
Site Address: 36 Osprey Drive, Hayling Island, PO11 9BX
Proposal: Application for removal of Condition 1 of Planning Permission
APP/21/00362 (Extension to existing garage and change of use of garage to a personal
training gym/studio) to enable the use to continue.
Application Type: Full Planning Permission
Application No: APP/22/00625 Expiry Date: 01/08/2022
Applicant: Mrs. D Hickman
Agent: Mr P Walker Case Officer: Selina Donophy
P Walker MRICS
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

This application site is a pitched roof, detached, two storey dwellinghouse located on the west side of Osprey Drive, Hayling Island. The front access is via Osprey Close and the rear access is via Stead Close to the north, a residential cul-de-sac with a parking and turning area adjacent to the site. A pedestrian walkway links the roads alongside the side of the property. The elevations are formed from brickwork with tiles to the roof. Towards the rear of the site is a detached garage half of which belongs to no 38.

2 Planning History

APP/21/00362 - Extension to existing garage and change of use of garage to a personal training gym/studio (Retrospective)., TPP,09/08/2021

3 Proposal

Application for removal of Condition 1 of Planning Permission APP/21/00362
(*Extension to existing garage and change of use of garage to a personal training
gym/studio*) to enable the use to continue.

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

CS1 (Health and Wellbeing)
CS16 (High Quality Design)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)
DM14 (Car and Cycle Parking on Development (excluding residential))

Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

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

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No comment

Councillor M Wilson - Hayling East

No comment

Councillor R Raines - Hayling East

No comment

Environmental Health Manager, Community Group

I can advise that this office has no objection to the removal of Condition 1 of Planning permission for APP/21/00362, related to permission to operate for one year only.

Hampshire Highways

The Highway Authority previously responded with no objections to the previous planning consent as it was deemed there was sufficient parking available to accommodate the demand required for the personal training gym.

Having regard to the above, the Highway Authority provide no objections to the proposals.

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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
5 letters of support received 0 Letters in objection	All comments received in support of this proposal have been noted.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Highways

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

7.3 An application was approved in 2021 under application reference APP/21/00362 for the extension and change of use of the garage to be used as a gym. This was approved subject to a list of conditions on a temporary permission which lasted for 12 months. The reasoning for this is visible in the delegated report for this application. The applicant has now re-applied to remove the temporary use condition (condition 1) in order for the business to continue on a permanent basis at this address.

(ii) Appropriateness of design and impact on the character of the area

7.4 This proposal comprises the removal of condition 1 which was the temporary 12 month condition applied to APP/21/00362 as the applicant wishes to continue the business use of the garage as a gym on a permanent basis. Condition 1 is specified below :

7.5 *This permission for use of the extended garage as a personal training gym/studio shall be for a limited period expiring 12 months from the date of this permission, on or before which date the use of the extended garage as a personal training gym/studio shall be discontinued permanently and its use shall revert to purposes ancillary to the enjoyment of the dwellinghouse (36 Osprey Drive) only, unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.*

Reason: To enable the Local Planning Authority to review the amenity and highways impacts of the use within the residential area and having due regard to policies CS16, DM10, DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

7.6 The previous proposal was deemed acceptable in terms of impact on the character of the area for the following reasons as specified in the delegated report for APP/21/00362:

This proposal comprises an extension to the existing garage building and change of use to create a fitness studio for commercial use. The extension to the garage itself has a flat roof and revised entrance, and could have been constructed under permitted development were it not for the change of use associated with it. The outbuilding itself is not deemed to cause harm to the character and appearance of the surrounding area, and it is noted that the objections to the application have been in respect of the use as opposed to the physical works of extension.

- 7.7 No change is proposed to the building or the use and therefore impact on the character of the area continues to be acceptable.
- 7.8 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.9 As part of APP/21/00362 an assessment was made in regards to the impact on neighbour amenity and this is visible in the delegated report. The close proximity to neighbouring dwellings is noted however the submitted noise management plan was submitted and conditioned to be adhered to . This condition would be retained. All other conditions previously imposed for example relating to hours of use and client number would also be retained and the applicant has stated they are accepting of this. The reasoning for the 12 month temporary permission applied to APP/21/00362 was to ensure the training gym did not result in unacceptable noise and disturbance in this residential area where properties are sited close to one another. This temporary time frame would allow for any neighbours to make the council aware of any issues before the Council considered a permanent permission for the use. Environmental Health have been re-consulted as part of this proposal and have confirmed no complaints have been received over the past 12 months . Environmental Health therefore have no objection to the removal of this condition.
- 7.10 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Highways

- 7.11 The applicant has not resubmitted a parking survey with this application however the parking was deemed acceptable 12 months ago for the reasons outlined in the delegated report under APP/21/00362 . There has been no change and no parking issues have been highlighted . Highways have been consulted on this proposal and have responded with no objection.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00625 subject to the following conditions

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

Noise management plan uploaded on the 07.07.2022
Section drawing uploaded on the 07.07.2022
Proposed floor layout uploaded on the 07.07.2022
Proposed elevations uploaded on the 07.07.2022
Location plan uploaded on the 07.07.2022
Supporting Statement uploaded on the 02.08.2022

Reason: To ensure provision of a satisfactory development.

- 2 This permission for use of the extended garage as a personal training gym/studio shall enure for the benefit of Mrs D Hickman only whilst resident at 36 Osprey Drive and shall not enure for the benefit of the land, and the use hereby permitted shall be discontinued on the date when Mrs D Hickman ceases to reside at 36 Osprey Close.

Reason: To ensure that the business operates as set out in the application in the interests of the residential amenities of adjacent properties and in association with the occupation of 36 Osprey Close, having due regard to Policies CS16, DM10, DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The use of the extended garage authorised by this permission shall comprise use as a personal training gym/studio only, as set out in the supporting statement submitted with this application. No other uses within the same Use Class shall take place on the site.

Reason: Having regard to the particular circumstances of the case where the location is residential in character and has the potential to result in neighbour amenity and traffic issues, and having due regard to Policies CS16, DM10, DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The personal training gym/studio hereby permitted shall only be open for trade or business on the following days and hours: Monday – Friday: 0800 hrs - 1800 hrs

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.

- 5 The noise management plan submitted by the applicant to the Local Planning Authority, which specifies the provisions made to ensure the control of noise emanating from the residential garage converted to a gym for commercial purposes, shall remain a live document and the measures to control noise advised of therein shall be adhered to at all times. This document shall be reviewed periodically or as required, to address any issues arising, or which may arise from changes to the operation or usage of the facility.

Reason: To protect the occupants of nearby residential properties from noise emanating from, or linked to, this facility and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, within 3 months of the date of this decision the rear window on the garage elevation facing south shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and shall be retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby 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 Each personal training gym/studio session hereby approved shall be carried out in strict accordance with the following arrangements:
(i) There shall be a maximum of 2 clients at any given time;
(ii) There shall be a maximum of one member of staff - Mrs D Hickman; and
(iii) A detailed register of appointments shall be kept and made available for inspection by the Local Planning Authority upon request.

Reason: To ensure that the level of business use is compatible with the residential area and neighbouring amenities having due regard to Policies CS16, DM10, DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) no externally vented air conditioning, extracts or noise generating equipment shall be installed at the premises unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.