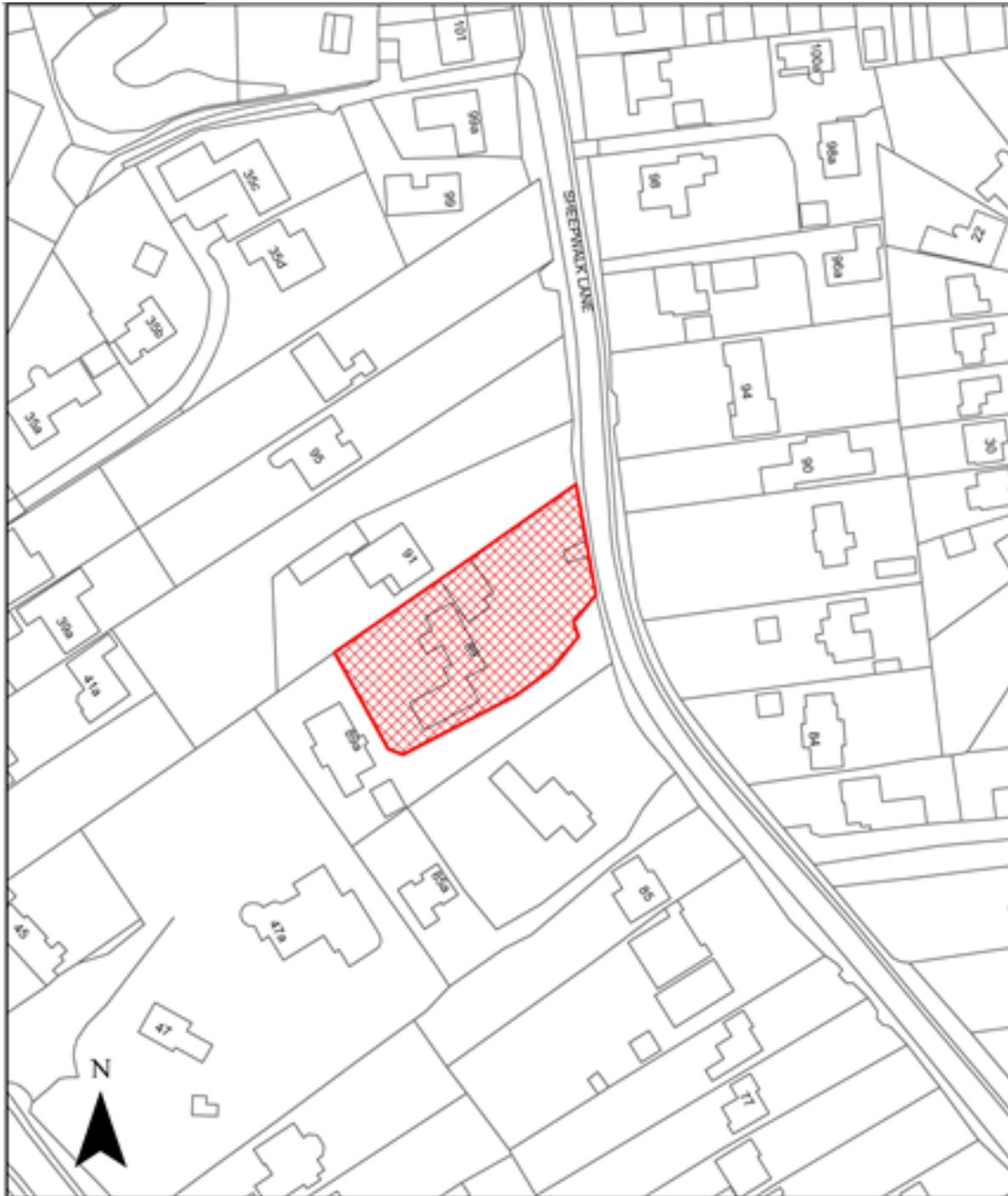




Application Number: 2016/0969
Location: 89 Sheepwalk Lane, Ravenshead, Nottinghamshire,
NG15 9FD.



NOTE:
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Report to Planning Committee

Application Number: 2016/0969

Location: 89 Sheepwalk Lane, Ravenshead, Nottinghamshire, NG15 9FD.

Proposal: Variation of Condition 6 under planning permission 2015/1117 (use of private swimming pool to provide private swimming lessons) to allow 4 additional hours of operation. Wednesdays 16.00-18.00 and Thursdays 9.30-11.30.

Applicant: Ms Sally Parkin

Agent: Mr Kevin Tomlinson

Case Officer: Elizabeth Campbell

This application is referred to the Planning Committee at the request of the Delegated Member's Panel.

Site Description

89 Sheepwalk Lane is a modern split level detached four bedroom dwelling standing in an elevated position above Sheepwalk Lane on the outside of a bend. The property has, at lower ground floor level, on the south side of the property, a pitched roof single storey extension 12.42m (40'9") x 6.75m (22'2") providing a swimming pool with plant room, changing room and toilet. At the higher (north side) of the property there is an attached two car garage and small sauna and gym.

The property has two vehicular accesses off Sheepwalk Lane, one on the southern boundary and a second one towards the northern boundary. There is a private drive along the southern boundary, which is marked by a low wall with brick piers and fencing panels, between Nos 87 and 89, to two dwellings behind these properties – Nos 85a and 89a Sheepwalk Lane. There are trees and shrubs along the northern, front and rear boundaries.

The property is situated within the built up village envelope of Ravenshead and the Ravenshead Special Character Area

Relevant Planning History

95/1618 Conditional (standard conditions re time, materials and landscaping) permission granted for single storey extension to side/rear to form indoor swimming pool

2015/0688 Permission refused for change of use from residential (C3a) to residential and limited use of existing swimming pool to provide private swimming lessons (C3a and D2) for 19 and a half hours (4pm to 6.30pm Mon to Fri and 9am to midday on

Saturday and baby lessons for 4 hours) on the grounds that it would detract from the character of the area and the amenities of neighbouring residential properties by reason of the introduction of a commercial use, the level of activity created together with the amount of traffic generated and additional car parking on the high part of the garden.

2015/1117 Full permission given on 30th October 2015 for a revised submission involving reduced hours of operation, lower numbers of pupils (no baby classes), one or two staff rather than two or three (with one of whom living on site) and no new parking area.

Condition 6 stated that “the swimming pool shall not be used for private swimming lessons for more than 8 hours a week between the hours of 16:00hrs – 18:00 hrs Tuesdays and Thursdays and 09:30hrs – 11:30hrs Wednesday and Saturday unless otherwise agreed in writing by the Borough Council as Local planning Authority”

Condition 3 confirmed that the permission did not give consent for the change of use of the property from C3a to C3a and D2

Condition 4 required the parking area at the property to be kept free for use by the residents and persons coming for lessons

Condition 5 stated that during the hours for lessons there should be a maximum of 6 persons/children plus one teacher on the site at any one time.

Proposed Development

This application seeks variation of Condition 6 under 2015/1117 to allow an additional 4 hours of operation – 16:00hrs to 18:00 on Wednesdays and 09:30 hrs to 11:30 hrs on Thursdays. This equates to one additional morning and one additional afternoon a week but at the same times as already approved.

Essentially, the Variation of Condition Application seeks a replacement Planning Permission for the Change of Use of the swimming pool to provide swimming lessons within the parameters outlined in the application form.

In a supporting letter the applicant states

- That the additional hours requested have not been implemented.
- The existing operation is carefully managed taking into account that the site is within a primarily residential area, albeit that the properties are well separated from each other and generally stand within reasonably sized garden areas.
- The additional hours are needed to cater for the numerous requests, particularly from local people to provide lessons for both children and adults
- There is no intention to increase class sizes
- A high proportion of users walk to the premises

Following referral of the Delegated Member’s Panel to the Planning Committee a further letter in support of the proposal has been submitted in response concerning the impact on amenity and highway safety. Of relevance are the following statements:

- The (8) approved hours are very minimal to operate a business and the increase in lesson time has been generated partly at the request of local people
- The new hours are within the working day (and as already approved on other days) and not at unsocial times
- It is considered that there will be minimal impact on the amenity of neighbours, whose properties are well screened from No 89.
- It is understood that the Council has received no complaints regarding the operation of the business
- A local planning authority is encouraged to support small businesses and the provision of recreational facilities, where appropriate
- There is no other similar provision in the immediate area, and refusal would be a loss to the local community.
- The impact on highway safety would be minimal as the alignment of the bend provides an appropriate level of visibility from the access in both directions and car parking is provided in the site. As noted previously many users are local and walk.
- The concern about conflict with school traffic is not considered a reasonable objection. The school finishes at 3.25pm. The 4pm start has been selected to provide an opportunity for children to attend lessons after school. It is noted that the Highway Authority has not raised an objection.
- The higher area of the garden is used for parking by the (3) persons living at the property and not in connection with the business. The applicant would be prepared to see this area restricted to private use only. It should be noted that 2 of the 3 cars are garaged when not in use.

Consultations

Ravenshead Parish Council – Object due to potential highway issues since the times identified are especially busy with Abbey Gates school traffic. Additionally, Sheepwalk Lane is already heavily used with all the new developments in this area.

Nottinghamshire County Council (Highway Authority) – The condition relates to the hours of business and does not affect the highway network. Therefore there are no highway concerns to the proposal.

Public Protection – No complaints received

A Site Notice has been posted and neighbours notified. One objection has been received on the following grounds:

- Since the pool has been used for private swimming lessons it has had an undue impact upon the residential amenity of the adjacent dwellings and spoilt the special character and setting of the area.
- There has been a significant increase in noise at the property from children shouting and screaming in the pool, car horns and car doors banging
- Cars are parked on the higher area of the garden, which was not to be used
- The access is on a dangerous bend. The hours of business are very busy on Sheepwalk Lane
- Parents stop on the road and drop children off rather than driving into the property

- The proposal will create additional noise, traffic and pollution and cause further undue impact upon the residential amenity of the adjacent dwellings and on Sheepwalk Lane as an area of special character.
- When exiting it is difficult to see and judge the speed of cars
- An increase in the operating hours by 50% is excessive. In the previous application it was stated “The proposal will enable the applicant to develop a small part time business from the premises” A 50% increase is substantial and not appropriate in a residential area.

Planning Considerations

The main planning considerations in the determination of this application are the suitability of the proposed use in this location and the potential impact on the Ravenshead Special Character Area and neighbouring properties and any highway safety issues.

At the national level the National Planning Policy Framework (NPPF) (March 2012) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development.

The following policy is relevant to the proposal:

- NPPF (Paragraphs 18-22) Delivering sustainable development;

Paragraphs 18-22 of the NPPF relate to building a strong competitive economy. Paragraph 19 states “significant weight should be placed on the need to support economic growth through the planning system”.

Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan referred to in Appendix E of the GBACS.

Policy 10 (part 2) is relevant. This states that development will be assessed against criteria including clause f) impact on the amenity of nearby residents; and part 4, which requires development proposals to have regard to the local context including valued landscape/townscape characteristics

Policies of the Gedling Borough Replacement Local Plan (certain policies saved 2015) which are relevant are:

Policy ENV1: Development Criteria

Policy ENV17: Ravenshead Special Character Area

Of special significance are under ENV1 especially criteria b and c in relation to traffic and ENV17, which states “Within Ravenshead Special Character area, planning permission for development will be granted provided that it retains and/or enhances the soft landscaped nature of the area including trees, hedgerows and other soft landscape features”

The proposal may be considered sustainable and offering employment and facilities encouraging a healthy lifestyle. It is noted that whilst originally the project was described as “developing a small part time business” it is now considered that 8 hours a week “are very minimal to operate a business”. However the proposal adds one additional afternoon and one additional morning – and at the same hours as previously approved. It is noted that whilst there are objections from the Parish Council and neighbour on highway and amenity grounds no complaints have been made to the Environmental Health Section and no objections are raised by the Highway Authority. With regard to the parking on the higher ground the applicant has

confirmed that this is only for their own private use. Use of this area by persons coming for lessons was excluded in the previous application. It is my opinion that, on balance, the proposal will not unduly impact the amenities of the neighbouring properties and the Ravenshead Special Character Area or result in highway safety issues.

Policy ENV1 seeks to ensure that development is of a high standard of design and includes criteria which seek to protect the amenities of the locality, to include adequate provisions for safe and convenient access and circulation of pedestrians and vehicles. Given the building is already in existence I consider that design is not a consideration I when assessing this application. As previously assessed, given the distances to neighbouring properties, the enclosure of the indoor swimming pool, and the existing boundary treatments I consider that there would be no significant undue impact on neighbouring residents as the operation of the swimming pool would be the same as previously approved albeit with 4 additional hours. It is noted that the numbers of service users at the pool at one time would be comparable to the numbers previously approved and the level of activity on site during lessons would not be increased.

With respect to the objections of Ravenshead Parish Council it is accepted that numerous developments have been approved on Sheepwalk Lane. However it is considered that this proposal will not result in significant highway safety issues and the Highway Authority has raised no objection. It is noted that the hours for lessons is designed to avoid conflict with traffic to and from the village school.

With respect to the objection from the neighbouring property it is noted that no complaint has been made to the Council regarding noise and nuisance. The applicant has confirmed that the upper area of the garden is only used for the parking of occupiers of the property and this area was excluded for use by persons coming to the pool for lessons under 2015/1117. Condition 5 restricted the number of persons to a maximum number of 6 children / persons / non-residents on the site at any one time.

It is concluded, that on balance, refusal cannot be justified as the harm created by 4 additional hours could not be substantiated. This however is subject to the previous conditions attached to the permission relating to the use of the existing swimming pool for private lessons for a maximum of 12 hours per week, and, as previously, for a maximum number of persons attending being 6 on the site in connection with the proposed activity; for the parking area to be kept for the parking of vehicles only and for records to be kept, which may be inspected by the Borough Council at any time to confirm the hours of use and the number of children/persons being taught at any one time. I conclude that the proposal is in accordance with the National Planning Policy Framework, Policy 10 of the Gedling Borough Aligned Core Strategy and Policies ENV1 and ENV17 of the Gedling Borough Replacement Local Plan. Therefore I support this proposal.

Recommendation:

GRANT PLANNING PERMISSION subject to the following conditions: Conditions

1. This permission relates to the submitted application form, supporting letter and location plan received on 2nd September 2016 and the subsequent

supporting letter received by email on 8th November 2016. The development shall be carried out in accordance with the approved details.

2. This permission relates to No 89 Sheepwalk Lane continuing in residential use (C3a) with limited use of the existing swimming pool to provide private swimming lessons as described in the submitted details, as listed in Condition 1 above.
3. The hard surfaced parking area shall be kept available for the accommodation for vehicles at all times, incidental to the enjoyment of the dwelling house and the use of the swimming pool to provide private swimming lessons.
4. The swimming pool shall be only be used for private swimming lessons for a maximum of 12 hours a week between the hours of 16:00hrs - 18:00hrs Tuesday, Wednesday and Thursday and 09:30hrs - 11:30hrs Wednesday, Thursday and Saturday unless otherwise agreed in writing by the Borough Council, as Local Planning Authority.
5. During the hours referred to in Condition 4 there shall be a maximum of 6 persons/children/non-residents attending lessons plus one teacher on the site at any one time. A written record should be kept of the number of children/persons/non-residents attending lessons on the site at any one time, and the days on which the swimming lessons take place. These records shall be made available, on request, for inspection by the Borough Council.

Reasons

1. For the avoidance of doubt
2. To protect the amenities of neighbouring properties and the appearance and character of this residential area.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
4. To preserve the amenities of adjoining neighbours and this residential area
5. To preserve the amenities of adjoining neighbours and the soft landscaped appearance of this part of the Ravenshead Special Character Area

Reasons for Decision

In the opinion of the Borough Council the proposed development would not unduly impact the amenities of neighbouring residential properties or the Ravenshead Special Character Area subject to the recommended conditions. The proposal therefore complies with Policies ENV1 and ENV17 of the Gedling Borough Replacement Local Plan (certain policies saved 2014), Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and the National Planning Policy Framework

Notes to Applicant

The applicant is advised that all planning permissions granted on or 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

Planning Statement - The Borough Council has worked proactively with the applicant in accordance with paragraphs 186 and 187 of the National Planning Policy Framework by advising of the correct type of application and the comments from the Delegated member's Panel.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com