

[5] Full Planning Permission

S/039/00565/ 23

APPLICANT: R. Izzard,

VALID: 17/03/2023

AGENT: Studio Charrette,

PROPOSAL: Planning Permission - Change of use of an existing indoor swimming pool to a mixed use of residential and commercial (commercial use already commenced).

LOCATION: 4 BLACKENDED COTTAGES, CROFT LANE, CROFT, SKEGNESS, PE24 4PA

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application has been subject to a call-in request by Cllr Dennis due to the level of local concern.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site comprises a semi-detached house which has been extended in the village of Croft. There is a detached single garage and detached swimming pool building in the rear garden. The boundary treatments consist of timber fencing to the northern and southern boundaries and a hedge along the rear boundary. There is a pair of semi-detached houses to the north and a detached bungalow to the west, set in a back land position. To the front of the property there is an open fronted gravel parking area.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The proposal seeks full Planning Permission for the change of use of an existing swimming pool to use for both personal and commercial use. The application is accompanied by a supporting planning statement.

3.2 No changes to the internal layout or existing plant associated with the operation of the swimming pool are proposed. No external alterations are proposed.

3.3 The swimming pool measures approximately 7.2m x 3m. The pool has been used commercially since October 2021 and the hours of opening for commercial users are 0800 to 2130 Monday - Sunday. There are a possible 8 sessions to book per day with each session divided into 75-minute sessions including changing time. Only one booking is allowed per session with a single booking allowing for up to 8 persons.

4.0 CONSULTATION

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the

comments made may not constitute material planning considerations.

Publicity

- 4.2 The application has been advertised by means of a site notice and neighbours have been notified in writing. The ward member is aware of the application via the weekly list.

Consultees

- 4.3 PARISH COUNCIL - No reply.
- 4.4 LCC HIGHWAYS - No objection. Does not wish to restrict the grant of permission.
- 4.5 ENVIRONMENTAL PROTECTION - Although unlikely, the application seeks permission for up to 3 cars arriving and leaving 8 times per day which I suggest is more than you would expect for a domestic premises. In order to minimise disturbance to the nearby neighbours I recommend that the driveway is changed from the existing gravel to a smooth surface to minimise noise from the cars

Neighbours

- 4.6 5no. letters of objection have been received on the grounds of:-
- Noise/disturbance
 - Out of Character with the area
 - Highway Safety
 - Light pollution
 - Anti-Social Behaviour
 - Loss of Property Value

5no. letters of support.

5.0 RELEVANT SITE HISTORY

- 5.1 S/039/1174/07 - Planning Permission - Erection of a detached swimming pool with changing room and plant room. Approved.
- 5.2 S/039/1755/03 - Planning Permission - Extensions and alterations to existing house to provide a porch, study, w.c., utility, kitchen and dining room with 2no. bedrooms, bathroom and ensuite over on site of existing len-to building, which is to be removed, erection of a detached single garage and construction of a vehicular access. Approved.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - A Sustainable Pattern of Places
SP2 - Sustainable Development
SP10 - Design
SP22 - Transport and Accessibility
SP26 - Open Space, Sport and Recreation

National Planning Policy Framework

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

- 7.1 The main planning issues in this case are considered to be:

Principle of the development
Impact upon neighbours
Highway safety

Principle of the development

- 7.2 The application site falls within the wider catchment of the village of Croft which is identified as a medium sized village by SP1. This application relates to an existing indoor swimming pool approved in 2007. The pool is housed within a detached building sited in the rear garden of the applicant's property. No conditions are imposed on the permission to restrict the use of the pool and it is therefore permitted to be used incidental to the enjoyment of the occupiers of the dwellinghouse at any time. Since October 2021 the applicant has hired the use of the pool to the local and wider community. This application therefore seeks permission for a material change of use to continue to use the pool commercially.
- 7.3 There are no local policies that directly relate to commercial swimming pools. SP2 is a generic policy to support sustainable development whilst part of SP14 supports proposals for the development of community and cultural facilities where they provide or maintain essential services and add to the quality of life of the communities of the district. SP26 states that the Council will support development that facilitates the Council's aspiration to increase participation in sports and physical activity.

- 7.4 It could be argued that the location of the application site is not a sustainable location for such use (intensive sport and recreation uses are noted in the NPPF as constituting a main town centre use) and users of the site may be attracted from far afield, prompting the need to use the private motor vehicle. However, being in operation as a commercial enterprise since October 2021 it is considered to be of modest scale and clearly serves both the local and wider community where the use of the pool demonstrates a need for this type of community facility. In this case it is considered the principle of development is acceptable with the main considerations being the impacts of the commercial use upon the neighbours and highway safety.

Impact on the neighbours

- 7.5 The swimming pool benefits from Planning Permission for personal incidental use with no restrictions. This application seeks permission to use the pool commercially. Hours of opening for commercial users are 0800-2130 Monday to Sunday with a possible 8 sessions per day available to book. The pool is only available by reservation only. Bookings are divided into 75-minute sessions including changing time. Only one booking is allowed per session to avoid conflict between different users. A single booking allows for up to 8 guests. This allows for families to use the facility together under a single booking. A 30-minute change over time is allowed between each booking, again to avoid conflict between calling vehicles and for cleaning.
- 7.6 The Council's Environmental Protection Officer has been consulted. There is no 'in-principle' objection to the use of the pool commercially nor is there any over-riding concern to the hours of operation based on the fact the pool can be used privately with no restriction. It is noted however that concern is raised as to the use of the gravelled parking area having regard to noise and disturbance upon the neighbours as a result of comings and goings over and above what could reasonably be expected at a residential property. The concern is acknowledged. However, the parking area simply allows for vehicles to pull off the highway with the distance of travel and movement for any vehicle entering or leaving the site being negligible. Any vehicles using the gravel parking area will be slow moving. The low speed together with minimal movements and staggered start/finish times is unlikely to cause noise and disturbance to an unacceptable degree and therefore it is not necessary or reasonable to request the surface of the drive to be changed. This element is unlikely to be unduly harmful to the living conditions of the neighbours.
- 7.7 It is acknowledged that the use of the pool beyond incidental use will change the character to some degree. The degree and materiality of the change in character is dependent on how the pool is used and managed. By reason of the size of the pool the use of such is self-limiting. As stated above, the pool benefits from

planning permission for personal use with no restriction. This means the applicants family and friends could potentially use the pool at any time of day. The key difference here is, realistically, the pool is unlikely to be used for incidental purposes throughout/all day, every day of the week and therefore any noise associated with the activity is unlikely to be continuous. Nevertheless, it remains a possibility as a fall-back consideration.

- 7.8 Officers have discussed the proposal and the concerns raised with the applicant and agent and the imposition of conditions to manage the use in the interests of residential amenity have been considered. Conditions such as hours of use, number of users at any one time or the requirement to keep a register of users have been considered. However, mindful of the tests for imposing conditions, they are not considered necessary, reasonable or enforceable in this case. For example, it would be extremely difficult to enforce hours of commercial use given the difficulty of being able to distinguish commercial guests to those using the pool incidentally, i.e. applicant's family and friends who could use the pool at any time. One way of being able to monitor the hours of use and those persons using the pool would be to impose a condition in addition to hours of operation that calls for a register of users to be kept for each booking. If the scenario of an alleged breach of the permitted hours were to arise, the Council could request to see the register of users to establish whether a breach of condition has taken place. Whilst possible, the question is still whether such a condition would meet the tests, in particular would such a requirement be reasonable given that the nature of the use of the pool for paying guests would not be significantly different to those using the pool incidentally. In this case, given how the use of the pool is managed together with the size of the pool, conditions are not considered necessary or reasonable at this time. However, the issues raised by neighbours are noted and the applicant is open to a temporary planning permission for one year. A temporary permission would allow the Local Authority to assess any noise impacts whilst allowing the use of the pool to continue. Given the circumstances and the fact the pool has been used commercially since October 2021, this is considered to be a reasonable compromise to enable a more formalised period of monitoring and assessment of impacts.

Highway Safety

- 7.9 Lincolnshire County Council as Highway Authority have been consulted and raise no objection. Parking is available at the front of the property and on street parking is also available with no restrictions. Upon booking, guests are advised no more than 3 vehicles are allowed per booking and are further advised not to arrive more than 5 minutes in advance of the start of the booked time. The supporting statement states guests are required to park on the existing gravel area at the front of the property and that sufficient space is always made available to avoid on-street

parking, although on-street is available. In this case it is considered the additional vehicular movements associated with the commercial use of the pool would see staggered start and finish times and this would not have an unacceptable impact on the highway.

8.0 CONCLUSION

- 8.1 It is recommended that permission is granted for a temporary period of 12 months.
- 8.2 For the reasons explained above the application is recommended for approval. This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION: Temporary Permission for 12 Months.

RECOMMENDATION: Approve

subject to the following conditions:

- 1 The commercial use of the swimming pool hereby permitted shall be discontinued on or before 6th October 2024 unless a further Planning Permission has been granted.

Reason: To enable the Local Planning Authority to review the potential noise implications of the use in the interests of residential amenity. This condition is imposed in accordance with Strategic Policy SP10 of the East Lindsey Local Plan and paragraph 130 of the National Planning Policy Framework.