



TO: Planning Committee North
BY: Head of Development
DATE: 9 May 2017
DEVELOPMENT: 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
SITE: Morriswood Old Holbrook Horsham West Sussex
WARD: Holbrook West
APPLICATION: DC/17/0445
APPLICANT: Mr T Hogben

REASON FOR INCLUSION ON THE AGENDA: The application has been made by a Member

RECOMMENDATION: To grant planning permission subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks the change of use of an existing internal swimming pool building, including associated changing facilities, to allow private swimming lessons. An existing area of hardstanding to the east and north of the building would be used for parking and circulation in conjunction with the private swimming lessons.
- 1.2 The Design and Access Statement advises that swimming lessons would be undertaken between 09:30 – 18:00 Monday to Friday, 08:30 to 16:30 on a Saturday, with no lessons on Sundays or Bank Holidays. Whilst the commercial use of the pool would primarily focus on lessons for school children, outside of term time the swimming pool would be used for specialist courses, such as private scuba diving lessons, adult swimming lessons and parent and baby groups. The size of the swimming pool would limit its use to no more than 6 persons at any one time. Outside of the above times the swimming pool would continue to be used in connection with the residential use of the site.

DESCRIPTION OF THE SITE

- 1.3 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.

- 1.4 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 that are currently used for private purposes and ancillary to the established residential use of the site. In terms of adjoining land uses, the site is bounded on all sides by undeveloped land which appears to be in agricultural use.
- 1.5 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 GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**

NPPF1 – Building a strong, competitive economy
 NPPF3 – Supporting a prosperous rural economy
 NPPF 7 – Requiring good design
 NPPF11 – Conserving and enhancing the natural environment
 NPPF14 – Presumption in favour of sustainable development

RELEVANT COUNCIL POLICY

- 2.3 **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 7 – Strategic Policy: Economic Growth
 Policy 9 – Employment Development
 Policy 10 – Rural Economic Development
 Policy 24 – Strategic Policy: Environmental Protection
 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 – Inclusive Communities
 Policy 43 – Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 There is no 'made' plan for North Horsham.

PLANNING HISTORY AND RELEVANT APPLICATIONS

HR/153/71	Construction of new vehicular access and drive	Application Permitted on 16.08.1971
HR/15/74	Building to cover swimming pool	Application Permitted

		on 05.03.1974
HR/122/80	Demolition of swimming pool, pump house and garage and rebuilding them	Application Permitted on 10.07.1980
NH/58/96	Construction of a sand school	Application Permitted on 15.07.1996
DC/08/1418	2-storey and single storey extensions and open porch	Application Permitted on 24.09.2008
DC/16/0996	Conversion of existing annex to ancillary residential accommodation	Application Permitted on 05.08.2016

- 2.5 Of relevance to this proposal is application ref: DC/15/1057, where planning permission was granted on appeal for the mixed domestic and commercial use of a private swimming pool to create a swimming school for children (Beedinglee, Brighton Road, Lower Beeding). As part of the appeal decision on this site the Inspector found that the use would provide a significant benefit to the community with the nature of the use causing no harm to the wider countryside setting, neighbouring amenity or highway safety.

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 Public Health and Licensing: No adverse comments.
- 3.3 Access and Equalities Advisor: There is not enough information to make comments on the accessibility of the site. Concerns have been raised in relation to the availability of accessible parking, level access into the venue and facilities to support people with mobility issues into the venue and into the water, the lack of accessible toilets and doors that open inwards which in an event of an emergency may not be able to be opened easily.

OUTSIDE AGENCIES

- 3.4 WSCC Highways: No objection.
- 3.5 Parish Council: No objection, subject to repairs to potholes in the highway surface and installation of a passing place.

COUNCILLOR COMMENTS

- 3.6 Councillor Peter Burgess: Supports the application

PUBLIC CONSULTATIONS

- 3.7 67 representations have been received supporting the application for the following reasons:-
- High standard of facilities and well maintained
 - Warmer water than 'normal' pools
 - Quiet environment

- Positive benefit to the Horsham community
- Lack of swimming facilities in the area
- Sufficient off-road parking
- Ease of getting to the venue

3.8 2 representations have been received objecting to the application for the following reasons:-

- Further deterioration of road surface and verges
- Increase in the number of vehicles using Old Holbrook
- No speed restrictions or footpaths on Old Holbrook
- Poor access onto A264
- Highway safety concerns as lane is used for dog walking
- Additional traffic disruptive to neighbouring properties

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 main issues in the consideration of the application are:-

- Principle of development
- Impact on highways
- Impact on occupiers of neighbouring properties

Principle of development

6.2 The application site is outside of the defined built-up area boundary where the countryside protection policies of the HDPF apply. Policy 26 of the HDPF states that outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and fulfil one of a number of criteria. Development should not lead to a significant increase in the overall level of activity in the countryside and should protect the characteristics of the landscape in which it is located.

6.3 The application relates to an existing swimming pool, which comprises an indoor facility of limited size and depth. The proposal would not result in any change to the external appearance of the building and would meet a potential need of young children in the local community, therefore helping to create a socially inclusive and adaptable environment.

6.4 The proposal would result in an increased level of activity within the countryside, with the Design & Access Statement advising that, due to the pool size, classes would be limited to a maximum of 6 persons at any one time, with each lesson supervised by a single teacher. The proposal, on the basis of half hourly lessons, would therefore result in a maximum of 14 in-out vehicle movements per hour. While this represents an increase in the level of

activity on the site it is not considered to be of any particular significance, particularly given there would be no harm of the landscape character of the area. As such, it is considered that the proposal would not lead to a significant increase in the level of activity in the countryside and would accord with policies 26, 42 and 43 of the HDPF.

Impact on highways

- 6.5 The Highway Authority has advised that the existing access to the site is satisfactory with good visibility obtainable in both directions. The increase in vehicular movements to the site would not therefore be expected to create a highway safety hazard. The proposed layout plan indicates sufficient on-site parking to accommodate the required number of vehicles, and no displaced parking would be expected.
- 6.6 It is noted that Highways have advised that the creating of passing places close to the site access would be beneficial. However, as vehicle movements created by the proposal would be low, as acknowledged by Highways, it is not considered that the creation of passing places would be necessary in order to facilitate the proposed use. Similarly, the repair of potholes (as raised by the Parish Council) could not be secured as part of this, unrelated, planning application.
- 6.10 It is therefore considered that the proposed development would not lead to impacts upon the highway that could be considered severe, and there is no conflict with policy 40 of the HDPF.

Impact on neighbouring amenity

- 6.4 The pool building and parking area are located some 135 metres from the boundary of the nearest neighbouring property, with the pool attached to the rear of the applicant's property and the car parking to the front. It is considered that due to the distance between the pool building and boundary, the proposal in terms of its use would not adversely affect the living conditions of neighbouring properties. The Council's Public Health and Licensing Officer has considered the proposal and has raised no objection with regards to noise or disturbance. It is therefore considered that the development would not harm the living conditions of surrounding occupiers or the appearance of the site or the surrounding area. It these respects, it would accord with HDPF Policy 33.

Conclusions

- 6.12 The proposal would not result in any change to the appearance of the building, and parking would be provided within the immediate environs of the property. While there would be an increase in the level of activity through the use of the pool it would not be so significant as to result in harm to the character of the building or the wider rural character of the surroundings. The proposal makes provision for on-site parking with the separation from adjoining properties sufficient to prevent any harm.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission be granted subject to the following conditions:

1. A list of the approved plans.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. The swimming pool shall not be used for commercial purposes until the car parking spaces have been provided in accordance with the hereby approved layout plan submitted 5 April 2017. These spaces shall thereafter 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).

4. The use of the swimming pool for commercial purposes shall only take place between the hours of 09:30 to 18:00 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).

Background Papers: DC/17/0445