
Site Address:	First Floor, 10 Mengham Road, Hayling Island, PO11 9BL		
Proposal:	Change of use from former Private Snooker Club (D2) to Fitness Centre (D2).		
Application No:	APP/15/00828	Expiry Date:	18/09/2015
Applicant:	Mrs Sandra Craciun and Mr W Moffat	Team:	Team 1
	Konsept Services Limited		
Agent:	Mr R Lilley	Case Officer:	Tina Pickup
	Lilley Architecture		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site relates to the first floor above Sainsbury's (which amounts to some 500sqm) on the corner of Seagrove Avenue and Mengham Road within the identified District Centre of Mengham. The north and west elevation of the ground floor comprise Primary Shopping Frontage. The building is flat roofed and constructed of dark brick with curved ends to Seagrove Avenue - access to the first floor is via a pedestrian door located on the west elevation that leads directly to a stairwell up. The pavement is wide at this point and there are 7 bike racks aligned against the curve of the north west corner of the building. A street light is nearby. The first floor is continually glazed with windows on the north elevation to Mengham Road and south elevation to Selsmore Road, with large stretches of windows on the west elevation to Seagrove Avenue.

The first floor is currently vacant and was formerly a private snooker club that was conditioned to be a snooker club only and with opening hours of 10.30am to 11.30pm.

Whilst the site is located within the shopping area it is nevertheless surrounded by residential properties - there are flats above the other shops immediately adjacent and opposite in Mengham Road; flats and dwellings on the west side of Seagrove Avenue; a residential property to the east in Selsmore Road and an office to the south in Selsmore Road. The site has no dedicated parking provision but there are public spaces immediately outside the site in Mengham Road which are short stay only (30 mins) between 9am and 6pm; there is also a public car park a short distance to the east in Mengham Road and another to the north in Elm Grove.

2 Planning History

22442/4 - change of use of first floor offices to private snooker club

Permitted 29/1/1981 with a condition limiting opening hours to between 10.30am and 11.30pm

05/63492/000 - Variation of condition 3 of 22442/4 to allow premises to be open from 11:00 to 00:30 except for special occasions of worldwide sporting events and New years Eve

Permitted 16/12/2005 - but for temporary period expiring 1/1/2008 & for Mr & Mrs Dell only

APP/14/01126 - Change of use from Private Snooker Club (D2) to Fitness Centre (D2)

Permitted 19/12/14 conditioned as personal; open between 0600 to 2200hrs; noise conditions etc

3 Proposal

The application seeks a change of use from the snooker club (a D2 use) to a fitness centre and gym - also a D2 use. The application is necessary because the previous consent limited the use to only a private snooker club and no other use.

The application seeks opening hours of between 0600 to 2200 daily and would employ 2 full time and 3 part time staff. Internal alterations would provide a reception/lounge area, an office, male and female changing rooms with sauna, a separate studio area for group classes with the remaining floorspace being open with gym equipment.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS4	()
CS6	(Regeneration of the Borough)
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)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group - conditions imposed on APP/14/01126 sensible; however proposed A/C unit on roof may affect other businesses and residents from noise and vibration & request further information. *This information was subsequently submitted and confirmed as being acceptable*
Food hygiene team - note a sink will be needed - *agent subsequently agreed its provision*

Development Engineer - Highways - no adverse comment

Economic Development - Commercial and Housing - no comments/observations

Planning Policy - site is in an accessible central location within Mengham District which is a priority area for regeneration under Policy CS6; also in an urban area and a new leisure would help to prioritise development on derelict or underused land and buildings in accordance with policy CS17; site is in the primary shopping area and therefore subject to policy AL3 which supports proposals that provide main town

centre uses in district centres, and thus contribute to their vitality and viability. The proposal is considered to be a main town centre use in this context with reference to the definition in the NPPF; The site has been vacant for six years and it is considered that bringing it back into an active use that provides both employment and a community facility as well as health benefits would be supported by policies CS1 (Health and Wellbeing) and CS4 (Town, District and Local Centres), in addition to policies CS6 and CS17; with conditions repeated controlling hours and noise, Support Crime Prevention -Major Apps: None received.

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: 41

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: **3 1 in support and 1 objection and 1 general comment.**

Summary: Support - dedicated fitness centre would be an asset to Hayling Island; would be an attractive facility for younger members of the community.

Object - views as previously noted - noise would cause disturbance especially if 24 hours opening, from vehicles too; where are cars to park - spaces in Mengham Road are almost always full & residential roads have become parking lot and cannot cope with any more; when was a snooker club Lyndhurst Close was a popular place to park as no double yellow lines.

General - no further comment/representation so long as hours not extended and intensity and type of usage regulated along same lines as previously agreed; anything different may have an effect on neighbourhood, especially noise and parking.

Comment: This application is NOT for 24 hr use - that was APP/14/01126 as submitted, but not as approved

7 Planning Considerations

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 neighbouring amenity
- (iii) Highways and parking

- (i) Principle of development

The application site was previously a D2 snooker hall but was limited by condition to be a snooker hall only and no other D2 use - therefore whilst the proposed gym is also a D2 use the application is required due to the condition. However, as a similar use falling within the same use class, the principle of the change of use is more likely to be appropriate. The site has apparently been vacant for about 5 1/2 years, so to now

bring the site back into use and find an alternative use for the site that similarly provides both employment and a community facility in this town centre location is welcomed and encouraged by Policies CS1, CS4, CS6 and CS17. The proposal would result in 2 full time jobs and 3 part time.

(ii) Impact upon neighbouring amenity

The site comprises the whole of the first floor above Sainsbury's which is a 'detached' building in its own right, but immediately abuts the end elevation of 14 Mengham Road which includes a residential flat at first floor and appears to also be residential on the ground floor to its rear where it fronts Selshire Road. The fact that the internal wall is not shared with 14 Mengham Road and the double thickness dividing wall will help to alleviate noise transmission between adjacent uses. The proposed studio where classes would take place with greatest music/noise, is located in the north-western corner i.e. at the opposite side to the wall with 14 Mengham Road.

The entrance door to the gym is on the west elevation so customers will approach and disperse in this direction, which is opposite Mary Coombs Court flats and the flats above shops in Mengham Road. The activity associated with comings and goings to the site, would, during the day, be appropriate to this identified District Centre where shoppers are visiting Sainsbury's and other retail units. Sainsbury's is open between 0700 to 2200 7 days a week and therefore during these times the additional activity to the gym above would be marginal and have no detrimental affect on surrounding residential amenity. The applicant is seeking opening hours identical to those recently approved for an alternative applicant at the same site under APP/14/01126 ie between 0600 and 2200 7 days a week. This is only 1 hour longer than Sainsbury's and considered reasonable.

Music will be played in the main gym area but this will be run as low background music as most users of the gym bring their own music and earphones. The group classes are for up to approximately 10 participants and music would be played but not so loud as to disturb other users of the main gym and for the teacher to still be heard above. These classes would not run back-to-back and have at least half hour gap between which would enable participants of one group to disperse before the next class arrives – which also reduces the peak demand for car parking spaces in the area. On this basis the likely noise and impact affecting amenity of nearby residents is considered to be minimal.

It is proposed to replace the windows with double glazed units which would significantly reduce the noise levels. The applicants are aware of the previous condition that required the windows to remain closed when music is played, to prevent noise emitting from the premises, and they intend to comply with this requirement - they have stated that the windows would only be open to air the premises when not in use or when redecorating etc and in the event of emergency situations. Ventilation would be provided through air conditioning and details have been submitted of the proposed air conditioning unit to be installed in the roof and confirmed by Environmental Health as being appropriate & quieter than the existing one.

Since the acceptability of the proposal is based on the way this particular applicant manages and runs the gym, it is considered appropriate to make any consent personal to the current applicant. This will successfully control the future use of the site and prevent it from being used by any other D2 use that may have a greater impact.

(iii) Highways and Parking

The site itself does not have any on site car parking, but is sited close to 2 public car parks, has 7 bike racks available at its entrance and bus stops very close. There are therefore considered to be various sustainable ways of making trips to the site, which is anticipated would be joint trips to both the site and the local centre. As a recognised district centre where activity is encouraged to support the local community the proposed use is considered acceptable in highway terms. There is no highway objection to the proposal.

8 Conclusion

The bringing into use of a currently vacant space within the Mengham District Centre is to be encouraged as a matter of principle; the opening hours are not considered to have any detrimental effect on nearby residents and subject to imposing a personal condition to ensure the gym operates as intended, with windows kept closed whilst music is playing, then the proposed change of use is considered acceptable and recommended for permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00828, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This permission shall enure solely for the benefit of Konsept Services Ltd for use as a fitness centre and gym only and for no other purpose whatsoever including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, and shall not enure for the benefit of the land, and the use hereby permitted shall be discontinued on the date when Konsept Services Ltd cease(s) to occupy the land.
Reason: To safeguard the amenities of the occupiers of nearby 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 2012.
- 3 The premises shall only be open between 0600 hours and 2200 hours.
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 2012.
- 4 The first floor windows in the building shall be kept closed at all times whilst music is playing inside the building.
Reason: To protect the amenity of the neighbouring 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 2012.
- 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 Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Details of any further proposals relating to the installation of any additional noise making equipment (i.e. refrigeration units, extract ventilation equipment, heat pumps), shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The equipment shall thereafter be installed and maintained in full accordance with the approved details.

Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

Design and Access Statement

Location and Site Plan Drawing Ref 351 PL01 Rev 00

Entrance (ground floor) plan: Existing Drawing Ref 351 PL02 Rev 00

First floor plan: Existing Drawing Ref 351 PL03 Rev 00

Roof plan: Existing Drawing Ref 351 PL04 Rev 00

Entrance (ground floor) plan: Proposed Drawing Ref 351 PL05 Rev 00

First floor plan: Proposed Drawing Ref 351 PL06 Rev 00

Roof plan: Proposed Drawing Ref 351 PL07 Rev 00

Elevations (Sheet 1): Existing Drawing Ref 351 PL08 Rev 00

Elevations (Sheet 2): Existing Drawing Ref 351 PL09 Rev 00

Elevations (Sheet 1): Proposed Drawing Ref 351 PL10 Rev 00

Elevations (Sheet 2): Proposed Drawing Ref 351 PL11 Rev 00

Proposed gym and roof HVAC layouts Drawing Number DN02333 rev A and associated information regarding air conditioning unit received 01/09/2015

Reason: - To ensure provision of a satisfactory development.