

17th September 2024

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

Dear Sir/Madam,

RE: PLANNING APPLICATION FOR 24-HOUR GYM USE, INSTALLATION OF MEZZANINE AND EXTERNAL WORKS –6 PARK WAY, HAVANT

Please find enclosed a full planning application in respect of the former Carpetright unit at 6 Park Way (also known as Unit 3 Central Retail Park). The application seeks permission for the 24-hour use of the application site, the installation of a mezzanine floor and external works associated with the operation of a gym. It will facilitate the re-occupation of Unit 3 by the applicant, Pure Gym Limited ('PureGym'), and this letter sets out the background to the current proposal, details of the proposed development and an assessment of material planning matters.

Background

Central Retail Park is located within Havant Town Centre with access from the dual carriageway at Park Road North. The retail park comprises five retail units and a freestanding drive-through restaurant. Unit 3 was previously occupied by Carpetright and is currently vacant. It provides existing floorspace of 654 sq. m at ground floor level, with rear service access via Parkway. Other occupiers at the retail park include Aldi, B&M and Wickes.

Planning permission for Central Retail Park was originally granted in outline in 2005 (ref. 04/59412/002), with reserved matters approved in November 2005 (ref. 05/59412/003). The outline planning permission has been amended multiple times resulting in a complicated planning history which we set out as follows:

- 05/59412/004 –Variation of condition 13 of planning permission 04/59412/002 to allow the provision of 234 sq. m of office mezzanine at Unit 6 and increase the gross retail floorspace to 8,027 sq. m (Granted, November 2005)
- 06/59412/006 –Variation of condition 8 of planning permission 04/59412/002 to allow the development to commence prior to the approval of the highway works (Granted, March 2006)
- 06/59412/007 –Variation of condition 10 of planning permission 04/59412/002 to increase the total amount of floorspace for the trading of non-bulky comparison goods from 2,647 sq. m to 4,647 sq. m and the variation of condition 13 of planning permission 04/59412/002 as amended by planning permission 05/59412/004 to increase the total amount of floorspace from 8,027 sq. m to 10,027 sq. m by construction of a mezzanine floor (Granted, June 2006)
- 06/59412/008 –Variation of condition 19 of planning permission 04/059412/001 to allow the drive thru/restaurant premises permitted to remain open between the hours of 07:00 and 22:00 hours Monday to Saturday and 10:00 to 22:00 hours on Sundays (Granted, April 2006)
- 07/59412/013 –Variation of condition 7 of outline consent 04/59412/002 to require that only the highways works at the proposed traffic signal junction be constructed prior to the occupation of the retail park (Granted, July 2007)

- APP/10/00578 –Removal of condition 1 of planning permission 06/59412/007 to allow for more than 4,647 sq. m (gross) of retail floorspace to be used for the sale of non bulky comparison goods (Granted, November 2010)

The operative planning permission for Central Retail Park will be planning permission ref. APP/10/00578. The Borough Council did not repeat all relevant previous conditions attached to the 2005 outline permission when granting these later planning permissions (including the operative permission). However, following the Supreme Court's judgment in the case of London Borough of Lambeth v Secretary of State for Housing, Communities and Local Government (2019), planning conditions attached to historical permissions may still be relevant even if they do not appear on the operative permission.

We note that condition nos. 13 and 19 of planning permission 04/59412/002 sought to control the total amount of floorspace at the retail park and its permitted opening hours. Both these conditions have been most recently amended by planning permissions ref. 06/59412/007 and 06/59412/008. Condition no. 2 of planning permission 06/59412/007 therefore reads as follows:

'2. (Modified condition 13 of planning permission 04/59412/001):

No more than 10,027 sq. m of gross retail floorspace shall be created within the buildings hereby permitted without the prior approval of the Local Planning Authority'

Condition no. 1 of planning permission 06/59412/008 states:

'1. The retail premises, as defined by Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, hereby permitted shall not open to the public before 0700 hours or remain so open after 2100 hours on Monday to Saturday and 1000 hours to 1700 hours on Sundays'.

Given these previous restrictions, and in the interests of a transparent approach that addresses the complicated planning history of the application site, we now submit this full planning application to permit Unit 3 to operate on the basis of unrestricted opening times, for the creation of additional floorspace by way of a mezzanine floor and for minor external works associated with the refurbishment of the unit.

Proposed Development

Whilst the existing planning permissions at Central Retail Park have sought to control the different types of retail floorspace provided within the development, they have not otherwise limited the normal operation of the Use Classes Order. Both the existing retail use and proposed gym would now fall within Class E and the existing permissions do not preclude non-retail uses within Class E. Section 55(2)(f) of the Town and Country Planning Act 1990 confirms that the use of buildings or land for any other purpose within the same use class does not involve development for the purposes of the Act. Planning permission is not, therefore, required for the use of Unit 3 as a gym.

As set out above, given the restrictions imposed by condition no. 2 of planning permission 06/59412/007 and condition no. 1 of planning permission 06/59412/008, the Council's permission is required for the 24-hour use of Unit 3 and for the installation of a mezzanine floor. 24-hour opening is one of the key characteristics of the applicant's flexible offer and that of other affordable health and fitness providers. It enables members to fit gym visits around their working patterns and lifestyles. The nearest existing, 24-hour PureGym facilities are in Waterlooville and at Portsmouth Retail Park, and the applicant wishes to extend similar benefits to members of its new gym within Havant Town Centre.

Unit 3 provides existing floorspace of 650 sq. m at ground floor and it is proposed to install a mezzanine floorspace of 430 sq. m. Planning permission for such internal alterations would not ordinarily be required but for the restrictions imposed by planning permission ref. 06/590412/008. The additional floorspace will provide for the proposed gym facilities, ancillary facilities such as changing

areas and appropriate circulation spaces. Finally, we note that minor external works will be carried out including replacement of existing entrance doors to the shopfront, the removal and infilling of the existing roller shutter and the installation of plant to the rear elevation.

Planning Assessment

The material planning issues associated with this application are the acceptability of 24-hour use, the creation of additional internal floorspace and external alterations to Unit 3. We address these matters in turn below.

As the Council may be aware, there has been a significant growth in affordable, 24-hour health and fitness facilities in recent years. Such gyms are significantly less busy during the night-time period but their opening provides access to those who wish to use the gym during these quieter times, including shift and key workers. This application is supported by a Noise Impact Assessment that has been prepared by Clarke Saunders Acoustics and considers the impacts of the gym operating throughout the daytime and night-time periods. Its assessment is based on environmental sound monitoring at the application site and sound insulation testing of the existing building (noting that the rear roller shutter doors are proposed to be infilled which will significantly improve the sound insulation of the building).

The analysis of noise breakout to the environment confirms that this will meet the adopted target criteria at the nearest residential properties on North Way. The target is met in respect of all gym activities including free weights and studio/spin areas where classes are held and amplified music is played (albeit that we note such classes are not held at night-time). The Noise Impact Assessment also considers the operation of external air conditioning plant at night-time. This confirms that plant noise will be comfortably below the existing background noise levels identified by the environmental noise survey and will therefore meet the relevant criteria.

We note that the number of arrivals and departures to the gym at night will be low and that there are currently no restrictions on access to the extensive areas of car parking. During these hours members will be expected to park as close as possible to the gym entrance for reasons of convenience. In any case, these parking areas are screened from the residential properties to the west by the existing buildings at the retail park. The applicant installs CCTV and security systems as part of its standard fit-out and gyms are monitored at all times of the day.

In such circumstances, it is clear that the 24/7 operation of Unit 3 will not have any unacceptable impacts on the amenities of the nearby residential properties. The proposal will therefore accord with the relevant requirements of Policy DM10 ('Pollution') of the Havant Core Strategy which seeks to ensure that development does not unacceptably impact the health and safety of nearby occupiers and residents.

In terms of the proposed mezzanine floor, such internal works would not normally require planning permission. Part 10 (44) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 confirms that permission is only required for such works where they are associated with retail uses. In this case, the additional floorspace will be associated with an alternative main town centre use that is located within the boundaries of Havant Town Centre. It is therefore in a sequentially preferable location that supports Policy CS4 ('Town, District and Local Centres') of the Core Strategy and will be acceptable in-principle. This element of the proposal will also support Policy CS17 ('Concentration and Distribution of Development within the Urban Areas') which seeks to concentrate new development, including leisure development, in the main urban areas and make effective use of existing land and buildings.

It is not considered that the additional internal floorspace now proposed will have unacceptable impacts in respect of any other material considerations. Parking demand associated with the proposed gym would largely fall outside of the peak trading times of the neighbouring retail units e.g.

early morning and early evening periods. Furthermore, we note that paragraph 3.05 of the Council's Parking SPD states that proposals within Havant Town Centre may be suitable for a lower level of parking provision compared to the rest of the Borough including 'zero parking development' given its comparatively higher level of accessibility. The town centre is highly accessible by sustainable modes of transport and the application site is well-related to surrounding residential areas enabling pedestrian access.

Lastly, the proposed external works are minor in nature and associated with the refurbishment of the unit. The proposed automatic entrance doors will form part of the gym's secure entry systems and will provide suitable access for all visitors. The removal and infilling of the rear roller shutter will use materials to match the existing cladding panels and brickwork details. External air conditioning condensers will be located in a discreet location to the rear of the building and facing into the existing service yard. As noted above, this application is supported by a Noise Impact Assessment which confirms that the operation of the proposed plant will have no adverse impacts on amenities. As such these elements will also accord with the relevant requirements of Policy CS16 ('High Quality Design') of the Core Strategy.

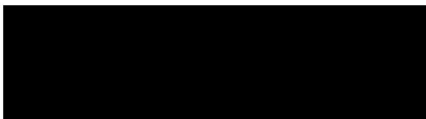
Summary

This application seeks permission for the use of Unit 3 Central Retail Park as a 24-hour gym, with the installation of a mezzanine floor and external works. The application site has previously been in Class E use retail use and planning would not be required for alternative uses within Class E, such as a gym. In this case, previous planning permissions at Central Retail Park have restricted the opening times of the units and the total amount of floorspace that can be provided within the development.

It has been demonstrated that the proposed 24-hour use of the application site will not have any adverse impacts on the amenities of nearby properties. The insertion of mezzanine floorspace for non-retail uses would not ordinarily require planning permission and in this case the site is located within Havant Town Centre and these works would be acceptable in-principle. The proposed external works are minor in nature and are acceptable both in terms of design and impacts on amenities. The application scheme therefore accords with the relevant provisions of the development plan, and we commend it to the Borough Council.

We look forward to hearing from you in due course. If you have any queries or require any further information, then please don't hesitate to contact me.

Yours sincerely,



JONATHAN WADCOCK
Director