

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0716-23 **Applicant:** Church View Pool Ltd
Proposal: Change of use of swimming pool and washroom from residential use to commercial use - Retrospective
Location: Church View 87 High Road Weston
Terminal Date: 10th October 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 6 - Building a strong, competitive economy
Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking the retrospective change of use of a swimming pool and washroom from residential use to commercial use.

Site Description

The site lies within the settlement boundary of Weston as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The property is three storeys and made of bricks with a tiled roof and white uPVC windows and doors, at the front there is a variety of trees and bushes and directly adjacent to the dwelling there is a small boundary wall and gate with a large fence which connects to the nearest neighbouring property further north east. In the rear garden attached to the house there is the swimming pool which is made of a different brick type with a similar tiled roof and black uPVC doors.

History

H22-1288-16 - Erection of dwelling, detached double garage and vehicular access - Approved

H22-0811-18 - Construction of new swimming pool and vehicle storage buildings - Approved

H22-0861-18 - Construction of a single dwelling and garage - Approved

H22-0479-19 - Details relating to archaeology and landscaping (Conditions 3, 4 and 6 of H22-0861-18) - Approved

H22-0681-19 - Construction of new swimming pool and vehicle storage building with multi use room over (retrospective) - Approved

H22-1172-19 - Construction of new swimming pool and vehicle storage building with multi-use room over (retrospective) - approved under H22-0681-19. Modification of Conditions 1 & 3 to allow amendments to previously approved plans - Approved

H22-0498-21 - Details of archaeology report (Condition 5 of H22-0861-18) - Approved

Consultation Responses

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways

No objections.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are

also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The swimming pool area is connected to the main dwelling and is accessed via the hall/utility, it has two external accesses on the front and side. The main feature is of course the swimming pool area but it also includes a shower room and sauna.

There are no external changes or alterations proposed as part of the application and therefore the property will remain the same, this ensures the dwelling and the swimming pool area will be in keeping with the local area and the existing dwelling. If the site did feature some changes, it is mostly concealed by existing an existing boundary wall, gate and fence and therefore is not visible from the highway so wouldn't impact the street scene or locality.

Impact on Residential Amenity/Land Users

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Policy 2 of SELLP (2019) states that proposals requiring planning permission for development will be permitted provided that considerations are met, specifically in relation to impact upon neighbouring land uses by reason of noise, disturbance or visual intrusion, among others. Likewise, residential amenity is one of the factors to take into account when designing new development in accordance with Policy 3 SELLP (2019).

Policy 30 of the SELLP states that development proposals will not be permitted where they would lead to unacceptable adverse impacts upon the amenities of the area by way of air noise and light levels.

As there are no external works proposed there is no concern regarding overlooking or overshadowing and the feature is not considered to be overbearing on the area. It therefore conforms with Policy 2 & 3 of the SELLP and Section 12 of the NPPF.

Based on the information provided within the application it was determined that the swimming pool will be hired out on Monday, Tuesday, Thursday and Friday between the hours of 16:00-19:00pm all year round (excluding bank holidays and a few weeks in summer). This would mean that the pool would only be in use for 12 hours a week and open four days in the week. These numbers are considered to be low in comparison to the week as a whole. There will be a maximum of two instructors each with two pupils plus the parents/carers of the pupils and in all this will be 8-10 people on site at any one time, following an approval this would be conditioned to limit the amount of people on site to this number to limit the potential noise that could occur. The opening hours proposed make sense and are relevant to be out of school/working hours and is considered sensible due to it allowing school pupils and parents to arrive on site in the evening after school and work but it is not too late in the evening to disturb nearby properties.

As the application is retrospective the use has already been carried out and has been since the start of July, there has been no objections from nearby neighbours or a reported increase in noise since this and it is therefore considered that the potential for noise is minimal and acceptable. It is therefore considered that the noise that could occur is not considered to be unacceptable and the proposal conforms with Policy 2 & 30 of the SELLP in regard to the noise.

The proposal is therefore considered to be in accordance with Policy 2 & 30 of the SELLP and is

acceptable and not believed to unacceptably harm nearby properties with an increase in noise levels.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"

There is not considered to be a material impact on highway safety as a result of potential extra traffic or parking following the change of use. There is adequate parking on the gravel drive to the front of the swimming pool adjacent to the house, there is the potential for up to six cars to be on site through there being two instructors plus four pupils and therefore there could be four separate parents/carers all with their own cars. The drive features enough room for safe parking. Plus, if needed it is common for on street parking to take place along High Road and therefore this provides extra spaces. LCC Highways have also raised no objection to the application.

It is therefore considered that this development is in accordance with Policy 36 (Appendix 6) of the SELLP and Section 9 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 30 and 36 (Appendix 6) of the SELLP, along with the identified sections contained within the NPPF. The potential increase in noise and disturbance are not considered to be significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

It is recommended that the application is approved conditionally.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Recommendation

The recommendation is for a delegated approval.