

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2022/00575](#)
[34 Grosvenor Road Birkdale Southport PR8 2JQ](#)

Proposal: Change of use of the existing private swimming pool to a public swimming pool on a permanent basis following planning permission (DC/2019/02039)

Applicant: Mr Peter Sims **Agent:**

Ward: Dukes Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Councillor Prendergast

Summary

The application seeks to retain the use of the existing private swimming pool as a public swimming pool. The use was granted permission for a temporary period of 12 months in May 2020 under reference DC/2019/02039.

The main issues to consider are the principle of a permanent use, the impact of use on the living conditions of neighbouring properties, the impact on highway safety and the impact on the character of the area.

For the reasons set out within the report, the proposal to continue the use on a permanent basis is acceptable in principle and will not result in significant harm to the living conditions of neighbouring properties or to the character of the residential area. While concerns have been raised in relation to car parking, it is considered that the proposal would not result in any highway safety issues.

Recommendation: Approve with Conditions

Case Officer Stephen O'Reilly

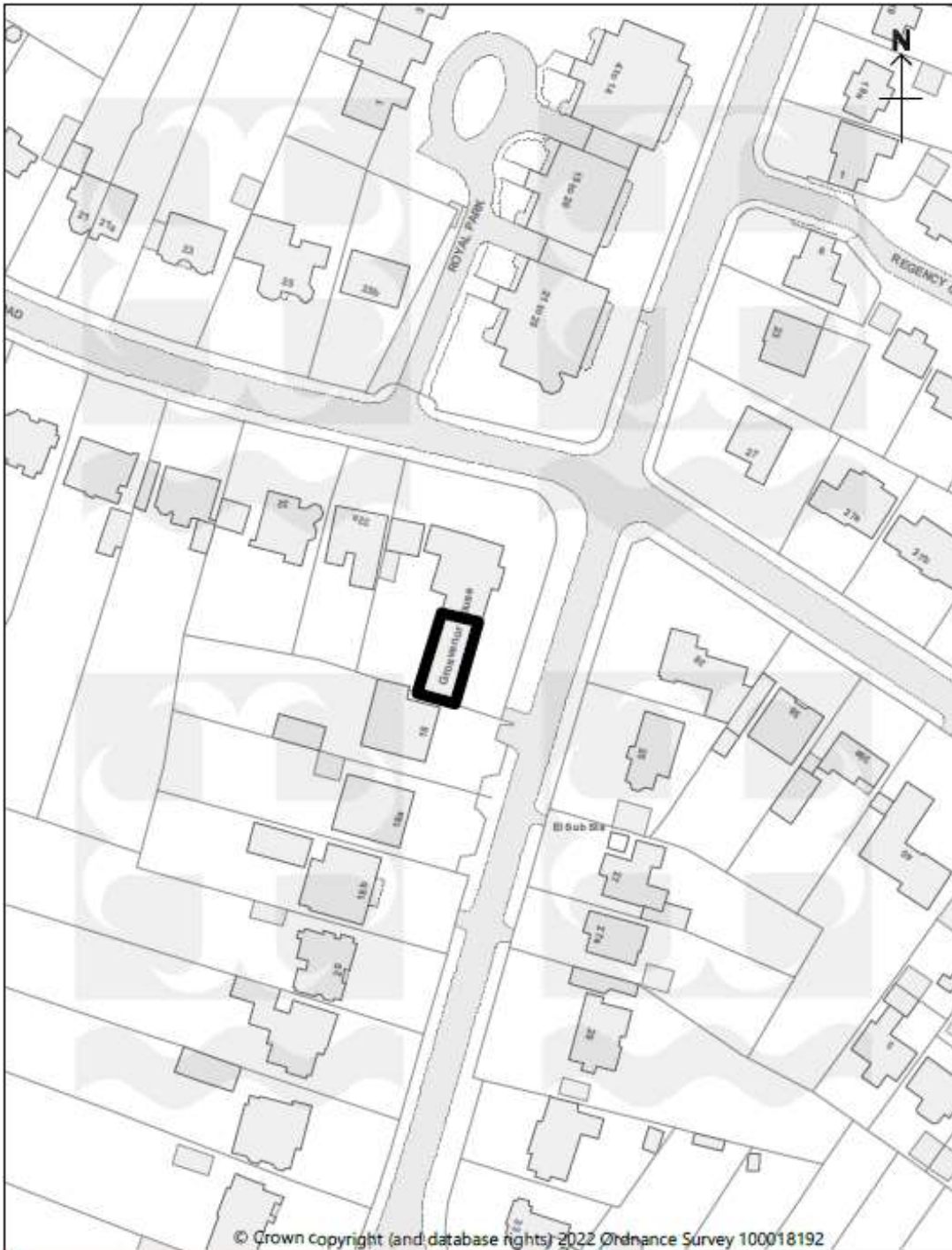
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R98UILNWHH700>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 20/06/2022
Scale: Scale 1:1250
Created by: Initials

The Site

The application relates to the swimming pool to the rear of number 34 Grosvenor Road, Birkdale. The pool has been operating as a temporary business, providing public swimming under a temporary planning permission, which expired 6th May 2021. The area is residential in character.

History

The most relevant planning history associated with the planning application being temporary planning permission for the use of the existing swimming pool as a public swimming pool, granted under reference DC/2019/02039 May 2020.

Consultations

Highways Manager

No objection subject to conditions

Environmental Health Manager

No objection subject to condition

Natural England

No objection

Neighbour Representations

19 letters of objection have been received from neighbouring properties in relation to the proposal, as well as a petition containing 93 signatures and endorsed by Councillor Prendergast.

The issues raised in objection include:

Highway Safety

- Entrance to property very close to junction of Waterloo Road and Grosvenor Road, with bus stop next to entrance, there have been near misses with people parking opposite the bus stop, reducing visibility of oncoming traffic
- Parking on the bus stop
- Public classes cause chaos, cars parked on both sides of Grosvenor Road, difficult to drive out of driveway
- Traffic often held up, causing a blockage
- Driveways blocked
- Support the change of use, however, object to the parking
- Difficulty exiting from Royal Park development due to parking either side of the access
- Road is too narrow and busy to accommodate this type of hazard

- Parking should be on the property of 34 Grosvenor Road, there is adequate room
- Double yellow lines should be placed between the Royal Park entrance and the traffic lights as a risk mitigation
- Would result in substantial increase in traffic
- Detrimental to the flow of traffic
- Possible that the proposed "Liveable neighbourhoods" traffic initiative would increase traffic flow around Grosvenor/ Waterloo Road junction
- Increased movement of traffic and parking close to a very busy junction increases the likelihood of road traffic accidents
- Notable unlawful parking on pavements in the proximity of Grosvenor House
- Parking management plan has not been adhered to, being only advisory with no enforceable control
- Parking is almost right up to the lights on both sides of the road, making it impossible for more than one vehicle to pass through the gap
- Adequate venues in Southport Town Centre with excellent alternative parking areas
- Parking plan not monitored by Council or the school

Living Conditions

- Constant shouting from children and teachers during lessons, especially when the windows are open

Other Matters

- Type of public business should not be allowed
- School operated without a license after the temporary permission ran out, also adding another morning class, breaking the temporary consent.

41 letters of support have also been received, both from nearby residents and from parents of the children attending the swim school.

The issues raised in support include:

Highway Safety

- Road by the location is wide and safe for all the customers
- Group is never more than 6 children so there is never multiple cars outside
- Parking for a maximum of 49 minutes as the class is only half an hour
- Easily accessible
- There is ample parking without going near driveways
- Parents all use dedicated parking across the junction

Living Conditions

- Location is not disrupting anyone nearby
- When signing up for lessons you are made aware of the expectation to be mindful of neighbouring properties

Other Matters

- Team of instructors are dedicated in teaching children with special needs
- Imperative that the swim school continues to teach water safety
- After the pandemic we must get people active again to improve mental health and well being
- Great asset to many men, women and children
- Would benefit the community
- It is not a public pool, but arranged lessons via a reputable swimming organisation
- More pools are needed for our children
- Long waiting times for lessons at other pools, much needed resource
- Only used during term time, hardly a public pool

Following the receipt of additional information, a further notification was undertaken. This has resulted in a further 13 letters of objection and 93 letters of support.

The issues **raised in objection** include:

Highway Safety

- Already evident that parking guidance are not adhered to
 - Regularly park on Grosvenor Road or temporarily blocking off access/egress from Royal Park, preventing safe access/egress from Royal Park
 - All users should park on Grosvenor Road in the dedicated parking bays or park / exit from 34 Grosvenor Road
 - Fact that so many residents are complaining about inconsiderate parking at or near the property demonstrates that the parking plan has not worked
 - Already busy with traffic / on street parking, application will increase this
 - Increased risk of road traffic accident
 - People using the pool have parked on private driveways, trespassing and causing an obstruction
 - Vehicles using the mouth of drive to turn
 - Parking across the driveway, obstructing access and egress
- Parking on the bus stop by traffic lights, blocking traffic
- Traffic bad enough at present times, it is a busy junction
 - Highways comments incorrect, new session added on Friday morning, also states owners run the classes and no other staff involved, this isn't the case
 - Site has two gates and ample parking, why is this not being offered or considered
 - No means of enforcement for the parking solutions suggested by Mr Sims
 - Pavement parking happens both opposite the entrance to and outside of number 34.
 - With some adjustments, such as a 15-30 minute break between class times, parking could be provided within the ground of number 34

Living Conditions

- Residential area, not appropriate for a business use to be carried out

Other Matters

- Most of the comments in favour have come from parents of children who use facility and who do not live on Grosvenor Road
- Other facilities available in Southport
- Should license be issued, I will be applying for a rates reduction being in close vicinity of a public swimming pool

The issues **raised in support** include:

Highway Safety

- Properties in the area seem to have ample off-street parking with clear visibility in spite of parked cars onto Grosvenor Road
- Parents are respectful of parking and do not park on the road outside of the property but nearby in the designated parking area
- Easily accessible location
- Cars parked cannot be attributed solely to those using the pool
- Cars parked down Grosvenor Road imposes zero impact to danger
- Used during non-peak times for traffic
- Parents and guardians will follow guidance from The Highways Department and avoid parking in front of driveways
- Other parking in the area is of greater concern than cars parked legally and safely for the swimming
- I note the Councils Highway Engineers raised no objections last time subject to a 12 month review of the parking situation in the original temporary permission and that based on the evidence to date and a review of the permanent scheme they are also raising no objection
- Staff member is always available to monitor parking
- Ample legal parking within the vicinity of the pool
- Surrounding roads are public roads, complaints about parking seem completely unreasonable

Living Conditions

- People arrive/leave as quietly and quickly as they can with no disruption to neighbourhood

Other Matters

- Essential for children to have swimming lessons
- Lack of swim schools in Southport and we are a seaside town
- Excellent facility for members of the public and families
- Consequences of children not being able to attend their swimming lessons here, far out ways anything else
- Owners should be applauded for opening up their private pool to allow children to learn important life skills
- Not a public pool, but a local community swim classes for children, by invitation only
- No different in numbers to a pool party
- Will be used during term times only

- Different pools and schools need to be available to meet the demands of different types of requirements

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

The application seeks to retain the use of the existing private swimming pool to a public swimming pool on a permanent basis. Although the application is described as a public pool, this would not be generally available for members of the public. The pool would be for children's swimming lessons and invitation only.

The use was previously granted permission for a temporary period of 12 months which expired 6th May 2021. Notwithstanding this, the use continued to operate until recently when the applicant was made aware that they were in breach of planning permission and subsequently stopped operations until the outcome of this planning application.

The main issues to consider are the principle of a permanent use, the impact of the use on the living conditions of neighbouring properties, the impact on highway safety and the impact on the character of the area.

Principle

The application site lies within a primarily residential area and as such policy HC3 (Residential Development and Primarily Residential Areas) of the Local Plan is relevant. This policy seeks to ensure that non-residential development will be permitted where it does not have an unacceptable impact on living conditions of neighbouring properties, the character of the area or the objectives of the plan in relation to housing delivery.

The principle of the development is acceptable in land use terms, subject to issues relating to the impact on neighbouring properties and the character of the area being acceptable. This will be addressed later in the report.

Living Conditions

The application site is surrounded by residential properties, whilst the pool is attached to an existing residential property owned and occupied by the applicant.

The submitted information states that the pool will be in use at the following times:

Tuesday 10:00-13:00 and 16:00-19:00

Wednesday 16:00-19:00

Friday 10:00-13:00

Saturday 09:00-13:00.

The pool would be used for 30 minute sessions for up to a maximum 6 children at each session. The applicant has confirmed that the classes are only held during term time and are by invitation only. Members of the public cannot gain 'drop in' access to the pool.

Access to the pool is via a gate to the front of the premises which leads to the rear garden area and to the pool. While it is acknowledged that the use would generate additional comings and goings to the premises, it is considered that due to the limited duration of the classes and the limited number of children attending, this would not have a significant detrimental impact on the living conditions of neighbouring properties.

If approved, a condition could be attached limiting the number of children in each session and the timings of the sessions to those above, to ensure that the use of the site is not intensified, and lead to harm to the living conditions of the neighbouring properties. During the temporary period the pool was operating, no complaints were received about noise, which suggests that the use does not generate significant additional noise. While concerns have been raised during the consultation period, it is considered that the relatively limited number of children and class times would ensure that the noise would not be so significant to justify refusing planning permission.

The existing plant and machinery are to be retained for use within the pool. The plant and machinery are currently in operation and have not been the subject of any noise complaints. It is therefore considered that they would not cause any harm to the living conditions of neighbouring properties.

Highway Safety

The application site is adjacent to the signal controlled junction of Waterloo Road and Grosvenor Road. There are traffic regulation orders at the junction which prohibit parking at any time on each of the four arms of the junction. These restrictions extend a short distance into each arm and partially across the frontages of the site.

Parking bays are located to the eastern side of Grosvenor Road, which allow 1 hour parking with no return within an hour. Along the western side of Grosvenor Road, there are no parking restrictions, save for the driveways of the existing properties. There are no parking restrictions on either side of Waterloo Road.

The previous temporary permission allowed for 6 classes on Tuesdays and Wednesdays and 8 on Saturdays. Most classes consist of 5 or 6 children and last for 30 minutes with the weekday classes coinciding with the afternoon peak hour. The current application seeks to increase the number of classes introducing new classes on Tuesday and Friday mornings between 09:00-13:00. This would be a further 8 classes on each of those mornings.

The previous application included a traffic management plan to control the parking of parents attending the classes with children. The parking management plan includes instructions for parents to park within the existing parking bays on Grosvenor Road and to avoid parking close to the junction, which could impact on traffic flow. The Council's Highways team have confirmed that during the temporary period of the pool being used for classes no issues have been raised in relation to parking or traffic collisions at the junction.

Concerns have been raised by residents in relation to parking, including parking over the double yellows at the junction, parking over driveways, within bus stops and parking on both sides of Grosvenor Road. While this may be the case, no evidence has been provided to demonstrate that this is related to the swim school. It could be related to other premises within the area.

In any event, the Council's parking attendants are authorised to issue fixed penalty notices for parking across driveways, parking on double yellow lines, within bus stops and for parking over the allowed hour within the bays on Grosvenor Road.

Comments have also been raised in relation to the use of off-street parking available at the application site. This could lead to unintended consequences, such as cars being blocked in by new arriving vehicles and would also lead to an increase in times that the site is required to be in operation to allow for all vehicles to leave the site prior to the next group arriving. Additionally, given the level of on-street parking within the area, this is not something that could be insisted upon.

The off street parking is also currently used for the parking of the instructors' vehicles. Given the time limit to the bays, this is a practical solution and removes any possible conflicts in terms of highway safety given that the instructors' vehicles will remain longer than the 1 hour limit while the site is in operation. Parents' vehicles would only be in place during the class, leaving ample time to attend the swimming pool without risking unauthorised parking.

It is therefore considered that the proposal would not cause any harm in terms of highway safety and complies with policy.

Character

Due to the small scale of the proposed use in relation to the users and timings and given that the proposal will not change the use of the main dwelling and will not result in any external alterations, it is considered that the proposal would not cause any harm to the character and appearance of the area.

Other Matters

Comments have been made both in favour and against the proposal on various other matters, many of which are not planning matters. It is acknowledged that the use was operating for a period without planning permission, but the applicant has submitted this application to seek to rectify this. It is understood that the use has stopped, awaiting the outcome of this planning application.

Conclusion

The proposal to continue to use the swimming pool for commercially on a permanent basis is acceptable in principle and it is considered that this will not result in significant harm to the living conditions of neighbouring properties or to the character of the residential area. While concerns have been raised in relation to car parking in association with the proposed use, the Council's Highways Manager has not raised any objections to the use on highway safety grounds.

There is ample off street parking within the area to accommodate car parking for the proposed use, whilst enforcement powers are available under separate legislation to control the illegal parking of vehicles. It is concluded that the proposal would not result in any highway safety issues.

The proposal is therefore considered to be acceptable and is recommended for approval subject to conditions.

Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents: Updated Location Plan, Existing and Proposed Floor Plan, Parking Management Plan (April 2022).

Reason: For the avoidance of doubt.

Ongoing Conditions

- 3) The hereby approved swim school shall not operate at any time outside the hours of 09:00-13:00 and 16:00-19:00 Tuesdays, 16:00-19:00 Wednesdays, and 09:00-13:00 Friday and Saturday.

Reason: To safeguard the living conditions of neighbouring occupiers.

- 4) The maximum number of children swimming at each swimming lesson shall be 6.

Reason: To safeguard the living conditions of neighbouring occupiers.

- 5) The Parking Management Plan (dated April 2022) shall be implemented in full during the approved hours of the swim school.

Reason: For the avoidance of doubt and to ensure no harm is caused in terms of highway safety.