenity of others. The National Planning Policy Framework 2024 makes clear that planning should create places with a high standard of amenity for all users. These considerations do not outweigh the significant harm that I have identified.

Conclusion

15. The development sought conflicts with the development plan, when read as a whole. There are no material considerations, including the Framework 2024, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR