
Site Address:	The Malt House, Bridgefoot Path, Emsworth		
Proposal:	Change of Use of part of the 2nd Floor of the Malt House from office space to physiotherapy practice and gym studio.		
Application No:	APP/13/00665	Expiry Date:	05/09/2013
Applicant:	Mr Gordon	Team:	Team 2
Agent:	Bryan Jezeph Consultancy	Case Officer:	Rachael McMurray
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The Malt House is located on Bridgefoot Path in the Emsworth Conservation Area. It comprises a three-storey building which used to be a former Malt House and is positioned jutting out into the Mill Pond at the southern end of Bridgefoot path. the building is finished in concrete render, under a slate roof. It is designated as curtilage Grade II listed building due to its proximity to Tide Mill.

The ground floor is used as a boat store. the first floor provides changing rooms and toilets and the second floor comprises office space. The ground floor and part of the first floor are accessed from a doorway located on Bridgefoot Path. The other part of the first floor and second floor are accessed via an external staircase situated within the boat yard at the rear, which is owned by the Sailing Club.

The majority of Bridgefoot Path and Bath Road and the area to the immediate north and east of the site is characterised by residential development.

2 Planning History

None relevant

3 Proposal

The proposal is for a change of use of part of the 2nd floor of the Malt House from office space to physiotherapy practice and gym. The premises would be open from 8am to 9pm daily including weekends. The physiotherapy practice would employ 2 staff (the physiotherapist and a receptionist). The gym would be unstaffed. The practice would work on an appointment only basis between the hours of 8-3 or 12-8, with a max of 10 clients per day, with each session lasting a max of 45mins.

The gym would only be available to clients or members of the Emsworth Slipper Sailing Club. No external changes are to be undertaken and the internal changes would include only the addition of partitioning to provide the private therapy room for the physiotherapy clients.

No additional parking would be provided.

4 Policy Considerations

National Policies

NPPF

Core Strategies 2011 forming part of the HBLDF

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

DM14 (Car and Cycle Parking on Development (excluding residential))

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Conservation Officer:

The Malt House is a curtilage listed building due to its location close to the Tide Mill. It is also located within the Emsworth Conservation Area.

It appears that there will be no physical changes to the exterior or interior of the building in this application. These proposals would mean that the this part of the building is put to use and will ensure the long term viability of the building. The proposal is therefore considered acceptable.

Environmental Health:

I have read the application and although the equipment should not be of any concern as long as it is protected in the way described in the Planning statement, I have reservation relating to members bringing their own entertainment. As described within the application it is not envisaged that air conditioning will be installed to ensure that the windows will not be opened. Without A/C members may become hot and start opening windows for fresh air and ventilation, however if amplified music is allowed within, the noise will escape and potentially affect the residential around it. Further, I have visited some gyms in the past, and some users can be very vocal when trying to achieve their best performance in lifting what ever weight they are pushing/pulling etc...

From a noise point of view I would be happier if the windows on the side facing the residential site could not be opened, this minimising the impact. However it may be the case that the applicant would like to inform members that the use of amplified music within the site must not be allowed and that only headset/earset are to be used. Therefore windows could be opened yet residents would not be affected. This is pertinent in light of the opening hours asked for, as the later part of the evening may become problematic.

However, it may be difficult to condition this in terms of enforcing it. Therefore, the only option Environmental Health will have is to take action under the Environmental Protection Act 1990 for Statutory Nuisance if complaints are made about the noise (if any) at a later stage. You may wish to inform the applicant that if complaints are received and a Statutory Noise Nuisance exist, not only will EH be putting the case forward to our legal team, but the fine imposed by magistrate can be up to £20,000 per offence.

Regeneration & Development:

Economic development is supportive of this application which will create employment. We consider that there is a reasonable supply of office accommodation in the Emsworth area.

Natural England:

No objections

Chichester Harbour Conservancy:

No objections

Development Engineer:

No objections

Crime Prevention:

No response received

Planning Policy:

Promoting Havant Borough's Economy: It is understood that the previous use of the second floor space was a B1(a) use. A change from this use would therefore be considered in accordance with Local Plan (Core Strategy) Policy DM3, which seeks to protect existing B class employment sites. Whilst the requirements of the policy stipulate the submission of evidence of an active marketing process to support alternative commercial or other uses, a practical view needs to be taken on the need and potential scale of that information.

The supporting text at para. 10.13 of the Core Strategy, states that a flexible approach to complementary uses should be taken. In this respect the scale and marketing exercise should be commensurate to the scale of floorspace being lost. Taking the scale of the proposal into account (which only relates to part of the overall building) and the sensitivities associated with the property being a curtilage Listed Building, a balanced view needs to be undertaken regarding the enforcement of Policy DM3 in this particular case.

Whilst the current application should ideally have been accompanied by the marketing information, the change from B1(a) to D2 (which provides for both employment and community uses), scale of development and complementary nature of the proposed use with the remainder of the site, the proposed development is considered acceptable in relation to the intentions of Policy DM3.

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: 19/07/2013

Number of representations received: 0

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) Loss of B1 office space
- (iii) Effect on the adjacent listed building and conservation area
- (iv) Effect on residential amenity
- (v) Parking provision

(i) Principle of development

7.2 The site is located in an urban area whereby development is considered to be acceptable in principle subject to other development management considerations.

(ii) Loss of B1 office space

7.3 The previous use of the second floor space was as B1(a) use. A change from this would in theory need to comply with Policy DM3 of the Local plan which protects the against the loss of office space in the Borough. This requires marketing information to be provided to justify that a site is not viable as B1 office space. However, Planning Policy have advises that para 10.13 of the policy states that a flexible approach complementary uses should be taken. In this respect the scale and marketing exercise should be commensurate to the scale of floorspace being lost. Taking the scale of the proposal into account (which only relates to part of the overall building) and the sensitivities associated with the property being a curtilage Listed Building, a balanced view needs to be undertaken regarding the enforcement of Policy DM3 in this particular case.

7.4 Whilst the current application should ideally have been accompanied by the marketing information, the change from B1(a) to D2 (which provides for both employment and community uses), scale of development and complementary nature of the proposed use with the remainder of the site, the proposed development is considered acceptable in relation to the intentions of Policy DM3.

7.5 Although a loss of B1 office space would occur, the proposal does accord with Policy CS1 (health and wellbeing) subsection 6, which advises that development should be encouraged which provides indoor sports and leisure facilities that would meet strategic need for the whole Borough and where appropriate local provision.

(iii) Effect on the adjacent listed building and conservation area

7.6 The Council's Conservation Officer has been consulted and has advised as there are to be no physical changes to the exterior or significant changes to the interior of the building, no adverse impact shall occur to the setting of the adjacent listed building or the character of the conservation area. These proposals would mean that the this part of the building is put to use and will ensure the long term viability of the building.

(iv) Effect on the residential amenity

7.7 There is residential development to the north, east and west of the site (across the pond), with the closest properties being 43 and 44 Bridgefoot Path at a distance of 10m from the north east corner of the building. As there would be no additional vehicle parking at the site, this would limit activity of this nature. There could be a potential

impact of noise emissions from the use of the second floor as a gym, as no air conditioning unit is proposed and the nature of the use means that it is likely that windows will be opened for ventilation.

- 7.8 Environmental Health have been consulted and have advised that in theory it would be best to either condition for the windows on the north side to the fixed shut, or to restrict the use of amplified music in the gym and for gym users to use headphones only. Both options present issues in that not being able to open all the windows may make the space unusable if the room becomes too hot. Likewise a condition which restricts the use of audible music would be difficult to enforce and therefore be unreasonable. A more pragmatic approach would be to impose a condition which restricts the use of amplified music to that which cannot be heard by nearby residential properties. This would ultimately be down to the manager to control however, Environmental Health have advised that if noise complaints are received, then action could be taken against the premises so it is in the interests of the manager to keep any noise levels to a minimum.

(v) Parking provision

- 7.8 No parking will be provided however, the majority of the gym users would be members of the Sailing Club and would therefore have already parked in the Sailing Club car park, or travelled by other means. For clients of the physiotherapy practice, there is a public car park in Emsworth Town Centre. Parking is restricted on Bridgefoot Path and Bath Road so no adverse on street parking could occur. The Council's Highways Engineer has not raised any issues with the proposal.

8 Conclusion

The proposal is considered to be acceptable and would result in a vacant building being brought back into a viable community use.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00665 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Planning Statement received on 9/7/13

Site Plan - H/111/LP03.07.13

Block Plan - H/111/LP03.07.13

Existing floor plan -13095/01

Proposed floor plan - 13095/01

Reason: - To ensure provision of a satisfactory development.

- 3 The premises hereby permitted shall not open to the public before 08:00 hours or remain so open after 21:00 including on weekends.

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 2012.

- 4 No sound equipment shall be used, 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 policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.