
Site Address:	37 Park Parade, Havant, PO9 5AA		
Proposal:	Change of use of part ground floor from A1 to D2 (Dance school and fitness classes).		
Application No:	APP/15/00791	Expiry Date:	28/09/2015
Applicant:	Mr Smith	Team:	Team 2
	South Hampshire Properties		
Agent:	Mr Knight	Case Officer:	Tina Pickup
	Knight Architectural Design		
Ward:	Battins		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to part of the single storey, flat roofed rear 'store' at 37 Park Parade, which is at the western end of the main shopping centre serving the Leigh Park estate. The frontage of the building is two stories and comprises retail shops at ground floor with flats above; and at first floor on the western edge, is a snooker hall. The ground floor western corner of the building has recently been converted to a gym and the application site is immediately to the east of this unit. There is a service corridor behind the shops between the northern wall of the gym and application site.

The site is directly opposite the Tidworth Road public car park and vehicular access is via this one way service road. To the west is the three storey Greywell Heights - which comprises ground floor car parking with residential flats on the two floors above. Whilst a 'town centre' location the site is not within the primary or secondary shopping frontage.

A site visit/meeting was held on 14/09/2015 and the gym has already opened - internally there is a partition wall with central door leading to the studio which has a timber floor. The front reception area has a double glazed door and non-opening window. Currently there is no air conditioning unit and fans are being used in the studio.

2 Planning History

Most relevant:

Note other current app: APP/15/00792 - Advertisement application for 1No temporary material banner

APP/15/00157 - Change of use of part of ground floor from storage (B8) to Retail (A1) - Permission 01/04/2015 but not implemented Conditioned to 0800 to 2000 hrs Mon - Fri, 0900 to 1800 Saturdays & 0900 to 1600 Sundays

APP/12/01178 - conversion of former supermarket into 5No separate retail units with storage area to rear; provision of new shop fronts to Park Parade and new windows and doors to Tidworth Road. Permission 21/12/12 - conditions include: restrict opening hours to 08:00 to 18:00 Mon to Sat and 10:00 to 16:00 on Sundays; Noise not

to exceed 5dB(A) below background; deliveries restricted to 07:00 - 20:00 Mon to Fri and 07:00 - 19:00 Saturdays and none on Sundays; no external lighting;

Adjacent unit:

APP/14/01105 - change of use of part ground floor from storage area to gymnasium (use class D2).

permission 17/12/14 - conditions: gym only, no other D2 use; personal; 0600 - 2200 mon - fri and 0900 - 1800 sats & to 1600 sundays;

3 Proposal

The physical alterations involved i.e. the insertion of the door and window in the south elevation, have already been implemented on site, and the signage erected (see separate APP/15/00792) and the prospective user, Dynamic Dance Company has recently commenced lessons on site.

The proposal involves changing the use of this small 'mid terrace' vacant store to a dance studio. The unit has a floorspace of 102 sq m. The business, Dynamic Dance Company, is run by Emma Walters who provides dance lessons for children and adults and currently has been operating from various local schools including Havant Academy. Their website states that: Hip Hop, Street Jazz, Fitness, Over 50's Dance, 1-2-1 Lessons, Dance Parties, School Workshops, After School Clubs or Funky Wedding Routines, Dynamic Dance Company has something to offer everyone.

The site would accommodate a maximum of 25 students in group classes operating between potentially 8:30am to 9:30pm Mon - Friday, 9am to 6pm Saturdays and 10am to 4pm Sundays, although the majority of lessons would be after school. These classes would be back-to-back, normally an hour long and could be taught by other freelance dance teachers. Music is played but not so loud that the teachers voice can't be heard above. During the school day classes would be aimed at pre-school children and older people.

All access to the site would be via the door in the south elevation in Tidworth Road.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
CS16	(High Quality Design)
CS4	()
CS6	(Regeneration of the Borough)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

LP3	(Leigh Park Mixed Use Allocations)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Economic Development - Commercial and Housing
Crime Prevention -Minor Apps - None received
Environmental Health Manager, Community Group - concerned over potential noise & vibration - music usually played loudly to motivate customers & may affect nearby residents & businesses; if air conditioning proposed need information on location of unit, noise levels etc. Refusal recommended or conditions

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: 34

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

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 part of the Netto supermarket that closed and the whole site converted as part of APP/12/01178 - and this part of the building was meant to be a 'store' - but has remained empty since conversion, despite a previous recent permission to allow its conversion to A1 retail. To find an alternative use for the site that provides both employment and a community use in this town centre location is welcomed and encouraged by Policies CS1, CS4, CS6 and CS17. The proposal use would also compliment the adjacent gym and would result in additional employment opportunities in the area, albeit on a freelance basis. Similarly the footfall generated by the proposed dance unit would be appropriate to this town centre use which would benefit from combined trips.

(ii) Impact upon neighbouring amenity

The adjacent unit is in use as a gym and also playing background music, and whilst there may be some noise through the common boundary wall, this would be unlikely to have any detrimental effect on its use. The proposed hours of use are no longer than the adjacent gym. The nearest residential dwellings are the flats to the west at Greywell Heights and those at first floor above the retail units fronting Park Parade.

None of these about the internal walls of the proposed dance studio, which is buffered by a service corridor internally. The entrance door to the dance studio is in Tidworth Road, so any noise from activity of customers coming and going is removed from the flats and opposite the public car park.

Top Spot Snooker's signage indicates that it is open 7 days a week from midday to midnight. The adjacent gym is conditioned to being open between 0600 - 2200 Mon to Fri and 0900 - 1800 Sats & to 1600 on Sundays. The proposed opening hours of the dance studio are within these hours so would not result in any additional noise and disturbance from comings and goings.

Background/motivational music would be played during dance classes and Environmental Health initially raised concern about the resultant noise and vibration. This has been discussed with the applicant and the details of the sound system used provided (a Bose Sound dock). This is a 'domestic' piece of equipment and not of a commercial scale and Env Health is satisfied that this is unlikely to have too great a bass level causing undue noise and vibration. The applicant also notes that teachers need to be heard above the music so do not play it too loud. Since classes have started the applicant has checked with the gym next door who have said they can't hear the music. Similarly the internal partition creating the studio acts a buffer to the noise, preventing it over spilling into the road.

Given the context of the site which is not immediately close to residential dwellings, then the likely noise generation is considered acceptable in this instance. Should problems occur in the future with noise complaints then Environmental Health could follow this up under their own legislation.

With respect to air conditioning the applicant has advised that quotes she has currently received to install air conditioning are too expensive at the moment and she may consider extractor vents instead. The business will initially operate with the existing fans but she is aware that should any mechanical extraction or air conditioning units be installed in the future then the details of these will need to be submitted to comply with a condition to be imposed to ensure the equipment itself is appropriately sited and not noisy.

(iii) Highways and Parking

The site itself does not have any on site car parking, but is sited immediately opposite a public car park and within the centre of Leigh Park where bus routes provide public transport to the centre. It is anticipated that customers will make joint trips to both the site and the local centre for which there is no highway objection.

8 Conclusion

The bringing into use of a currently vacant space within the Leigh Park Centre is to be encouraged as a matter of principle; the hours and way the business is to be operated under the current applicant with her 'domestic' music system is considered appropriate to the site and unlikely to have any detrimental effect on adjacent users or nearby residents. Accordingly a personal consent is considered necessary to maintain control over future occupiers and impact on local amenity issues.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00791, 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 The premises the subject of this permission shall be used as a dance school and fitness centre only and not for any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
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 This permission shall enure only for the benefit of Dynamic Dance Company and shall not enure for the benefit of the premises. The use hereby permitted shall be discontinued on the date when Dynamic Dance Company ceases to occupy or use the premises.
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.
- 4 The premises shall only be open between 0830 hours and 2130 hours on Monday to Fridays and 0900 to 1800 hours on Saturdays and 1000 to 1600 on Sundays 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 2012.
- 5 No externally visible or audible equipment, plant, machinery or structures required for ventilation, air conditioning and audio purposes shall be used or installed at the premises until and unless details of the external appearance and acoustic performance of the same have first been submitted to and approved in writing by the Local Planning Authority. Thereafter only the agreed systems shall be installed and operated at all times.
Reason: To safeguard the amenities of the 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 2012.
- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed New D2 Unit to Rear (COU) Project No KAD 02 A COU rev A

Reason: - To ensure provision of a satisfactory development.