

**Application Number:** 25/10726 Full Planning Permission  
**Site:** 44 MILFORD ROAD, PENNINGTON, LYMINGTON  
SO41 8DU  
**Development:** Change of use of car showroom to fitness studio.  
**Applicant:** Hartdene Properties FP Limited  
**Agent:**  
**Target Date:** 10/10/2025  
**Case Officer:** Graeme Felstead  
**Officer Recommendation:** Service Manager - Grant  
**Reason for Referral to Committee:** Town Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Highways, Access and Parking
- 3) Impact on Residential Amenity
- 4) Summary and Conclusion

## 2 SITE DESCRIPTION

The application site is part of a building formerly used as a car showroom but now comprises a small gym, known as Verity Fitness. The unit is located within a mixed-use parcel in Lymington comprising retail, industrial and commercial units. The application site is surrounded by residential uses and the unit is located on the western site boundary.

The application site has two main points of access. The existing access to the southeast of the site allows turning onto Milford Road and utilises a simple shared use road. This shared use road connects to Milford Road. The access also serves other units such as a car wash, florist and fireplace shop. It should also be noted that there is a second access fronting Milford Road.

There is also an additional access located to the east of the site, via South Street, which is similar in width and use to the other existing access.

## 3 PROPOSED DEVELOPMENT

The application proposes the retention of a gym (Use Class E(d)); changing the use from a car showroom (Sui Generis use). The gym has been operating since May 2025.

A defined area of land to the northwest of the unit, falling within the land edged blue on the submitted location plan, is proposed to provide the parking necessary to support the use. This area accommodates the majority of the parking spaces

associated with the development and is available to the operator through a formal arrangement with the landowner. The use of this land for parking forms part of the proposal and is secured through the accompanying planning obligation. The site floor area has not changed as part of the application and remains the same.

The gym offers fitness classes from the hours of:

06:00 – 20:00 on Monday – Friday,  
07:30 – 11:00 on Saturdays; and  
08:00 – 11:00 on Sunday.

No classes are proposed to operate on bank or public holidays

The classes vary in length from 30 minutes to an hour and can accommodate up to 10 members at any time.

The number of classes varies between 2 – 4 in the morning and 2 – 4 in the afternoon/evening, although it should be noted that there are no proposed afternoon/evening classes on weekends.

These classes are led by one staff member, and it has been observed from the existing class schedule that there is one instance a week where there are two classes at the same time: this happens on a Friday 06:00 – 06:45.

#### **4 PLANNING HISTORY**

None

#### **5 PLANNING POLICY AND GUIDANCE**

##### **Local Plan 2016-2036 Part 1:**

Policy STR1: Achieving Sustainable development  
Policy STR4; Settlement Hierarchy  
Policy STR6: Sustainable economic growth  
Policy STR8: Community services, infrastructure and facilities  
Policy ENV3: Design quality and local distinctiveness  
Policy CCC1: Safe and healthy communities  
Policy CCC2: Safe and sustainable travel

##### **Local Plan Part 2: Sites and Development Management**

Policy LYM5 (Fox Pond Dairy Depot and Garage, Milford Road) Site Specific Allocation

##### **Lymington & Pennington Neighbourhood Plan – Policy List (2016–2036)**

Relevant policies from the Lymington & Pennington Neighbourhood Plan (made February 2026) include:

LP1 (Spatial Strategy)  
LP5 (Walkable Neighbourhoods)  
LP10 (Active & Healthy Travel)

## **Supplementary Planning Guidance And Documents SPD**

Parking Standards

**National Planning Policy Framework (December 2024)**

**National Planning Policy Guidance**

### **6 PARISH / TOWN COUNCIL COMMENTS**

#### **Lymington & Pennington Town Council**

Lymington & Pennington Town Council (11 February 2026)

Decision: PAR 2 – Recommend Refusal.

The Town Council noted the submission of a Noise Impact Assessment but reported that nearby residents had stated that the mitigation measures identified within it had not been adequately implemented or adhered to. Members therefore concluded that the operation of the fitness studio continues to give rise to excessive noise and disturbance, resulting in an unacceptable impact upon neighbouring residential amenity.

The Town Council accordingly recommended refusal on these grounds

### **7 COUNCILLOR COMMENTS**

No comments received

### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

#### **Highway Authority – no objection**

Hampshire County Council – Highway Development Planning (26 January 2026)

The Highway Authority raised no objection to the proposal.

Following additional information submitted after the initial consultation, it was confirmed that the development no longer presents a shortfall in parking provision when assessed against the New Forest District Council Parking Standards for a 130 m<sup>2</sup> open hall space. As such, the Highway Authority advised that there is a low risk of overspill parking on the public highway and therefore no highway or parking grounds for objection.

#### **NFDC Environmental Health – no objection subject to conditions.**

Environmental Health reviewed the updated Noise Impact Assessment (ISVR Consulting, Ref. 11995-R01B) and confirmed that no objection is raised subject to conditions.

The NIA indicated that, where mitigation measures were implemented (doors/windows closed, restricted early parking, single-speaker system), noise was not audible at the site boundary during monitored sessions. However, Environmental Health subsequently received video evidence demonstrating noise intrusion beyond the site boundary, indicating inconsistent enforcement of mitigation measures by the operator.

Environmental Health concluded that the development may be acceptable provided robust controls are secured and adhered to. The following conditions were recommended:

1. Doors and windows closed during exercise sessions.
2. No audible noise beyond the site boundary from classes.
3. Submission and implementation of a Noise Management Plan within 4 weeks of any permission.
4. Restricted operating hours (Mon–Fri 06:00–20:00; Sat 07:30–11:00; Sun 08:00–11:00).
5. No use of gravel parking area before 08:00.
6. No outdoor exercise use on the front shingled area.

Environmental Health therefore does not object, provided these conditions are imposed.

## **9 REPRESENTATIONS RECEIVED**

A total of two objections were received from neighbouring residents.

Key issues raised include:

- Noise from classes being audible inside neighbouring properties.
- Doors being left open during classes.
- Early-morning vehicle movements on the gravel parking area, contrary to the statements within the NIA.
- Concerns that certain activities (running, weights, use of matting) do not align with the NIA's description of operations.
- Assertions that the NIA does not accurately reflect real-world use or noise levels.

Objectors maintain that the operation has resulted in disturbance and that mitigation measures are not reliably implemented.

Seven representations in support were received from local residents and gym users, including:

Supporters highlight the following:

- The gym has brought a previously vacant unit back into beneficial economic and community use.
- The facility has positive health and wellbeing impacts for a wide range of users.
- Many users walk or cycle, reducing traffic impacts.

- The operator has made efforts to implement noise and parking mitigation, including additional parking arrangements, signage, rubber matting, and restricting early use of the gravel driveway.
- Supporters state that only one neighbouring property has raised concerns, and that other nearby residents and businesses have not objected.
- Several supporters recommend a site visit during operational hours to observe actual noise levels and management practices.
- The proposal has not altered the external appearance of the building and remains in keeping with its light-industrial surroundings.

## 10 PLANNING ASSESSMENT

### A - Principle of Development

The site lies within the defined built-up area of Lymington and Pennington, where development is acceptable in principle subject to compliance with other Local Plan policies. STR4 directs new development toward the District's most sustainable settlements of which Lymington and Pennington is one, and the reuse of an existing commercial unit within this established urban area is therefore supported in policy terms.

**Policy STR6 (Sustainable Economic Growth)** encourages the use and reuse of existing commercial premises to maintain a sufficient supply of land and buildings that contribute to the local economy. Part (ii) specifically seeks to retain sites that are suitable and viable for continued employment-related activity. Although the proposal does not fall within a traditional office or light industrial employment use (the type of uses formally within the B1 use-class and now falling within use class Eg)), it nevertheless sustains an active commercial function, provides a modest level of employment, and ensures the ongoing productive use of the building.

Policy STR8 supports proposals that deliver health and community facilities which are accessible to all sectors of the community. Paragraph 4.34 of the local plan confirms that sports and leisure facilities, including gyms, are considered community facilities.

Policy ECON2 (Retention of Employment Sites and Consideration of Alternative Uses) establishes that employment sites which remain suitable for employment use will be retained wherever possible. Alternative uses may be supported where the criteria of the policy are met.

#### i. Assessment against STR4

Policy STR4 establishes a settlement hierarchy directing development toward the most sustainable and accessible locations within the District. Lymington and Pennington form part of the defined built-up area identified as suitable locations for new development, where a broad range of uses including commercial, employment and community facilities are supported in principle. The policy seeks to ensure that development in these settlements strengthens their role as service centres, makes efficient use of previously developed land, and contributes to overall sustainability. The application site lies within the built-up area boundary of Lymington and Pennington and forms part of an established commercial cluster along Milford Road. The reuse of this existing commercial unit for a Class E(d) fitness facility represents

an appropriate town-centre/urban activity within a sustainable settlement, consistent with the area's role as a local service hub. The proposal makes productive use of previously developed land, supports local economic activity, and delivers a community-facing use aligned with the wider strategic function of the settlement. Furthermore, the site benefits from good accessibility via walking, cycling and public transport, with nearby residential neighbourhoods and regular bus services serving the Milford Road corridor. This level of accessibility supports the spatial aims of STR4, which seek to focus development in locations well served by sustainable transport.

Given the site's position within the settlement boundary, the nature of the use, its reliance on an existing building, and its alignment with the strategic role of Lymington and Pennington, the development is considered to comply with Policy STR4.

#### ii. Assessment against STR8(ii)(d)

Policy STR8 supports proposals that deliver accessible community facilities which meet a broad range of community needs. The proposed Class E(d) gym constitutes such a facility, offering opportunities for physical activity and supporting local health and wellbeing. The site is located within the built-up area, in close proximity to surrounding residential neighbourhoods, and benefits from good accessibility by walking, cycling and public transport, with nearby bus stops along Milford Road. The parking provision associated with the proposal is sufficient to meet operational needs, as set out within the Transport Statement and as considered more fully later in this report. The facility is capable of serving a wide range of users and abilities, with flexible opening hours that support broad community access. Taking these factors together, the proposal is considered to comply with STR8, including criterion (ii)(d), as it represents an accessible and inclusive community facility within a sustainable location.

#### iii. Assessment against STR6 (Sustainable Economic Growth)

Policy STR6 supports the use and reuse of existing commercial premises to maintain a sufficient supply of land and buildings that contribute to the local economy. Although the proposed gym does not fall within types of employment categories envisaged by the local plan (see paragraph 7.5 of the plan and the aspiration for uses in the former B use classes; now use class Eg)), it nevertheless continues to generate economic activity and provides a modest level of employment. The proposal represents an efficient reuse of an existing commercial unit and maintains the site's economic function within an established mixed-use frontage. Given the small scale of the unit and its longstanding sui-generis former use for car sales, the proposal would not undermine the District's supply of employment land. The development is therefore consistent with the aims of STR6.

#### iii. ECON2

Policy ECON2 must be read in the context of paragraph 7.5 of the Local Plan, which defines "employment uses" specifically as falling within the former B-class uses (now within class Eg). The previous lawful use of the unit as a car showroom (sui generis) did not fall within a B-class employment category, and therefore the site has not operated as an 'employment use' in policy terms for some time. The proposed Class E(d) gym use is likewise a non-B-class use. As such, the proposal does not result in the loss of employment land, as that loss had already occurred under the former use. Instead, the development secures the ongoing commercial use of the unit, maintains economic activity on the site, and brings a previously under-utilised building back into productive use. The applicant has confirmed that the gym employs

1 full time employee/owner, 3 part time contracted employee class instructors and 1 cleaner.

On this basis, the proposal can be justified against ECON2, notwithstanding that it does not re-provide a employment function as expected in the local plan.

#### Suitability and viability for continued employment use

The unit sits within an established mixed-use commercial frontage on Milford Road and remains in commercial use under Class E(d). The gym has been operating since May 2025, generating ongoing economic activity and employment. The proposal therefore does not represent the loss of an employment-generating use, but rather the continuation of a viable, active commercial operation within the existing floorspace and built envelope.

#### (ii) Consideration of alternative uses

Policy ECON2 supports alternative, non-employment uses (as defined by paragraph 7.5 of the Local Plan) where proposals deliver community benefit and can be satisfactorily integrated without unacceptable impacts. In this case, the existing unit was previously in a sui generis car showroom use, which did not constitute an “employment use” for the purposes of ECON2, as the policy defines employment uses as those falling in the former B-class uses (now use class Eg alongside B2 and B8). The proposed Class E(d) gym use is a non-B-class use.

Given that the site was not in employment use, as defined by the development plan, prior to this application, the proposal does not involve the loss of employment land. Accordingly, although ECON2(ii) ordinarily requires marketing evidence where non-employment uses are proposed on an employment site, that requirement is not engaged here, as the site had already transitioned away from employment uses as defined in paragraph 7.5 of the Local Plan under its previous sui generis use. Notwithstanding this, the proposed gym delivers clear community benefit supporting health and wellbeing in line with STR8 and is located within the built-up area with good accessibility by walking, cycling and public transport. Subject to the recommended conditions, the use would not give rise to unacceptable amenity or highway impacts, as confirmed by Environmental Health and the Highway Authority

#### (iii) Safeguarding the overall employment land supply and the role of the site within the local employment hierarchy

Criterion (iii) is satisfied for the following reasons:

- Criterion (iii) concerns the safeguarding of employment land and the role of sites within the wider employment land supply. As set out above, the previous lawful use of the unit as a car showroom (sui generis) did not fall within a use class employment category as defined in the supporting text to the policy and therefore the site has not functioned as ‘employment land’ in policy terms for some time. The proposed gym use is similarly a non-employment use. Accordingly, the proposal does not result in the loss of employment floorspace and does not prejudice the overall supply of employment land the policy seeks to protect.

While the gym generates only a modest level of employment typically one staff member per class, with limited instances of dual-running sessions this does not materially affect the assessment under ECON2(iii). The policy is concerned with the strategic employment land resource. The key consideration is that the proposal does not displace or erode employment

land, and that the site remains in productive commercial use rather than becoming under-used or vacant. The continuation of an active commercial function in this location therefore aligns with the broader economic aims of the Local Plan and satisfies criterion (iii).

- Scale and context:

The unit is small and located within the LYM5 mixed-use allocation, which anticipates a flexible range of commercial uses along the Milford Road frontage. The gym is consistent with that commercial role and does not constrain the planned residential development to the rear. It therefore does not undermine the intended mix of uses or the strategic supply of employment opportunities envisaged by the allocation.

- Efficient reuse of existing stock:

The proposal occupies an existing unit without external enlargement, supporting the ongoing vitality of the frontage and avoiding pressure to release additional employment land elsewhere. This is consistent with maintaining the overall employment land resource.

When read against the evidence, the proposal complies with Policy ECON2. It retains an active, employment-generating use within an existing commercial unit, delivers community and health benefits consistent with the role of the settlement, and does not prejudice the strategic supply or function of employment land within the District or the delivery intent of Policy LYM5.

#### iv. Policy LYM5 – Mixed-Use Allocation (Milford Road)

The site lies within the LYM5 allocation in Local Plan Part 2, which anticipates commercial uses along the Milford Road frontage with residential development to the rear (approximately 14 dwellings). The proposal relates solely to the reuse of the existing commercial unit. It introduces no new built form and does not constrain the delivery of the residential element of the wider allocation. LYM5 anticipates a flexible mix of commercial uses along the frontage, and the proposed Class E(d) gym is compatible with that expectation. The proposal is therefore acceptable when assessed against Policy LYM5.

The proposal also broadly accords with the Lymington and Pennington Neighbourhood Plan Policy LP1. It uses brownfield land and provides a facility in proximity to Pennington centre.

The proposal also broadly accords with the Lymington and Pennington Neighbourhood Plan Policy LP5 which identifies Lower Pennington as a broad location. In each broad location, proposals comprising uses to meet the local communities day-to-day needs will be supported in principle. The proposed use is considered to address local needs for a gym.

To conclude, although the proposal represents a departure from traditional B-class employment uses, it maintains an active commercial role within an existing unit and continues to contribute to the local economy. The use delivers clear community and health benefits while retaining the site in productive economic use, and it does not compromise the availability or strategic function of employment land within the District. The site's position within the built-up area ensures good accessibility by sustainable modes, and the proposal provides a community facility that supports wellbeing objectives.

Accordingly, the development accords with Policies STR4, STR6, STR8(ii)(c–d) and ECON2, including criterion (iii) relating to the safeguarding of the District’s wider employment land supply, and LYM5 and Neighbourhood Plan Policies LP1 and LP5.

For clarity, this conclusion relies on the preceding explanation of how the Local Plan defines “employment uses” for the purposes of ECON2 namely, that only the former B-class uses fall within this definition (Local Plan para. 7.5). As the site has not been in a B-class use for some time, the assessment above explains why the proposal can be considered compliant with ECON2 despite not re-providing a B-class employment function.

### B - HIGHWAYS, ACCESS and PARKING

Local Plan Policy CCC2 – Safe and sustainable travel requires sufficient, well-designed car and cycle parking and safe access arrangements. Policy ENV3 – Design quality and local distinctiveness expects layouts that integrate adequate parking and circulation so realistic needs are met without prejudicing highway safety or local character. The Parking Standards SPD (April 2022) provides detailed non-residential standards and the framework for any justified departures (Section 15, Principle PS13).

Lymington and Pennington Neighbourhood Plan Policy LP10: Active and Healthy Travel sets out

- A. The Neighbourhood Plan identifies the existing Sustainable Travel Network and opportunities for improvements, as shown on the Lymington and Pennington Active Travel Plan, for the purpose of supporting healthy and safe active travel opportunities in the Parish.
- B. Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout and means of access and landscape treatment.
- C. Proposals that avoid harm to the functioning or connectivity of the Network, or opportunities for improvements to the Network, will be supported.

#### *i. Access and local movement network*

The unit sits within a mixed-use parcel served by two established accesses: a southeastern bell mouth to Milford Road (A337) and an eastern access from South Street. No alterations to these access points are proposed. Internal estate roads operate at low speeds with shared use typical of such estates. Footways run along Milford Road and on both sides of South Street (generally c. 1.8–2.0 m), giving safe pedestrian connectivity to nearby residential streets and the adjacent bus stops (“South Street” on Milford Road and “Milford Road” on South Street).

#### *ii. Public transport and active travel*

Both accesses are within a very short walk of frequent Morebus X1/X2 services. The Transport Statement records, for example, X1 Monday–Friday departures including 06:42 and then roughly hourly from 08:37–13:38 with later services at 14:03, 15:40 and 17:47; Saturdays run every 30–60 minutes between 07:00–14:10 with further runs at 15:43 and 17:47, and Sundays at 09:25, 11:25, 14:00 and 16:00. X2 operates every 60–90 minutes Monday–Friday between 06:09–16:47, and on Saturdays between 07:57–16:49 (no Sunday service). The surrounding street network is flat and conducive to cycling; while there are no formal cycle lanes on the

estate accesses, the wider network (e.g., Lower Pennington Lane) forms part of the local New Forest cycle network.

Walking catchment: The site is about 1.5 km from Lymington town centre and sits within a broad 1–2 km walking/cycling isochrone to nearby neighbourhoods, supporting short, local trips on foot or by cycle.

As such, the proposal broadly accords with the objectives of Policy LP10 of the Lymington and Pennington Neighbourhood Plan.

*iii. Parking provision (cars and cycles)*

Under the NFDC Parking Standards SPD for health/fitness uses (1 car/10 m<sup>2</sup> open hall; 1 cycle/40 m<sup>2</sup>), the 130 m<sup>2</sup> open hall requires 13 car spaces and 3 cycle spaces. The revised Transport Statement confirms provision as follows:

- 3 spaces in the informal gravel area immediately west/left of the unit; and
- 10 allocated spaces within the courtyard to the northwest of the building

This provides a total of 13 car parking spaces and 3 cycle spaces, thereby meeting the Parking Standards SPD requirement in full. The parking arrangement will be secured through a planning obligation to ensure that the spaces remain available for use in association with the development.

*iv. Early morning protocol (pre-08:00)*

To address Environmental Health's recommendations regarding early-morning noise, the gravel parking area will be physically closed from 06:00 until 08:00 each day, reflecting the period when the noise of vehicle movements over the gravel surface would be most sensitive. The operator will secure the gravel area using a simple and robust barrier system (such as a lockable chain or bollards), preventing any client access before 08:00. To avoid customers gaining access shortly before 08:00, the barrier will remain in place until after 08:00, once the first wave of morning arrivals has parked in the courtyard area. The gravel area will then remain available for use from 08:00 until the end of the gym's operating day at 20:00, after which no further customer arrivals occur.

During the 06:00–08:00 period, staff will direct all clients to the hard-surfaced courtyard parking area, where 10 marked spaces are available together with three additional visitor spaces. This maintains the full parking requirement of 13 spaces while eliminating early-morning traffic noise on the gravel surface. Vehicle manoeuvring has been reviewed using swept-path analysis undertaken by the applicant's transport consultant, which confirms that cars can enter, park and leave the courtyard parking area without needing to reverse onto the public highway. This means that all turning movements take place safely within the low-speed internal access road that serves the wider commercial group of units, and not on Milford Road itself. The analysis demonstrates that typical private cars can be accommodated safely within the layout, ensuring that the parking area can operate effectively without reliance on the appendices referred to in earlier versions of the Transport Statement.

The amended scheme (TS Rev. 6) now:

- Meets the full SPD requirement: 13 car and 3 cycle spaces;
- Provides vehicle tracking to demonstrate practical operation; and
- Implements an early-morning management protocol to prevent gravel area use before 08:00.

v. *Trip generation and peak effect*

As the application is retrospective, the Transport Statement is based on what actually happens at the gym. A typical weekday generates around 124 trips in total, with roughly half of these made by car. The busiest times are when a class overlaps with the morning or evening peak hour, but even then the maximum expected movement is around five cars arriving and five cars leaving during the peak. At weekends, the gym only operates in the mornings, generating fewer trips overall. Given the small size of the gym and the capacity of the A337, these vehicle numbers are very low and would not have any noticeable effect on how the local road network operates.

vi. *Safety (collision data)*

A five-year review (01/01/2020–31/12/2024) of Personal Injury Accident data identifies seven incidents on the A337 in the vicinity (five slight, one serious, one fatal). Two slight collisions occurred at/near the site's southern access (24/10/2022 and 19/06/2024). The serious (19/12/2020, 40 m NE of the access) and the fatal incident (between the site access and South Street) did not occur at the site accesses; the fatality was attributed to dangerous driving rather than junction design.

No pattern suggests an existing highway design deficiency that would be exacerbated by the proposal.

Hampshire County Council highways (27/10/2025) previously cited a parking shortfall as the only outstanding matter. The amended layout now accords with the NFDC SPD parking standard subject to a suitable planning obligation. To conclude, with 3 on-site car parking spaces, 10 spaces in the adjacent land parcel and 3 cycle spaces provided, and with the early-morning management protocol ensuring that the gravel area remains closed before 08:00, the development achieves full compliance with the Parking Standards SPD and meets the requirements of Policies CCC2 and ENV3. The updated parking arrangement will also be secured through a planning obligation to ensure that adequate provision is retained for the life of the development. Trip generation remains low and directly linked to the class timetable, and the personal injury accident data shows no pattern of highway risk that would be made worse by the proposal.

In addition, the proposal aligns with Policy STR8, which requires community facilities to be accessible and well-located. The gym benefits from safe pedestrian links, nearby bus services, and sufficient on-site parking to accommodate peak demand, ensuring that it can be accessed by a range of sustainable transport modes. Taken together, and subject to the recommended conditions and planning obligation, the development is acceptable in highway and accessibility terms.

C - Residential Amenity

Local Plan Policy ENV3 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making planning decisions. It specifically states that new development should avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on the local character or residential amenity.

Local Plan Policy CCC1 (i) Development should not result in pollution or hazards which prejudice the health and safety of communities and their environments.

The NPPF Paragraph 96 states that planning decisions should aim to achieve healthy, inclusive safe places which enable and support healthy lives, through promoting good health and preventing ill-health. Advice in the NPPF also sets out that decisions should aim to "...avoid noise giving rise to significant adverse impacts on health and quality of life" (para 198(a)). Footnote 72 of the NPPF cross refers to the Explanatory Note - Noise Policy Statement for England. This provides further guidance on managing noise from development.

NFDC Environmental Protection has commented that the noise associated with the change of the use to a fitness studio/gym is a material concern given the residential setting of the development.

A Noise Impact Assessment has been submitted, undertaken by ISVR Consulting (Ref: 11995-R01B).

The assessment considers the primary noise sources associated with the development and includes observations made during two exercise classes. The key points from the assessment include:

- Classes commence as early as 06:00 hrs, with clients arriving shortly beforehand.
- The main sound sources identified include equipment within the gym, accompanying music from classes, and the early arrival of clients using the gravel car park and walkway.
- No mechanical ventilation plant is used; vocal instructions are unamplified
- No exercises are conducted outdoors, except for the start and finish of group runs.
- The management has implemented mitigation measures to minimise noise (e.g., keeping doors and windows closed, using single-speaker sound systems etc.).
- The landowner has imposed restrictions on the use of the parking area prior to 08:00 hrs,

Further mitigation measures outlined in the Noise Impact Assessment are as follows:

1. Maintain the existing quiet policy for clients;
2. Restrict use of the gravel car park before 08:00 hrs;  
The main noise issue comes from vehicles driving over the gravel surface and, to a lesser extent, car doors closing. The site owner has addressed this by ensuring the gravel parking area is not used prior to 08:00 hrs.
3. Continue indoor-only fitness activities;  
No outdoor classes should be introduced, except for the occasional running sessions already noted.
4. Keep windows and doors closed during classes  
This measure helps maintain low noise transmission to the outside
5. Following the above assessment, NFDC Environmental Protection has been provided with video evidence from an objector who lives adjacent to the site indicating that noise from classes can have a negative impact, with intrusive sound clearly audible beyond the site boundary.

As set out, Lyminster and Pennington Town Council set out in their response that the proposal would give rise to unacceptable impact upon neighbouring residential

amenity.

However, NFDC Environmental Protection has not raised an objection subject to the imposition of suitable conditions (as set out). As such, NFDC Officers consider, in line with the professional advice from Environmental Protection colleagues, that subject to suitable conditions, the proposal would be acceptable in terms of local amenity and would accord with Policy ENV3 criterion (ii).

In summary, the fitness studio operates within a sensitive residential context where noise has the potential to affect neighbouring properties. The submitted Noise Impact Assessment identifies the main sources of noise and outlines a series of mitigation measures, and further evidence from a neighbouring resident demonstrates that some disturbance has occurred historically. While the Town Council considers the impact to be unacceptable, Environmental Protection has advised that the noise issues can be satisfactorily addressed through a comprehensive and enforceable set of conditions. These conditions include the requirement for a formal Noise Management Plan, keeping all doors and windows closed during classes, restricting early-morning use of the gravel parking area, and applying clear limits on music and other internal activities. Officers consider that, with these measures in place, the development can operate without giving rise to significant or harmful levels of noise affecting nearby occupiers.

On this basis, and in line with the professional advice of Environmental Protection officers, it is concluded that the proposal subject to the recommended conditions would not result in an unacceptable impact on residential amenity. The development therefore accords subject to suitable conditions with Local Plan Policies ENV3(ii) and CCC1(i).

## **11 CONCLUSION / PLANNING BALANCE**

The application site lies within the defined built-up area of Lymington and Pennington, where Policy STR4 establishes that development is acceptable in principle. The proposal involves the reuse of an existing commercial unit and represents an efficient use of previously developed land. The use as a Class E(d) fitness studio generates ongoing economic activity, supports local employment, and contributes positively to community health and wellbeing, thereby aligning with Policies STR6 (sustainable economic growth) and STR8 (community services, infrastructure and facilities).

The site also falls within the Policy LYM5 allocation, which seeks mixed-use redevelopment comprising commercial uses along the Milford Road frontage with residential development to the rear. The continued commercial use of this frontage unit is fully compatible with the allocation and does not prejudice the ability of the wider site to come forward for mixed-use development in accordance with the Policy's objectives.

The proposal broadly accords with the Lymington and Pennington Neighbourhood Plan Policy LP1. It uses brownfield land and provides a facility in proximity to Pennington centre.

The proposal also broadly accords with the Lymington and Pennington Neighbourhood Plan Policy LP5 which identifies Lower Pennington as a broad location. In each broad location, proposals comprising uses to meet the local communities day-to-day needs will be supported in principle. The proposed use is considered to address local needs for a gym

In respect of employment policy, the proposal remains compliant with Policy ECON2 when read in the context of paragraph 7.5 of the Local Plan, which defines “employment uses” specifically as the former B-class uses. The previous lawful use of the unit as a car showroom (sui generis) did not constitute an employment use, and therefore the site has not formed part of the District’s employment land supply for some time. The proposed Class E(d) gym use is a non-employment use, and therefore the development does not result in the loss of any employment land or floorspace that the policy seeks to protect. While the gym provides only a modest level of employment, the key ECON2 consideration is that the proposal does not erode the strategic employment land resource and instead ensures the ongoing productive commercial use of the unit. On this basis, the scheme represents an appropriate alternative commercial use within an established commercial frontage. Previous concerns regarding parking provision, manoeuvring and early-morning vehicle noise have been satisfactorily resolved through the revised Transport Statement and the revised parking layout. The scheme now achieves full compliance with the Parking Standards SPD and is supported by swept-path analysis. The early-morning parking protocol prevents use of the gravel area before 08:00 while maintaining on-site capacity, and Hampshire County Council Highways raises no objection. Subject to appropriate conditions and a planning obligation securing the necessary parking spaces, the proposal complies with Policies CCC2 and ENV3 and Neighbourhood Plan Policy LP10

With regard to residential amenity, the Noise Impact Assessment identifies the key noise sources and sets out a robust suite of mitigation measures. Although evidence suggests that management practices were not always consistently implemented in the past, Environmental Protection officers are satisfied that the impacts can be appropriately controlled through enforceable conditions, including a Noise Management Plan, restrictions on early-morning use of the gravel parking area, quantified noise limits, and requirements to keep windows and doors closed during classes. Subject to these safeguards, the proposal would not have an unacceptable impact on neighbouring occupiers and therefore accords with Policies ENV3 and CCC1.

Overall, the development secures the effective reuse of a previously under-utilised commercial unit, supports local employment and community wellbeing, is located within a sustainable and accessible settlement, and can be satisfactorily mitigated in respect of highways and amenity impacts. When taken as a whole, the proposal is compliant with the Development Plan including STR4, STR6, STR8, ECON2 and LYM5 and with Neighbourhood Plan Policies LP1, LP5 and LP10, the with the National Planning Policy Framework. The balance of considerations therefore weighs decisively in favour of granting planning permission.

## **13 RECOMMENDATION**

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the prior completion of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure suitable off-site vehicular parking for patrons of the gym; and then
- ii) The imposition of the Conditions as set out below and any additional / amended conditions or variation to the heads of terms or conditions as deemed necessary by the Service Manager (Development Management),

## **Proposed Conditions:**

### 1. Approved Plans

The development shall be carried out in accordance with the approved plans and documents:

- parking layout (Appendix A); and
- vehicle tracking (Appendix B) contained in Transport Statement Rev. 6.

Reason: For the avoidance of doubt and in the interests of proper planning

### 2. Restriction of Use (Class E(d) only)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order and/or the Town and Country Planning (Use Classes) Order (as amended), the premises shall be used only as an indoor sport, recreation or fitness facility (Class E(d)) and for no other purpose within Class E without express planning permission having first been granted.

Reason: To control intensity of use in the interests of highway safety and residential amenity (Policies CCC2, ENV3).

### 3. Hours of Operation

No customers shall be present on the premises outside the following hours: Mon–Fri 06:00–20:00; Sat 07:30–11:00; Sun 08:00–11:00.

Reason: To safeguard residential amenity (ENV3, CCC1).

### 4. Class Size and Concurrency

Classes shall be limited to a maximum of 10 participants with no more than one class operating at any one time, except for a single overlap period on Fridays 06:00–06:45 as per the observed programme. A schedule of classes (times and participant numbers) shall be maintained and retained for inspection by the Local Planning Authority on request for a period of at least 12 months.

Reason: To manage intensity of the use in the interests of amenity and parking/highway safety (ENV3, CCC2).

### 5. Car Park Management Plan (CPMP)

Within 4 weeks of the date of this permission, a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The CPMP shall include:

- a) Early-morning controls: A clear definition of “early morning” as any time before 08:00, and the physical measures to prevent use of the gravel parking area during this period (e.g. lockable bollards or a chain barrier), including identification of the person(s) responsible for opening and closing the barrier.
- b) Parking allocation: Details of how the 10 courtyard bays and 3 visitor bays will be allocated and signed during early-morning hours (before 08:00), with a simple plan or diagram showing their location.
- c) Circulation and manoeuvring: Arrangements to ensure all vehicle turning and reversing takes place within the internal access road serving the commercial units and not onto the public highway, including any staff instruction required to ensure compliance.
- d) Staff instruction and compliance record: A short staff instruction note describing the required parking and early-morning procedures, together with a simple compliance record (e.g. daily tick-sheet) confirming that the gravel area remained closed before 08:00. The record shall be retained for 12 months and made available to the LPA upon request.

The approved CPMP shall be implemented from the date of approval and shall thereafter be adhered to for the lifetime of the development.

Reason: To ensure adequate on-site parking is provided and managed effectively, and to minimise early-morning noise and disturbance to neighbouring occupiers (Policies CCC2 and ENV3).

## 6. Provision and Retention of Parking

The on-site parking and manoeuvring areas shown on the approved plans (including 13 car spaces and 3 cycle spaces) shall be provided/retained and kept available for their designated purpose at all times.

Reason: To provide appropriate on-site parking and promote sustainable modes (CCC2; Parking Standards SPD).

## 7. Noise Management Plan (NMP)

Within 4 weeks of the date of this permission, a Noise Management Plan shall be submitted to and approved in writing by the LPA. The NMP shall include:

- a) Music management, including a calibrated sound-limiting device setting, speaker location(s) and operational controls;
- b) Client arrival/departure protocols (quiet arrival policy; queueing inside only; no waiting on the gravel area before 08:00);
- c) Staff training and a complaints response procedure;
- d) Record-keeping and monitoring arrangements.

The approved NMP shall be implemented at all times while the premises are in use.

Reason: To protect the amenity of neighbouring occupiers (ENV3, CCC1).

8. Doors/Windows Closed During Classes

All external doors and windows shall remain closed during any exercise class, except for ingress/egress.

Reason: To prevent noise breakout (ENV3, CCC1).

9. Noise Compliance Validation

Within 8 weeks of approval of the NMP, a Noise Compliance Validation Report prepared by a suitably qualified person shall be submitted to the LPA confirming:

- a) Door/window management measures are in place;
- b) Sound limiter settings and speaker configuration achieve compliance with Condition 9 (or the alternative “no audible” condition);
- c) Early-morning arrival protocols are effective (including the closure of the gravel area before 08:00).

Thereafter, a short annual compliance statement shall be submitted on each anniversary of the permission for the first two years.

Reason: To evidence sustained compliance and protect residential amenity (ENV3, CCC1)

10. Restriction on Outdoor Activity

No fitness activities, classes, group training or use of amplified sound shall take place outside the building (including the front shingled/gravelled area), save for the start and finish of organised running sessions without music.

Reason: To minimise external noise and disturbance (ENV3, CCC1).

11. Deliveries and Servicing Hours

No deliveries, collections or servicing shall take place before 08:00 or after 20:00 on any day.

Reason: To prevent noise and disturbance at sensitive hours (ENV3, CCC1).

12. Lighting

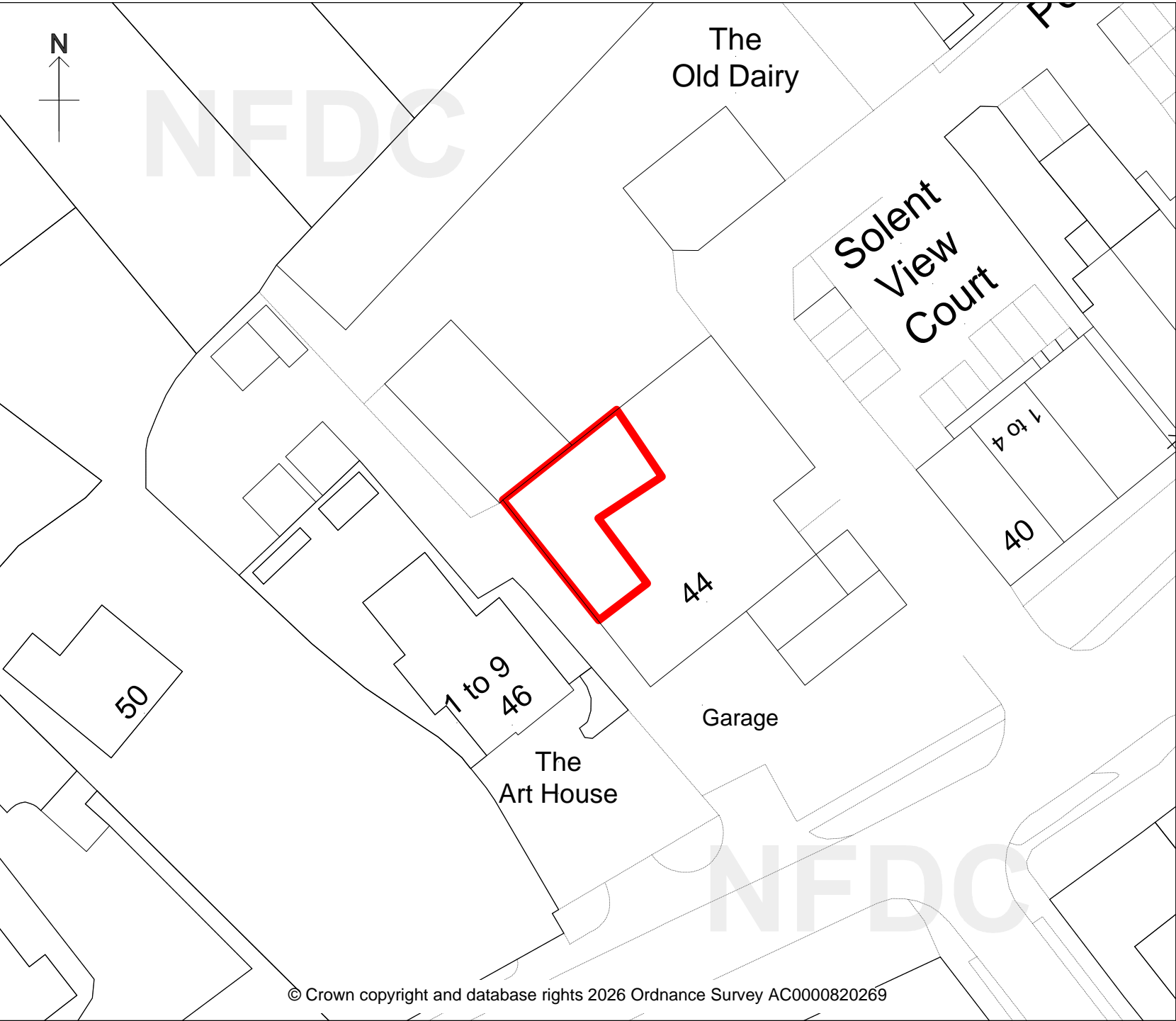
No additional external lighting shall be installed until a lighting scheme (design, luminance, hours of operation and glare control) has been submitted to and approved in writing by the LPA. The scheme shall be implemented and retained as approved.

Reason: To prevent light spill affecting neighbouring occupiers (ENV3).

**Further Information:**

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### PLANNING COMMITTEE

April 2026

44 Milford Road  
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25/10726

Scale 1:500

N.B. If printing this plan from  
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