

Dear Ms Wells

Because of the issues that have arisen with this application it is clear that, with reference to the Havant planning website, this is a very controversial application. Therefore, in going forward, we believe that it should be dealt with in a more serious way ie:

- a. The involvement of the planning committee
- b. The involvement of the Head of Planning
- c. Appearing at one of the three weekly public meetings where objectors can be given the opportunity to speak.

We would expect that this procedure is now followed, or be given an explanation of why not.

We enclose comments and photographs.

Yours sincerely



We write in response to the letter from Mark Leedale Planning dated 31st October, 2019. We wish to make the following comments:

In reflecting on the history of this application it has always been designed to confuse and to mislead.

It is clear that the concerns of neighbours following the retrospective application for planning permission were WHOLLY JUSTIFIED.

As predicted, despite vehement protestations to the contrary, Mrs Perkins quickly applied for business use, which residents expected, as it was always meant as a location for her fitness business. (Whether this is described as a Pilates Studio/gym/fitness studio is irrelevant - it is a business)

1. From the outset the applicants have sought to deceive both the neighbours, residents and the Planning Authority as to the building's true purpose. They have consistently misled them, and have persisted in pursuing their business plans.

Some weeks before the building work started in April 2018, a family member described in detail Mrs Perkins plans to construct a suitable building in the garden to accommodate her personal training business. An all-weather artificial grass surface was also to be laid.

On April 14th, 2018, applicants notified neighbours that building work was to start on April 16th. It was described as 'a summer house' and 'landscaping.'

The building which emerged could in no way be described as a 'summer house' and was of commercial proportions, being almost the full width of the plot and a little under 30 sq metres. It also stands a metre above neighbouring boundary fences.

The building was erected without the necessary planning permission, but retrospective planning permission was eventually sought after they were forced to suspend

construction. In this retrospective application there were clear undertakings by Mr and Mrs Perkins 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.'

Additionally the applicant said

'For clarity, the outbuilding will NOT be used for any commercial uses or activities.' (NB applicant's use of upper case letters)

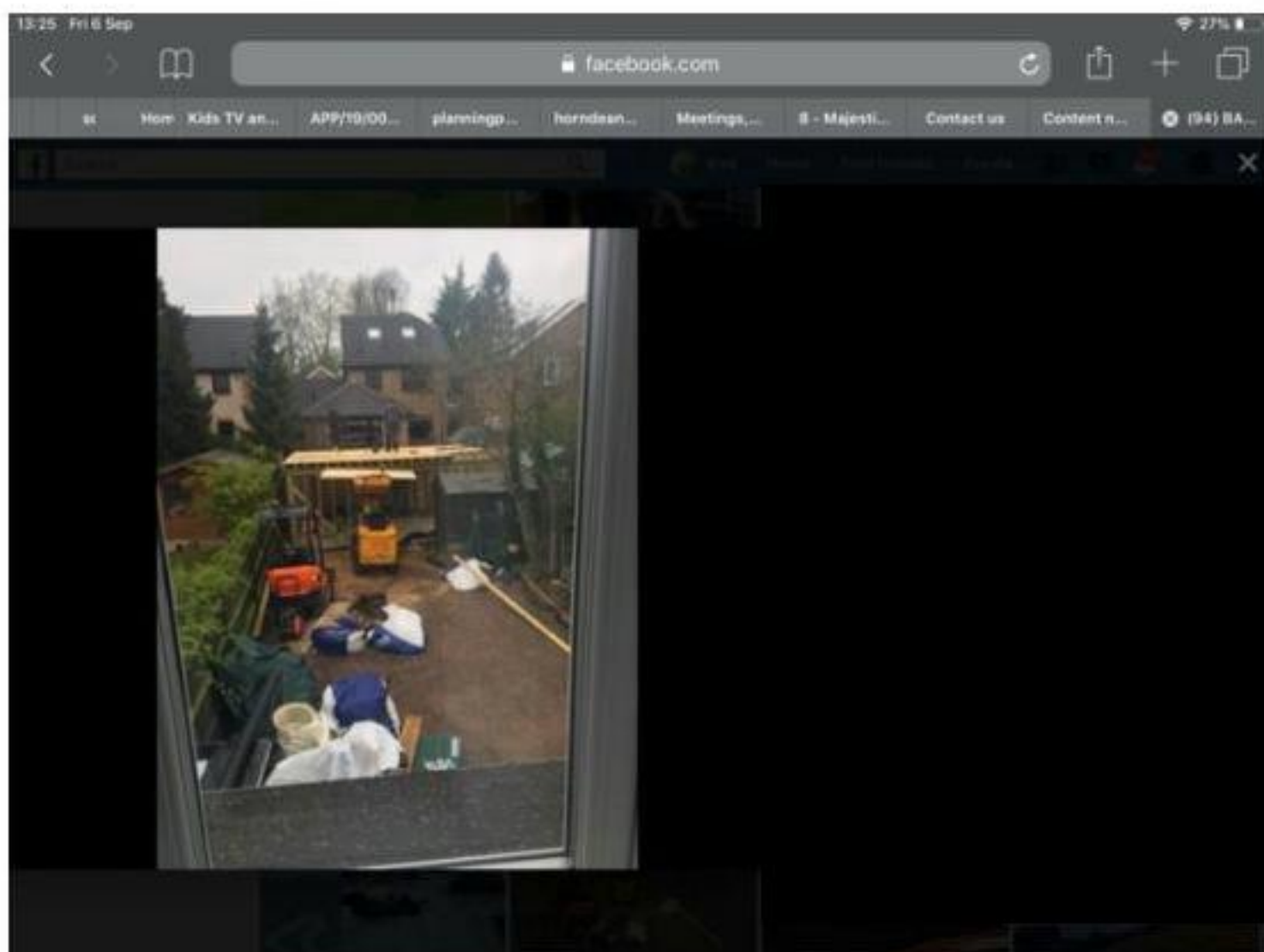
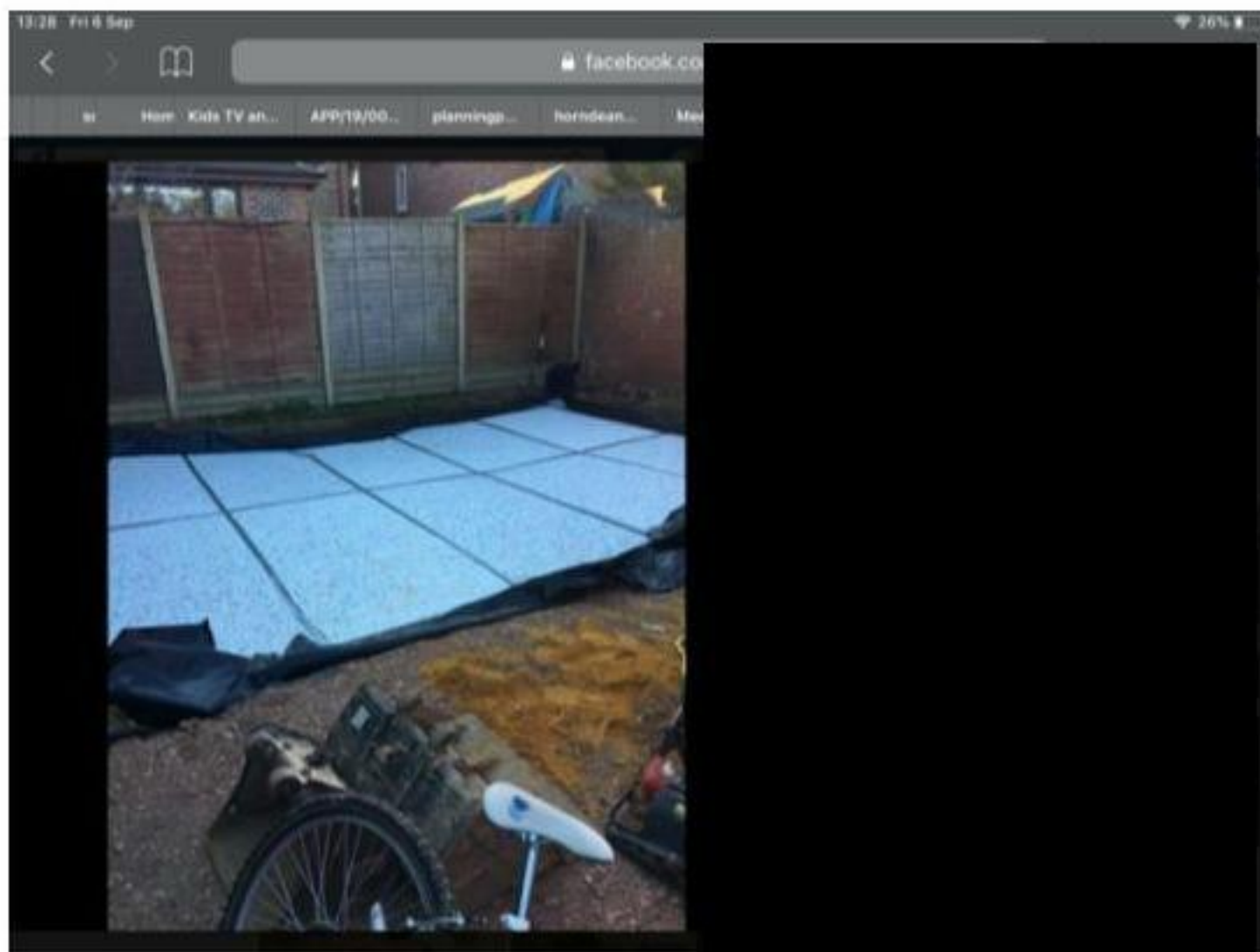
The application form accompanying APP/18/00489 again stated that:

This will be for family use for play/storage/home office and home gym equipment.

As a result of these assurances the building was granted retrospective planning permission with the specific exclusion of its use for any commercial use, and was limited solely to family use.

It is significant that Mrs Perkins posted photographs on her MALM Facebook webpages (where she advertises for clients and gives updates on her classes etc) of the building's progress to her paying clients (April 21st, April 24th, 2018) well before she was forced to apply for retrospective planning permission, and over 8 months prior to the claimed completion date of 01/01/2019

She described the building as 'Project Training' and gave regular updates. (See attached photos).



Once the building was completed there was a prompt application for a variation of the planning permission for use as a 'Pilates Studio.' This is in direct contradiction of the assurances made several times by the applicants.

Even before this application, the applicants had sought a pre-application and had been advised to moderate 'their aspirations.' This moderated application was for 43 hours a week, 7 days a week and every evening, for classes of 3 people every 40-60 minutes. One wonders what the original pre-application was for if this was a 'moderated' plan. This in no way can be described as limited use.

When the level of concern by neighbouring residents was seen, this application was withdrawn and a very confusing reapplication was made.

The applicant is still applying to operate 6 days a week, 6 hours Monday to Friday, including evenings, and for 4 hours on Saturday, for a total of 34 hours. However, they have sought to hide their true intentions by stating that there will only be 10 hours of classes. Why then is permission being sought for 34 hours? We believe this is to conceal the true extent of the proposed business.

According to ONS (the Office for National Statistics - www.ons.gov.uk) the average weekly hours of work for full time workers (seasonally adjusted) is 37.4 hours. Therefore the applicant, in offering 34 hours a week, is very close to a full time occupation.

The applicant stated that Mrs Perkins works full time in Chichester and has numerous classes during the evening and over the weekend, so how will she be available for these 'one to one' classes over various times during the

day if she is a full time manager in Chichester? Clearly she cannot be in two places at once!

It is clear from the number of applications and pre applications that Mr and Mrs Perkins are very determined to pursue their commercial plans, whilst denying any such thing.

There is no doubt that should this variation be granted there will follow such applications as are necessary for them to increase their business to a full time operation.

We also take issue with the so called '1:1' classes proposed in the application. Once again, there is conflicting information as in paragraph 4.9 they state it will be 'for one person and one instructor' only, but they contradict themselves in paragraph 4.12 by saying that it would 'often' comprise a single person. This indicates that it would frequently comprise MORE than a single person.

Not only that, but they add further to the confusion by stating that the use could 'include guests as well as perhaps a single paying participant.' This is clearly meant to mislead, and who is to define the status of those visiting the Pilates studio?

2. In respect of paragraph 2 of Mark Leesdale's comments that:

'For the record, the applicant has never had a website.'

Mrs Perkins certainly DOES have a live website, (see enclosed photographs) www.balm.co.uk, and it is on this website that she advertises that the following fitness classes are 'coming soon.'

Buggy Fit

Piloting
Zumba
Pilates
Cardio

WhatsApp 14:31 39%

Not Secure — balmuk.co.uk



balmuk.co.uk



BALM coming Soon!

Body and Lifestyle Management



- 1-2-1 and small group training
- 1-2-1 postural pilates
- Nutrition & dietary advice

Coming soon

Fitness classes:

Buggy Fit

Piloxing

Zumba

Pilates

Cardio



Should there be any doubt that this is indeed Mrs Perkins website there is a photograph of her, and her contact details, stating her name and telephone number, and email address, which are clearly advertised on this website.

Not only that, but Mrs Perkins also has an extensive Facebook webpage, including photos, where she advertises forthcoming classes and advertises for paying clients. It is on this page that she described the building as 'Project Training.'

It would appear that Mark Leesdale has been misinformed by his clients. If they seek to mislead their paid consultant in this way, then it is difficult to believe anything they say.

3. It appears that the applicant is willing to keep a 'precise' record of classes, but as there have been numerous instances of false and contradictory information being given already, this really would be of little value.

5. It is stated that the building is 'insulated' but there is no evidence that it is insulated for noise. It was not constructed under Building Regulations, so there appears to be no certificate to prove that it is correctly built. Comparing the noise emitted from this poorly constructed wooden building, with wooden walls and a thin flat roof, to noise from domestic activities in a fully brick built house with a properly insulated tiled roof, built under Building Regulations, is absurd.

As Mrs Perkins clearly operates a number of different classes, some of which are both noisy and high impact, what is to stop her adding these classes once she has gained permission for Pilates?

6. Mark Leedale's claim that the objections to this proposal were 'orchestrated' is ridiculous. The letter to which he refers (of which only two were sent) contains nothing whatsoever to support that view, and was simply a letter of thanks to neighbours and a request for these concerned neighbours to be vigilant in looking out for a re-application - something which is their democratic right to do. It is perfectly within their rights for concerned residents to discuss any proposal which will adversely affect either their properties, or those within this closely packed residential area. Had the applicants been honest in their first application for retrospective planning permission there would undoubtedly have been significantly more residents objecting to that original proposal, and planning permission might well have not succeeded at the outset. It did so only because the applicants hid their true intentions.

Not only that, but it is somewhat condescending of Mark Leedale to imply that residents were incapable of thinking for themselves.

It is apparent that the proposals are anything but 'precise' as they are designed to confuse and are quite contradictory.

7. Whilst the covenants may not affect this planning application they are a civil matter and will be pursued should the application be successful.

8. In paragraph 8, once again there has been an attempt to mislead, as Mr Leedale only provides pictures showing the internal lights of the building. However, there is no mention of the hugely bright external lights attached to this building which, when operated, DO floodlight the garden and adversely affect the surrounding properties, with light streaming into upstairs bedroom windows. These lights are what are causing concerns to neighbours.



In conclusion, we believe that there has been a concerted effort to hide the true nature of the proposed business in order to get planning permission. We are concerned that it sets a dangerous precedent for such businesses to open in a wholly residential and closely packed area. We are also concerned that, as has been

already demonstrated, the applicants will, if successful, make continued applications to further increase the business.

We would also like to comment on the supporting comments. As these are mainly from paying clients of Mrs Perkins, who have a vested interest in her succeeding, or work colleagues who are also in the fitness business and who are therefore biased, these can have no bearing on the application itself. There will be no adverse effects on these people as they do not live next door to the proposed business, and they clearly do not have any understanding of the very real concerns of neighbours. Clearly these clients have a vested interest in the application being approved as they would like to benefit from being able to be taught on private premises.

Whilst these clients and colleagues of Mrs Perkins seek to extol the virtues of Pilates, the health benefits of Pilates are not clear, NHS.UK warn that 'whilst there are many reports on the health benefits of Pilates, few of these have been subjected to rigorous scientific examination, and there is a need for more research in this area.'

We reiterate that there are very valid reasons for refusing permission for this business and we trust that Havant Planning will continue to protect the amenity of those residents who will be closely affected by it, as they did with the original application.