

and provision of security shutters, PERM,20/08/1999
05/52998/007 - Application for use of premises as a Children's Dance School (use Class D1)., PERM 22/03/2005
05/52998/008 - Change of use of premises to include training place for adults with learning disabilities, (dual use with Dance Academy), WD,11/10/2005

3 Proposal

Variation of conditions 2 and 5 of Planning Permission 05/52998/007 to retain use of premises as Children's Dance School (use Class D1) between 1615 hours and 1900 hours Monday to Friday and 0900 hours and 1600 hours on Saturday, and to include extension of D1 usage for a Play School between 0700 hours and 1545 hours Monday to Friday.

Planning permission 05/52998/007 to use the site as a children's dance school was conditioned for Brightstars Dance Academy only with hours of use limited to between 1500 and 1900 Monday to Friday and between 0900 and 1600 on Saturdays. This is a Section 73 application seeking to allow a dual use of the site through the inclusion of a pre-school between 0700 and 1545 Mondays to Fridays when the hall is currently empty. It is proposed to cater for between 20 and 25 children aged 2 years to school age through a "pop-up" play group ie all the equipment is packed away at the beginning and end of each session, leaving the hall free for its alternative user. Depending on ages of children this would result in staffing of between 2 and 6/8.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager

We have considered the proposal from a noise perspective and recommend planning consent be refused on noise grounds in order to avoid significant adverse effects. This is because there is likely to be an unacceptable impact on external amenity at the nearest bordering residential property. The reasons for this include,

- 1) Noise from children can be variable and unpredictable in nature, and may have identifiable characteristics which could be more annoying at lower sound level than

- continuous sounds. Repeat exposure to this type of noise on a daily basis could make the noise less tolerable over time.
- 2) The cumulative impact of the noise arising from existing uses within the vicinity, plus the new noise source may make the noise less tolerable. Existing noise sources include noise from the nearby primary school, from the dance school during the evening and from road traffic noise. The premises subject of this application would effectively be in continuous use between 0700-1900 hours.
 - 3) In respect of the adjoining residential property, there is no alternative external amenity space that could be used by the residents during the hours of the proposed Play School.
 - 4) The front of the bordering residential property faces on to a busy road, and hence it is expected that it is exposed to medium levels of road traffic noise. Therefore, it is even more critical to protect the external amenity space.

We do not believe that the noise could be successfully mitigated through physical barrier(s) and/or via planning condition(s).

Hampshire Highways

The parking arrangement prevents half the spaces being used when all are occupied and I note the Traffic Team's comments. What is clear is that the existing access arrangement could not serve the proposed increase in on site parking and therefore the whole of the frontage boundary would have to be removed to provide a wider vehicle crossing of the public highway.

I confirm the Highway Authority have no objection subject to :-

Prior to use commencing the area shown for the parking of vehicles shall be surfaced in a non-migratory material and shall be maintained in this condition thereafter.

Note to Applicant

Before undertaking any work which affects a public highway (including a public right of way) you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk

Officer Note: The entire site frontage is already block paved with full open access and dropped kerb - therefore these suggested conditions are unnecessary

Traffic Management

The parking layout as it stands does not allow access to three of the parking bays and therefore this would fall short of what we would expect.

We would also raise the concern that any traffic crossing in to the parking bays on the frontage and the possible danger to small school children of vehicles manoeuvring off of the frontage particularly at the end of the school day with restricted site lines.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

- (i) Principle of development

- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking/Highway safety

(i) Principle of development

This is a Section 73 application seeking to vary conditions 2 and 5 of 05/52998/007 and as such it is only the matters relating to the proposed changes that are for determination, not the original use.

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal would make better use of this community site by introducing a new community facility for when the building is currently vacant. However the economic benefits of this must be balanced against any potential harm from the more intensive use.

It has also been noted that the proposed use could result in a duplicate facility and oversupply of child care places. However this would actually provide choice for parents and it is noted that the market economics/competition is not a valid planning land use consideration. The business decision to operate adjacent a similar use is a matter for the applicant. It is understood that the proposed pre-school operator has received her play school registration from Ofsted for the site.

(ii) Impact upon the character and appearance of the area

There would be no external alterations associated with the proposed use which would remain appropriate to its setting and character of area.

(iii) Impact upon residential amenity

Noise from children playing outside is a key consideration in the determination of this application. Since 2005 the building has only been used between 15:00 and 19:00 as a dance school with children taking lessons having a break outside. The external noise associated with the building has therefore been quite minimal. The site is however located adjacent a fairly busy road and primary school and as such the ambient background noise is not insignificant. Policy DM10 relates to pollution and seeks to protect nearby occupiers from noise, and policy CS16 1. e) also requires development not to cause unacceptable harm to amenity from noise.

Discussions with Environmental Health relate to the concern about the potential for outdoor play to result in continuous sounds from 0700 to 1900 which could result in the introduction of a noise nuisance to adjacent gardens - of which there are 3 abutting the site - but notably the garden of No108 to the north is quite small with a tight relationship with the side covered canopy area. It is particularly noted that the covered side canopy would allow for outdoor play in all weathers and this is sited in very close proximity to the neighbours property and garden. Whilst no objections have been received to the proposal, it is generally only once in use and experienced that neighbours may find the potentially incessant noise a nuisance and harmful to their amenity.

This has been discussed at length with the proposed pre-school operator with various solutions to reduce and mitigate against potential noise nuisance. Ofsted promote free flowing outdoor play with access to outside areas. To accommodate this it has been agreed that a maximum of 20 children could have unlimited access to the rear

garden/yard area (realistically only in fair weather) but will only have limited access to the side covered canopy area between 10.30 and 11.30am and 12.30 and 13.30. This would approximately coincide with the play times of the adjacent Barncroft school, with the concept being that all the background noise would be concentrated together, with predictable quieter times between - this would give the residents at No108 the opportunity to enjoy some more peaceful times in their garden rather than any noise from under the canopy being potentially continuous.

It is also suggested that a years temporary permission be recommended to enable the monitoring of any noise nuisance over the first year. As a new use it is difficult to accurately assess the likely impacts on neighbouring amenity and once operational any complaints can be monitored. The proposed pre-school operator has agreed to this.

(iv) Parking/Highway safety

The building has always been in some sort of community use - church hall/doctors/educational centre etc which would all fall within D1 uses. However the more recent planning permissions have been personal to the applicant, for highway reasons. It is acknowledged that the parking at the site is limited with just 6 fore court spaces available and in a tandem fashion such that the 3 spaces closest to the building are blocked. It is however considered that this arrangement is not prejudicial to the daily operation of either the existing Dance Studio and proposed Pre-School as the 3 spaces closest to the building would be likely to be occupied by staff for the duration of their respective sessions with the 3 spaces behind available for parents to drop off and collect.

It is also noted that a pre-school generally serves the local community with many of the prospective parents being local and able to walk or dropping as combined trips with children at the adjacent school. The proposed pre-school would also cater for young children with staggered drop offs/collections to suit parents rather than being timed attendance sessions like at school. Furthermore many of the children attending the after school dance lessons walk straight round from school and some of the pre-school children may stay on for dance lessons i.e. the uses compliment each other and would minimise separate trips to the site. On this basis it is considered that the number of vehicle movements associated with the use would be limited and staggered and not result in an unacceptable increase or peak demand.

It is noted that a third party objection has been received based on parking congestion and highway safety. However the enforcement of the existing parking restrictions (double yellows and zig zag lines) are not a planning consideration. The reversing out of the site is a current situation serving the building and Park Lane is not classified. Overall it is considered that the proposed use is sufficiently related to the adjacent school and existing dance studio that any additional vehicular movements would not result in any adverse harm to highway safety. It is noted that the Highway Authority do not object to the use in principle.

8 Conclusion

Overall it is considered that the proposed introduction of a pre-school would make better use of the site and provide a community facility to serve the local population. It would also enable the existing dance studio to remain in business and provide the additional jobs associated with the pre-school. To mitigate and monitor any potential noise nuisance to neighbours it has been agreed to recommend a years temporary

consent, with 20 children maximum, with the use of the covered side area limited to two timed sessions. On this basis condition permission is recommended. As a Section 73 application it is necessary to repeat all other previous relevant conditions.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT TEMPORARY PERMISSION** for application APP/19/01098

(A) subject to the following conditions

- 1 The Pre-School hereby permitted shall be for a limited period expiring on 31st January 2021, on or before which date the use shall be discontinued permanently and the site shall be restored to a Dance School only unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.
Reason: To enable the Local Planning Authority to assess any noise associated with the use and its impact on neighbouring amenity, having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy, 2011 and the National Planning Policy Framework.
- 2 This permission shall enure for the benefit of Brightstars Dance Academy and Dream Catchers Childcare Ltd only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Brightstars Dance Academy and/or Dream Catchers Childcare Ltd cease(s) to occupy the land.
Reason: In the interests of highway safety and having due regard to having due regard to policies CS16 and DM14 of the Havant Borough Core Strategy, 2011 and the National Planning Policy Framework.
- 3 The hereby permitted Pre-School shall only be open to the public/customers between 0700 and 1545 on Monday to Fridays; and the Dance School shall only be open to customers between 1615 and 1900 hours on Monday to Fridays and between 0900 and 1600 on Saturdays and at no time on Sunday or any recognised Public Holiday.
Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The window in the north elevation of the main hall shall be fixed shut and obscure glazed at all times.
Reason: To protect the amenities of the occupiers of the adjacent properties and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy, 2011 and the National Planning Policy Framework.
- 5 No sound amplifying equipment shall be installed in the premises, which when operated is audible outside the premises, without the consent of the Local Planning Authority in writing.

Reason: To protect the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy, 2011 and the National Planning Policy Framework.

- 6 There shall be no more than 20 children in the rear garden at any one time.

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Children shall only be permitted to use the outside covered canopy area to the north side of the building between 10:30 and 11:30 and between 12.30 and 13:30 on any day.

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

1:1250 Location Plan
Block Plan and Parking Plan
Proposed Floor Plan

Reason: - To ensure provision of a satisfactory development.