



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 03 October 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 21:00 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
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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. Application Permitted on 09.11.2018

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 (Initial Response):** No Objection

3.6 **North Horsham Parish Council (Subsequent Response dated 09.08.2023):** No further comments

3.7 **North Horsham Parish Council (Subsequent Response dated 25.08.2023):** No Objection

3.8 **Natural England:** No Objection subject to the delivery, management, and maintenance of measures identified in the Water Neutrality Statement.

Representations

3.9 1 letter of support was received, and this can be summarised as follows:

- The additional hours are needed

3.10 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 and evening classes in addition to classes on Bank Holidays, with new daily operating hours of 07:00 to 21:00. 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, creating more flexibility in meeting these needs.
- 6.5 The principle of the use has been established by the previous application, with the alterations to the opening 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.
- 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 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, ref: 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 Environmental Health Team has 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 proposed by this current application have similarly been considered, and no concerns or objections have been identified.
- 6.14 It is therefore considered that the proposed additional hours of use of the swimming pool would not result in unacceptable harm to the living conditions of surrounding occupiers, in accordance with Policy 33 of the HDPF.

Water Neutrality

- 6.15 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

- 6.16 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.17 The Applicant has submitted a Water Neutrality Statement which outlines the water demand arising from the extended opening hours of the commercial pool. The application seeks to increase the opening hours of the commercial swimming pool to 07:00 to 21:00 Monday to Sunday. The supporting information outlines the maximum number of participants in each session of the day, and it is calculated that the total amount to 218 participants per day. It is assumed that each participant would take a shower before and after using the pool, where a 2-minute shower is assumed.
- 6.18 The Water Neutrality Statement outlines that the existing showers would be replaced with more efficient fixtures, where it is outlined that the flow rate would be 6 litres per minute. It is therefore calculated that a 2-minute shower would consume 12 litres per person. Based upon this calculation, the water demand arising from the total number of participants would be 5,232 litres per day. The Statement outlines that 20 litres of water per participant is needed to top-up and clean the pool each day. Based upon 218 participants per day, the cleaning maintenance demand of the pool would be 4,360 litres per day. The total water demand from the existing use of the site therefore amounts to 9,592 litres per day.
- 6.19 The Water Neutrality Statement outlines that the existing pool benefits from 3no. showers, where it has been assumed that these showers are used by every swimmer before and after using the pool. An assumption of a 2 minute shower has been used. The lawful hours of operation are between 09:30 and 19:00 Monday to Friday and 08:30 to 16:30 on Saturdays. The Applicant has provided an overview of the maximum number of participants in each session of the day, and it is calculated that the total number amounts to 150 participants per day. The existing showers have been surveyed, where it has been demonstrated that the flow rate of the showers is 12 litres per minute. Assuming a 2-minute shower, it is calculated that the existing showers create a demand of 24 litres per person. Based upon this calculation, the water demand from the existing lawful use is 7,200 litres per day. The Statement outlines that 20 litres of water per participant is needed to top-up and clean the pool each day. Based upon 150 participants per day, the cleaning/maintenance demand of the pool totals 3,000 litres per day. The total water demand from the existing use of the site therefore amounts to 10,200 litres per day. This represents the existing baseline of lawful commercial use of the swimming pool.
- 6.20 The Water Neutrality Statement outlines that the 3no. existing showers would be replaced with more efficient showers (reducing the flow rate from 12 litres per minute to 6 litres per minute). The mitigation measure proposed would reduce the water consumption of the commercial premises and has been demonstrated to address the water demand. Subject to the water strategy as proposed within the Water Neutrality Statement, along with conditions, the development is considered to be water neutral. An Appropriate Assessment has been undertaken and Natural England have been consulted, where it has been confirmed that no objections are raised to the proposal, subject to the water strategy being secured by condition.
- 6.21 Subject to the mitigation measure contained within the strategy, the proposal would have no adverse effect on the integrity of the Arun Valley SAC/SPCA/Ramsar site, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters

- 6.22 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

- 6.23 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:** Within 1 month of the date of the permission hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for the development has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

- 3 **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 21:00 daily.

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