



Planning Potential continues to flex its muscles in the leisure sector having secured another change-of-use approval on behalf of its client, énergie Property (UK) Ltd, after overcoming a potentially onerous set of conditions that would have placed the scheme in jeopardy.

Securing planning consent can often share many synergies with going to the gym – it can require stamina, patience and drive. Planning Potential demonstrated all three of these attributes on a recent application that sought a change of use from mixed use A1, A2 and D1 use to a gym use (D2) on a tricky site. This latest approval for énergie enables the low-cost gym operator to continue to expand its portfolio across the country.

Our understanding of énergie's business objectives, underpinned by our detailed planning knowledge and judgement, meant we were able to successfully negotiate with the Council and secure the best outcome for the client.

Driving the right strategy

Seeking a change of use from A1, A2 and D1 to gym (D2) use, particularly a departure from A1 retail, can often pose a series of challenges. The application site forms part of a larger mixed-use development comprising three commercial units on the ground floor, with 22 residential units sitting above. The application sought a change of use of two of the three units and the gym would therefore become the dominant use on the ground floor.

We successfully argued that the overall benefits of a gym in this location outweighed the loss of retail space, evidencing how the proposed use would not have a detrimental impact on the amenity of existing and future residents as well as unlock timely economic, social and health benefits within the Centre in which the application site was located.

Planning Potential provided advice to the client and noise consultants to ensure the right evidence to support an application was captured. This included commissioning a second study when the build of the development had progressed further.

Determined by the Council under delegated powers, the focus of the application then shifted on to a series of conditions that the case officer was keen to attach following advice internally from the EHO. This included restricting amplified music between certain hours Monday to Saturday and all day Sunday and Bank Holidays as well as restricting opening hours.

Coming to an agreement

Whilst some of us at Planning Potential aren't regular gym users, we knew these restrictions would be problematic for our client – Sundays and early mornings are often the only periods across the week when people have time to go to the gym. Furthermore, a large proportion of people who do go to the gym exercise to music and this would have also meant no classes during these times. It was critical that these conditions were relaxed.

Despite strong reticence from the EHO to relax the conditions, we emphasised the findings of the technical evidence and successfully negotiated with the case officer who loosened the overly onerous conditions. Our personable and pragmatic approach meant we were able to nurture a positive relationship with the case officer, who listened to our concerns.

Summary of achievements

- Assessing the likely effects of the proposals upon existing and future residents
- Building positive relationships with the case officer
- Careful management and collaborative working with the LPA
- Successfully negotiated away onerous conditions

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