

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/H1033/W/23/3327515

DETAILS OF THE CASE

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Appeal By FIT FACTORY GLOSSOP LTD

Site Address
58a Surrey Street
Glossop
Derbyshire
SK13 7AJ

SENDER DETAILS

Name MS NATALIE WALL

Address
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GLOSSOP
SK13 7AJ

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

In addition to the comments made on this case already, I wish to add several points:

- The gym operates at antisocial hours, plays amplified music at volume and has the public coming and going in large number with dozens of cars arriving. When we are woken in the early hours by owners opening at 5.45 a.m. and are kept awake by the instructor shouting and music that follow soon after, it feels to us to be closer to a nightclub than an industrial unit. We have great relationships with all the other neighbouring industrial businesses who are made no disturbance beyond what we'd reasonably allow for.

- The building is a simple, insubstantial metal one not suited for the purpose for which it has been purchased. We have installed new double-glazing and can hear the noise inside our house with windows closed so I do not think we can reasonably do any more in terms of soundproofing but the gym seems completely unsoundproofed and I wonder if they might address this.

- The appeal statement compares the gym's location to others in the area calling them similar – please note that basic local knowledge or a look on Google Street View would disprove this. PureGym is in a retail park and of different construction, the leisure centre is on a major trunk road (the A57) not a quiet residential side street like ours, Crossfit Glossop and ASAP Fitness are properly in industrial estates – they are categorically not comparable to our situation where a row of houses faces directly opposite within a few metres. There is one comparable gym which has been omitted from the appeal statement – it is only a few metres from Fit Factory on the corner of Surrey Street and Oak Street and is called A2Z Fitness – it opens at 7, not 6, a.m., which is telling, I think. (It is of stone construction.) This opening time is more in keeping with the unique residential/industrial setting we have here and it would be the only comparable precedent to follow in this precise location. It also proves that a gym business in this location and opening at 7 a.m. is feasible and financially viable. In short, the initial planning decision strikes a compromise that fits the nature of the street in a way that residents can get on with and that I believe would be workable for Fit Factory too.

- In the appeal statement, it's said that opening one hour earlier (6 instead of 7) would make a huge difference to them financially but sadly it also comes at a too high a cost for us and our wellbeing. It's not just one more hour to us, it's a massive source of stress that changes the course of our day. Although it's been suggested they have no music on before 7 a.m. we've been woken from sleep by it only in the last week. The noise meter purchased about a year ago (we have emails from them to substantiate this) is not sufficient because it hasn't stopped the disturbances all year. Also, shouting and slamming car doors continue to wake us in addition to music.

- Members of the gym say there is not sufficient ventilation in the building and it gets incredibly hot so the large loading shutters are opened in the spring and stay open all summer from 6 a.m. until 9 p.m. most days. The noise, which is already a disturbance when the shutters are closed, becomes unbearable. This is in breach of the environmental health officer's condition that 'All windows and external doors shall be kept closed at all times that amplified music is played within the premises; except for the immediate access and egress of persons.'

- In summer, several classes per day are held fully in the car park (we have photos and videos of this) or by taking people running up and down the street en masse. The instructor's shouting, music and mechanical bleeps are even louder. Last summer colleagues on work calls asked me who was having a party because they could hear the music so well (inside my house with windows closed).

- We cannot sleep with windows open when the weather is hot. I'm expecting to have a newborn baby this summer and overheating is extremely dangerous for them – the prospect of our welfare being compromised by not being able to open windows due to this business's noise is very distressing. That aside, we should be able to sleep with windows open and not be woken every day before 6 a.m.

- They are supposed to open at 9 a.m. on Saturdays, but we know they opened at 8 a.m. on many Saturdays and we have videos of them open then with clients mid-exercise and music playing loudly at

this time. We shared these videos with our planning case officer at High Peak Borough Council but can resupply if they are not accessible to you.

- Our phone numbers have been blocked and emails ignored so communicating our issues with the business is not possible any more.

- The gym membership has significantly increased over the past year – the car park is regularly full to overflowing onto the street and the more people, the more noise when they arrive first thing. This also suggests that the gym is not struggling financially.

- The disturbance is causing a great deal of distress to us as individuals. It has been over a year now and the cumulative effects on our wellbeing of this constant early morning noise is significant. We start most days woken from sleep at or before 6 a.m. by other people's noise: car doors slamming, shouted greetings across the car park and music and it's really taking a toll.

- Our quality of life would be immeasurably improved if this gym opened at 7 a.m. instead, as originally agreed in the planning consent given last year, and if measurable limits were put on the noise they can produce during opening hours, especially where it concerns amplified music, beeps and voices.