



Appeal Decision

Site visit made on 11 June 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/H0520/W/23/3336041

12 River Close, Little Paxton, Cambridgeshire PE19 6NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Jeffery against the decision of Huntingdonshire District Council.
 - The application Ref is 22/00459/FUL.
 - The development proposed is change of use of residential swimming pool to a mixed use of residential swimming pool and use for the provision of children's swimming classes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the change of use commenced on 14 September 2021. I have therefore determined the appeal on this basis.
3. Interested parties have made reference to swimming lessons having occurred outside of the stated operating hours, including on weekends. It has also been put to me that the number of pupils attending each lesson has been greater than 2. However, the application documents state that swimming lessons are carried out between 1500 and 1900 hours on five days per week, for 42 weeks per year. Lessons are stated to have a 30-minute duration, with an average of 2 children in each lesson. The Council considered the application on this basis, and I have therefore taken the same approach with the appeal. Whether or not swimming lessons occur outside of these terms falls beyond the scope of this appeal.

Background and Main Issue

4. It is common ground that the swimming pool has planning permission and there is no planning impediment to its use in association with the residential use at the property. Therefore, this appeal relates to the intensification of the use of the pool to include commercial swimming lessons for children.
5. The main issue is the effect of the development on the character of the area and the living environment for local residents, with particular regard to disturbance from increased pedestrian and vehicular activity.

Reasons

6. River Close is a cul-de-sac comprising 12 dwellings with a mix of front gardens and driveways. Given the small number of properties on the street and the

absence of through-traffic, the road has a quiet ambience, which is a defining feature of its character. It takes access from Gordon Road, which is a long residential street connecting Mill Lane and High Street. The host property has a private driveway and parking area, located behind a gated entrance from River Close. The swimming pool, changing rooms, and a shower room are enclosed within a building that is attached to the host property.

7. I acknowledge that the pool building is insulated and double-glazed, which reduces noise transmission from within the pool building to external areas. Therefore, the development has not caused an unacceptable increase in noise or other disturbance emanating from within the pool building itself. In that regard the development complies with the guidance set out in Policies H1 and H2 of the National Design Guide¹ insofar as they expect buildings to be healthy, comfortable and safe, and to be well-related to external amenity and public spaces.
8. However, unlike its use for residential purposes, the use of the pool for swimming lessons entails pupils and their parents or carers arriving and departing from the site on a half-hourly basis, over a large part of the afternoon and evening. Based on the average of 2 pupils per lesson, this amounts to 16 arrivals and 16 departures over the four-hour operating period, or 32 movements in total.
9. Some pupils are reasonably likely to live within walking or cycling distance of the swimming pool or could travel by bus. However, the facility serves a wider catchment and there is no guarantee that pupils would walk or cycle to the pool even if they live close to it. Moreover, whilst some customers of the development may be willing to walk part or all of the way to the appeal site, this would not be enforceable. Therefore, it is entirely feasible that a significant proportion of pupils travel to the site by car, particularly during hours of darkness in the winter months, and in inclement weather.
10. It follows that the development generates the need for sufficient parking spaces to cater for 2 pupils arriving and 2 pupils departing at each changeover time, plus a parking space for a teacher. The submitted plans show some commercial parking provision on-site. However, from my observations, there is insufficient space within the parking area for multiple vehicles to park whilst also allowing adequate space for turning and manoeuvring. Furthermore, due to the narrow width of the driveway, it is not feasible for two vehicles to pass each other within the appeal site. The parking arrangements are therefore inconvenient for users of the development. Consequently, in all reasonable likelihood, a large proportion of parking associated with the development occurs outside of the site on surrounding streets. This necessitates the movement of children on foot from River Close and Gordon Road to the swimming pool and back again.
11. There is evidence of parking pressure on River Close and Gordon Road, particularly during the evenings when demand for spaces is at its highest. Whilst neither street is subject to parking restrictions, and Gordon Road is long and wide, it is reasonably likely that most customers travelling to the appeal site would choose to park on River Close or the nearest part of Gordon Road. Whilst I am satisfied from the evidence this would not lead to a highway safety

¹ National Design Guide: Planning practice guidance for beautiful, enduring and successful places (Ministry of Housing, Communities & Local Government, January 2021).

issue, it nonetheless inconveniences local residents, and their visitors, who have a reasonable expectation to be able to utilise on-street parking capacity near to their properties.

12. Furthermore, the volume of vehicular and pedestrian movement and activity arising from the development is significantly greater than that which would ordinarily be associated with a residential dwelling on this small, lightly trafficked cul-de-sac. Consequently, the increased comings and goings alter the character of River Close during the hours of operation of the development. This undoubtedly causes disturbance to local residents, including through the noise and lights of manoeuvring vehicles, the opening and closing of doors, and verbal exchanges between parents, carers and children travelling to and from the site. All of these activities take place in the public realm and in close proximity to dwellings on River Close and nearby on Gordon Road. The disturbance is unduly harmful and disruptive given that the swimming lessons occur during the early evening hours when residents are likely to be at home and seeking the peaceful enjoyment of their properties.
13. I recognise that in the context of some other commercial swimming pools, the development is of a relatively modest scale, and the operating hours do not allow for lessons to take place during early mornings or late evenings when residents are likely to be sleeping. However, due to the volume of pupils, and the frequency of lesson changeovers, the development has a deleterious effect on this otherwise quiet street where local residents have a reasonable expectation of a peaceful living environment. Therefore, the more intensive commercial use of the pool at the scale carried out does not sit comfortably in this residential cul-de-sac setting. On this basis, conditions to limit pupil numbers and the hours of operation to those for which permission is sought would not mitigate the harm I have identified.
14. It has been put to me that the development is similar in nature and scale to a small childminding business. However, whilst the number of swimming pupils on the site at any one time may be similar to a small childcare facility, the effects on the local area are markedly different. In particular, whilst children may be dropped off and collected from a childminder at various times of the day, the total number and frequency of vehicle or pedestrian movements would, in all reasonable likelihood, be substantially below those associated with the development. Therefore, I do not find the development to be comparable to a childminding business in terms of its effects on local character and the living environment of nearby residents.
15. I have been referred to two appeal decisions where the use of residential swimming pools for swimming lessons were allowed. However, in considering the appeals at Edgefield², the Inspector had regard to a generous area for parking and turning on the appeal site. Consequently, noise and disturbance was limited to the movement between the front of the property and the rear of the site, rather than on surrounding streets. Furthermore, the Inspector gave weight to the fact that lessons would not be permitted before 1000 hours or after 1400 hours when surrounding streets would be more sensitive to the noise from additional comings and goings. The Edgefield development is therefore not directly comparable to the appeal scheme.

² Appeal refs. APP/X0360/C/20/3247007 and APP/X0360/W/20/3247237, dated 30 November 2020

16. Similarly, in considering the appeal at 34 Elmbourne Road³ the Inspector noted reasonably frequent activity in the road in terms of passing vehicles and pedestrian activity. The site was also identified as being in close proximity to multiple sustainable transport options, which the Inspector considered would limit the possible noise nuisance from car doors and engines. The character of the area around 34 Elmbourne Road is therefore distinctly different to River Close, which is a quiet, residential street with no through-traffic.
17. Taking all of the above into account, I conclude that the development causes harm to the character of the area and the living environment for local residents, with particular regard to disturbance from increased pedestrian and vehicular activity. It is therefore contrary to Policy LP14 of Huntingdonshire's Local Plan to 2036 (May 2019) insofar as it expects proposals to maintain a high standard of amenity for users and occupiers of neighbouring land and buildings, and states that proposals will, amongst other things, ensure that adverse noise effects, including internal and external levels, timing, duration and character will be acceptable. There would also be conflict with the National Planning Policy Framework (the Framework) insofar as it seeks to ensure a high standard of amenity for existing occupants.

Other Matters

18. The development has a good level of support from within the local community, including from those who attend swimming lessons at the appeal site. There is no doubt that the development supports the health and wellbeing of children, by providing an opportunity to learn an essential life skill within Little Paxton, particularly given that there are limited accessible options for other pools in the local area. These benefits are supported by the Framework and carry moderate weight in support of the proposal. However, the development fails to protect the character and living environment of the local area, which is the prevailing consideration in this appeal. Therefore, the need for the facility does not outweigh the harm I have identified.

Conclusion

19. The proposal conflicts with the development plan when read as a whole. The material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside

INSPECTOR

³ Appeal ref. APP/H5960/W/17/3189949, dated 25 May 2018