

accommodation and single storey linking extension to 108 Park Lane,
 PERM,20/08/1999
 99/52998/006 - Continued use as education tutorial centre (class D1) and external alterations including the reinstalment of window openings, creation of new openings 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
 10/74150/000 - County Council consultation for proposed amalgamation of the existing Barncroft Infant and Junior School to form a two form entry Primary School on the Junior School site. , PERM,14/05/2010
 APP/19/01098 - 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 useage for a Play School between 0700 hours and 1545 hours Monday to Friday.
 , TPP,09/01/2020

3 Proposal

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

3.2 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. APP/19/01098 permitted a temporary and personal dual use of the site through the inclusion of a pre-school between 0700 and 1545 Mondays to Fridays when the hall was empty. The pre-school was for between 20 and 25 children aged 2 years to school age as 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.

3.3 Since the expiry of APP/19/01098 and the named pre-school re-locating, this application seeks a permanent permission for continued use of the site for both a Dance School and a Pre-School, without being personal to a specific group. It is suggested that the size of the hall would allow for a maximum of 36 children, who would be in 3 age groups.

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))
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

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

Submission Version Havant Local Plan

- E22 (Amenity and pollution)
DR1 (Delivery of Sustainable Development)
C7* (Protection of community facilities and shops.)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Childrens Services Department, Early Education Centre Unit

None received

Environmental Health Manager

None received

Highways Development Planning

The Highway Authority have no concerns that converting the use of the above premises from a dance school into a play school will have a detrimental impact on the wider highway network.

Due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

Traffic Management

The Traffic team have no adverse comment to make

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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) 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 and if approved, its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have been discharged. In this case conditions 2 and 5 are being sought to be varied (personal to Brightstars Dance Academy and hours of use). There were no conditions that required discharging, the other conditions require ongoing compliance. It is therefore the impact of the proposed changes that are now under consideration.

The application site is situated within an urban area where further development is considered acceptable subject to material considerations. Since the previous decisions on the site the Government has overhauled the Use Class Order, with an emphasis on more flexible uses within a broader Class E (Commercial, Business and Service). Both a Dance School and Pre-school are Class E uses and as a historic Community type hall, then Class E uses are generally considered appropriate for the site to serve the local community.

The continuation of the dual use at the site would continue to make better use of this community site. The previous application APP/19/01098 had conditions to enable the LPA to assess how the intensification and introduction of a pre-school impacted local amenity, particularly from noise from children playing and car movements. It is noted that during the time that both uses have been in operation (albeit under some lockdown restrictions) there have been no complaints from any source.

(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

When determining APP/19/01098, potential noise from children playing outside during the day was a key consideration. It was noted that Ofsted promote free flowing outdoor play with access to outside areas at all times and the site includes a side covered canopy area enabling outdoor play in all weathers. This side canopy has a tight relationship with the neighbouring residential dwelling at 108, and as such it was conditioned that only 20 children could be in garden at any one time; and the covered canopy should only be used between 10.30am and 11.30am, and 12.30 and 13.30 am daily - in an attempt to limit potential new noise and coincide it with the adjacent Barncroft school's play time.

However the use of the side canopy condition is quite restrictive and children have to pass through this area to get to the rear garden anyway, making it difficult to enforce.

In light of no complaints during either the trial period, or as a result of neighbour notification of this application, it is felt this particular restriction could be lifted. However the size of the hall is such that any pre-school is likely to be registered for a maximum of 36 children and so keeping the limit on a maximum of 20 children in the garden at any time is considered appropriate to minimise any big group excited noise of too many children. Whilst young pre-school children playing outside would be supervised and the noise level managed to a degree, nevertheless the condition limiting 20 children outside at any time, which would include under the side canopy, is considered appropriate to repeat to protect neighbouring amenity.

(iv) Parking/Highway safety

The building has always been in some sort of community use - church hall/doctors/educational centre etc. 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 or the 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. A pre-school also generally has 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 the need to reverse out from the site is a historic situation and Park Lane is not classified. Given that there have been no complaints received whilst the two uses have been in operation, then it is considered that the parking and access arrangements are adequate for such community uses. Any illegal parking on the existing parking restrictions (double yellows and zig zag lines) would be enforced by the police or highway authority, and are not a planning consideration.

Overall it is considered that the continuation of the dual uses 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, given the Government's emphasis on more flexible uses of Class E community buildings then it is considered that the continued use of the building as a pre-school in the day and dance school in the evening, would be appropriate in principle. It would make better use of the site, enabling the existing dance studio to remain in business and provide the additional jobs associated with a pre-school. Since no objections have been received over the temporary period, then it is considered that, with the continued limit of only 20 children able to play outside at any one time, then the use would be unlikely to cause material harm to neighbouring amenity.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00823

(A) subject to the following conditions

- 1 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.
- 2 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.
- 3 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.
- 4 There shall be no more than 20 children in the rear garden at any one time, including under the side covered canopy.
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.