

Development Control Committee

7 April 2021

Planning Application DC/20/1729/HH - Welham House, South Street, Risby

Date registered: 23 November 2020 **Expiry date:** 09 April 2021
Case officer: Nicholas Yager **Recommendation:** Approve application
Parish: Risby **Ward:** Risby
Proposal: Householder planning application - a. Two bay car port/wood store b. brick enclosure for heat pump c. outdoor swimming pool d. rebuilding of front wall
Site: Welham House, South Street, Risby
Applicant: Mr Jonathan Wooldridge

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

This application is before the Development Control Committee following consideration by the Delegation Panel on 23 February 2021. It was referred to the Delegation Panel following a request from Ward Member Councillor Susan Glossop. The officer recommendation is for APPROVAL.

Proposal:

1. Planning permission is sought for the following elements:
 - Two bay car port/woodstore measuring 5.3 metres in depth, 9.5 metres in width, 2.4 metres for the height of the eaves and 4.8 metres in height.
 - Outdoor Swimming Pool measuring 4.5 metres in depth and 10 metres in length.
 - Brick Enclosure for heat pump
 - Rebuilding of front wall
2. Amended plans have been received as the application has progressed. The location of the swimming pool has altered. Further, new tree planting has been included, a brick enclosure for the pool plant and equipment and the rebuilding of the front wall. The proposed car port has not altered with the amendments. Additional information has also been provided in relation to the swimming pool and the pool plant room with respect to noise following a request of Public Health and Housing.

Application supporting material:

- Location Plan
- Siting of Swimming Pool
- Existing Block Plan
- Floor Plan of Car Port/Store
- Existing Elevations of Car Port
- Proposed Elevations of Car Port
- Proposed Pool Sections
- Proposed Entrance and Pool Plant Enclosure
- Proposed Plant Entrance and Pool Plant
- Amended Proposed Block Plan
- Noise levels Statement
- Planning Statement

Site details:

3. The application site lies within the settlement boundary for Risby. The Risby conservation area divides the site in two with the northern side of the site falling within the conservation area and the southern side falling outside. The dwelling is detached and set back from South Street. The dwelling benefits from a large curtilage with amenity space to the rear and the front. The site has a single access from South Street. There are no TPO protected trees located within the application site albeit any trees within the Conservation Area are afforded protection.

Planning history:

Reference	Proposal	Status	Decision date
DC/14/0311/TCA	Tree in a Conservation Area Notification - Ash tree - remove one split branch and reduce crown by 25%	No Objection	28 March 2014
DC/16/1977/HH	Householder Planning Application - (i) single storey side extension (following demolition of existing conservatory) and (ii) two storey rear extension (following demolition of existing lean to).	Application Granted	4 November 2016
DC/19/1824/HH	Householder Planning Application - (i) detached garden room/office/Gym (ii) detached double garage and (iii) new vehicular access and driveway with dropped kerb and (iv) modified entrance walls and gates	Application Withdrawn	14 January 2020
DC/20/1583/TCA	Trees in a conservation area - 1no. Ash (T1 on plan) - Overall crown reduction by up to 3 metres to previous pruning points	No Objection	26 October 2020
DC/20/1729/HH	Householder planning application - a. Two bay car port/wood store b. brick enclosure for heat pump c. outdoor swimming pool d. rebuilding of front wall	Pending Decision	

Consultations:**Tree Officer
25.11.2020**

4. Commented stating that the trees at the site collectively have notable value but are not individually of any particular merit and therefore does not think it would be possible to consider them as a group due to their spacing. The tree officer considers that they provide a pleasant frontage but that a tree preservation order would not be applicable. It would be desirable to get some tree planting to immediately adjacent to the front boundary wall as part of the application but understand that may not be able to be secured.

Conservation Officer

03.12.2020

5. The proposed development is located outside the conservation area and will not affect its setting or the setting of any nearby heritage assets I therefore have no objections.

28.01.2021

6. Have taken a look at the amendments and as all are located outside the conservation area and no notable change will occur that will affect the setting of the conservation area I have no objections.

SCC Highway Authority

16.11.2020

7. Suffolk County Council, as the Highway Authority, considers that this proposal would not have a severe impact on the highway network, in terms of vehicle volume or highway safety. Therefore, Suffolk County Council does not wish to restrict the grant of permission.

02.12.2020

8. Further to the Highway Authority's letter dated 16 November. We have reviewed the additional plans and do not wish to revise our recommendation that the County Council, as Highways Authority, does not wish to restrict the grant of permission.

Parish Council

07.12.2020

9. Risby Parish Council has no objections to the application for the two bay car port/wood store, however it objects to the application for an outdoor swimming pool for the following reason:

10.DM2 - The negative impact on the residential amenity of neighbouring properties due to noise, light pollution and loss of privacy. South Lodge in particular South Lodge will be worst affected as the swimming pool would be closer to South Lodge than the applicant's own property.

11.The Parish Council is concerned about drainage from the swimming pool due to the proximity to the wall and root system of trees. It is also concerned about the environment impact of chemicals used in the pool and risk to health if not properly maintained and disposed of.

25.01.2021

12.Following the re-consultation on the additional information and amended plans provided, the Parish re-commented on the application the following.

13.Risby Parish Council has no objections to this application

Public Health and Housing

10.12.2020

14.I confirm I have reviewed the information provided with this application and I have considered the proposal from a nuisance control perspective. The information or plans do not appear to contain any information in regards to a plant room associated with the pool. This is information as the siting of any plant associated with the heating and maintenance of the pool may have the potential to cause a noise nuisance towards nearby properties.

15.Any plant installed must be contained inside a structure which will prevent unreasonable noise levels. I should be grateful if the applicant could provide details of any plant that will be associated with the pool, including its proposed location, and details of any enclosure intended.

16.It is also noted from other comments that there is concern about the potential for general noise levels to be increased from the use of the pool. It assumed this is related to the potential people noise from gatherings at the pool. Our department is responsible for responding to public complaints concerning alleged noise nuisance, therefore I should be grateful if the applicant could provide some detail in regards to how they intend to manage this type of issue.

07.01.2021

17.I am happy with the information provided. The applicant should understand that in the event of complaints being received, either from people noise, or noise arising from any fixed machinery such as the air source heat pump, we would be required to investigate under the Environmental Protection Act 1990. If we witness that a noise nuisance we would have a legal duty to ensure action is taken to abate it. I recommend that subjective noise monitoring is carried out once the installation is completed in order to ensure there is no unreasonable disturbance.

28.01.2021

18.Public Health and Housing have no additional comments to make in regards to the information provided with this application. All relevant advice has been provided to the applicant in regards to control of noise nuisance associated with the use of the pool or any fixed plant machinery associated with its operation.

Environmental Team

22.12.2020

19.Thank you for consulting the Environment Team on the above application.
We have no comments.

26.01.2021

20.Thank you for re-consulting the Environment Team on the above application. We still have no comments.

Ward Member Councillor Glossop:

21.Following our telephone conversation and the next door neighbours' comments I would like to ask for this application to go to the delegation panel please.

Representations:

22.Third-party comments received from South Lodge, South Street Risby objecting for the following summarised reasons:

23.Cartlodge

- Leading to loss of light on neighbouring amenity
- Rainwater of the pitches roof will be managed
- Mature trees will be removed
- Part of the plot in conservation area and concerns of overdevelopment

24.Outdoor swimming pool

- Impacts on character
- Impacts on trees
- Ground settlement of excavations effecting driveway
- Drainage of displaced water from the pool
- Location the drawings do not reflect the true location or size of the pool and impact

25.Additional third-party comments were received from Springside 3 Orchard Close, Risby, summarised as follows:

- Support the applicants' proposed improvements to the entrance off Welham Lane and the construction of a car port.
- No objection to the pool in its current proposed position.

26.**Policy:** On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

27.The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM13 Landscape Features
- Policy DM17 Conservation Areas

- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Policy DM46 Parking Standards
- Core Strategy Policy CS3 - Design quality and local distinctiveness

Other planning policy:

28.National Planning Policy Framework (NPPF)

29.The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

30.The issues to be considered in the determination of the application are:

- Principle of Development
- Impacts on the Conservation Area / Character of the Area / Design and Form
- Impacts on Residential Amenity
- Impacts on Landscape / Trees
- Highway Matters
- Other Matters

Principle of Development

31.Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale, and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

32.In this case of this application, the dwelling is located within a curtilage which is able to accommodate the two-bay car port/wood store, brick enclosure for heat pump, outdoor swimming pool and rebuilding of front wall without overdevelopment occurring.

Impacts on the Conservation Area / Character of the Area / Design and Form

- 33.Policies DM2, DM24 and CS3 all seek to ensure that proposed extensions to dwellings respect the character, scale and design of the host dwelling and the surrounding area.
- 34.Policy DM2 states that proposals for all development should (i) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and (ii) maintain or create a sense of place and/or local character.
- 35.Policy DM17 states that proposal for development should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into through, and out of the area.
- 36.Policy DM24 states that development will be permitted provided that the proposal (i) respects the character, scale and design of the existing house and the character and appearance of the immediate and surrounding area.
- 37.The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 72) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 38.The proposed development is all located adjacent to but outside of the nearby Risby conservation area. DM17 states that proposals for development should preserve or enhance the setting and views, in through and outside of the conservation area therefore the conservation officer was consulted. The conservation officer confirmed no objections and stated that the development will not affect the setting of the adjacent conservation area. Therefore, the development is considered in accordance with DM17.
- 39.The proposed cartlodge is set back away from South Street near the host dwelling. Due to the generous distance of the cartlodge away from South Street (30 metres) it is considered the development will only be available in limited views within the street scene. Further, the cartlodge will be positioned in an existing two bay parking area currently used by the occupiers. The design of the proposed cartlodge is of a typical two bay structure with an adjacent store. Therefore, it is considered the cartlodge will not lead to any material harm to the surrounding area and the development is in accordance with DM2 and DM24.
- 40.The proposed pool is set further towards South Street within the front garden amenity area of Welham House. The pool is a below ground structure and the existing front wall provides screening from South Street to the proposed swimming pool. Therefore, the development of the pool will not lead to harm upon the surrounding character of the area. The pool plant enclosure is the same height as the existing entrance wall (1.8 metres) and will be located behind the existing wall and therefore will not lead to any harm upon the character of the area. The repair of the wall to the front is acceptable and will be to the existing height of 1.8 metres.
- 41.It is therefore considered the development is in accordance with policies DM2, DM17 and DM24 of the Joint Development Management Plan, CS3 of the St Edmundsbury Core Strategy and the design provisions within the National Planning Policy Framework (2019).

Impact on Neighbouring Amenity

- 42.DM2 states that the development should not harm the amenities of adjacent areas the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated.
- 43.Although the cartlodge is located near the boundary between Welham House and South Lodge there is some separation between any neighbouring boundaries. In this case the stand off distances are 13.1 metres to South Lodge and 13.4 metres to Springside. The proposed cartlodge, which is modest in terms of footprint and scale, is therefore considered to be located at a distance away from third party property for there not to be any adverse issues arising from overlooking, overbearing impact or from loss of light to any neighbouring property.
- 44.The proposed pool is below ground level and located at 7.2 metres distance away from South Lodge. Public Health and Housing were consulted on the application and stated that more information was required on the application with regards to plant room in association with the pool. This was to ensure that any noise from the plant room would not harm neighbouring amenity. Additional information and plans were provided by the applicant and Public Health and Housing were re-consulted and stated no additional comments on the application. Officers consider that a condition for the pool plant room equipment to be in accordance with the submitted details is reasonable in this instance. The proposed block plan shows the addition of trees on the boundary providing screening from any neighbouring views from South Lodge to the proposed below ground pool and the users. On this basis, the impacts of noise from any pool equipment are not considered to be sufficiently harmful so as to justify a refusal, subject to the imposition of a condition.
- 45.The next matter that requires careful consideration is the use of the pool and the potential for noise and disturbance to arise that might negatively impact upon the amenities of nearby residents, in particular the properties known as Springside and South Lodge, both of which are located to the south of the proposed pool.
- 46.The pool is proposed to serve a single domestic dwelling. This will naturally limit the intensity of the use, to a level that would in principle be considered acceptable. Its use by the owners of the dwelling, perhaps also on occasion with use by visiting friends and relatives, is very likely to give rise to some noise effects that will be audible at surrounding property. The use of the pool by children as might readily also occur from time to time might also further increase the noise effects arising. At times, given the proximity, it is likely that noise effects arising from the use of the pool may lead to some disturbance at nearby properties that will be prejudicial to their reasonable amenities. This is a therefore a fact that weighs against this proposal.
- 47.However, although there will almost certainly be some noise arising from the use of the pool by occupiers, officers consider that such impacts would be unlikely to be so frequent so as to lead to any significant or material

harm to neighbouring amenity such that a refusal would be justified. It is considered that although the position could lead to an increase of the use by residents of Welham House to the front of their garden the area is within existing the residential curtilage of Welham House. The proposed pool area could be used for other garden actives such as barbecues, gardens events / parties, for example, without consent. The applicant however does confirm that an above ground swimming pool that did not require planning consent was sited within this location for the past seven years. With the noise information with regards to the plant room secured and Public Health and Housing confirming acceptability of this information, and noting that the potential for other noisy activities to lawfully take place in this garden even without the pool, the proposal is not considered to lead to persistent intrusion, and as a result the development is not considered to lead to material harm upon neighbouring amenity by reason of noise and disturbance to such a level that officers consider would otherwise withstand the scrutiny of an appeal.

48. To conclude therefore, on balance, and whilst the application may lead to a modest increase of use on the front garden area, and whilst this may on occasion lead to some increased adverse effects upon nearby dwellings arising from noise and splashing, it is not considered this increase would be sufficiently harmful to the surrounding neighbouring amenity to otherwise justify a refusal. Therefore, the development is considered to be in accordance with DM2 and DM24.

Impacts on Trees and Landscape

49. DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value.

50. The development proposed within the application falls outside of the conservation area therefore the trees are not protected by reason of being located within a conservation area. The tree officer was consulted on the application and stated that the trees collectively have notable value but are not individually of any particular merit. The trees provide a pleasant frontage to the application site, however the tree officer confirmed that a tree preservation order would not be applicable in this instance. The applicant has indicatively shown some replacement planting between the pool and the neighbouring property of South Lodge which is noted. On balance it is considered the removal of the trees to the front of the site is somewhat regrettable but as they are not TPO worthy or located within a conservation area this would not require planning consent. It is noted that the development does consider some replacement planting to the south of the pool which is considered a positive and which can be required by condition.

Highway Matters

51. At paragraph 110, the 2019 NPPF provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed.

52.The Highway Matters were consulted on the application and stated that this proposal would not have a severe impact on the highway network, in terms of vehicle volume or highway safety.

53.In this instance, due to the nature of the proposal and the reasons stated above. It is considered there is no conflict with DM46 or paragraph 110 of the NPPF.

Other Matters

54.Environment Team stated no comments to the application.

55.Following the re-consultation, the Parish confirmed no objections.

56.Third party comments have been received in relation to the cartlodge.

Stating that the cartlodge would lead to loss of light with an adverse effect on neighbouring amenity, questioning how will rainwater off the pitched roof will be managed, raising concerns that the development will lead to mature trees to be removed and part of the plot in conservation area, and therefore concerns of overdevelopment. In relation to these points Officers are satisfied that there is sufficient separation distance from the proposed cartlodge to any neighbouring property so as to protect reasonable amenities. The rainwater of the pitched of the roof will have to comply with building control regulations. The trees to be removed are not protected by reason of being within a conservation area nor are they TPO worthy. The conservation officer has confirmed on objections to the application and officers consider there will not to be an overdevelopment of the site and that it therefore complies with DM24.

57.Third party comments were also received from the neighbouring property known as South Lodge relating to the impacts of ground settlement of excavations effecting driveway and the drainage of displaced water from the swimming pool. It will be the applicant's responsibility to make sure the drainage of displaced water from the pool will be done in the appropriate manner, with the neighbour being afforded protection under the Party Wall Act is needed. Further, excavations effecting the driveway would need to be completed in accordance with relevant building regulations. Third party comments were received in relation to impact of the pool upon the character of the area and loss of trees. However, the pool will be a below ground structure and the existing 1.8 metre wall provides screening. The tree officer stated that the trees are not individually TPO worthy and therefore could be removed without consent officer's note the inclusion of some replacement planting to the south of the pool. Third party comments have been received in relation to the drawing not reflecting the true location or size of the pool and impact. The proposed block plan showing the proposed pool in the garden has been measured by officers and can be confirmed to be drawing to scale at 1:500.

58.Third party comments were received from Springside, 3 Orchard Close stating they would like to support the applicants' proposed improvements to the entrance off Welham Lane and the construction of a car port which continued the improvement that are being made to Welham House and that there were no objections to the pool in its current proposed position.

59.The Ward Member commented on the application asking for the application to go before delegation panel due to concerns regarding the third-party comments of impacts on the proposed pool to neighbouring amenity by virtue of noise and disturbance.

Conclusion:

60.In conclusion, the principle and detail of the development is considered to be acceptable, as a matter of balance noting the amenity considerations discussed above, and in compliance with relevant development plan policies and the National Planning Policy Framework and relevant policies of the development plan..

Recommendation:

61.It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Plan Type	Date on Plan	Date Received
Location Plan	10.03.2021	10.03.2021
Existing Block Plan	10.03.2021	10.03.2021
Amended Block Plan	10.03.2021	10.03.2021
Proposed Entrance and Pool Plant Enclosure Plan	14.01.2021	14.01.2021
Proposed Entrance and Pool Plant	14.01.2021	14.01.2021
Existing Elevations	23.11.2020	23.11.2020
Pool Sections	23.11.2020	23.11.2020
Proposed Cart Lodge Elevations	23.11.2020	23.11.2020
Proposed Roof Elevations	23.11.2020	23.11.2020
Floor Plan of Car Port/Store	08.10.2020	08.10.2020
Application Form	08.10.2020	08.10.2020
Noise Information	05.01.2021	05.01.2021

3. Prior to the occupation of any unit/dwelling:

- i) All of the noise protection and mitigation works associated with that pool as detailed in the submitted noise information dated 05/01/2021 shall be completed in their entirety in accordance with the approved

details prior to the first use of the swimming pool hereby permitted. These works shall thereafter be retained for as long as the pool is in situ on site.

Reason: To ensure that the residential development is protected from existing noise sources, in accordance with policies DM2, DM22 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. No development above ground level shall take place until a scheme of soft landscaping for the front boundary wall of the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1729/HH](#)