
Site Address:	Unit 3, Phase 1 Dunsbury Business Park Development, Fulfood Road, Havant		
Proposal:	Change of use from B1 to use Class D2 for aerial fitness classes.		
Application No:	APP/14/00805	Expiry Date:	01/01/2015
Applicant:	Mrs Cripps	Team:	Team 2
Agent:		Case Officer:	Daphney Haywood
Ward:	Warren Park		

Recommendation: **GRANT TEMPORARY PERMISSION**

1 Site Description

The site is located in the Dunsbury Business Park which is located off Fulfood Road in Leigh Park. The property which comprises a 161 sq m B1/B2 unit is currently vacant. To the north of the business park is Little Hackets which is a residential area and to the south of the site lies a vacant unit of land.

2 Planning History

05/51184/051 for the: 'Approval of Reserved Matters regarding the development of 4930 square metres of employment use buildings (uses within Class B1 and B2) with associated parking and service areas'. Approved 7 December 2005

3 Proposal

Change of use from B1 to use Class D2 for aerial fitness classes which include aerial circus hoop, aerial silks, pole and trapeze activities. The application states that there would operate between Mon-Thurs 10am-9pm, & Fri and Sat 10am-6pm and class sizes would be approx 10 persons. The use would be served by 5 on site parking spaces, and amended plans have been submitted to show a further 5 on the adjoining site available in the evenings after 5pm. The property has been vacant since May 2013 and marketed for over 12 months and an enquiry log from Garner Wood the estate agents has been provided.

4 Policy Considerations

National Policies

NPPF

Core Strategies 2011 forming part of the HBLDF

CS16	(High Quality Design)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Allocations Local Plan

Policy LP3 (mixed use development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group

No comments received

Development Engineer

I need more information of the number of classes per day their light and the time between classes. Aerial seems to be a specificity exercise regime and I need detail s of the catchment area of her clients as 5 on site spaces are not sufficient for classes of 10 unless they some use alternative means of transport other than a vehicle. Cycle stands and a travel plan for clients would help. I notice the applicant has stated she can use five other spaces but where are they, when are they available and how can she guarantee the will be available

I have other concerns that a D2 use can include general aerobic, core strength and dance (e.g. Zumba) which normally have 20+ classes

Comments on the additional information

Subject to conditioning the additional parking available for use after 5pm no objection.

Economic Development - No comments received

Environmenatl Health Suggested conditions are good.

Crime Prevention -Minor Apps:- I have no comments to make with reference to crime prevention at this time

Planning Policy

POLICY STATUS:

You will be aware that the Local Plan (Allocations) has now been adopted by the Council. In conjunction with the adopted Core Strategy, the Local Plan (Allocations) provides the development plan for the Borough.

I note that the site apparently shares an access with land south of Fulflood Road, which is allocated for mixed use development under Policies LP3 and BD65 of the Local Plan (Allocations). I would not anticipate that a straightforward change of use of this existing building would compromise delivery of the allocated site.

PROMOTING HAVANT BOROUGH'S ECONOMY:

The proposed use of the building would provide a community facility of a type that should be encouraged in appropriate locations. However, the current proposal would result in the loss of Employment floor space. Core Strategy Policy DM3 seeks to prevent the loss of viable Employment sites and is explicit in terms of the type and amount of marketing that should be carried out to demonstrate their ongoing viability status.

In this case information has been provided, and it would appear that the site has been marketed for a lengthy period without success. This appears credible, but the information submitted is somewhat lacking in sufficient detail to satisfy the relevant policy criteria.

It is stated that 'the property advertisement was also emailed to our clients who may have been interested', 'the property had several viewings' and 'the reasons for the property not being appropriate varied'. My view is that without further information on the nature of the clients contacted and property viewers, and the reasons for their not pursuing their interest in the property, the Council is not in a position to judge whether

the policy criteria has been met.

Comments on the additional information

Whilst more information would ideally be preferred, the applicant has provided enough to support their marketing claims on the balance of probability, and a flexible approach can be taken given that approval of the proposal would help support a local business and provide potential benefit to the community

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: 7

Number of site notices: one

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary: As the occupier of Unit 2 Fulflood Road I would like it noted that, whilst I am currently agreeable to Unit 3 making use of my available parking out-of-hours, I am not willing to give up the rights I have over the parking spaces on a permanent basis. I am therefore wary of formally agreeing to anything which could be interpreted as a permanent assignment of the spaces, or which could in any way prejudice my ability to deal with them and make use of them as I desire in the future. I have no objection in principle to the proposed change of use at Unit 3, but if the authorisation is to be granted subject to my parking being available to them out-of hours on a permanent basis, then it should not be granted as this cannot be guaranteed going forward.

Comment: see section 7

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) Effect on the nearby residential amenity
- (iii) Highways / parking considerations

- (i) Principle of development

7.2 The property is currently vacant having previously been occupied for B1/B2. Given that the property is vacant, has been marketed without success, to which extent the marketing information, which has been added to since the application was submitted is on-balance, sufficient. The proposal would bring it back into use and provide a degree of employment. The proposal, on a temporary basis is considered to be acceptable in principle and accord with the requirements of Policy DM3.

(ii) Effect on the character of the area

- 7.3 No external alterations are proposed and the proposed use is not considered to be detrimental to the character of the area.

(iii) Effect on the nearby residential amenity

- 7.5 There are residential properties located to the rear of the industrial units in Little Hacketts and the main impact relates to possible nuisance from the use of the premises, such as loud music and noise associated with classes. The proposed use would be for Aerial fitness classes which involves small scale classes supervised by an instructor, and whilst music will be played this would be at a low level to allow for instruction. The limited class size may also assist in limiting the risk of noise. Conditions including making any permission for Aerial fitness classes only, restricting the maximum class size and hours of use, details of the equipment to be used for music and requiring the door in the rear elevation to be kept shut during classes are recommended. A temporary grant of permission will allow for this to be reviewed. This would control the impact of the use and prevent the premises being used for any other D2 use without a further planning application to consider such a proposal. Regarding hours of use these would extend beyond the normal working day, but the level of use is relatively low and the impact could be controlled to an acceptable level by conditions as recommended. A condition to control additional openings is also recommended, to ensure that these do not give rise to noise escape.

(iii) Highways / parking considerations

- 7.6 The plans have been amended to provide 5 further parking spaces available for use after 5pm in addition to the 5 on site car parking spaces and these have been included in the red edge and can be required by planning condition. Cycle stands are provided to the front of the building. Subject to conditions in respect to parking the Development Engineer does not raise objection. However, the occupier/owner of the additional spaces whilst stating no objection has indicated that these may not be available on a permanent basis, therefore the use of a temporary permission is recommended to enable the situation to be reviewed.

8 Conclusion

- 8.1 Subject to conditions the proposal is acceptable and approval is recommended.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT TEMPORARY PERMISSION** for application APP/14/00805, subject to the following conditions:

- 1 This permission shall be for a limited period expiring on 31 December 2015, on or before which date the use of the building for aerial fitness classes shall be discontinued permanently and the site shall be restored to B1 use unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: To enable the Local Planning Authority to assess the impact of the

proposed use and to safeguard the amenities of the occupiers of neighbouring properties, having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 The premises shall be used only for "aerial fitness classes" as set out in the submitted application 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, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
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.
- 3 The premises shall only be open and classes shall only be held between 10.00 hours and 21.00 hours on Monday to Fridays and 10.00 to 18.00 hours on Saturdays and not at all 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.
- 4 Class sizes shall not exceed 10 persons.
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
- 5 No externally visible or audible equipment, plant, machinery or structures required for ventilation 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 been submitted to and approved in writing by the Local Planning Authority.
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 rear exit in the north elevation of the building shall be kept shut for the duration of any classes.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 The development shall not be brought into use until space for the parking, loading and unloading of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details to provide 10 parking spaces between 17.00hrs and 21.00hrs and 5 parking spaces at all other times. During these respective times these 5No. and 10No. spaces shall only be used for parking in connection with the use of the premises the subject of this permission.
Reason: In the interests of highway safety and having due regard to policy

DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows, doors or other openings shall be constructed without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

Garner Wood Marketing details

Floor plan scale 1:100

Photographs received 11 August 2014.

Amended location Plan received 2nd October 2014.

Reason: - To ensure provision of a satisfactory development.