

For: PLANNING AND REGULATION COMMITTEE – 9 July 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (GROWTH & INFRASTRUCTURE)

Development Proposed:

To continue development without complying with condition 1 (approved plans and particulars), condition 3 (lighting) and condition 4 (hours of operation) of Planning Permission R3.0071/10 (installation of Oxford swimming pool enclosure over existing pool).

Division Affected: Thame & Chinnor

Contact Officer: Taufiq Islam **Tel:** 01865 815884

Location: St Andrew's School, Chinnor

Applicant: Chinnor Community Swimming Pool

Application No: R3.0071/12

Application received date: 19 March 2012

Consultation Period: 3 May–25 May 2012

Date of original permission issued: 08 July 2010

District Council Area: South Oxfordshire

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Recommendation

The report recommends that the application be approved subject to conditions.

Part 1 – Facts and Background

Location (See Plan 1)

1. St Andrews School is located in Chinnor, in the east of the county, 1.5 kilometres from the County boundary with Buckinghamshire.

The site and setting (See Plan 1)

2. The school is located in the north of the village.
3. The swimming pool is located between the two main school blocks, against the school boundary abutting the boundary of residential properties.
4. The pool is immediately adjacent to the boundary with the back gardens of residential dwellings. The dwellings themselves lie approximately 9 metres from the pool.
5. There are no views from the residential dwellings into the pool as there is substantial vegetation along the fenced boundary.
6. Vehicular and pedestrian access is taken through the main entrance gate of the school.

Background and Details of the development

7. In July 2010 the County Council approved a planning proposal for installation of a swimming pool cover over the existing swimming pool. That planning permission restricted the use of the swimming pool to standard school hours upon construction of the pool cover.
8. The cover approved is a transparent arc of aluminium framed panels in clear polycarbonate. It is still to be constructed.
9. The pool management committee wish to extend the hours of operation for the swimming pool and to agree the addition of safety lighting (already in place).
10. The proposed hours of operation are as follows:
 - Monday to Friday – 08:30 -19:30
 - Saturday - 09:30 -16:30
 - Sunday - 10:30 -16:30 (cover would be drawn at 15:30)
11. The pool itself has been in use for many years and the applicant has indicated that it has long been available for wider community use, operating beyond the hours imposed to accompany the installation of the pool cover.

12. The applicant has indicated that the longer hours are required to carry out swimming sessions during some evenings for older people and swimming lessons for non St Andrews children also outside regular school hours.
13. The pool is mostly used from April to October though the school would not wish usage to be confined to those months.
14. Lighting (non-flood type) has been installed at the swimming pool for the safety of pool users. The light fittings are small and low energy (8watts) units. They are operated by a motion sensor. Condition 3 of the existing planning permission does not allow the erection of lighting without the details being approved by the Council.

Part 2 – Other Viewpoints

Representations

15. Two letter of representation have been received. One of the letters raises objections to the proposal. The copies of the letters are available in the Members' Resource Centre. The key points are:
 - Support the use of a cover for the pool but strongly object to the pool having any lighting or operation outside of school hours.
 - The pool cover should be closed at 14.30 on Sunday to contain noise.
 - Cars and pedestrians should not access via Grafton Orchards and access should be restricted to the main gate only.
 - The swimming pool committee should try to minimise noise from the non-swimming children.
 - There have been 19 letters of support for the proposed usage and hours of use.

Consultation

16. A summary of consultation responses is set out below. These are available to read in full on the Council's eplanning website.
 - South Oxfordshire District Council
 - Planning* – No response has been received.
 - Environmental Health Officer* – No objection
 - Chinnor Parish Council – No objection.
 - Ecologist Planner – No objection

Part 3 – Relevant Development Plan and other policies
(All the relevant policies are set out in the Policy Annex to the Committee papers)

17. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
18. The Development Plan for this area comprises the South East Plan, saved policies of the Oxfordshire Structure Plan, and the South Oxfordshire Local Plan. In this case only policies of the South Oxfordshire Local plan are relevant.
 - The South Oxfordshire Local Plan (SOLP), relevant policies are: EP2, EP3,CF2
19. The South Oxfordshire District Council's Local Development Framework Core strategy has been submitted to the Secretary of State in March 2011. This plan is at an advanced stage and it should therefore be given significant weight. The relevant policy is – CSR3
20. The National Planning Policy Framework (NPPF) is also a material consideration.

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Growth & Infrastructure)

21. The key planning issues to consider are whether:
 - i) the proposed hours of operation are acceptable;
 - ii) whether the lighting is acceptable.

Changes to the hours of operation

22. Policy promotes best use of community facilities (SOLP policy CF2). Policy is that proposals which would by reason of noise have an adverse effect on existing occupiers should not be permitted unless effective mitigation measures will be implemented (Policy EP2 of SOLP).
23. There has been objection from an adjacent resident on noise grounds. This objection is not supported by the views of the District Environmental Health officer.
24. The pool has been in place and in use for a number of years by the school children and neighbouring community. Whilst there is a resident objection to allowing longer hours of operation, it would be reasonable to allow use by the wider community to continue. The fact that a cover is to be installed means that noise is likely to be reduced.

Amenity effects of lighting

25. Policy requires that proposals for new flood lighting and other external lighting that would have a potential adverse effect on neighbouring residents should not be permitted unless effective mitigation measures will be implemented (policy EP3 of SOLP).
26. The letter of objection from the neighbour expresses concern about the pool having lighting.
27. It is regrettable that the pool management committee has installed lighting without first seeking the consent of the planning authority.
28. However, the lights are now in place. There are two lights both of which are attached to the existing pool building – so they are not on poles. They are motion sensor lights which therefore would only come on should someone walk near the pool in darkness.

Other issues

29. There are no changes proposed to access or parking arrangements. Vehicle access will continue through the main entrance only.

Conclusions

30. Planning policies contained in the SOLP give priority to the retention and enhancement of community uses (including recreational facilities) on established sites.
31. This swimming pool is an established facility and the longer hours of use would enable the nearby community to continue to use it.
32. I consider the lighting that has been erected to be necessary and acceptable.

Recommendation

33. **It is RECOMMENDED that application R3.0071/12 be granted subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth and Infrastructure) but in accordance with those set out at Annex 1 to this report.**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Growth & Infrastructure)

June 2012

Conditions

1. Detailed compliance with plans submitted.
2. The hours of use of the swimming pool shall be restricted to -
Monday to Friday – 08:30 -19:30
Saturday - 09:30 -16:30
Sunday - 10:30 -16:30
3. The approved cover shall be drawn at 14:30 on Sunday.
4. No further external lighting to be erected around the pool site other than that allowed by this planning permission.

Annex 2

Our records and the habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation & Habitats Regulations is necessary.

