

Variation of Condition 2 of APP/18/00459 and APP/19/00988. Limited use of Pilates Studio Mr and Mrs Perkins submitted by Mark Leedale Planning Consultants.

In relation to this application, I wish to make the following comments and objection in principle to the use of the outbuilding as a Pilates studio.

The applicants gave neighbours 2 days notice of the planned building of the 'summer house' and 'landscaping' which gave neighbours no chance to express any concerns about the impact the building would have on their amenity. Indeed, the very descriptions sought to hide the true purpose of the building or its all weather garden surface.

The building is, in fact, a huge construction built to within centimetres of the permitted limits, and was clearly designed as a commercial venture, as was confirmed by a family member prior to construction, and which was advertised on Mrs Perkins business page on Facebook as 'Project Training' despite vehemently denying such a purpose.

The laying of an all weather surface could clearly be used by the applicant for the personal training of paying clients, which from previous experience of her personal training activities (done without permission), is both noisy and disruptive to neighbours.

The building was originally erected without the necessary planning permission, as per the covenants within the deeds of 19B, and work continued at a rapid rate, despite being informed of the planning regulation as soon as the building work was started. Mr and Mrs Perkins still chose to continue with the build in their haste to get the building up before it could be stopped.

The building was almost complete before work was halted by Planning.

Despite insisting that:

'the outbuilding will be used for additional home storage, as well as essentially providing an extension to our existing dwelling and garden areas which currently exist'

and again, insisting that

'For clarity, the outbuilding will NOT be used for any commercial uses or activities'

as well as confirming that the building will be:

'for family use for play/storage/home office and home gym equipment.'

the intention was always to use these large premises for Mrs Perkins training purposes.

Not only did a member of the family confirm this prior to the build, but she was advertising the building of her training facility as 'Project Training' on her MALM

website as early as April 24th, 2018, which is at least 9 months prior to the claimed completion date of 01/01/2019.

It is also clear from the number of applications made by Mr and Mrs Perkins, following the retrospective planning permission, that they are pursuing their commercial plans with great persistence, whilst denying any such thing (pre-application, first application, withdrawal, second application for variation) If their true intention was to use the building for purely family use, then why are they pursuing their commercial plans so vigorously, despite the very valid objections of their neighbours?

Indeed, such is their determination to gain permission for this commercial venture that they have employed the services of a 'professional' consultant.

It is difficult for neighbours to give credence to anything the applicants say, as they have quite clearly contradicted themselves several times. Not only that, but they claim that there would be 'no undue disturbance' without offering any evidence to support this claim. It is clear that there would be no 'undue disturbance' if the Pilates Studio did not exist.

The concern is that, if permission were to be given, the claimed usage would rapidly increase to a level which would be commercially viable, and which would have a significant effect on the amenity of neighbours.

Application APP/18/00459 was approved with the intention of the building to be incidental to the main family home and used for the enjoyment of the family.

"The outbuilding...shall not be used for any business, commercial or industrial purposes whatsoever."

The conditions which existed and which resulted in such a limitation being put on the use of the structure still exist, so these limitations should remain.

Whilst working from home in a home office may be acceptable, starting up a Pilates studio operating 6 days a week has considerably more impact on surrounding homeowners and the amenities of our family home. It is difficult to see how the building can be used as a home office when classes are taking place as there is no partitioning in the building.

In limiting the use of the building in the original permission, it is clear that the Council felt it necessary and reasonable to impose condition 2, restricting the use of the outbuilding to exclude any commercial use. This was imposed to protect the amenities of nearby properties. This was in due regard to policies CS16 and DM13 of the Havant Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

In the original planning consent it was stated that, in the interests of the amenities of the occupiers of nearby properties:

'no additional windows, doors or other openings shall be constructed within the elevations and/or roof slopes of the building without the prior written approval of the Local Planning Authority.'

However, it would appear that 2 windows and French doors have been added to the building rather than the bifold doors and no windows described on the planning application. Therefore the building has been significantly altered without the Local Planning Authorities written approval, which is contrary to the original planning permission.

It was also stated that

'The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.'

This is clearly not the case, as the building has been clad in a very bright light grey material that is quite out of keeping with the existing buildings in the surrounding area.

Although the applicants claim that there would only be classes on a 1:1 basis, the plan submitted to show the proposed parking arrangements, (which we note, is not to scale and does not present a true representation of the parking situation) still shows parking for 5 vehicles at the front of 19B, which indicates that the use of the outbuilding will be considerably more than has been declared.

More than 3 cars on the driveway will, ultimately, result in vehicles parking on-street where limited space is available, as clients coming and going will have to reverse out and change places, especially at change over time. At present there is one parking space on the road between the properties and parking is already difficult in the local area with many vehicles impacting on the ability to exit the driveway safely, due to restricted vision caused by parked cars, and the proximity to two junctions. The entrance to the driveway is only wide enough for one car to enter and exit, therefore there will be considerable problems at change over, when additional cars will be trying to park.

The accompanying planning statement advises that the Pilates studio will be in use 6 days a week at various time frames, for a total of 34 hours whilst asserting that only 10 hours a week will be used. Why then is the applicant asking for 34 hours?

This can hardly be regarded as limited use, and the proposal for 10/34 hours a week is not acceptable, particularly with the contradictions within the application.

The applicants claim to have:

'regard to the reasonable needs of neighbours and the safeguarding of their amenity'

yet they quite clearly STILL propose classes to be held 6 days a week for a total of 34 hours. There has been NO regard for the reasonable needs of neighbours whatsoever, and the variation is excessive and entirely inappropriate in a closely packed residential area.

In the original application the applicant describes her full time work as a Manager at a Health Studio in Chichester, as well as a very full commitment to holding commercial classes in various places in the area. Why then, is she applying for classes to be held for 34 hours, yet only using 10 of them? In order to be available 6 days a week for these supposedly 1:1 classes Mrs Perkins would obviously have to give up her full time job, and her evening and weekend commitments. In order to replace that income it is inconceivable that 10 hours a week, on a 1:1 basis would be viable. Hence the grave concerns of residents that this is merely a smoke screen, and that the real intention is to gain permission for limited use, which will then be rapidly increased to a much larger business.

How can the applicant's proposed claim to limit classes to just 10 hours a week (whilst applying for 34 hours) be enforced? Who is going to protect the amenity of neighbours, and who is going to monitor whether those 'guests' are friends, paying clients or relatives?

It is concerning that, statements are made by the applicant which contradict each other, thus presenting a confusing picture of what is actually proposed.

For example, in paragraph 4.9 of the application, it is stated that it will be 'for one person and one instructor' and yet in paragraph 4.12 they state that 'it would OFTEN comprise a single person.' This implies that at other times it will comprise MORE than a single person. Further concern follows from the statement that the use could 'include guests as well as perhaps a single paying participant. This is not acceptable, nor is it reasonable, as it leaves the door wide open for groups of people (whether paying or not) to be given classes.

Who is to ensure compliance with the planning conditions, as the applicants have already altered the structure of the building without written permission?

Whilst the applicant describes the building as a Pilates Studio, it is clear that there is no way of ensuring that only Pilates is taught within it. The applicant offers a range of classes, some of which are high impact, so who is to monitor what is actually being taught? Nowhere is there a clear undertaking that only Pilates will be taught.

In paragraph 4.9 the applicants have made statements about 'doors and windows remaining closed' and that 'music is not audible from the garden.'

They also maintain that the building is fully insulated and resistant to external noise exposure. If this is the case, then the building was obviously designed for there to be classes which involved the use of music as it is not normal for a summer house to have insulation which prevents external noise escaping. This indicates the prior intention to use it as a Pilates/Fitness studio from the outset.

It also causes concern that other commercial activities which DO involve noise and music are going to take place once permission is given.

What acoustic insulation has been installed in the building to ensure that there would be no noise pollution? It is not normal for a building to have acoustic insulation installed, rather than the thermal insulation buildings are required to have, particularly one which is only for incidental use and storage. This wooden building will not offer even the sort of sound insulation that a properly built brick building would have.

Unfortunately the installation of curtains in no way prevents the escape of noise. All it does is offer the opportunity to conceal what is really taking place inside the building.

As far as the problem of noise is concerned, the applicant offers no scientifically based evidence as to the noise levels which will be generated. Neither has there been any professional opinion offered. Simply standing in the garden and listening to the volume of sound generated by the applicants themselves does not constitute any sort of scientific test, especially as the applicant themselves were in control of the sound level. Indeed, where is the report of the findings of this visit?

There was no application for Building Regulations compliance (which was apparently unnecessary) so there is no evidence that the building itself was constructed to an adequate standard, particularly when members of the public are to use it.

The building itself is of a poor timber construction which has already suffered a number of problems including the necessity to rebuild the sagging roof. There are also issues about its construction not being completed to an adequate standard.

The applicant describes the use of a 'standalone air conditioning tower' but is this a true air conditioning unit or is it simply a cooling fan? As such, a cooling fan would be quite inadequate in dissipating the heat generated by both the sun, and clients exercising.

The construction of the building, and the large black flat roof which absorbs heat, means that the building gets extremely hot, and that, together with heat generated by exercising will mean that the heat will need extracting, rather than it being moved around by a fan. The flat roof will also offer little sound proofing.

Since its construction, the doors of the building have been continually left open whilst it is occupied (and often when it isn't) which confirms the fact that it is too hot to work in without the hot air being let out of the door. With the door open there is already considerable sound pollution from loud telephone conversations, so an exercise class, with or without music will obviously cause sound to be heard outside the building, particularly if the door is open.

If you add to that a class of people doing exercise, then without a proper air conditioning system it will be impossible to remove this heat.

Should such an air conditioning system be installed we trust that it will be in line with all Environmental Health requirements.

In respect of the above point there are related issues of noise, music, conversations both before and after, noise of vehicles moving, car doors slamming etc potentially 6 days a week, including Saturdays.

If the building is allowed to be used for commercial purposes then we will be exposed to numbers of strangers being able to view directly into our bedroom windows, these being primary rooms in our family home, this is not good planning. We believe that any weekend use is unreasonable and holding classes every weekday significantly impacts our privacy and amenity.

This is a purely residential community with houses which are closely packed, with gardens and houses very close to each other, so any commercial operation such as the one proposed by Mr and Mrs Perkins will have a huge impact on the amenity of surrounding properties. There must be many opportunities close by in the area to rent a suitable venue for such a commercial operation without affecting the amenity of neighbours. Indeed, Mrs Perkins already uses local facilities which do not impact in any way on neighbouring residents, so why does she need to work from home?

Although we understand this is not a planning consideration, we would also like to mention that our properties have a covenant in the deeds which forbids their use for commercial purposes. Again, another restriction put in place to avoid conflict between commercial and residential uses. It is clear that if this covenant is ignored residents will be prepared to pursue this matter further.

We also have concerns that once permission is granted for 'limited use' as a Pilates Studio there will very soon be a further application to increase this level of activity. As outlined in a previous planning statement, at the moment, Mrs Perkins is heavily committed as a Manager of a Fitness Studio, and with large classes in various places in the local area in the evenings and throughout the weekend. Being available for 34 hours a week will result in her having to give up her full time job and the extra classes. Having only one Pilates client for only 10 hours a week, will not be cost effective as it would not replace income from these sources so inevitably she will have to increase the number and size of the classes. The building is of such a big construction that it could easily be used for large groups of people. This would have a disastrous effect on properties surrounding the studio.

Whilst home working using a computer, for example, may be perfectly acceptable, the use of a building for such activities will inevitably impact upon the amenity of nearby residents. It also changes the character of the area, and the concern is that once such a business is permitted the floodgates will be opened to others wanting to set up businesses from home, in this quiet residential area.

Whilst the applicants claim to have noted concerns of neighbours, although there is no evidence of this, and have, apparently moderated their aspirations, they have at no time sought a dialogue with neighbours about safeguarding their amenity. Nor have they seemingly taken into account the justifiable objections of their neighbours.

I therefore strongly object to the granting of permission for the proposed Pilates Studio, and urge the rejection of this current application.