
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/14/01126	Expiry Date:	01/01/2015
Applicant:	Mr Eddy Active Health Personal Training and Life Coaching Ltd	Team:	Team 1
Agent:		Case Officer:	Tina Pickup
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site relates to the first floor above Sainsbury's which is 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

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.

As initially submitted 24 hour access was sought - but with reference to the amenity considerations below, this has subsequently been agreed with the applicant to 0600 to 2200 daily.

The proposed gym would mainly be equipment placed within the large open area - only a small area would be divided off for small classes.

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	()
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)
-----	--

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group - I have visited the site of the applicants existing gym to assess the type of setup to be expected at the above address. The background music level was not too loud and can be adjusted if so required. Thick rubber matting is proposed to be used in areas where free weights are in use and also thinner but similar matting in areas where circuit training and group exercise classes are held.

My concerns are that it is proposed that this be a 24 hour / 7 days a week accessible gym; there are residential properties within 25 metres of the gym and at the same floor level. Therefore I would ask that the windows in number 10, facing the flats opposite in Mengham Road, be kept closed at all times to prevent any potential noise nuisance, impacting on the properties opposite. It might also be necessary to install, on these windows, vertical blinds or similar to prevent the possibility of light pollution impacting on the properties opposite, especially during unsociable hours.

Other conditions recommended

Development Engineer - Highways - no adverse comment

Crime Prevention -Minor Apps - not received

Economic Development, Regeneration & Development - not received

Planning Policy - not 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: 37

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 6

Summary: live within 100ft of premises; anti-social behaviour associated with previous snooker hall was unbearable; unhappy for need for 24 hour access; no need for this as traffic would cause problems and added noise; suspicious of a future alcohol licence; concerned over figures provided - population majority OAPs and most won't want to use the facility; 5 Seagrove an office and in past had problems with people using our car park in the evenings and at weekends - it is signed as private but not gated; public car parks further away and if open 24/7 overnight problems will arise; 24hr use will cause disturbance to neighbours; outside normal retail hours noise levels of people arriving and leaving will appear more significant during relative quiet of the night; CS16 - 4 - no disabled access; CS16 - 6 - no sustainable design; no details for provision of removal of waste or recycling; DMS6 - disturbance to nearby occupiers - no allowance for soundproofing; music will be heard; 16 Mengham Road planning permission restricted noise & described as a residential area; no parking provision, therefore free residential roads will be used affecting local residents amenity; overlap of exercise classes will cause congestion; peak usage times coincide with hours of nearby school, concern for pupils; previous snooker hall didn't have as many members; DM14 -5 requires parking standards of 1 space per 15 sq m requiring 30 spaces; and 1 cycle space per 20 sqm requiring 22 cycle stands; Portsmouth City Council refused similar application.

Comment: Most of these issues will be covered below; but the proposed use and application does not include an alcohol license, which is not a planning matter

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 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 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 3 full time jobs and 4 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 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.

As originally submitted the application originally requested 24 hour access for certain screened members. However the letters of objection received all object to the night time use, identifying possible concerns with parking and noise levels from comings and goings when the surrounding ambient noise has reduced to quiet night time levels. Given the number of residential flats and dwellings in close proximity this concern is considered justified; the gym is a new enterprise and at this stage its demand and popularity and therefore impact cannot be accurately anticipated. Therefore it is considered appropriate to initially limit the hours of use to match the general shopping hours when activity levels in the area are already higher. This has been discussed with the applicant and he is willing to accept 2200 as a closing time, but requests 0600 as an opening time, as many customers use gyms before going to work. This is considered reasonable and the applicant advised that if these hours are imposed by way of condition, he could in the future, apply to vary and extend these hours with a further formal application when the impact of his use is better known.

The gym is to be fitted out with audio equipment to play background music; but the applicant does not hold large group classes with loud music like aerobics. Group sessions are between 6 and 10 participants working together on the same exercises to the same background music in the whole venue, it is not elevated specifically for the class. The windows in the building could be opened with top vents, enabling sound to emit from the premises, particularly in the summer months. To prevent this potential source of noise nuisance it is recommended that the windows be kept closed at all times and an air conditioning system used instead. With the reduced hours opening and window closure, Environmental Health have raised no objection to the proposal and recommended some further conditions.

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; with reduced hours the detailed proposal is not considered to have any detrimental effect on nearby residents and subject to imposing a personal condition to ensure the gym operates as intended, 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/14/01126

(A)

(B) 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 Mr Dean Eddy for use as a 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 Mr Dean Eddy 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 policy 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 policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Details of any proposals relating to the installation of noise making equipment (i.e. refrigeration units, air conditioning, extract ventilation equipment, heat pump), 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 Policy 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:

1:1250 Site Plan
1:500 Block Plan
1:50 Plan layout
3-D indicative layout plan
Environmental Statement
Design and Access Statement

Reason: - To ensure provision of a satisfactory development.