

Officers Report

Planning Application No: 139024

PROPOSAL: Planning application to change the use of a residential swimming pool to a private teaching pool.

LOCATION: The Waterhouse Main Street Burton Lincoln LN1 2RD

WARD: Saxilby

WARD MEMBER(S): Cllr Cotton and Cllr Brockway

APPLICANT NAME: Mr and Mrs Hayes Cowley

TARGET DECISION DATE: 24/04/2019

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application has been referred to planning committee as a retrospective proposal which has raised highway safety concerns by both the Parish Council and Ward Councillor and an application invited through the enforcement process.

The application site is located within Burton village (a small village under policy LP2 of the Local Plan). It sits within Burton Conservation Area, Burton to Nettleham Green Wedge and within proximity to a number of listed buildings. It is also designated as a Limestone Mineral safeguarding area. The site hosts a detached dwelling, private swimming pool and detached garden room set amongst a generous garden area which slopes from east to west. It also hosts a number of trees, some of which are protected by Tree Preservation Order's (TPO). The property has two access points. One off Main Street and one off Middle Street.

This application seeks planning permission to change the use of the existing domestic swimming pool for use as a private teaching pool.

The application advises that the use of the pool for private lessons and associated access and parking is proposed for 4 hours per day during weekdays (Monday to Friday), for no more than 3 lessons a day and no more than 3 days within the 5 day period. Each lesson teaches 4 persons and lasts for one hour which includes time to change either side of it. The times of the lessons run for 3 hours between 4pm and 7pm. The proposed hours are however from 3.30pm to 7.30pm to give half an hour either side of the first and last lessons to allow reasonable time for arrivals and departures to and from the site.

Access for users is gained off Middle Street to the east, and on-site parking provision is provided by an existing gravel space. A small alteration to the existing onsite access is proposed to enable it to be 4.5 metres in width.

The change of use being sought is retrospective with lessons already taking place between 4pm and 7pm on a Wednesday, Thursday and Friday. The proposed use of the pool is to allow future flexibility for the days in which the pool can be used for private swimming lessons but not to intensify its use.

The proposals relate to amended plans which were submitted to clearly indicate the access arrangements, its width and works necessary to achieve the 4.5 metre required width. Amended Plan Nos RDS 11441/04, RDS 11441/01 B and Covering letter dated 22nd May are relevant to determination.

Relevant history:

132440 – Planning application for proposed new dwelling – Re – Appeal APP/N2535/W/15/3136940 dismissed 29/02/2016

133710 – Planning application for the insertion of dormer windows into the existing roof of the dwelling – GC – 08/01/2016

133985 – Request for confirmation of compliance with condition 2 of planning Permission 133710 granted 08 January 2016 – Condition Discharged – 30/03/2016

137729 - Planning application for erection of summer house - GC

138851 - Request for confirmation of compliance with conditions 2 and 3 of planning permission 137729 granted 9 August 2018 – Partially Discharged

Representations:

Ward member Cllr D Cotton:
28th May 2019

My opposition to this is total. The whole application is inappropriate in this location on the grounds of excess parking on a dangerous hill an increase in traffic, the main use is teaching young children and in my view this puts them in danger exiting and entering vehicles parked on the hill. This was/is a domestic pool put in for the house owner's use and never intended for commercial use. I question appropriate changing facilities and what health and safety precautions in terms of life guard and resuscitations equipment are in place or planned.

This is retrospective and the current use is by people from well outside Burton.

Burton Parish Council:
18 March 2019:

Burton Village is a residential area and businesses are not permitted as a matter of course.

This Parish Council has been raising concerns that a business has been run from these premises for many months and only the investigation by West Lindsey Enforcement Team seems to have prompted this application. We understand that the business has been running for 2 years and without payment of any business rate.

The applicant refers to the teaching of disabled children and in very small groups. The suggestion is that this is a “de minimis” business being run from residential premises.

Although the Parish Council fully support the help for disabled children and perhaps the swimming lessons are primarily aimed at this group of children, it is understood that this is not solely the case.

It is understood that the children are not all disabled and there can be up to 8-10 cars at a time for lessons. The cars access the property by way of Middle Street and egress the property the same way.

This is a busy road with a 50mph speed limit and the Parish Council would question whether this is a safe way of accessing and leaving the premises. It is just at the location where the traffic tends to pick up speed. This should be coupled with the fact that those with children in the car excited as they are going swimming can be easily distracted.

Therefore, the Parish Council submit that this is not a “de minimis” business and highway safety on Middle Street is an issue, unless the speed could be reduced to 30mph on that stretch of road.

23 April 2019:

Burton Village is a residential area and businesses are not permitted as a matter of course.

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23 May 2019: Addendum to previous comments

We have noted that Highways are looking for alterations to access and egress the property. We agree with Highways and a two way traffic to access is created so no one is waiting on Middle Street. Please also can the speed be reduced to 30 miles an hour from the stretch from the Gate House on Middle Street when travelling from Lincoln to the last property on Middle Street going out to South Carlton as this is a teaching school.

Local residents: None received

LCC Highways:

15 March 2019:

Could you please also ask the applicant to demonstrate the number of parking spaces available on site for both the host dwelling and the business use.

01 April 2019: Could you please ask the applicant to demonstrate on plan that the access onto Middle Street will be widened to a minimum of 4.5m to allow for two vehicles to pass in parallel? This will prevent cars waiting on the live carriageway.

The existing access onto Main Street is adequate

09 April 2019: Does not wish to restrict the grant of permission subject to the following condition:

The access improvement works are to be carried out in accordance with Drawing 'RDS 11441/ 01 A' dated April 2019, and to the specification and constructed to the satisfaction of the Highway Authority, under the provision of Section 184 of the Highways Act 1980. Specification and construction information can be obtained from the Highway Authority on 01522 782070.

20 May 2019: If there will no highway improvement works then the informative HI03 that I included on my previous response won't be required. Could you please instead include the following informative (I can send an traffic management, for example, is required whilst they do the works within their land; *Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.*

No concerns on the numbers proposed as the applicant has demonstrated that there is parking available on site for up to 8 vehicles (including the host dwelling) and the widening of the access point will allow for two vehicles to pass in parallel meaning no cars will be waiting on the highway.

Relevant Planning Policies:

Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

Development Plan

Central Lincolnshire Local Plan

LP1: A Presumption in Favour of Sustainable Development

LP2: The spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP17: Landscape, Townscape and Views

LP22: Green Wedges

LP25: The historic Environment

LP26: Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

Burton Conservation Area Appraisal (BCA) dated July 1990

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/conservation-and-environment/conservation-areas/>

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

Neighbourhood Plan:

None.

National guidance

National Planning Policy Framework

National Planning Practice Guidance

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

¹ [Section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) and [section 70\(2\) of the Town and Country Planning Act 1990](#).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Main issues

- Principle of development
- Visual amenity, including impact upon trees, conservation area and setting of listed buildings.
- Green Wedge
- Residential amenity
- Highway Safety

Assessment:

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver sustainable development. These policies are considered in accordance with the NPPF for paragraph 213 purposes.

The proposed site being located in Burton village and proposing the use of a private domestic swimming pool to be used for private lessons would principally be assessed against Local Plan Policies LP1: A presumption in favour of sustainable development and LP2: The Spatial Strategy and Settlement Hierarchy.

LP1 indicates that at the heart of the strategy for Central Lincolnshire is a desire to deliver sustainable growth which brings benefits for all sector of the community (existing and new).

LP2 states that the spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities and supports necessary improvements to facilities, services and infrastructure. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land and enabling a larger number of people to access jobs, services and facilities locally. Decisions on investment in services and facilities, and on the location and scale of development will be assisted by a Central Lincolnshire Settlement Hierarchy.

Burton is designated as a small village within the Settlement Hierarchy and LP2 advises that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support the following applies in these settlements:

- They will accommodate small scale development of a limited nature in appropriate locations
- Proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.

The parish council have raised concerns that Burton Village is a residential area and businesses are not permitted as a matter of course. Policy LP2 however supports small scale development of a limited nature in appropriate location and non-residential employment uses of around 0.1 hectares per site.

This policy approach accords with paragraphs 83 & 84 of the NPPF, which states:

83. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The proposals relate to the change of use of an existing residential swimming pool for private lessons. The pool is located within the existing residential curtilage of The Water House and within an area forming the core shape and form of Burton village. The use of the pool for private lessons and associated access and parking is proposed for 4 hours per day during weekdays (Monday to Friday), for no more than 3 lessons per day over 3 days a week. Each lesson will cater for 4 people and each lesson lasts for one hour which includes time to change either side of it. The times of the lessons run for 3 hours between 4pm and 7pm. The proposed hours are however from 3.30pm to 7.30pm to give half an hour either side of the first and last lessons to allow reasonable time for arrivals and departures to and from the site. It is acknowledged that there is potential for 8 cars to be present on the site at one time during cross over times. The existing access off Middle Street is to be utilised and some minor alterations proposed to allow a width of 4.5 metres to

be achieved and two cars to adequately pass one another. All parking is to be provided on site via an existing gravelled area.

The pool and associated access and parking subject to this degree of use are considered to be limited in nature and of a scale which can therefore be supported. Conditions controlling and limiting the use of the pool and site to such acceptable levels and scale as noted above will however need form part of any permission given and hereby proposed. With such conditions in place the principle of the development is considered to be in accordance with policies LP1 and LP2 of the Central Lincolnshire Local Plan and paragraphs 83 and 84 of the NPPF.

Visual amenity and impact on conservation area and setting of listed buildings.

The site is located within the Burton Conservation Area, in the setting of Listed Buildings and Conservation Area Important Buildings. Therefore the site is very sensitively located and the impact of the proposal on its surrounding area carries significant weight.

Policy LP26: Design and Amenity sets out the policy considerations that development proposals should achieve to contribute positively to local character, landscape and townscape. All proposals should take into consideration the character and local distinctiveness of the area and create a sense of place.

Proposed development should respect the existing topography, landscape character and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot width, incorporate as far as possible natural features, and incorporate appropriate landscape treatments and well-designed boundary treatments to assimilate the development into the surrounding area. Development should protect important views into, out of and through the site and reflect or improve on the original architectural style of the local surroundings, using appropriate materials which reinforce or enhance local distinctiveness.

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. In the Listed Building section of LP25 it states that 'Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building'*.

The NPPF guides that *great weight should be given to an asset's conservation* and that *'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*. The NPPF further provides guidance that *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent'*.

In the Conservation Area section of LP25 it states that '*Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting*'. Criteria j-o provides a base to assess the impact on the Conservation Area.

The Burton Conservation Area (BCA) describes the two terraces of cottages (Grade II listed) sitting to the east of the site along Middle Street as prominent and important in conveying Burton as an estate village. It also notes the importance of Main Street with the positioning and prominence of buildings, including Hillside Cottages (Grade II listed) which sit south west of the site. It also notes the importance of boundary treatments and trees forming an important role in forming the character of conservation area and advises that building frontages and lines are important as is the design and materials used in new buildings. It states that the general use of dark yellow or light brown bricks, or stone, and pantiles, slate or red coloured tiles would be appropriate.

The proposed change of use does not result in any external changes to the existing building. The only visual change to the site that will result as a consequence of the change of use is the slight alteration to the access and infilling of the gravel surface. These works require the relocation of one gate post, regrading of the land by hand, laying of a kerb and provision of gravel surface to finish. There are no works to be done in the public highway and the whole access is already served by a dropped kerb.

The site has many trees within it and a number within very close proximity to the access. These form a very strong and important feature within the street scene. Some trees are subject to a Tree Preservation Order and others are protected through the Conservation Area designation. The alterations to the existing access are within very close proximity to the roots of one of these trees and consequently a site visit was undertaken by the case officer and tree officer to assess the extended of the works to be undertaken and possible impact upon it/them. It was agreed on site that subject to the regrading of the land around the tree roots being done by hand the alterations to the access should not detrimentally impact upon the health and vitality of them. A note has been added to the plans to secure its undertaking. It is therefore concluded that as the physical changes resulting from the proposed change of use are particularly minimal, they are considered to respect the existing character of the site and surroundings, while conserving the setting of the nearby listed buildings and preserving the conservation area. Consequently the proposals are in accordance with policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and duty contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.

Green Wedge:

The application site forms part of the Burton to Nettleham Green Wedge.

Policy LP22 identifies Green Wedges to fulfil one or more of the following functions and policy aims

- Prevent the physical merging of settlements and **protecting their character**
- Creation of a multi-functional green lung to offer communities a direct link to the open countryside
- Provision of an accessible recreational resource, with both formal and informal opportunities close to where people live.
- Conservation and enhancement of wildlife and protection of links between sites supporting wildlife corridors.

Within the Green Wedges planning permission will not be granted for any form of development, including changes of use, unless:

- a. it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or
- b. it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.

Development proposals within a Green Wedge will be expected to have regard to:

- c. the need to **retain the open and undeveloped character** of the Green Wedge, physical separation between settlements, **historic environment character** and green infrastructure value;
- d. the maintenance and enhancement of the network of footpaths, cycleways and bridleways, and their links to the countryside, to retain and enhance public access, where appropriate to the role and function of the Green Wedge;
- e. opportunities to improve the quality and function of green infrastructure within the Green Wedge with regard to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping. Development proposals adjacent to the Green Wedges will be expected to demonstrate that:
 - f. they do not adversely impact on the function of the Green Wedge, taking into account scale, siting, design, materials and landscape treatment;
 - g. They have considered linkages to and enhancements of the adjacent Green Wedge.

In this particular instance it is considered that the nature of the development does not undermine the function of the green wedge in preventing the physical merging of the settlements. However the site does relate to the protection of the character of the Burton village and that of the historic environment. The policy is therefore applicable in this regard.

Nonetheless, the application is for a change of use is to an existing building within an established village.

As the above assessment indicates the development would respect the existing character of the site and surroundings, while conserving the setting of the nearby listed buildings and preserving the conservation area and therefore appropriate in LP22 terms.

Residential Amenity:

Local Plan Policy LP26 also sets out criteria affecting amenity. It states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The closest neighbouring properties which are not associated with the pool are No's 1 and 8 Bede House, Middle Street, Burton. These properties sit to the South of the parking area and are separated by a post and rail fence, trees and hedging. A storage building also sits along the boundary.

The use of the pool for private swimming lessons has been running for a period of 2 years according to the Parish Council. They have been taking place on a Wednesday, Thursday and Friday and running between 4pm and 7pm. The lessons accommodate 4 persons per lesson and the existing off road parking provision associated with this application has been utilised. No complaints have been recorded by the Environmental Health team in terms of noise and disturbance.

The proposed change of use seeks to formalise this retrospective use but does seek to extend the days in which the lessons could take place. This is to allow future flexibility in its use but does not seek to intensify it from the overall 3 day use, 3 lessons per day or 4 persons per lesson. The proposed hours of operation do include an extra half an hour before the first lesson at 4pm and half an hour after the last lesson at 7.00pm to allow reasonable time for arrivals and departures to and from the site. No comments have been received from any neighbouring property in terms of impact upon residential amenity from the existing lessons or proposed use. Consequently it is considered that the use of the pool for private lessons at the level/scale and hours proposed would not unduly harm the residential amenity of the neighbouring properties and in accordance with LP26 of the Local Plan.

Highway Safety:

Policy LP13 Accessibility and Transport seeks development to contribute towards an efficient **and safe transport network** that offers a range of transport choices for the movement of people and goods.

Both the Parish Council and a Ward Councillor have raised concerns with the proposals in relation to highway safety in terms of safe access and egress from the site and adequate parking provision.

The Local Highway Authority also sought further information and clarification that the access off Middle Street would have a minimum width of 4.5 metres to allow cars to pass when entering and exiting the site. Amended plans have been provided which clarifies the width of the access and what works need to be done to achieve this. The Local Highway Authority do not raise any concerns subject to the changes to the implementation of the access being

secured by a conditioned and time limit, and an informative also being placed on any approval seeking them to be contacted prior to the works taking place.

The Local Highway Authority also sought further information and clarification of the use of the pool, associated numbers of vehicles and movements, and on-site parking provision. Again further information was submitted and the Local Highways Authority confirmed that they have no concerns on the numbers proposed as the applicant has demonstrated that there is parking available on site for up to 8 vehicles (including the host dwelling) and the widening of the access point will allow for two vehicles to pass in parallel meaning no cars will be waiting on the highway.

Consequently subject to the widening of the access and scale of the development being secured through conditions of any permission given, the proposed use of the pool is not considered to be detrimental to highway safety and in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies. The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

The development relating to a change of use of an existing building and only proposing very minimal alterations to the vehicle access the development would be exempt from the provisions of Policy M11.

Other matters

It is noted that the application as submitted refers to the private lessons being for disabled children and comments being made in terms of this not potentially being the case. However, this is not material to the consideration of the application. The scale of the overall use and not the abilities of the end user has been assessed in the consideration of this application. A condition which controlled the use of the pool only for disabled persons would not be considered to meet the conditions tests set out in paragraph 55 of the NPPF.

55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Concerns raised in relation to changing facilities, the provision of a lifeguard and resuscitation equipment as well as paying of business rates are not

relevant to planning, and should not be material planning considerations in the determination of this application.

Conclusion and reasons for granting permission.

The proposals have been assessed against Policies LP1, LP2, LP13, LP17, LP22, LP25 and LP26 of the Central Lincolnshire Local Plan in the first instance as well as all other material considerations including the National Planning Policy Framework and Practice Guidance. Consideration has also been given to the Planning (Listed Buildings and Conservation Areas) Act and Burton Conservation Area Appraisal. In light of this assessment it is considered that the proposals subject to conditions are of an appropriate scale for a rural business and its location in accordance with Policy LP2 and paragraph 83 of the NPPF and are acceptable to highway safety and residential amenity in accordance with Policies LP13 and LP26 and the NPPF. The proposals do not raise any concerns in relation to visual amenity and considered to conserve and preserve the character of the conservation area, the green wedge and setting of the listed buildings in accordance with policies LP17, LP22, LP25 and LP26 and the NPPF. The proposed development is therefore considered to be acceptable and grant of permission recommended, subject to the following conditions:

Conditions stating the time by which the development must be commenced:

None.

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Nos RDS 11441/04, RDS 11441/01 B and Covering letter dated 22nd May 2019. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application, unless otherwise agreed in writing by

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policies LP2, LP13, LP17, LP26 and LP25 of the Central Lincolnshire Local Plan.

2. The pool, associated access and parking area shall only be in use for no more than 3 private swimming lessons per day, on no more than 3 days per

week between Monday and Friday and the business shall only run between the hours of 3.30pm and 7.30pm.

Reason: To ensure the scale of the use is appropriate for its location and is not detrimental to highway safety and residential amenity of the neighbouring properties in accordance with LP1, LP2, LP13 and LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

3. Each private swimming lesson shall only accommodate up to 4 persons/learners at one time.

Reason: To ensure the scale of the use is appropriate for its location and is not detrimental to highway safety and residential amenity of the neighbouring properties in accordance with LP1, LP2, LP13 and LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

4. The proposed works to the access and parking area indicated on Plan Nos RDS 11441/04 and RDS 11441/01 B achieving a minimum width of 4.5 metres shall be undertaken within 3 months from the date of this permission.

Reason: To ensure that the proposed development is undertaken in a timely manner as not to be detrimental to highways safety in accordance with LP13 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The access as implemented through condition 4 above shall thereafter be retained for the lifetime of the use of the pool for private swimming lessons and be available for use at all times during lesson times.

Reason: To ensure adequate access to and from the site is achieved and parking provision provided for the use in the interest of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan and guidance within the NPPF.

Conditions which apply or relate to matters which are to be observed following completion of the development:

None.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report