

**P/15/1231/CU**

**TITCHFIELD**

MISS LUCY EVANS

AGENT: MISS LUCY EVANS

CHANGE OF USE FROM SINGLE DWELLINGHOUSE (USE CLASS C3) TO A MIXED USE COMPRISING CONTINUED RESIDENTIAL USE AND CONTINUED USE OF INDOOR SWIMMING POOL & ASSOCIATED AREAS OF THE BUILDING TO PROVIDE SWIMMING LESSONS (SUI GENERIS)

29 CATISFIELD ROAD FAREHAM HAMPSHIRE PO15 5LT

***Report By***

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***Site Description***

This application relates to a residential property located on the corner of Catisfield Road and Cherrygarth Road, Fareham.

The property is a large detached dwelling within which is an indoor swimming pool located in the rear part of the house. The swimming pool, and associated changing facilities, can be accessed independently from the rest of the house via a separate door in the front elevation.

To the front of the dwelling is a hardsurfaced driveway. A high brick boundary wall encloses the frontage of the property with vehicular access provided onto Catisfield Road.

***Description of Proposal***

Officers received reports of swimming lessons being given at the premises and an enforcement investigation followed. As a result of the investigation it was found that a material change of use of the property had occurred. Officers have discussed the relevant planning issues with the applicant, Miss Lucy Evans, resulting in the application now before Members for consideration. In the meantime the applicant continues to use the premises to offer swimming lessons.

Miss Evans rents the pool from the owner and occupant of the property Mr Nwodo. The application proposes the continued use of the indoor pool for swimming lessons whilst also including the residential use of the property by Mr Nwodo and his family. The application proposes a mixed use falling within no one Use Class (Sui Generis).

The application proposes that, from January 2016, swimming lessons take place at the property on five mornings of the week (Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays) from 9.30am - 12.30pm. These morning sessions would consist of four, half-hour long lessons with 20 minute gaps scheduled between lessons. Each lesson would be for a maximum of four pupils.

In addition evening lessons would be provided on four days of the week (Mondays, Tuesdays, Wednesdays and Thursdays) from 4.00pm - 5.15pm. There would be two, half-hour long evening lessons each day with a 15 minute gap between them. Each lesson would be offered on a one-to-one basis meaning only one pupil would be in attendance per lesson.

Lessons are to be offered during school term time only.

Although it is not explicitly stated in the application, pupils of the swimming school are almost always children who are brought to the site by a parent or other adult. Some parents are understood to bring more than one child. The submitted information suggests that a number of parents walk with their children to the site rather than drive.

Since learning of the complaints received by Officers, Miss Evans has made several changes to the way in which swimming lessons operate from the property and she has introduced various measures in an attempt to alleviate, in particular, the parking issues which were the source of the reports. Some of these measures have already been brought into effect since September 2015 and others are proposed to begin from January 2016.

The covering letter submitted with the application explains that all customers have signed new Terms and Conditions (T&Cs). The new T&Cs require all customers to provide Miss Evans with their car registration details and to display a logo sticker in their car so that neighbouring residents can report to Miss Evans any vehicles parked inappropriately or inconveniently. An "Area Map" has been supplied to all customers showing areas where customers should avoid parking and other areas considered suitable for parking. A parking attendant/general helper has been employed to oversee the parking arrangements during lesson times since Miss Evans will ordinarily be inside the building instructing her pupils. Customers are advised in the T&Cs not to arrive for lessons more than 5 minutes before each lesson begins and to try and leave within 10 minutes of the lesson ending. Copies of the T&Cs and other information provided to customers have been submitted with the application.

The application states that the long-term plan for the business is to only enroll new customers who walk to the site for lessons and do not travel by car.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

#### **Development Sites and Policies**

DSP2 - Environmental Impact

### ***Relevant Planning History***

The following planning history is relevant:

P/09/0252/FP - Erection of a detached chalet bungalow - Permission 10 June 2009

P/09/0159/FP - Erection of a detached dwelling with integral garage - Permission 28 May 2009

P/08/0911/FP - Demolition of existing dwelling and erection of five dwellings - Refuse - 8 September 2008 - ALLOWED ON APPEAL

P/08/0233/FP - Demolition of existing dwelling and erection of six dwellings - Refuse 17 April 2008 - ALLOWED ON APPEAL

### ***Representations***

In response to the consultation carried out by the Council the following representations were received.

Eight letters from residents living in Cherrygarth Road, Larches Gardens and The Timbers objecting to the proposal on the following grounds:

- Parked cars causing highway safety issues, more specifically:
- Exiting Cherrygarth Road at the junction with Catisfield Road is already dangerous and has poor visibility
- Cars parked by customers outside of 29 Catisfield Road have made this worse and obscure drivers' line of sight
- Cars parked on Cherrygarth Road near the junction mean that vehicles entering the road are forced onto the wrong side
- Cars parked near the entrance to Larches Gardens may have consequences for vehicles exiting and entering the road
- Difficulties entering and exiting private driveways due to additional parked cars
- Concern that the customer parking map is not accurate or has been accepted by Fareham Borough Council
- Noise has not been a problem for the past 18 months but if the patio doors to the pool are open in the summer, or if the garden was to be used as a waiting area, the noise would be unacceptable.
- This will set a precedent for pools at other properties to be put to commercial use

One letter from residents living at a property of Larches Gardens expressing support for the proposal in general but raising similar concerns to those set out above.

One further letter from a resident of Chatsworth Close stating no objection to the proposed provided parking restrictions are enforced.

The following representations were received by being included amongst the supporting information submitted by the applicant:

Twenty-two letters of support from customers of Miss Evans' swimming school who do not live in the streets immediately surrounding the application site.

A further five letters of support from local residents living in Catisfield Road, The Timbers and Cherrygarth Road, one of which stated that although parking had previously caused problems at the junction outside the application site, the steps taken by Miss Evans have resolved these issues.

One letter from the residents living in the property to the immediate rear of the application site at 28 Cherrygarth Road and stated no objection to the swimming lessons taking place provided parking is controlled and in a considerate manner.

A petition with 73 signatures from customers of Miss Evans' swimming school. The statement at the head of the petition includes an agreement to adhere to parking regulations imposed by Miss Evans.

### ***Consultations***

INTERNAL CONSULTEES

Highways -

The swimming school has been operating for some time. The property has a large forecourt parking area although only the residents of the house and two staff associated with the swimming school use it. The applicant has been advised that the site's access to Catisfield Road is considered to have inadequate visibility splays making unsafe any material increase in vehicle exit manoeuvres. As a consequence, the applicant has sought to introduce an off-site parking strategy for clients and also to reduce the hours of operation with gaps between lessons to enable clients to clear before new clients arrive. The strategy is set out in the submission papers, but in effect would dictate to clients where they may park on-street and would enable local residents to report to the applicant, any breaches from this protocol.

It is considered that there are several locations in the surrounding residential side roads where short-term, off-peak car parking could be accommodated without causing material obstruction to the safe and convenient operation of the highway. These are specifically located alongside the site on Cherrygarth Road (two spaces), on Larches Gardens (two spaces) and on Chatsworth Close (two spaces). Contrary to the two alternative car parking plans submitted with the application, no parking is recommended on Catisfield Road, to maintain this route clear for road safety reasons, and none on Friars Pond Road, because it is of inadequate width for on-street parking.

To enable the proposed operations of the swimming school and of the parking strategy to be assessed, it is recommended that a temporary one year permission is granted with sufficient conditions or commitments by the applicant to secure these operations.

### ***Planning Considerations - Key Issues***

The main issue to be considered when determining this application is the demand for parking generated by customers of the swimming school and how customers parking on the roads outside or in the surrounding streets may be harmful to highway safety.

The driveway to the front of the house is a reasonable size however the visibility for drivers exiting onto Catisfield Road is poor due to the positioning of the brick piers either side and the relatively narrow pedestrian footpath. Without adequate lines of sight in either direction it would not be acceptable for customers to use this access since it would result in a considerable number of additional vehicle movements emerging from the site on a frequent basis.

Since concerns were raised with the applicant last summer various changes have been brought about following discussions with Officers. These measures appear to have had some success in addressing the issues by encouraging customers to park in alternative locations and with greater consideration for the impact on local residents. Several of the letters received from local residents living in nearby roads refer to the situation having improved recently. Notwithstanding there remains concern from residents over the effect the swimming school has on on-street parking and safety particularly, but not exclusively, at the junction of Cherrygarth Road and Catisfield Road. A number of residents have stressed the need for controls to be placed on the parking arrangements if planning permission is to be granted.

Officers have considered at great length what control could be exercised through a planning consent and whether the use of planning conditions could overcome the potential harm to highway safety.

Planning conditions could be imposed to cap the number of pupils being taught at any one time and to allow the use of the pool for lessons only between certain times. This would

limit the number of customer cars parked on the street at any one time to no more than four, however in practice this is likely to be less since the evidence provided by the applicant suggests a proportion of her pupils travel to swimming lessons on foot.

Notwithstanding, these conditions would not prevent customers from parking immediately outside of the property if they wished to or, for example, if other nearby parking spaces were unavailable. Whilst the letters from existing customers demonstrates their understanding over this issue, over time Officers are concerned that, despite her best efforts to encourage customers to park considerately, the applicant does not have any control over this situation to prevent inconvenient or dangerous on-street parking from occurring. For these reasons a planning condition restricting parking in certain places on the highway would not be possible since it would not be within the applicant's power to ensure compliance.

Officers have given further consideration to the suggestion that double-yellow lines may prevent parking from occurring in harmful locations. Whilst introducing a traffic regulation order (TRO) to impose a 'no parking' restriction around the junction of Cherrygarth Road and Catisfield Road would theoretically be possible, in practice parked vehicles would simply be pushed further away. It would be impractical, and most likely undesirable to local residents, for parking restrictions to be introduced over large areas of the surrounding road network.

In summary, Officers acknowledge that since the parking and highway safety issues were raised with Miss Evans there have been reported improvements to the extent that the swimming school use has continued but apparently with little adverse effect. However, there would be no effective way in which to control on-street parking to prevent problems from occurring once again and for this reason Officers do not consider planning permission should be granted.

In recognition of this finely balanced issue and also the considerable efforts made by the applicant in addressing these concerns, if Members of the Planning Committee considered that the risk of customers' vehicles posing a highway safety hazard was sufficiently unlikely then they may wish to consider granting the applicant a personal planning permission for a temporary period of one year.

### ***Recommendation***

REFUSE:

The proposed development is contrary to Policies CS5 & CS17 of the adopted Fareham Borough Core Strategy and is therefore unacceptable in that;

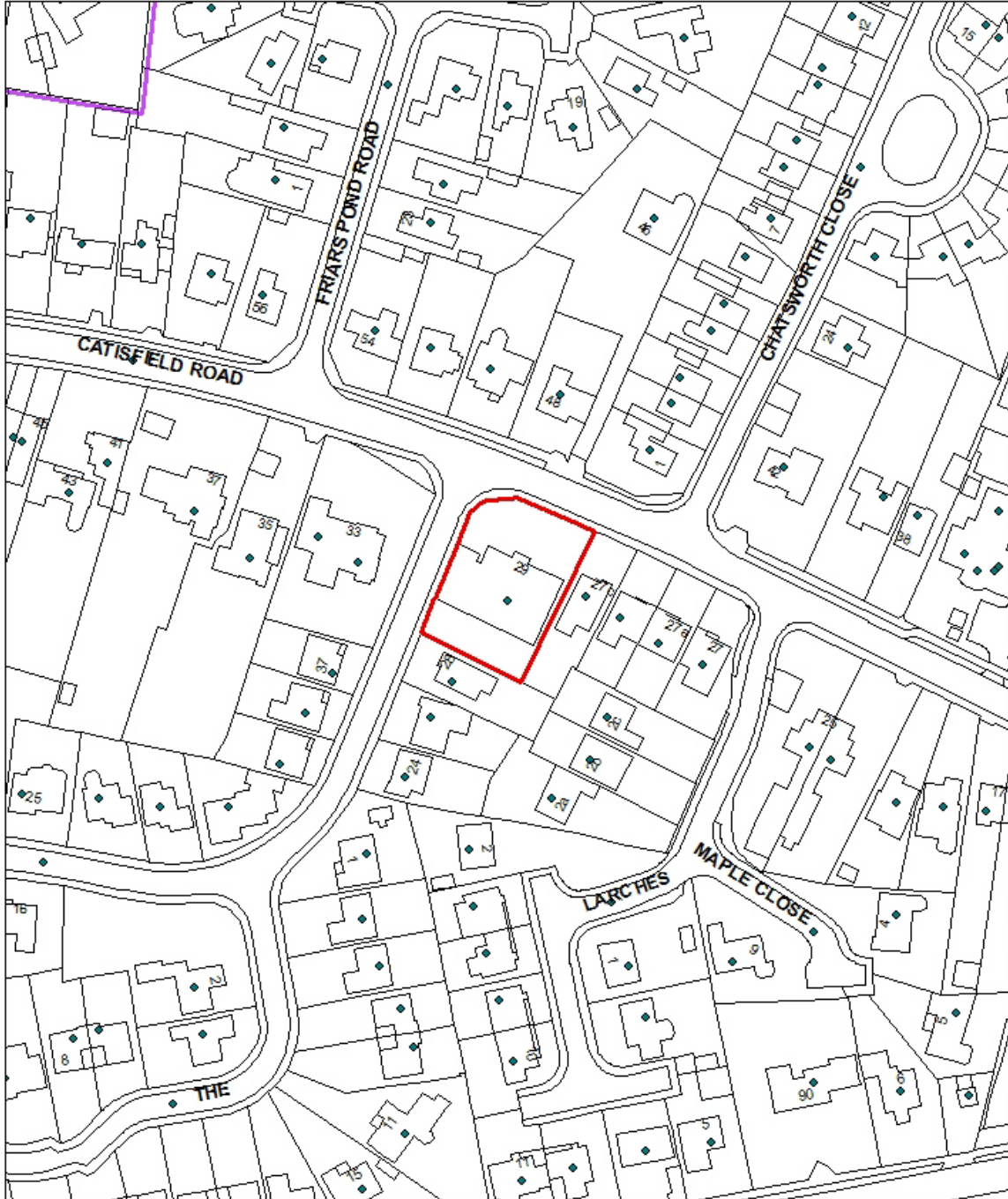
- i) the proposal fails to provide appropriate parking for the use of the property for swimming lessons;
- ii) the use of the property for swimming lessons is likely to lead to on-street parking which is harmful to the convenience and safety of highway users.

### ***Background Papers***

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# FAREHAM

## BOROUGH COUNCIL



29 CATISFIELD ROAD  
SCALE: 1:1,250

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