

**UTT/16/2520/FUL - (Farnham)**

(Referred to Committee by Councillor Janice Loughlin. Reason: to allow the committee to assess any impact on neighbouring properties)

**PROPOSAL:** Proposed demolition of existing garage and shed and construction of fully covered swimming pool including ancillary accommodation of changing rooms and toilets for family use and for private swimming lessons

**LOCATION:** 1 Rectory Drive, Rectory Lane, Farnham, Bishops Stortford, Hertfordshire CM23 1HW

**APPLICANT:** Mr Cliff Williams

**AGENT:** Colin Hawkins Designs

**EXPIRY DATE:** 21.12.2016

**CASE OFFICER:** Philip Freeman Bentley

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**1. NOTATION**

1.1 None.

**2. DESCRIPTION OF SITE**

2.1 The main part of the site is number 1 Rectory Drive, which is located to the south of Rectory Lane and comprises a detached two-storey dwellinghouse fronting the public highway. The dwellinghouse has pitched roofs and is finished in a mock-Tudor style with facing brick, timber, render and roof tiles. This part of the site is approximately 0.1 hectares in size. It includes an area of hardstanding to the front of the dwellinghouse, which is used for car parking and accessed via Rectory Drive, and a landscaped garden to the rear. There is a detached garage and a shed in this garden. Both are constructed from timber; the garage is at the end of the garden and accessed via a private driveway that also serves other properties on Rectory Lane. The site's boundaries comprise a mixture of low brick walls, approximately 1.8 metre high wood panel fencing and mature vegetation.

2.2 The other part of the site is the front car park area of Farnham Village Hall. This is located about 80 meters along Rectory Lane, to the west of the main part of the site. This part of the site is approximately 0.05 hectares in size and comprises hardstanding.

2.3 The subject dwellinghouse is adjacent to a semi-detached dwellinghouse to the east (number 39 Rectory Lane) and a detached dwellinghouse to the west (number 2 Rectory Drive). There is open countryside, including a paddock, to the rear and other dwellinghouses along Rectory Lane in a linear pattern; there is no uniformity in terms of form or style.

**3. PROPOSAL**

3.1 The proposal is for the demolition of the detached garage and shed in the garden of number 1 Rectory Drive and the erection of an indoor swimming pool and

associated facilities. The swimming pool building would be single-storey (with a basement) and up to 20.0 metres deep, 14.2 metres wide and 4.1 metres high; its footprint would be in the region of 200 square metres.

- 3.2 As well as being used in connection with the dwellinghouse, it is proposed that the swimming pool would be used for the provision of swimming lessons to members of the public. Notwithstanding the information included on the application form, this is considered to be a D2 (assembly and leisure) use. The application materials do not describe how many members of the public would use the swimming pool on a daily, weekly, monthly or annual basis, but it is stated that up to four children or adults may have lessons at any one time between the hours of 9:30 am to 11:00 am, 1:00 pm to 3:00 pm and 4:00 pm to 6:30 pm on weekdays (excluding bank holidays) and 9:30 am to 3:00 pm on Saturdays. It is also stated that the equivalent of one full time job would be created through the proposed use.
- 3.3 It is proposed that car parking would take place at Farnham Village Hall. A total of eight car parking spaces, including one disabled space, would be provided and members of public would be expected to walk from Farnham Village Hall to number 1 Rectory Drive along Rectory Lane and access the proposed swimming pool in the main site's rear garden via a footpath along the shared boundary with 39 Rectory Lane. Information submitted by the applicant states that there is an agreement with Farnham Village Hall that would allow for the parking of up to eight vehicles for up to three hours for no more than 4 times a day on weekdays. There is no definite provision for weekend car parking and the agreement would be reviewed after twelve months.

#### **4. APPLICANT'S CASE**

- 4.1 The applicant has submitted some letters, including several appended documents, which are discussed where relevant.

#### **5. RELEVANT SITE HISTORY**

- 5.1 Application reference numbers UTT/16/1346/HHF and UTT/16/1657/FUL, which were both for the erection of a swimming pool in the rear garden of number 1 Rectory Drive, were withdrawn by the applicant.
- 5.2 There is no other relevant, recent planning history.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework (NPPF)

##### **6.2 Uttlesford Local Plan (2005)**

- Policy S7 – The Countryside  
- Policy GEN1 – Access  
- Policy GEN2 – Design  
- Policy GEN4 – Good neighbourliness  
- Policy GEN7 – Nature Conservation  
- Policy GEN8 – Vehicle Parking Standards  
- Policy ENV3 – Open spaces and trees  
- Policy ENV8 – Other landscape elements of importance for nature conservation

- Policy ENV11 – Noise generators
- Policy LC2 – Access to Leisure and Cultural Facilities

### 6.3 **Supplementary Planning Policy**

- Essex County Council Parking Standards Design and Good Practice (September 2009)
- Essex County Council Development Management Policies (February 2011)

## 7. **PARISH COUNCIL COMMENTS**

- 7.1 Farnham Parish Council supports the proposal as it considers that a swimming pool would make a positive contribution to the community, given that it would be possible for residents and school children from the local area to use the facility. It is also confirmed that there is an agreement that would allow visitors to park at Farnham Village Hall; details of this agreement are included in Farnham Parish Council's comments relating to withdrawn planning application reference number UTT/16/1657/FUL, which have been submitted by the applicant and are outlined above.

## 8. **CONSULTATIONS**

### **UDC Environmental Health**

- 8.1 No objections, subject to a condition and an informative relating to the levels of noise generated by swimming pool plant and equipment.

### **Highway Authority (ECC)**

- 8.2 Objections, because: of the proposed lack of a permanent and constant parking facility, which could lead to inappropriate on-street car parking, to the detriment of the efficiency and safety of the highway; and the proposed location of the parking facility, which is remote from the development and only connected by a road with no footway, and could cause conflict between pedestrians and vehicles to the detriment of highway safety. This is contrary to the Highway Authority's Development Management Policies.

### **ECC Ecology Consultant**

- 8.3 No objections, subject to an informative relating to bird nests.

### **London Stansted Airport**

- 8.4 No objections.

### **UDC Landscaping Officer**

- 8.5 No objections.

### **Other**

- 8.6 No responses have been received from Affinity Water and Thames Water Utilities. Overall, the letters to consultees expires 05/12/2016.

## **9. REPRESENTATIONS**

9.1 Eleven representations have been received from neighbours. The letters to neighbours expire 05/12/2016. Five of the representations are in support and six are objections. The six objections include representations from two individuals that have both responded twice. The comments are summarised as follows:

- The proposal would benefit the community.
- Any benefit to the community would potentially be limited, due to the nature of the proposed use.
- The proposed car parking arrangements would lead to an unacceptable impact on the safety and operation of the highway, due to the distance of Farnham Village Hall from number 1 Rectory Drive and the lack of a suitable footpath and lighting along Rectory Lane between these two parts of the site, as well as the unsuitability of Rectory Drive for access and car parking.
- Traffic congestion in the local area would be increased.
- Access via the driveway to the rear of number 1 Rectory Drive would cause safety and security issues
- If the application is approved, some sort of restriction should be placed on the use of Rectory Lane.
- Proposed car parking at Farnham Village Hall would prevent any unacceptable impact on the safety and operation of the highway.
- The proposed development would have an adverse impact on neighbouring amenity due to the design of the building, the loss of trees, which currently provide screening, and the disturbance and loss of privacy that would be caused by the use and access arrangements.
- The construction of the proposed development would have an adverse effect on amenity and Rectory Drive.

9.2 It is noted that the applicant has submitted some representations made in relation to withdrawn planning application reference number UTT/16/1657/FUL. However, these not considered to be relevant, as the subject application is a fresh planning application.

9.3 Specific comments on matters that are not addressed in the appraisal section are set out below:

- The applicant has confirmed that the driveway to the rear of number 1 Rectory Drive would not be used for the proposed development; this driveway is not included within the application site.
- The impact of construction activities could be controlled under separate legislation.

9.4 Otherwise, where relevant, comments on representations are included in the planning considerations text below

## **10. APPRAISAL**

The issues to consider in the determination of the application are:

- A Whether the proposed swimming pool is acceptable within the countryside (ULP Policy S7).
- B Whether the proposed development would be of an appropriate design and scale, respecting the character and appearance of the surrounding area and the dwellinghouse (ULP Policy GEN2).
- C Whether the proposal would adversely affect amenity values of neighbouring

residents (ULP Policies GEN2, GEN4 and ENV11).

D Whether the proposal would have an acceptable impact on the operation and safety of the public highway (ULP Policies GEN1, GEN8 and LC2).

E Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3).

F Whether the proposal would have a harmful effect on wildlife (ULP Policies GEN7 and ENV8).

**A Whether the proposed swimming pool is acceptable within the countryside (ULP Policy S7).**

10.1 The subject site is located within the countryside. Local Plan Policy S7 protects the countryside for its own sake and places strict control on new building. It only permits development that either needs to take place in the countryside or is appropriate to rural areas, and requires that the appearance of development protects or enhances the particular character of the part of the countryside within which it is set or that there are special reasons why the development in the form proposed needs to be there.

10.2 The NPPF generally supports sustainable development in rural areas. In particular, paragraph 28 supports sustainable growth and the expansion of business through well designed new buildings and leisure developments that benefit communities and respect the character of the countryside.

10.3 Although the proposed development is considered to be a leisure facility, rather than a community facility, it would provide some benefit to the community. This may only be for a short period, as there is no mechanism for ensuring that the business operates for any set length of time, but it does weigh in favour of the proposal in any case.

10.4 Notwithstanding the benefit to the community, it is considered that the proposal is unacceptable in principle. There is no clear case as to why the development in the form proposed needs to take place in the location proposed and, although Farnham is developed along Rectory Lane, it is noted that the proposed swimming pool would be a large structure on the very edge of number 1 Rectory Drive's current residential curtilage, which borders open countryside. Given the size and scale of this structure, which is not characteristic of outbuildings in other nearby residential gardens, and the fact that it would be visible from the open countryside to the rear of the main site, it is considered that it would fail to protect or enhance the particular character of the part of the countryside under discussion. This would especially be the case due to the proposed removal of vegetation along the site's rear boundary and the height and width of the proposed pitched roof's ridge.

**B Whether the proposed development would be of an appropriate design and scale, respecting the character and appearance of the surrounding area and the dwellinghouse (ULP Policy GEN2).**

10.5 Local Plan Policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Local Plan Policy H8 states that home extensions will be permitted if their scale, design and external materials respect those of the original building. Paragraph 64 of the NPPF complements this policy by resisting poor design.

- 10.6 As stated above, the proposed development would be large and uncharacteristic of outbuildings in other nearby residential gardens. Indeed, by nature this is not a residential outbuilding; rather it is a commercial leisure development within the rear garden of a dwellinghouse. Whilst the subject detached dwellinghouse is reasonably large and set within a good-sized large garden, it is considered that the proposed development would fail to respect the proportions of the detached dwellinghouse and the character of the surrounding area because of its size and scale. This impact would be exacerbated due to the proposed loss of vegetation to the rear of the garden, which currently provides screening.
- 10.7 It is also noted that the proposed materials would be of a low quality. However, a condition could be attached to any planning permission to require the submission and approval of revised materials.
- 10.8 It is noted that the rear garden of number 1 Rectory Drive would remain large enough to provide sufficient of private rear garden space, in accordance with the Essex Design Guide (2005). However, there are some potential issues related to the interaction of the existing and proposed uses on the same site, especially if the two uses were to fall into separate ownership.

**C Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2, GEN4 and ENV11).**

- 10.9 Local Plan Policy GEN2 sets out general design criteria for new development and, in particular, requires that development minimises the environmental impact on neighbouring properties by appropriate mitigating measures and does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. Local Plan Policy GEN4 requires that development does not cause material disturbance or nuisance, in terms of noise or vibrations. Local Plan Policy ENV11 states that noise generating development will not be permitted if it would be liable to adversely affect the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.
- 10.10 Due to its proposed design, including size, scale and position on the application site, it is not considered that the swimming pool structure itself would cause any undue harm to the amenity values of neighbouring residents in terms of overlooking from windows, loss of daylight, overbearing impact or overshadowing. This is taking into account the proposed loss of vegetation that currently provides screening along the site's shared boundaries.
- 10.11 However, whilst it is accepted that a swimming pool used in connection with the dwellinghouse would normally be acceptable. it is considered that the proposed use of the application site for a leisure use that would be open to members of the public would lead to an unacceptable level of harm to neighbouring amenity because of disturbance and nuisance. This would principally be due to the levels of noise that would be generated.
- 10.12 It is noted that the applicant has provided some evidence, in the form of a letter from Aqualia, in an attempt to demonstrate that the levels of noise caused by the proposed swimming pool plant and equipment would be acceptable. Following advice from the Council's Environmental Health team, it is accepted that, subject to a condition, the levels of noise caused by the proposed swimming pool plant and equipment would not result in material harm to neighbouring amenity.

10.13 Notwithstanding the above, it is considered that the introduction of a commercial use that would entail the comings and goings of considerable numbers of people, would cause disturbance and nuisance. Members of the public coming to use the swimming pool would enter the site from the front boundary with Rectory Lane and pass along the shared boundary with number 39 Rectory Lane to access the facility in the rear garden. Although the exact numbers of people using the site on a daily, weekly, monthly or annual basis is unclear, it is stated that up to four children or adults may have lessons at any one time between the hours of 9:30 am to 11:00 am, 1:00 pm to 3:00 pm and 4:00 pm to 6:30 pm on weekdays (excluding bank holidays) and 9:30 am to 3:00 pm on Saturdays. It is clear, therefore, that reasonably large numbers of people would be using the facility on any given day and that there would be periods, most probably during the overlaps between sessions, when there would be significant numbers of additional comings and goings over and above what would normally be expected for a single dwellinghouse. This type of activity is considered to be out of character with the residential nature of the surrounding area. It is thought that the levels of noise resulting from members of the public coming and going on a regular basis would result in material harm to the amenity of neighbours, due to the size of the application site and the proximity of neighbouring dwellinghouses. It is also noted that, although the swimming pool is indoors, the design of the building features folding doors. Presumably the applicant plans to open these during warmer times of the year, which would result in noise from swimming lessons spilling out into the garden, thus causing further disturbance to neighbours.

10.14 There would also be some impact on neighbouring privacy, because significant numbers of members of the public would visit the rear garden of number 1 Rectory Drive on a regular basis. However, it is not considered that this would cause undue material harm, due to the existence of screening along shared boundaries between number 1 Rectory Drive and number 39 Rectory Lane and number 2 Rectory Drive, and the fact that visitors would be unlikely to linger in the garden or on the access path.

**D Whether the proposal would have an acceptable impact on the operation and safety of the public highway (ULP Policies GEN1, GEN8 and LC2).**

10.15 Local Plan Policy GEN1 sets out requirements for access to new development and generally states that the surrounding transport network should not be overburdened and that road safety should not be unduly affected, taking into account the needs of those using forms of transport other than motorised vehicles. The Essex County Council Development Management Policies (February 2011) has been adopted by the Council to provide further guidance.

10.16 Local Plan Policy GEN8 only supports development that would provide for vehicle parking places that are appropriate for the location in terms of number, design and layout. The Essex County Council Parking Standards Design and Good Practice (September 2009) document has been adopted by the Council to provide further guidance.

10.17 The proposed swimming pool would provide approximately 200 square metres of public area. The Essex County Council Parking Standards Design and Good Practice (September 2009) document sets out that one vehicle parking space should be provided per 10 square metres of public area for a D2 use swimming pool; it also requires at least 3 disabled vehicle parking spaces for D2 use swimming pools. A total of 8 car parking spaces are proposed at Farnham Village Hall, which would include 1 disabled car parking space. This falls short of the required standard.

It is also noted that, contrary to the required standard, no powered two wheeler or cycle parking spaces are proposed.

- 10.18 The proposed car parking would take place off-site at Farnham Village Hall, which is approximately 80 meters away from number 1 Rectory Drive along Rectory Lane. It is noted that there is no footway or lighting along this section of road. This is inappropriate and could lead to a situation of conflict between pedestrians and vehicles to the detriment of highway safety, especially as it is understood that the swimming pool would be used to provide lessons for children, who would be more vulnerable than some other pedestrians.
- 10.19 The agreement with Farnham Village Hall would allow for the parking of up to eight vehicles for up to three hours for no more than 4 times a day on weekdays. There is no definite provision for weekend car parking and the agreement would be reviewed after twelve months. It is considered that the lack of a permanent, constant and otherwise suitable parking facility could lead to inappropriate on-street car parking to the detriment of highway safety.
- 10.20 Although it has not been proposed that car parking for the swimming pool takes place on the main site, it is noted that the existing car parking area for the dwellinghouse at number 1 Rectory Drive would not be large enough to accommodate adequate car parking for both the dwellinghouse and the swimming pool.
- 10.21 Local Plan Policy LC2 applies to leisure facilities, such as swimming pools, stating that these should provide inclusive access to all sections of the community, regardless of disability, age or gender. No supporting information has been provided to demonstrate the proposal would provide inclusive access. However, it is considered that the proposed off-site car parking arrangements are unlikely to be suitable, especially given the lack of the footway on the road between the main site and the car parking area.

**E Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3).**

- 10.22 Local Plan Policy ULP ENV3 seeks to restrict development proposals that would lead to the loss of groups of trees and fine individual tree specimens.
- 10.23 Some vegetation, including trees, would be lost. Whilst these trees have some value in terms of screening the boundaries of the application site, it is not considered that any of these trees are important in terms of visual amenity. The Council's Landscaping Officer has no objections to the loss of these trees.

**F Whether the proposal would have a harmful effect on wildlife (ULP Policies GEN7 and ENV8).**

- 10.24 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife. Local Plan Policy ENV8 provides further protection for landscape elements of importance for nature conservation.
- 10.25 The development includes the demolition of the detached garage and shed in the garden of number 1 Rectory Drive, as well as the removal of some vegetation. ECC's Ecology Consultant has not objected to the proposal, subject to an informative relating to bird nests. It is also considered that an informative should be added to alert the applicant to their responsibilities in relation to bats, should the



application be approved.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The proposed swimming pool is unacceptable within the countryside, contrary to ULP Policy S7.
- B The proposed development would not be of an appropriate design and scale, and would not respect the character and appearance of the surrounding area and the dwellinghouse, contrary to ULP Policy GEN2.
- C The proposed development would have an unacceptable impact on the amenity values of neighbouring residents and fail to accord with ULP Policies GEN2, GEN4 and ENV11.
- D The proposal would have an unacceptable impact on the operation and safety of the public highway contrary to ULP Policies GEN1, GEN8 and LC2.
- E The proposal would have an acceptable impact on trees and accord with ULP Policy ENV3.
- F The proposal would have an acceptable impact on wildlife and accord with ULP Policies GEN7 and ENV8.

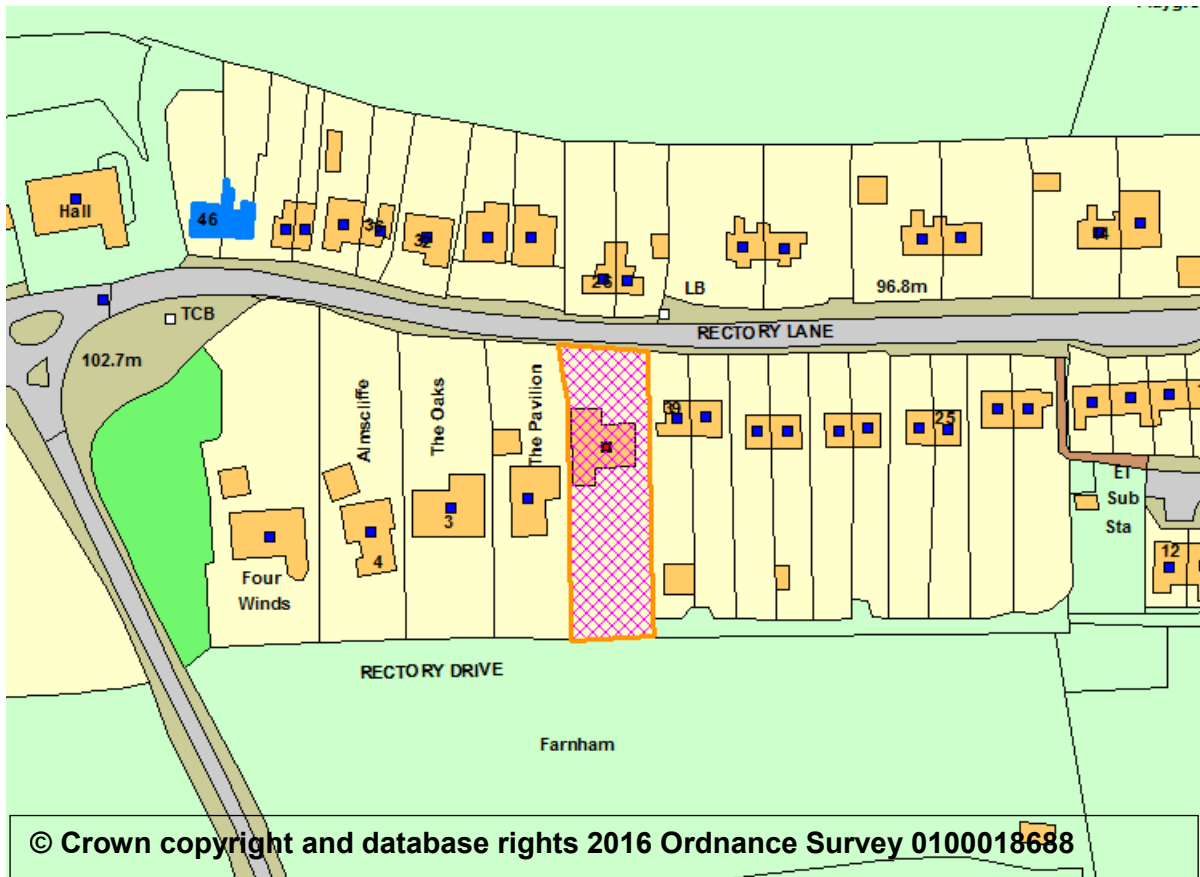
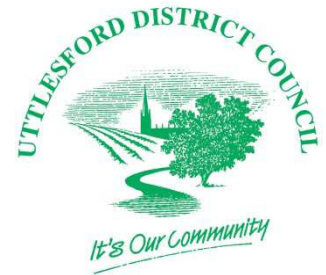
## **RECOMMENDATION – REFUSAL**

### **Reasons**

1. The proposed development, by virtue of its size, scale, position and the proposed loss of screening, would cause harm to the appearance and character of the countryside, contrary to Uttlesford Local Plan (adopted 2005) Policies S7 and GEN2.
2. The proposed development, by virtue of the significant numbers of members of the public that would visit the application site on a regular basis, would cause disturbance and nuisance to neighbouring residential properties, due to the levels of noise that would be generated, contrary to Uttlesford Local Plan (adopted 2005) Policies GEN2, GEN4 and ENV11.
3. The proposed development, by virtue of the proposed parking facility, which would provide an insufficient number of parking spaces, would not be permanent or constant, and would be remote from number 1 Rectory Lane and connected by a road with no footway, would result in harm to the efficiency and safety of the highway and fail to provide inclusive access for all members of the community, contrary to Uttlesford Local Plan (adopted 2005) Policies S7, GEN2 and LC2.

Application Number: UTT/16/2520/FUL

Address: 1 Rectory Drive, Rectory Lane Farnham



Organisation: Uttlesford District Council  
Department: Planning  
Date: 23 December 2016