



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 6th June 2023

DEVELOPMENT: Variation of Condition 3 of previously approved application DC/18/1921 (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: Colgate and Rusper

APPLICATION: DC/23/0354

APPLICANT: **Name:** Mr Antony Hogben **Address:** Morriswood Old Holbrook Horsham West Sussex RH12 4TW

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks to vary condition 3 of planning approval reference DC/18/1921 to extend the opening hours of the swimming pool during the week. It is also proposed to allow opening of the swimming pool on Bank Holidays.

1.3 Condition 3 of planning approval reference DC/18/1921 currently states:

“The use of the swimming pool for commercial purposes shall only take place between the hours of 08:00 to 19:00 on Monday to Friday; 08:00 to 18:00 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).”

1.4 The current application seeks to extend the approved opening hours to 07:00 to 19:00 Monday to Sunday, including Bank Holidays.

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:

National Planning Policy Framework

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

- 2.3 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		
DC/18/1921	Variation of Condition 3 of previously approved application DC/17/0445 (Use of an existing swimming	Application	Permitted	on
	pool)	09.11.2018		

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.

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 Arboricultural Officer:** No tree related concerns
- 3.3 **HDC Environmental Health:** No complaints received regarding this property and no adverse comments to make.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection

PUBLIC CONSULTATIONS

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

Representations

- 3.6 1 letter of support was received, and this can be summarised as follows:
- The additional hours are needed
- 3.7 1 letter of objection was received, and this can be summarised as follows:
- There have been discharges of chlorinated water into a ditch causing flooding on nearby land and potentially impacting on the ecology of the watercourse

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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 seek to vary condition 3 of planning approval DC/18/1921 to extend the opening hours of the swimming pool during the week, and to allow for opening on Bank Holidays.

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 proposal would meet a potential need of young people in the local community, therefore helping to create a socially inclusive and adaptable environment. This planning approval was subject to conditions, including restriction on opening hours to 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.
- 6.3 A subsequent application under planning reference DC/18/1921 sought to extend the opening hours to 08:00 to 19:00 on Monday to Friday; 08:00 to 18:00 on Saturday; 09:00 and 18:00 on Sunday; and not at any time on Bank or Public Holidays. The supporting information outlined that there is a high demand for private swim lessons within the District, resulting in an extended customer wait list. The extended opening hours sought to facilitate a greater number of lessons in order to accommodate this demand, and it was considered that such hours would not result in harm to the amenities of neighbouring occupiers or the function and safety of the public highway network.
- 6.4 The current proposal seeks to extend these opening hours further in order to accommodate early morning classes and classes on Bank Holidays. It is outlined within the Cover Letter that this is due to the continued demand for swimming lessons locally and the number of customers currently on the waiting list. It is outlined that opening on Bank Holidays would accommodate families who work shifts or those with shift pattern changes, as well as working parents more generally. Opening on Bank Holidays would allow greater flexibility in meeting these needs.
- 6.5 The principle of the use has been established by the previous application, with the alterations to the openings hours considered to support and address the demand for swimming lessons locally. The proposal is therefore 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 application seeks to extend the opening hours of the swimming pool facility to allow for a greater number of classes throughout the day. It is understood from the previous submission 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 It has been previously established that the existing access to the site is satisfactory, with good visibility obtainable in both directions. It was thereby 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 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 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 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 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. There have been no material changes to the spatial context following this planning approval.
- 6.13 The Council's Public Health and Licensing Officer considered extended openings hours under the previous variation of condition application, where no objection was raised in regard to noise or disturbance. The additional opening hours have been considered by the Council's Public Health and Licensing Officer and no objections have been identified.
- 6.14 It is therefore considered that the proposed additional hours of use of the swimming pool would not harm the living conditions of surrounding occupiers, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Other Matters

- 6.15 It is noted that an objection has been received raising concerns regarding the discharge of chlorinated water and the resulting impact on flooding. This has been raised with the Council's Environmental Health Team. The extension to the opening hours is not considered to result in a greater risk of flooding over the existing situation and it is not anticipated that this would result in adverse harm in this regard.

Conclusion

- 6.16 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 following conditions.

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 07:00 to 19:00 daily.

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