
Site Address:	2 Padnell Road, Waterloooville, PO8 8DZ		
Proposal:	Change of use from Doctors Surgery (Use Class D1) to Dance School (Use Class D2).		
Application No:	APP/13/00924	Expiry Date:	07/11/2013
Applicant:	Mr F Miah	Team:	Team 2
Agent:		Case Officer:	Richard Nash
Ward:	Cowplain	DMC Lead Member	

Reason for Committee Consideration:

Density:

HDS Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site comprises a former doctor's surgery of approximately 185 square metres in area, located at the south west corner of the junction of Padnell Road with Padnell Avenue. The site has limited external amenity space, including car parking spaces, and is bounded to the north by railings and to the east and west by hedging, the latter including 2 protected trees. The site is located within Cowplain District Centre as identified within the emerging Local Plan (Allocations) Document and the area is characterised by a range of land uses. To the immediate west and south west of the site are an Age Concern day centre and a health centre premises, with which the application site shares a vehicular access. Opposite the site, to the north and east, there are residential properties.

2 Planning History

22980/2: Construction of single storey surgery. Approved 1980.

22980/7: Single storey extension and ancillary parking. Approved 1988.

Approval was granted under 08/68275/002 for the demolition of the building and then adjoining dwellings and the construction of a new GP, pharmacy and health premises including a new access, car park, servicing and landscaping. The site plan for that proposal included the access and car parking area for the current site but not the building itself. The building is shown on the previously approved site plan as 'to be re-developed (not part of this application)'. Although the description of the relevant application included demolition of the building, this was not required by a legal agreement or as a condition of the planning permission.

3 Proposal

The current application proposes the change of use of the building from a doctor's surgery (Use Class D1) to a dance school (Use Class D2). The proposal initially also included a bar use (Use Class A4) but this element has now been withdrawn by the Applicant. It should be noted that the hedging and protected trees at the site are not referred to on the application form - but the proposal should not require their removal in this case.

4 Policy Considerations

National Policies

National Planning Policy Framework (NPPF)

Core Strategies 2011 forming part of the HBLDF

CS1	(Health and Wellbeing)
CS16	(High Quality Design)
CS4	()
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Policies of HBLP (Allocations) Publication Version forming part of the HBLDF

AL3 Town, District and Local Centres

Listed Building Grade: Not applicable

Conservation Area: Not applicable

5 Statutory and Non Statutory Consultations

Crime Prevention:

Expresses concern over insufficient parking on site.

Arboriculturalist:

Proposal should not have an impact on protected trees.

Regeneration & Development:

Supportive of application, which will turn a redundant community building in to a valuable source of local employment. Applicant has submitted strong evidence of marketing. Tend to agree there is a good supply of community facilities in area.

Environmental Health Manager:

Concerned that dance school and in particular bar opening until 01.00am may have a detrimental impact on nearby residential amenity in terms of noise. Concerns relate to noise from music from both the dance school and bar, noise from patrons at night-time, noise from any ventilation/air handling/refrigeration equipment and noise from deliveries and waste collections.

Application does not provide any information to negate these concerns and therefore have no alternative but to object to the application on the grounds of insufficient information.

Should you be of a mind to grant condition, or should the Applicant require details of the areas where information should be provided, would request the following conditions, which put the emphasis on the Applicant to demonstrate proposals will not adversely affect amenity of local residents:

Condition 1: The facility shall not be brought into use until a scheme for sound attenuation has been submitted to and approved by the Local Planning Authority in writing. This scheme shall assess the impact of music and people noise on the occupiers of the nearest residential dwellings and acoustic measures to alleviate noise and disturbance.

Condition 2: Any proposal relating to install noise making equipment (i.e. refrigeration units, air conditioning, extract ventilation equipment, heat pump) schemes shall be

agreed and approved in writing by the Local Planning Authority prior to any development taking place.

BS4142 Requirement: Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997.

Furthermore the use of the premises as a bar may include the service and preparation of food, although again the applicant does not provide these details. Should the premises intend to serve food, then details of the kitchen extraction should be provided:

Condition 3: Before development commences, the Applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of odour from the preparation of food associated with the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The development shall be carried out and thereafter maintained in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

I would also request conditions to minimise any disturbance to local residents during construction works:

Condition 4: Construction, clearance or demolition work of any sort within the area covered by the application shall only take place between the hours of 0800-1800 on Monday to Fridays and 0900-1300 on Saturdays. No work at all shall take place on Sundays and Bank or Statutory Holidays.

Condition 5: No bonfires to be allowed on site during the period of demolition, clearance and construction.

Development Engineer:

If dance school is used in the way explained it would be difficult to refuse on highway grounds as use is equivalent to a medical facility (there could be at least 15 people in a waiting room to see a doctor). The hours and Sunday use of the dance studio are different than those of a standard medical facility but this is an amenity issue that should be considered by the Planning Authority. Only concern is it would be difficult to condition to ensure dance school is used in the way described and any future "dance" use could be more intensive.

Further Comments;

To refuse the application on highway grounds, reference would need to be made that the lack of parking would lead to people reversing out of the site if they could not find a space, causing danger and inconvenience to users of the highway. This is not a very strong argument. If there is not sufficient parking then the key to this development is the ability of vehicles to easily enter the site, drop off and emerge in a forward gear, using land within the control of the applicant. If this can be demonstrated then the layout would need to be agreed prior to commencement and conditioned to remain. A substandard layout or no layout submitted as part of the application would, I suggest, lead to a refusal, on the grounds that the Applicant has not demonstrated that development would not lead to the inconvenience of users of highway and the amenity of the surrounding properties including those on site.

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: 12

Number of site notices: 1

Statutory advertisement: Not applicable

Number of representations received:

Response to Initial Scheme

1 response noting wrong drawings initially placed on website file.

Circular responses from 21 different addresses, supportive of dance school but objecting to bar on grounds of parking and noise and smoke pollution.

1 response with no objection subject to conditions (i.e. restrictions on noise levels, tying bar to dance school use and controlling parking and highway impact).

8 responses from 7 addresses with no objection to dance school but objecting to bar on grounds of noise, disturbance, parking and access.

1 response with no objection to dance school subject to opening hours conditions, but objecting to bar on grounds of noise, disturbance, parking and access.

19 responses from 17 addresses objecting to entire proposal on grounds of noise, disturbance, parking and access, litter and vandalism, no need for an additional bar in the area and pointing out errors on application form.

1 later withdrawn response broadly supporting proposal but concerned about parking and access.

Response to Revised Scheme Omitting Bar Proposal

1 updated response with no objection subject to closure at 10pm.

5 updated responses from 4 addresses, objecting on grounds of noise, disturbance, parking and access.

1 new responder objecting on grounds of parking and access.

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 on neighbouring amenity
- (iii) Parking and Highways

(i) Principle of development

7.2 The former use of the application site as a doctor's surgery provided a community service and facility. This service and facility have effectively been replaced by the nearby health centre. Core Strategy Policy DM2 sets out criteria for the change of

such land uses and is permissive of the change of use or loss of premises 'where...it has been demonstrated...that the premises...are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community'.

- 7.3 Evidence has been provided of marketing of the site for a period in excess of 12 months, including direct approaches to potential Class D1 Users. It is considered that the Applicant has demonstrated the site is no longer viable for its most recent use in terms of its location. In broad terms the re-use of a building that has lain vacant for so long is to be encouraged. The proposed use of the building as a dance studio would provide a beneficial facility to the community and as such would meet the criteria of Core Strategy Policy DM2.

- 7.4 Policy AL3 of the emerging Allocations Plan supports proposals that provide main town centre uses in District Centres, and the supporting text identifies community facilities as being appropriate in this regard. The proposal would therefore be acceptable in principle.

(ii) Impact on neighbouring amenity

- 7.5 The initial proposal, incorporating an A4 bar use, attracted considerable local concern around issues of noise and smoke pollution, general disturbance and the potential for litter and vandalism. There remain objections to the revised proposal, for use as a dance school, on the basis of potential noise pollution and general disturbance. The Environmental Health Officer has recommended conditions aimed at preventing disturbance to neighbouring residential properties as a result of noise emanating from within the building on the site.

- 7.6 It is considered that the omission of the bar element of the proposal would be likely to reduce the potential for external disturbance in terms of customer behaviour, particularly given the revised proposed opening hours of the premises, now confirmed by the Applicant as being 9am to 10pm. The potential occupier of the premises explains that most dance classes would operate between 4pm and 9pm each weekday evening, with a full day on Saturday and occasional Sunday use. There would be some classes running during the days on weekdays, but these would only be small sized classes for toddlers and adults. Each class would have no more than 15 students in each lesson (some classes might comprise only 5 to 7 students) and would last for 45 minutes or 1 hour. Students are made aware of the discipline and behaviour that is expected of them both whilst in, and on their way to and from, classes, and are discouraged from loitering beforehand or afterwards.

- 7.7 A further consideration on this issue is that the planning permissions granted for the initial construction and subsequent extension of the building did not limit its hours of use. The building could therefore (theoretically) be used, without the need to obtain planning permission, for 24 hours each day for any Class D1 use. As well as health related uses, this might include a crèche, school, art gallery, museum, library, public hall, place of worship or non-residential education or training centre. There is however potential for impact on neighbouring amenity arising from access and parking, as discussed below.

(iii) Parking and Highways

- 7.8 Both the initial and revised proposal have attracted considerable local concern around issues of parking and safe access. The application form states there are 4 on site parking spaces available but there are currently only 3 spaces marked out on the site.

The Applicant has advised there is sufficient room to provide 3 on site parking spaces and a drop off point. The potential occupier explains that most students would be dropped off and collected by parents. Classes would be staggered to reduce traffic impact and some students stay for a number of classes in succession. Parents that wish to stay during their child's class would be advised to use nearby public car parking.

- 7.9 On the basis of the information provided, the Development Engineer is of the view that it would be difficult to refuse the proposal on highway grounds, as the use is equivalent to the former medical facility (i.e. there could be a similar number of people in a doctor's waiting room at any one time). There is however concern that it would be difficult to ensure the dance studio is used in the way described and any future dance use could be more intensive.
- 7.10 Notwithstanding the latter point, it should be noted that the previous use of the site benefited (by way of an explicit planning condition) from 12 dedicated on-site parking spaces, whereas the proposed use would only provide for 3 spaces and a drop-off point (the balance having now been subsumed into the new health centre site). It has been suggested that, regardless of their ownership, these remaining spaces are dedicated to use in connection with the new health centre by virtue of planning permission 08/68275/002. This is indeed suggested by the approved layout plan forming part of that permission. In considering that proposal it was noted that the development proposed 43 parking spaces, including 4 disabled driver bays, within the site. This level of provision met the then current guidance for the proposed development, but there are no legal agreements or planning conditions tying the use of the parking spaces to the new health centre.
- 7.11 In terms of current parking standards, the size of the building is below the threshold of 1000 square metres where a Transport Assessment or Site Travel Plan would be required for general leisure uses. Core Strategy Policy DM14 and Appendix 5 require the provision of 1 parking space per 10 square metres of 'open hall' area for the cited example considered most analogous with the current use (i.e. health clubs). Church halls would require a similar level of parking, whilst eating and drinking establishments would require 1 space per 5 square metres of dining/bar/dance floor area and a sports hall would require 1 space per 30 square metres of playing area. It is considered that these latter two uses would be likely to be respectively more and less intensive than that currently proposed. However, in the absence of specific standards for dance schools, it is considered appropriate to take an average between the standards for health clubs and sports halls (i.e. 1 space per 20 square metres).
- 7.12 The Applicant has indicated that approximately 70% of the floor area of the building would be used for actual dance class use (i.e. exclusive of storage, toilets and so on). This equates to approximately 130 square metres. On this basis provision would have to be made for a minimum of 6 on site parking spaces for the currently proposed use. Given the limited degree of curtilage around the building, it would not be possible to provide this degree of parking on the site, particularly as there would also be a need to provide a safe turning facility. It is considered that there is just sufficient room to provide the 3 on site parking spaces and a drop off space, but with no additional space for a turning facility.
- 7.13 The application site is in a District Centre location, with bus stops (in Padnell Road and London Road) and a public car park (off Durley Avenue) in close proximity - as noted above the prospective user of the premises has indicated that longer staying visitors would be encouraged to use the latter. The site is not in a 'highly accessible

location' as defined in the Core Strategy. However, given the availability of public transport and car parking, it is perhaps worth considering the levels of parking that would be required for the proposed use if it were in a 'highly accessible' location. In that case (again taking the average between the standards for health clubs and sports halls), the proposed use would require 3 to 4 spaces (i.e. 1 space per 30 square metres), which in itself would be achievable within the site - but without room for a turning facility.

- 7.14 It appears that the determination of application 08/68275/002 did not take account of the layout plan not retaining any parking spaces for the current application building. There was perhaps an expectation that the building would be demolished prior to a re-use of the site, but nevertheless consideration has to be given to the fact that, by virtue of a planning permission, the site was left potentially devoid of parking provision, whatever its future use might be. Notwithstanding this, the fact is that the site has subsequently been separated with a degree of parking retained. The critical issue is therefore whether or not this is sufficient to serve the proposed use without impacting on highway or local amenity.
- 7.15 As noted above, it is considered that there is not sufficient room within the site to provide for a turning facility - no matter what level of parking space is provided. As the site is not accessed immediately from the highway, it is considered that the lack of a turning facility would be unlikely to lead to vehicles reversing in a manner that would cause direct danger and inconvenience to users of the public highway. In this respect it should be noted that Paragraph 32 of the NPPF states that proposals should only be refused on Transport grounds where impacts are likely to be severe
- 7.16 Although roads immediately around the site are subject of Traffic Regulation Orders (TROs), representations have been received suggesting these Orders are ignored by health centre visitors as the dedicated car park is regularly full. Furthermore, it is alleged that patients using the former doctor's surgery sometimes used private residential car parking areas without authorisation and there is concern that this could recur. There is also the potential for unauthorised use (and a knock-on effect) of private parking areas for the health centre, day centre and other commercial premises nearby, as well as the blocking of private driveways and pavements during the dropping off and collecting of students. Doubt has been expressed as to whether staff and parents would pay to park if there are 'free' alternatives and these issues are seen as being exacerbated by the nearby busy junction resulting in queuing traffic in Padnell Road and Padnell Avenue.
- 7.17 These concerns are understood and it is considered that the inability of vehicles to easily enter the site, drop off or collect students and emerge in a forward gear - all whilst using land within the control of the applicant - would mean that vehicles would be likely to use neighbouring private parking areas, or the shared access, or roads subject to TROs as an alternative. This would particularly be the case as the nature of the proposed use would be likely to lead to multiple numbers of vehicles visiting the site at particular times. It is therefore considered the application fails to demonstrate that the proposal would not lead to the inconvenience of users of the highway and the amenity of surrounding properties.
- 7.18 Core Strategy DM14 is explicit in requiring that parking provision should not only meet standards in terms of numbers, but also must 'be practical for its intended use'. It is considered that, because of the lack of turning facilities within the site, the proposal would fail to meet the criteria of this policy. Paragraph 17 of the NPPF sets out Core Planning Principles, including the need to 'always seek to secure...a good standard of

amenity for all existing and future occupants of land and buildings'. Because of the likelihood of using neighbouring private parking areas, or the shared access, or roads subject to TROs for dropping off and collecting purposes, it is considered that the lack of turning facilities within the site is likely to lead to a detrimental impact on existing occupiers of nearby land and buildings, contrary to the Core Principle stated in the NPPF. For the same reasons the proposal fails to meet the criteria of Core Strategy Policy CS16, which requires development to respond to and respect local context and use the characteristics of the locality to help inform its design.

8 Conclusion

- 8.1 The proposed change of use of the building from a doctor's surgery (Use Class D1) to a dance school (Use Class D2) would be acceptable in principle and, subject to condition, should not result in an unacceptable degree of impact on neighbouring amenity in terms of noise or general disturbance. However, the proposal does not provide an appropriate standard of practical on site parking and there is insufficient room within the site to achieve this. The inability of vehicles to easily enter the site, drop off and collect students and emerge in a forward gear, all whilst using land within the control of the Applicant, would mean that vehicles would be likely to use neighbouring private parking areas, or the shared access, or roads subject to TROs for dropping off and collecting purposes. It is therefore considered the application does not demonstrate that the proposal would not lead to the inconvenience of users of highway and the amenity of surrounding properties. For these reasons the proposal would be contrary to Core Strategy Policies CS16 and DM14 and the NPPF. The planning application should therefore be refused.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/13/00924, for the following reasons:

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

Location and Block Plan

Reason: - To ensure provision of a satisfactory development.
- 3 The change of use hereby permitted shall not be implemented until a scheme for sound attenuation has been submitted to and approved by the Local Planning Authority in writing. This scheme shall assess the impact of music and people noise on the occupiers of the nearest residential dwellings and acoustic measures to alleviate noise and disturbance.
Reason: To safeguard the amenities of the locality and/or 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.

- 4 Any proposal relating to install noise making equipment (i.e. refrigeration units, air conditioning, extract ventilation equipments, heat pump) schemes shall be agreed and approved in writing by the Local Planning Authority prior any development takes place.

BS4142 Requirement

Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997.

Reason: To safeguard the amenities of the locality and/or 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 The Applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of odour from the preparation of food associated with the development. The change of use hereby permitted shall not be implemented until written approval has been given by the Local Planning Authority to any such scheme of works. The use shall be carried out thereafter in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and/or 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 Before the change of use hereby permitted is implemented, a Travel Plan shall be submitted to the Local Planning Authority for written approval. The Travel Plan shall address (a) how parking on the site shall be adequate for the persons employed at the premises, (b) how students and other visitors will be discouraged from causing hazard and/or inconvenience to users of the public highway and local residents and businesses through unlawful and/or inconsiderate parking, and (c) how dance class times will be staggered to reduce peaks of visits to the premises. The Travel Plan shall be kept current and copies provided to the Local Planning Authority on their reasonable written request for monitoring purposes, for the first three years of the Class D2 use of the premises.

Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property 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 use of the premises hereby permitted shall not be carried out before 0900 hours or after 2200 hours, or at any time on any recognised Public Holiday.

Reason: To protect the amenities of nearby residential 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.

Appendices:...