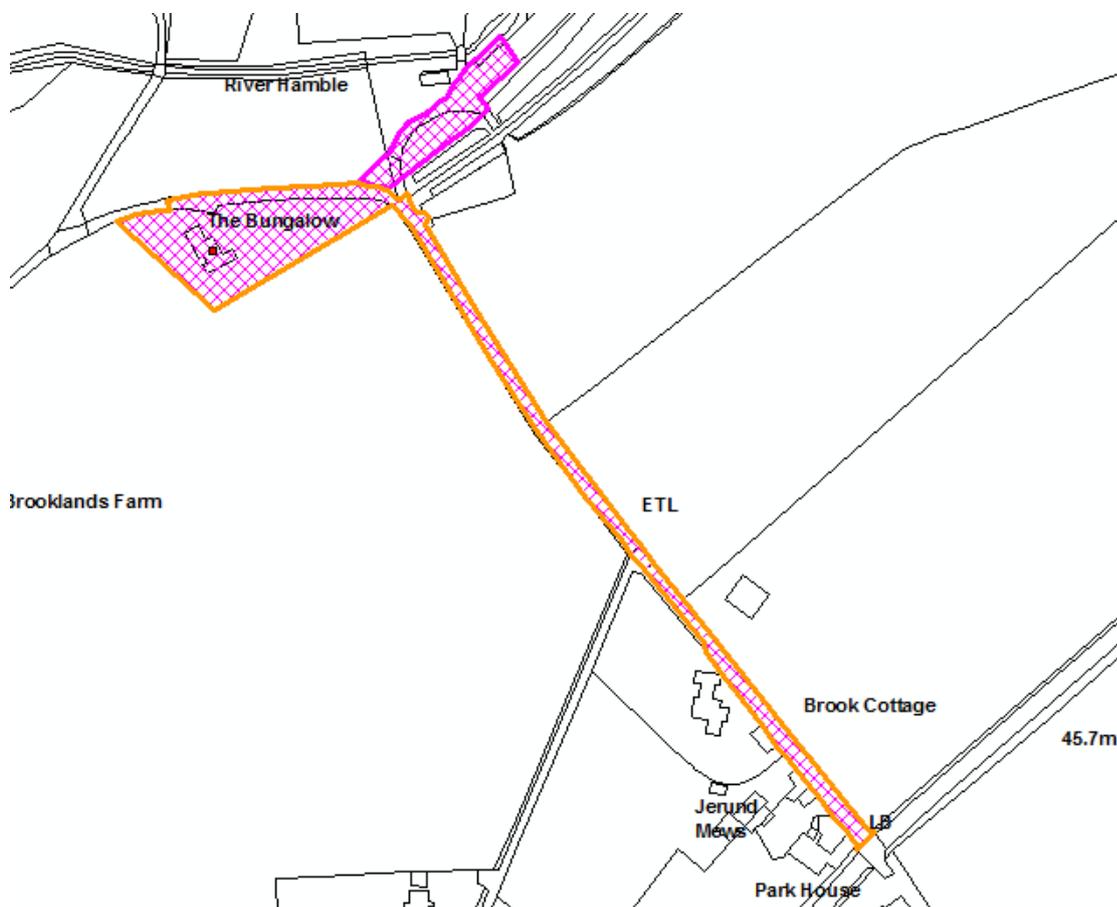


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 19/00464/FUL
Proposal Description: Change of use of domestic swimming pool to commercial use
Address: The Bungalow Botley Road Bishops Waltham SO32 1DR
Parish, or Ward if within Winchester City: Bishops Waltham
Applicants Name: Mr Ricky Fernandez
Case Officer: Nicola Clayton
Date Valid: 01.03.2019

Recommendation: Application Refused



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General Comments

The application is reported to Committee due to the number of comments submitted contrary to the Officer's recommendation.

Site Description

This application relates to a bungalow located in a relatively isolated position. Access to the application site is from Botley Road (B3305) via public rights of way (Bishops Waltham Footpaths nos. 43b and no. 42 - *The Pilgrims Trail*).

Botley Road is a classified road subject to the national speed limit.

Proposal

Retrospective change of use of domestic swimming pool to commercial use.

Relevant Planning History

17/02161/HOU - The removal of the existing polycarbonate pool cover and replacement with a timber clad pool house. Permitted November 2017.

Consultations:

HCC Highways – Objection

The Highway Authority consider that the proposal does not include a safe and suitable access and is contrary to paragraphs 98 and 108 of the National Planning Policy Framework (February 2019). The Highways Authority recommend refusal.

Representations

The Parish Council - No objection in principle but if WCC are minded to approve would request the following conditions:

- The recommendations from the Highways Officer concerning visibility splays to be acted upon.
- The applicant to provide, install and maintain appropriate notices - 15mph/children/pedestrians etc.
- The applicant to provide 6 parking spaces only for the business and to schedule swimming times to avoid concurrent arrivals and departures.

5 Objections have been received raising material planning objections on the grounds of Highway Safety: a) increase in traffic along the lane is dangerous for cars and pedestrians b) inadequate parking and, c) poor visibility at the junction with Botley Road.

23 Support letters raising material planning reasons have also been received, these include a) the use is an asset to the community, b) adequate parking is provided for the use, c) no highway safety problems experienced by users of the pool, d) support should be given to local businesses.

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Relevant Planning Policy

Winchester District Local Plan Part 1 (Joint Core Strategy)
MTRA 1, MTRA 4

Winchester District Local Plan Part 2 - (Development Management and Site Allocations).
DM15, DM16, DM18

Paragraphs 98 and 108 of the National Planning Policy Framework (February 2019)

Planning Considerations

Principle of development

Policy MTRA1 states that the spatial planning vision for the Market Towns and Rural Area will be achieved through identifying and providing for the needs of each settlement, to fulfil its needs relative to its role and function.

The development proposal is deemed to be a community use when considered against the provisions of Policy MTRA4 and policy DM18 and the principle of the use is therefore considered acceptable providing that development proposed in accordance with this policy does not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.

Impact on the character and appearance of the area

The private use of the pool house was approved under planning permission 17/02161/HOU and this proposal is therefore only for the use of the for business purposes. The proposal would therefore have no additional impact on the character or appearance of the area.

Residential Amenity

Given the location of the site in relative isolation from residential properties, the commercial use of the swimming pool in the manner proposed is not considered to result in any significant loss of residential amenity in terms of noise and disturbance.

Highways impact

Following the initial objection from the Highways Authority the applicant commissioned an independent Transport Statement to address the key issues raised. The report has been examined by the Highways Authority who have concluded that the results do not overcome the original concerns and are maintaining their objection to the scheme.

The Highways Authority advice points out several discrepancies and contradictions in the submission.

Section 2 of the Transport Note sets out an estimate of the trip generation that could result from the swimming classes being run from the application site; with 64 daily

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trips being predicted. This estimate is based on 30-minute sessions operating between 1000-1230 with two instructors being present.

The application form indicates different operational hours to these i.e. 0900-1800 Monday to Friday, 0930-1200 Saturday and 1000-1200 Sunday/bank holidays with 4 members of staff.

There are also different session times outlined in the document entitled Supporting Statement. In addition to these discrepancies, Appendix 1 of the Supporting Statement indicates that two companies run swimming classes at the site. This being the case the trip generation is likely to be significantly under estimated.

It is suggested in the Transport Note that arriving vehicles will not meet with vehicles departing the site, as customers are advised to arrive 15 minutes before the 30 minute sessions and are then likely to leave 15 minutes (time taken to change) after the class. This conclusion however seems flawed; the stated times actually indicates the contrary, that vehicles will be arriving and departing at similar times. In any case the arrival and departure times of vehicles would be difficult to control and enforce.

No details of existing traffic flow on the access road have been provided. The agricultural premises attract goods/delivery type vehicles. The access road is narrow of single lane width with limited passing places. It was noted from the Highway Authority's site visits that forward visibility along the access road (due to the horizontal and vertical alignment) is not sufficient between all the passing areas (passing bay/private access) to prevent drivers needing to reverse to allow an oncoming vehicle to pass. Conflicting vehicle movements result in cars having to reverse some distance to allow another to pass (using private accesses).

The access road forms public rights of way (Bishops Waltham Footpaths nos. 43b and no. 42 - The Pilgrims Trail), that are in frequently use by pedestrians.

The Highway Authority considers that the additional vehicle movements associated with the use of the swimming pool for classes/lessons would not only cause additional instances of conflict between opposing vehicles but also between pedestrians and vehicles, compromising pedestrian safety.

Section 4 of the Transport examines the suitability of the access road junction onto Botley Road. The information provided does not demonstrate that vehicles can access and egress the junction simultaneously. The property known as Park House is very close to the junction and affects the position of vehicles turning in (as does the speed of entering vehicles). Moreover, cars are not the only the vehicles using the lane.

The Highway Authority considers that the increase in the use of the junction is likely to result in an increase in the risk of rear end shunts for vehicles turning in from Botley Road.

Drawing no. 0202.0506.001 included in Appendix B illustrates visibility splays of 2.4m by 215m, which are appropriate for the speed limit of Botley Road. It was

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however noted from the Highway Authority's initial site visit that boundary hedges/vegetation of adjoining properties obscured visibility at the junction reducing the available visibility splays to significantly less than that illustrated on the drawing (particularly to the left on exit). Whilst vegetation has recently been cut back, the submitted details do not demonstrate that the applicant has the authority to cut back hedges/vegetation on third party owned land to maintain the visibility splays.

Other matters

It is recognised that the commercial use of the swimming pool for the purposes of providing lessons for children, including those with disabilities, would generally be supported in policy terms as it is considered an essential facility serving the local community in accordance with policy DM10 of the LPP2. However this needs to be weighed against the concerns reached in relation to the impact of the development on highway safety.

Conclusion

Given the conclusions reached on the highways impact of the proposal it has not been demonstrated that the development proposal can be accommodated in a manner that would not cause increased danger and inconvenience to highway users. Based upon this assessment it is not considered that the commercial and social benefits of the business use is sufficient to weigh in favour of permitting this scheme which would be harmful to highway safety and contrary to policy DM18 of the LPP2

Recommendation

Application refused for the following reason(s)

- 1) The application site access onto Botley Road (B3305) is substandard in terms of geometry and visibility to serve the business use and the resultant increase in vehicle movements causes additional danger and inconvenience to other highway users which is contrary to policy DM18 of the adopted LPP2.
- 2) The road leading to and from the site is of inadequate width to accommodate safety the additional traffic which the use generates which is contrary to policy DM18 of the adopted LPP2.