

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 18 December 2019

**(Author:** David Grant - Planning Officer)

**Purpose:** To consider Planning Application H17-0797-19

**Application Number:** H17-0797-19

**Date Received:** 14 August 2019

**Application Type:** FULL

**Description:** Change of use of private swimming pool to swimming pool for private hire, exclusive for family groups of up to 6 babies, rehabilitation and certain disabilities

**Location:** Park House Park Lane Surfleet

**Applicant:** Mr & Mrs West

**Agent:** Mr and Mrs West

**Ward:** Pinchbeck and Surfleet

**Ward Councillors:** Cllr S A Slade  
Cllr J Avery  
Cllr E J Sneath

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H17-0797-19>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 The applicant is related to a member of staff and the application was deferred at the Planning Committee on 9 October 2019.

### **2.0 PROPOSAL**

2.1 At the Planning Committee on 9 October this application was deferred for officers to resolve with the applicant concerns raised by the Committee around provision of off-road parking at the site and opening hours over the weekend.

2.2 A copy of the previous report is appended.

2.3 Further information has been submitted to clarify opening hours and formalise parking arrangements. Parking is to be provided solely on the applicant's private drive and swimming pool drive, giving 9 spaces in total. 6 cars can be accommodated on the private driveway with a further three on the driveway adjacent to the pool building to the east. Proposed opening hours are Monday to Friday 10am to 8pm (the applicant has offered to close on Tuesdays), and Saturday to Sunday 9am to 6pm. Swimming is by appointment only.

### **3.0 SITE DESCRIPTION**

3.1 As previous report.

### **4.0 RELEVANT PLANNING POLICIES**

4.1 As previous report.

## 5.0 RELEVANT PLANNING HISTORY

5.1 As previous report.

## 6.0 REPRESENTATIONS

6.1 As previous report, plus consultation took place on the revised proposals and these responses are set out as follows:

### 6.2 Surfleet Parish Council

Support.

### 6.3 County Highways and SUDS Officer

No objection to the amended information with regard to opening hours and parking arrangements.

### 6.4 SHDC Environmental Protection (Noise)

No objections

### 6.5 Public

#### SUPPORTING - 5

- A valuable resource for child who has dysfraxia and social anxiety. Helps their confidence and gaining muscle strength. It is a friendly, relaxed environment.
- Has an autistic child who enjoys the quiet environment and the ability to be themselves in a swimming scenario without fear of ridicule.
- Child learned to swim in the pool. It is cleaner, friendlier and more relaxed than the local public pool.
- Parent is wheelchair bound so cannot adequately supervise their child in a public pool.
- Child has Autism, ADHD, Epilepsy and learning difficulties. Husband has combat PTSD. "A great facility and in particular special needs."

#### OBJECTING - 2

Concerns following submission of amended details regarding:

- Noise.
- Traffic.
- Parking.
- Permission for vehicular access adjacent to pool.
- Opening times.

## 7.0 CONSIDERATIONS

7.1 As previous report, plus the key issue is whether the response and additional information provided by the applicant are considered to adequately address the Committee's reasons for deferring the application.

### 7.2 Parking

7.3 The use clearly has an increased requirement for parking over that of its use as a residential house. The applicant has sought to address parking concerns by making both the private driveway of the house and the gravel driveway available for users of the swimming pool. By operating a booking system with the pool no longer rented out to a swimming teacher, this should ensure there is sufficient off-street parking available for the proposed number of users of the pool at any time.

7.4 In addition the applicant has provided written confirmation from the owner of Park Farm that swimming pool users can park their cars in front of the small brick building at his nursery in Park Lane opposite Park House. However, this additional parking provision is outside of the proposed red line and does not carry material planning weight.

7.5 An objector has provided photographs of what they consider to be non-disabled users using the gravel driveway adjacent to the pool building but how people choose to park on private land is not within the remit of planning. Since the applicant has offered their private driveway for pool parking purposes, no evidence has been provided of parking on Park Lane at any time.

#### 7.6 Opening Hours

7.7 Whilst the opening hours have now been expanded to include Saturdays, the applicant states that large majority of the day is free of appointments and the proposed opening hours are to allow for flexibility for parents of children in education or people who cannot visit the pool during working hours. Whilst this a contradiction to the deferral reason the proposed hours are considered to be socially acceptable and no evidence has been brought forward of excessive noise or disturbance from the site since parking arrangements were amended.

7.8 The applicant has offered Tuesday as a respite day when the pool will be closed to the public. It is considered appropriate to limit the hours of use by condition to include Tuesday and Bank Holiday closing.

#### 7.9 Conclusion

7.10 It is considered that this application provides the Local Planning Authority with the opportunity to regularise the usage of this site. If the number of a maximum of 6 site users at any one time is adhered to then there should not be material planning concerns with regard to parking provision or traffic. Officers consider the amended proposed hours are within socially acceptable hours for the operation of a business on this scale and nature.

7.11 The communications of support that have been forthcoming are considered to demonstrate that there is a demand for this sort of facility in the district for people of varying physical and mental concerns. Traditional public swimming pools in the district are not providing this service.

7.12 The recommendation is therefore one of approval based on the amended opening hours and parking details.

#### 7.13 Additional Considerations

7.14 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.

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

7.16 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.

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

#### 7.18 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).

7.19 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.

### 8.0 **RECOMMENDATIONS**

8.1 **Grant permission subject to the conditions set out in Section 9.0 of this report.**

### 9.0 **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Application Form  
Site Location Plan (1:1250)  
Block Plan (1:500)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. This permission shall operate for the benefit of Mr and Mrs West and the use (as a swimming pool for private hire, exclusive for family groups of up to 6, babies, rehabilitation and certain disabilities as set out in the application) hereby approved shall be terminated at such time as Mr and Mrs West cease to occupy the property (Park House, Park Lane).

Reason: In the interests of the amenity of local residents.  
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

3. The swimming pool building shall not be used for the use hereby permitted, outside the hours of 09:00 to 20:00 Monday, 0900 to 20:00 Wednesday to Friday, 09:00 to 18:00 on Saturday and Sunday. For the sake of clarification the use hereby permitted shall not take place on Tuesdays and Bank Holidays.

Reason: In the interests of the amenity of local residents.  
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

**Lead Contact Officer**

Name and Post: Richard Fidler , Development Manager

Telephone Number: 01775 764428

Email rfidler@sholland.gov.uk

**Appendices attached to this report:** Appendix A - Plan A

Appendix B - 9 October 2019 Committee Report

# MapThat Scale Print Title

