

OFFICER REPORT FOR COMMITTEE

DATE: 13 December 2023

P/23/0835/VC
MR DANTE NWODO

TITCHFIELD

REMOVE CONDITION 3 (PERSONAL PERMISSION) OF P/17/0290/VC: TO ALLOW USE OF THE PROPERTY FOR SWIMMING LESSONS AT 29 CATISFIELD ROAD, FAREHAM, PO15 5LT

29 CATISFIELD ROAD, FAREHAM

Report By

Kim Hayler – 01329 824688

1.0 *Introduction*

1.1 This application is reported to the Planning Committee for determination due to the number of representations which have been received.

2.0 *Site Description*

2.1 This application relates to a residential property located on the southern side of Catisfield Road on its corner with Cherrygarth Road, Fareham.

2.2 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.

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

3.0 *Description of Proposal*

3.1 Planning permission was granted in 2016 for the mixed use of the property as a dwellinghouse and the continued use of the indoor swimming pool and associated areas for swimming lessons (a 'sui generis' use) reference P/15/1231/CU.

3.2 A planning condition was imposed on the permission stating the use shall be carried on by then applicant, Miss Lucy Evans and for a limited period of one year.

3.3 In 2017, under planning reference P/17/0290/VC an application was submitted seeking to remove the limitation on the period of the permission, in order to make it a permanent permission, but still personal to Miss Evans.

3.4 Condition 3 of that planning permission reads:

The swimming lesson element of the mixed use hereby permitted shall be carried on only by the applicant Miss Lucy Evans.

REASON: In the interests of highway safety.

3.5 This current application seeks relief from condition 3 (personal permission) and to allow the continued use of the property for swimming lessons whilst also including the residential use of the property by the applicant, Mr Nwodo and his family. No personal condition is now proposed.

3.6 The applicant/property owner rents the pool out for swimming lessons during the following times (term times only):

Monday 0930 – 1030

Thursday 1600 – 1800

Friday 0900 – 1100
1545 – 1900

Saturday 0745 – 1300

3.7 There are a maximum of three children in each class. They arrive, ready changed for swimming five minutes before the elected class. The children in the class beforehand are changed and ready to leave within ten minutes of the class ending. On some occasions there may not be a 15 minute gap; this is when siblings swim in consecutive classes.

3.8 Consistent with the previous two permissions this proposal does not allow customers of the swim school to park on the site. The proposal requires customers to park off site on the highway. The application includes an on street parking plan as part of the submission which details where customers are requested to park when visiting the site.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

TIN2: Highway Safety and Road Network

D2: Ensuring Good Environmental Conditions

Other Documents:

National Planning Policy Framework (NPPF) 2023

Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/15/1231/CU 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)

APPROVE 12 February 2016

P/17/0290/VC Variation of Condition 2 of planning permission reference P/15/1231/CU to allow use of the property for swimming lessons by Miss Lucy Evans with no limited period of consent

APPROVE 27 April 2017

6.0 Representations

6.1 Fourteen representations from 11 households, including the Catisfield Village Association have been received raising the following concerns:

- Dangerous indiscriminate parking;
- More than three cars are parked during swimming lessons so how will the claimed three car maximum be enforced?
- The parking map has not been followed for years;
- Why cannot users of the pool park within the property?
- A great asset to the community but needs to be managed better;
- Loading and unloading of children obstructs the pavement;
- Greater traffic volumes and average speeds along the road increase the danger to pedestrians and other road users;
- Who will enforce the parking plan?
- The business is operating as a franchise rather than by an individual;
- The timetable does not reflect the online website.

6.2 The parking plan and timetable were amended and readvertised. Six comments were received as a result of further publicity raising the following points:

- The planning permission should continue to be specific to one person in order for neighbours to have one point of contact and opens the possibility for more unscheduled classes;

- The revised parking plan is disappointing and worse than before and does not clearly show no further parking in Cherrygarth Road beyond the four parking spaces shown;
- Cars parked on the roads make it difficult for people walking, crossing the road, cycling and result in poor visibility;
- No objection to the use of the swimming pool, but often unable to access own property;
- The parking conditions on the original application were not being met; that is why there are so many objections;
- The policing of the parking is put on local residents; it should be the property owner;
- Motivation to park close is human nature; inclement weather being a factor;
- This is change of use from ad hoc swimming lessons to a commercial franchise;
- The narrowness of Larches Gardens results in parking on pavements, photographs taken support this;
- If permitted, the hours should not be increased; no more than three cars associated with the lessons to be parked in local roads and as this is a sui generis use they cannot change to another use class;
- The timetable is inconsistent and is inadequate for children travelling on foot or public transport.

7.0 Consultations

EXTERNAL

Hampshire County Council - Highways

7.1 No objection

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of development;
- b) Impact on the neighbouring residential properties;
- c) Highways;
- d) Other matters.

a) Principle of development

8.2 The use of the property for swimming lessons was established some years ago and has been operating for approximately seven years, albeit by different individuals. The principle of the mixed use of the property for swimming lessons and residential use is now long established and considered acceptable.

b) Impact on the neighbouring residential properties

8.3 The representations received relate only to highway matters.

8.4 When planning permission was originally granted in 2016 the pool was used for a similar number of hours, over five days. The current lessons are held over four days.

8.5 Officers are satisfied the level of use, specifically relating to comings and goings to the property over a reduced period of four days, the amount of available on street parking and the width, design and spacious nature of the roads, does not result in material harm to the environmental conditions of the occupiers of neighbouring residential properties. The proposal complies with Policy D2 of the adopted Fareham Local Plan 2037.

c) Highways

8.6 The primary issue raised by local residents relates to parking. The main issue to be considered when determining this application is the demand for parking generated by users of the swimming pool and how they park on the roads outside or in the surrounding streets and whether this is harmful to highway safety. There are a maximum of three cars per 30 minute swimming session. There should not be an overlap of cars, however if this does occur there is available on street parking.

8.7 The applicant provided with both previous applications a set of terms and conditions for all customers and a parking map showing areas, off site, that were considered suitable for on street parking. A planning condition was imposed stating the swimming lesson use was to be carried out in accordance with the approved parking plan and map and user terms and conditions.

8.8 The swimming lesson use has carried on for some time without any known issues. More recently the swimming lessons have been carried out by a swim school franchise, overseen by the applicant Mr Nwodo, the property owner, hence the application for relief of the condition personal to Miss Evans. Although the swimming lessons are currently run by a franchise, the level of use is controlled by the planning application; 14 hours a week in this case. New terms and conditions have been submitted as part of this application. These terms and conditions are given to the pool users, together with a parking plan suggesting appropriate places to park within the street, in a similar fashion to previous permissions.

- 8.9 The current timetable is for 14 hours of swimming lessons over a period of four days a week, during term time only, which is a slight reduction on that previously approved. A 15 minute gap has been factored in between lessons to prevent an overlap for parking.
- 8.10 It is accepted that the parking plan is dependent on the spaces shown for parking being available on the street. This approach to parking off site has previously been found as acceptable by the Planning Authority. It is considered that, commensurate with the scale of swim school operations, that three cars parked on Catisfield Road or the neighbouring roads is not considered to be a detriment to the operation and safety of the local highway network. Furthermore, the Highway Authority has reviewed the situation through the application consultation and raise no objection.
- 8.10 During the consideration of the application Officers have had the opportunity to monitor the parking situation during September. At the beginning of the new term there were occasions, particularly on a Saturday morning, where parking was not in accordance with the parking plan. However, once the users of the pool were familiar with the on street parking arrangements and timetable there were no material issues. Notwithstanding these occasions, there remains safe, adequate, on street parking provision beyond the extent of the parking plan that could be freely used by the driving public in any event.
- 8.11 The property has a large forecourt parking area. This area is used by the residents of the property and the staff associated with the swimming school use. Customers of the swim school are not permitted to park on site. When planning permission was first approved for the swimming pool use, the applicant, at that time, was advised by the Highway Authority that the property access to Catisfield Road was considered to have inadequate visibility splays making unsafe any material increase in vehicle exit manoeuvres at the scale anticipated from the swim school hence the resultant on street parking plan was secured. Officers have re-consulted with the Highway Authority (HA) as part of this application. The HA consider there appears to be space on site to allow for the parking of four vehicles. However, the resident and teacher vehicles have to be factored in for these spaces, together with space for vehicle manoeuvring on site in order to egress back onto the highway in a forward gear. As such, it continues to be the case that customers of the swim school will park off site on the highway.
- 8.12 Given the trip generation associated with the proposals, the Highway Authority do not consider the proposal to be to the detriment of highway operations and safety in the event of the on-street parking. Hampshire County Council, Highways have raised no objection. The proposal therefore complies with Policy TIN2 of the Fareham Local Plan.
- d) Other Matters:
- 8.13 A number of representations have stated that if planning permission is to be granted it should be limited to one person through a personal permission again. Government Guidance on the use of planning conditions states that personal

permissions can be used in exceptional circumstances where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. In this case, planning permission has been granted previously on two occasions; one under a temporary permission and then under a full permission. A swim school has been operating from the property for some eight years. The principle of the swimming pool lessons at the property for this level and scale of use has therefore been established irrelevant of who the operator is. As a result it is not considered reasonable, relevant or necessary to impose a personal permission this time around. Other conditions are adequate in controlling the scale and extent of the swim school operations.

9.0 Summary

9.1 Notwithstanding the objections received the proposal is considered acceptable in environmental and highway terms and complies with both Policies D2 and TIN2 of the Fareham Local Plan 2037.

10.0 Recommendation

10.1 **GRANT PLANNING PERMISSION**, subject to the following conditions:

1. The development shall be carried out in accordance with the following approved documents:
 - a) Location plan - scale 1:1250
 - b) Parking Map
 - c) Terms & Conditions
 - d) Timetable

REASON: To avoid any doubt over what has been permitted.

2. The use hereby permitted shall be carried on in accordance with the approved swimming timetable, parking map and customer Terms & Conditions only unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of highway safety and the amenity of the area.

3. The application site shall only be used for swimming lessons, with a maximum of three students per class, during the following times (and during term times only):

- Monday 0930 – 1030
- Thursday 1600 – 1800
- Friday 0900 – 1100
 1545 – 1900
- Saturday 0745 – 1300

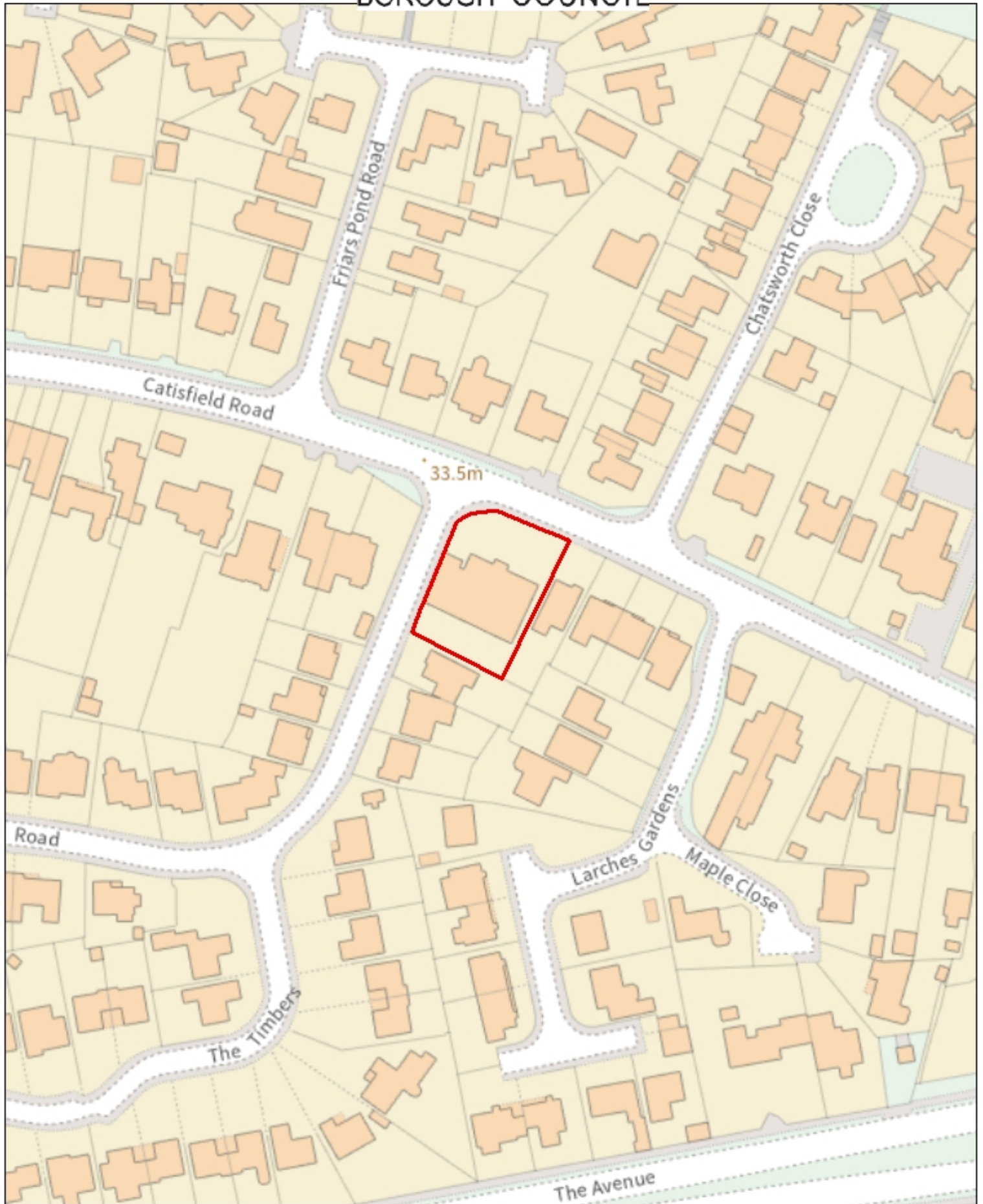
REASON: In the interests of highway safety and the amenity of the area.

11.0 *Background Papers*

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



29 Catisfield Road
Fareham

Scale 1:1,250



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