



TO: Planning Committee North

BY: Head of Development

DATE: 06 November 2018

DEVELOPMENT: Variation of Condition 3 of previously approved application DC/17/0445 (Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking) Relating to changes to opening times.

SITE: Morriswood Old Holbrook Horsham West Sussex RH12 4TW

WARD: Holbrook West

APPLICATION: DC/18/1921

APPLICANT: **Name:** Mr Antony Hogben **Address:** Morriswood Old Holbrook
HORSHAM RH12 4TW

REASON FOR INCLUSION ON THE AGENDA: The application is a Councillor

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application relates to the variation of condition 3 of planning approval DC/17/0445 to extend the opening hours of the swimming pool.
- 1.2 Condition 3 of planning approval DC/17/0445 states:
- “Regulatory Condition:** The use of the swimming pool for commercial purposes shall only take place between the hours of 09:30 to 19:00 on Monday to Friday; 08:30 to 16:30 on Saturday; and not at any time on Sundays or on Bank or Public Holidays.*
- Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).”*
- 1.3 The current application seeks to extend the approved hours to the following:
- 09:00 to 19:00 Monday to Friday;
 - 08:00 to 19:00 Saturdays;
 - 09:00 to 18:00 Sundays; and
 - Closed on Bank Holidays.

- 1.4 The Applicant outlines that there is a high demand for private swim lessons within the District, with the Swim School currently subject of an extended customer wait list. It is stated that the extended hours would facilitate a greater number of lessons to accommodate this demand.

DESCRIPTION OF THE SITE

- 1.5 The site forms part of the residential property known as Morriswood, which is situated on the western side of Old Holbrook Road. It sits amongst sporadic development north of the A264 and the nearby settlement of Horsham.
- 1.6 The site comprises a two storey dwelling (including an attached single storey swimming pool building) together with various single storey outbuildings and a tennis court. The swimming pool building, which is the subject of this application, is L-shaped in plan-view and adjoins the southern and western elevations of the dwelling. A portion of the building provides a swimming pool together with associated changing rooms. In terms of adjoining land uses, the site is bounded on all sides by undeveloped land which appears to be in agricultural use.
- 1.7 The site has a single existing vehicular access from Old Holbrook Road, which serves as a principal route between Horsham and smaller settlements to the north. The site lies approximately 1km north of the A264.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

2.3 **National Planning Policy Framework**

2.4 **Horsham District Planning Framework (HDPF 2015)**

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- Policy 11 - Tourism and Cultural Facilities
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities
- Policy 41 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 North Horsham Parish is not a designated Neighbourhood Plan Area.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0445	Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking	Application Permitted on 11.05.2017
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3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No Objection

OUTSIDE AGENCIES

- 3.3 None

PUBLIC CONSULTATIONS

- 3.4 **North Horsham Parish Council:** No Objection

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The application relates to the variation of condition 3 of planning approval DC/17/0445 to extend the opening hours of the swimming pool.

Principle of Development

- 6.2 Previous planning approval DC/17/0445 established the principle of the use of the existing swimming pool and changing rooms for a mixed private and commercial purpose. Under this application it was considered that the meet a potential need of young people in the local community, therefore helping to create a socially inclusive and adaptable environment.
- 6.3 Condition 3 of planning approval DC/17/0445 states:

“Regulatory Condition: The use of the swimming pool for commercial purposes shall only take place between the hours of 09:30 to 19:00 on Monday to Friday; 08:30 to 16:30 on Saturday; and not at any time on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).”

6.4 The current application seeks to extend the approved hours to the following:

- 09:00 to 19:00 Monday to Friday;
- 08:00 to 19:00 Saturdays;
- 09:00 to 18:00 Sundays; and
- Closed on Bank Holidays.

6.5 The principle of the use has been established by the previous application, with the alterations to the openings hours considered acceptable in principle, subject to all other material considerations.

Impact on Highways

6.6 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

6.7 The Applicant has outlined within the Supporting Statement that a maximum of 12 clients are seen per hour, resulting in associated vehicle movements of approximately 12 an hour. In addition to this, the teachers generally work a 4-5 hour shift, arriving 30 minutes prior to the first class to set up, and remaining 30 minutes after their last class to clean up. This results in minimal additional vehicular movements a day.

6.8 The previous application which established the use for mixed commercial and private use found that the existing access to the site is satisfactory, with good visibility obtainable in both directions. It was considered that the increase in vehicular movements to the site would not therefore be expected to create a highway safety hazard.

6.9 It is acknowledged that the proposed extension to the opening hours would result in additional trips and vehicular movements to and from the site. However, given the limited capacity of the swimming pool, these additional trips would not occur at the same time as existing trips, and as such would not intensify the use of the swimming pool during existing hours of operation. Rather the additional low number of trips (the existing opening hours result in 8 in-out movements per hour) would take place only during the additional opening hours.

6.10 On this basis it is not considered that the proposed extended opening hours would intensify the use of the site such that it would result in a severe cumulative impact on the function of the highway network or highway safety concerns, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Amenity Impacts

6.11 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

6.12 The mixed commercial and private use of the swimming pool, and the resulting impact on the amenities of the neighbouring properties was considered under the original approval under reference DC/17/0445. It was concluded at this stage that the pool building and parking area were of a sufficient distance from the neighbouring properties (some 135m from

the nearest neighbouring boundary) so that the use would not adversely affect the living conditions of the nearby residential properties.

- 6.13 The Council's Public Health and Licensing Officer has considered the extended openings hours, and raised no objection in regards to noise or disturbance. It is therefore considered that the proposed use would not harm the living conditions of surrounding occupiers, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Conclusion

- 6.14 The extended opening hours as proposed are considered to be acceptable in principle, and are not considered to result in harm to the amenities of neighbouring occupiers or the function and safety of the public highway network, in accordance with development plan policies.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the conditions below.

Conditions:

- 1 Approved Plans
- 2 **Regulatory Condition:** The car parking spaces as indicated on approved layout plan submitted 05.04.2017 shall be retained at all times for their designated use.
Reason: To provide car-parking space for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015).
- 3 **Regulatory Condition:** The use of the swimming pool for commercial purposes shall only take place between the hours of 09:00 to 19:00 on Monday to Friday; 08:00 to 19:00 on Saturday; 09:00 and 18:00 on Sunday; and not at any time on Bank or Public Holidays.
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/0445
DC/18/1921