
Site Address: 30 East Street, Havant, PO9 1AQ
Proposal: Variation of Condition No. 5 of Planning Permission APP/10/00182,
relating to variation to opening hours of Moods Fitness and Dance Studio.
Application No: APP/15/00086 Expiry Date: 19/03/2015
Applicant: Mr R Wiltshire Team: Team 1
Agent: Case Officer: Heather Lealan
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 30 - 32 East Street, Havant fronts East Street at a single storey level with a flat roof and glass fronted open shop window which serves a Hairdressers, No.32. To the west of the main shop front and door that serves the hairdressers is a door and smaller glass shopfront and door that serves No.30. This unit extends behind No.32 at ground floor level and behind the two units at first floor level, the first floor level is currently used as flats. The current use of the site is D2 with no restrictions within that use class.
- 1.2 There is an enclosed rear yard and a rear access to the first floor level.

2 Planning History

04/54376/004

Change of use to retail with customer refreshment area on ground floor with associated storage on first floor- Permitted

APP/10/00182

Change of use ground floor and first floor from A1 (retail) to D2 (fitness centre) - Permitted and implemented.

APP/12/00297

Change of use from store rooms at first floor to 1No. 2 bed flat.

3 Proposal

- 3.1 Variation of condition 5 of Planning Permission APP/10/00182, relating to variation to opening hours of Moods Fitness and Dance Studio.
The use hereby permitted shall not open to the public before 09:00 hours or remain so open after 21:30 hours on Monday to Saturday and not open to the public before 10:00 hours or remain so open after 17:00 on Sunday and any recognised Public Holiday.
- 3.2 The application subject of this report seeks to extend the opening hours to 00:30 Monday to Friday and New Year's Eve and 21:00 on Sundays

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Economic Development

No objection, (assumption that there are no nearby residential properties that would be affected)

Conservation Officer

No objection on heritage grounds

Environmental Health

I hereby object to the variation to opening hours;

I have established that under a recent licence application, the applicant was granted permission to utilize the area outside the front of the premises as a smoking area, instead of using the previously agreed to area at the rear of the property. This area at the front abuts the public footpath and is within close proximity to residential properties. Whilst there have not been recent complaints linked to noise the potential is there for this to become a problem, especially if this area is being used as a designated smoking area later in the night.

I would suggest that temporary approval only for possibly a year, if Planning were minded to grant approval.

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: 29

Number of site notices: One

Statutory advertisement: 30/01/2015

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) Impact upon Neighbours and Amenities

(i) Principle of development

- 7.2 The site is within the urban area within Havant Town centre. The principle of the change of use was established by the previous planning permission and this application considers the extension of the hours of use. This principle is subject to the consideration of the planning matters below.

(ii) Impact on Neighbours and Amenities

- 7.3 Environmental Health do not object to the proposed extended hours of use and indeed the premises has a license granted that allows them to operate under the hours now proposed, (including a later closing time of 30 mins that applied for under planning consent). EH are concerned about the use of a designated smoking area to the front of the site that was granted under the licence. However, the smoking area is not subject of this application and does not require the benefit of planning permission - only the change in hours are within the scope of the considerations of this application. Therefore the application cannot be refused on the grounds that the smoking area has been moved. As such the planning application should recognise that a license has been granted for the extension in hours of use. It is considered that the matters to be considered within this application accord with Core Strategy policies CS16.1 (e) and DM10(1)

8 Conclusion

- 8.1 In order to safeguard residential amenity a condition should be added to limit opening hours to those as submitted. The proposal is therefore considered to comply with Policies CS16 and DM10 (1).

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00086 subject to the following conditions

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

Red Line Location and Block Plan received 22 January 2015
Copy of Premises Licence PERS1376

Reason: - To ensure provision of a satisfactory development.

- 2 The premises shall not open to the public before 09:00 hours or remain so open after 00:30 hours on Monday to Saturday and New Year's Eve and not before 09:30 hours or remain so open after 21:00 hours 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 2012.