



Committee Report

Planning Committee North – 11 April 2023

Application no DC/22/4246/FUL

Location

Admiral House
The Street
Walberswick
Southwold
Suffolk
IP18 6UE

Expiry date 26 December 2022

Application type Full Application

Applicant Mr T Hincks

Parish Walberswick

Proposal Outdoor swimming pool & retrospective fencing.

Case Officer Charlie Bixby
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1. Summary

- 1.1. The application seeks permission for an outdoor swimming pool, associated hardstanding and retrospective fencing along the front boundary. The outdoor pool would be located ahead of the main dwellinghouse in the front garden area behind the fencing that has already been erected.
- 1.2. The application triggered the Planning Referral Process because the officers 'minded to' recommendation of approval is contrary to the representation of Objection from the Parish Council. The application was therefore taken to the Planning Referral Panel on 28 February 2023. The Panel referred the application to Planning Committee.
- 1.3. The application is recommended for approval subject to conditions.

2. Site Description

- 2.1. The application site is located within the defined development limits of the local service centre of Walberswick and within the Walberswick Conservation Area and the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).
- 2.2. There is an existing garage located to the south west of Admiral House within the far corner of the property's curtilage. The garage and concrete slab are 'set' 1.2 meters below the ground level of the adjacent garden but at the same height as The Street. The raised garden provides for a grassed raised bank along the southern extent of the property's curtilage where it meets The Street. This grassed bank is described within the Walberswick Conservation Area Appraisal as characteristic to the area of Walberswick and a feature that 'enhances the feeling of simplicity and rural informality'.

3. Proposal

- 3.1. The application seeks permission for an outdoor swimming pool, retrospective fencing and associated hardstanding in the surrounding area. The outdoor pool would be located ahead of the main dwellinghouse in the front garden area.

4. Consultees

Third Party Representations

- 4.1. Two neighbour objections have been received, objecting mainly to the impact the proposed outdoor pool will have in terms of noise levels. The objections also raise concerns regarding the pool being on a raised piece of land above the road and 'dominating the road' in this regard. Impact upon local wildlife has also been raised as a concern.

Parish/Town Council

Consultee	Date consulted	Date reply received
Walberswick Parish Council	4 November 2022	30 November 2022
<p>Summary of comments:</p> <p>In the opinion of the Parish Council the application should be REFUSED. Specifically the impact of noise and the amenity of the neighbours, residents and visitors to the village due to the development being so close to the road. Light pollution is a particular concern due to again the location of the development and the impact on the 'dark sky' which is a very important part of the aesthetic of the village and surrounding area.</p> <p>Should it be approved then the Parish Council strongly suggests that the location of the development be moved away from the roadside and located deeper within the plot.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	4 November 2022	10 November 2022
Summary of comments: No objections, requests condition(s).		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	26 January 2023	6 February 2023
Summary of comments: Recommend condition requiring a noise assessment and mitigation measures if appropriate.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	26 January 2023	No response
Summary of comments: No additional comments made, see original comments.		

Consultee	Date consulted	Date reply received
Walberswick Parish Council	26 January 2023	9 February 2023
<p>Summary of comments:</p> <p>"In November the Parish Council set out in it's role as a statutory consultee its reasons for recommending refusal of the above application.</p> <p>However subsequent to that report, the Parish Council notes that an Updated Plan has been submitted in respect of the same application, which includes a fence to the full length of the boundary between the property and The Street. Since the fence indicated on the plan already exists, the Parish Council considers it ought to be considered as a Retrospective Application and not as an Updated Plan and therefore requires a new Application.</p> <p>Were such a retrospective Application to be submitted the Parish Council would recommend refusal.</p> <p>Reasons</p>		

Admiral House lies in the heart of the Walberswick Conservation Area, indeed the CA Appraisal for this area of The Street is indicated as having 'Important Views'. The fence in question is of woven wicker and is some thirty metres in length, some two metres in height and sits on a bank approximately one metre high which brings the top of the fence to more than three metres above the road level. It is a overpowering and alien presence (not helped by a plywood screen between the brick gateposts.)

The Local Plan guidance states that additions should enhance a Conservation Area. In the view of the Parish Council this does not do so."

Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	10 November 2022	1 December 2022	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Conservation Area

Date posted: 17 November 2022

Expiry date: 8 December 2022

5. Planning policy

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

National Planning Policy Framework 2021

Historic Environment Supplementary Planning Document.

6. Planning Considerations

Visual Amenity and Conservation Area

6.1. The application seeks permission for an outdoor rectangular shaped pool with hardstanding surrounding the pool and leading to the main dwellinghouse, the pool is to be located ahead

of the main dwellinghouse located in the front/side garden area. The garden area is screened by an existing willow fence on a higher banked parcel of land.

- 6.2. The outdoor pool location, although on higher land than that of the road, is screened by an existing willow fence (that forms part of the current application) and is located on the grass bank adjacent the streetscene which will provide sufficient cover. The parcel of land designated for the pool and hardstanding will be clearly screened from public views and there are no visual amenity concerns with this form of development. The design of the pool/hardstanding area is considered to be acceptable.
- 6.3. The application also seeks planning permission for the front facing willow fencing, which has already been erected and in place for a number of years. The fence covers the front of the application site spanning approximately 34m in width and then alongside the drive to the dwelling. The height of the fencing is 2m at its maximum height, but the height varies due to the embankment and changes in level. The proposed fencing replaces previous vegetation, and the associated trees appear to have been removed with Conservation Area consent (TCA) applications and only one remains on the front boundary.
- 6.4. The character of the Conservation Area would be preserved as the swimming pool and hardstanding, would be screened by the willow fencing, and that fencing is of an attractive traditional style that is in keeping with its context. Therefore, the requirements of the Listed Buildings and Conservation Areas Act 1990 to preserve or enhance the character of the Conservation Area would be fulfilled.
- 6.5. The revised block plan indicates a low level structure to house the plant/pool filter etc. Unfortunately, the application does not include details on its height or appearance, although it is accepted that they may be influenced by any noise attenuation measures that have to be implemented around the plant/equipment. The structure is shown as being proposed to the rear of the existing garage building and therefore it would be screened from public vantage points by the garage and the willow fencing. Therefore, the principle of a low level structure in this location would not result in harm to visual amenity in terms of views from public vantage points or to the character of the Conservation Area. However, a condition should be included on any consent requiring the submission of precise details of the size and external appearance of this structure so that it can be ensured that it is truly low level and hidden from views from public vantage points.
- 6.6. Overall, the proposal is considered to be compliant with the Listed Buildings and Conservation Areas Act 1990, the NPPF, local planning policies SCLP10.4, SCLP11.1 and SCLP11.5, and the Historic Environment Supplementary Planning Document, in terms of visual amenity and heritage considerations.

Residential Amenity:

- 6.7. The proposal is for an outdoor pool and associated hardstanding in the centre of the plot, ahead of the main elevation of the dwellinghouse. The application site is on a large plot of land with the dwelling located to the right hand side of the plot, the outdoor pool would be an ancillary feature to the dwellinghouse. Due to the size of the plot and the proposed position of the outdoor pool it would be located a suitable distance away from the neighbouring properties adjacent the site.

- 6.8. The proposed outdoor pool is not considered to represent an unacceptable source of noise. Outdoor pools are not uncommon on larger plots and this pool will be located as centrally as possible to avoid potential neighbouring impact. It is accepted the use of the pool will create some noise and activity during summer months, but this would not really be any different to normal garden activity, and there is nothing inherent in the proposals that would cause amenity harm.
- 6.9. That being said, the pool filtration, pumps and associated equipment have the potential to generate significant noise when they are working. The Environmental Protection Team has therefore recommended that any consent includes a condition requiring a noise assessment and mitigation measures prior to installation. Such a condition would meet the tests in the NPPF, and help to safeguard the amenity of adjoining residents, so is included in the recommendation.
- 6.10. The revised block plan submitted includes details of the location and footprint of a 'proposed low level store for pool filter etc' to house the equipment, which would mean it would be enclosed, reducing potential noise levels. It is unfortunate that it is proposed to be located closer to the neighbouring dwelling than the applicants own house. However, it is recommended to condition its size, appearance, and materials, and it would need to be a consideration in the noise assessment and mitigation required under the condition referred to above. Therefore, these conditions mean that the amenity of the adjoining residents will be safeguarded.
- 6.11. The application does not include any details of external lighting. However, if such lighting was to be installed around the pool and pump/pool filter equipment housing, it would have the potential to affect the amenity of the neighbours and the character of the locality. Therefore, it is appropriate to include a condition requiring the submission and approval of details of an external lighting scheme prior to any lighting being installed.
- 6.12. Therefore, subject to conditions requiring details of the 'proposed low level store for pool filter etc', and the noise assessment and mitigation measures, this scheme is acceptable in terms of residential amenity considerations and would accord with the requirements of the NPPF and Local Plan Policy SCLP11.2.

Archaeology

- 6.13. The Suffolk County Council Archaeology department have commented on the application stating that there is a high potential chance for discovery of archaeological remains underground in the core settlement area of Walberswick, which includes this application site and therefore requests conditions requiring a Written Scheme of Investigation (WSI) to be submitted to the local planning authority prior to commencement of works, and a condition requiring the submission of the site and post investigation prior the commencement of the use. These conditions are appropriate and meet the tests in the NPPF, and therefore are included in the recommendation.
- 6.14. Subject to these conditions, the scheme accords with the requirements of the NPPF and Local Plan Policy SCLP11.7

7. Conclusion

- 7.1. This scheme to retain the existing willow fencing and install a pool with associated plant housing and hardstanding is acceptable in terms of visual amenity, impacts upon the character of the conservation area, residential amenity, and archaeology - provided certain conditions are imposed on the consent.
- 7.2. Subject to these conditions, the proposal accords with the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Local Plan Policies SCLP10.4, SCLP11.1, SCLP11.2, SCLP11.5 and SCLP11.7, and the Historic Environment Supplementary Planning Document. The objections received have been fully considered, but officers conclude that there are no material considerations that would indicate for a decision of refusal. The scheme accords with the Development Plan and permission can be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

9. Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with 6407-1 & 6407-2 received 25/1/2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

2. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

3. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2021).

4. The pool shall not come into use, until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2021).

5. Prior to the installations of any fixed plant or machinery (e.g. air source heat pumps and water pumps) a noise assessment must be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Only the approved details shall be implemented.

Reason: To protect the amenities of the occupiers of nearby dwellings.

6. Prior to any works commencing in the 'proposed low level store for pool filter etc' full details of its height, width, depth and external appearance including materials and finishes, shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented in their entirety prior any plant within the structure being first used, and it shall be retained and maintained in its approved form.

Reason: The application did not include the necessarily details for consideration, and they are required in the interests of residential amenity, visual amenity and safeguarding the Conservation Area.

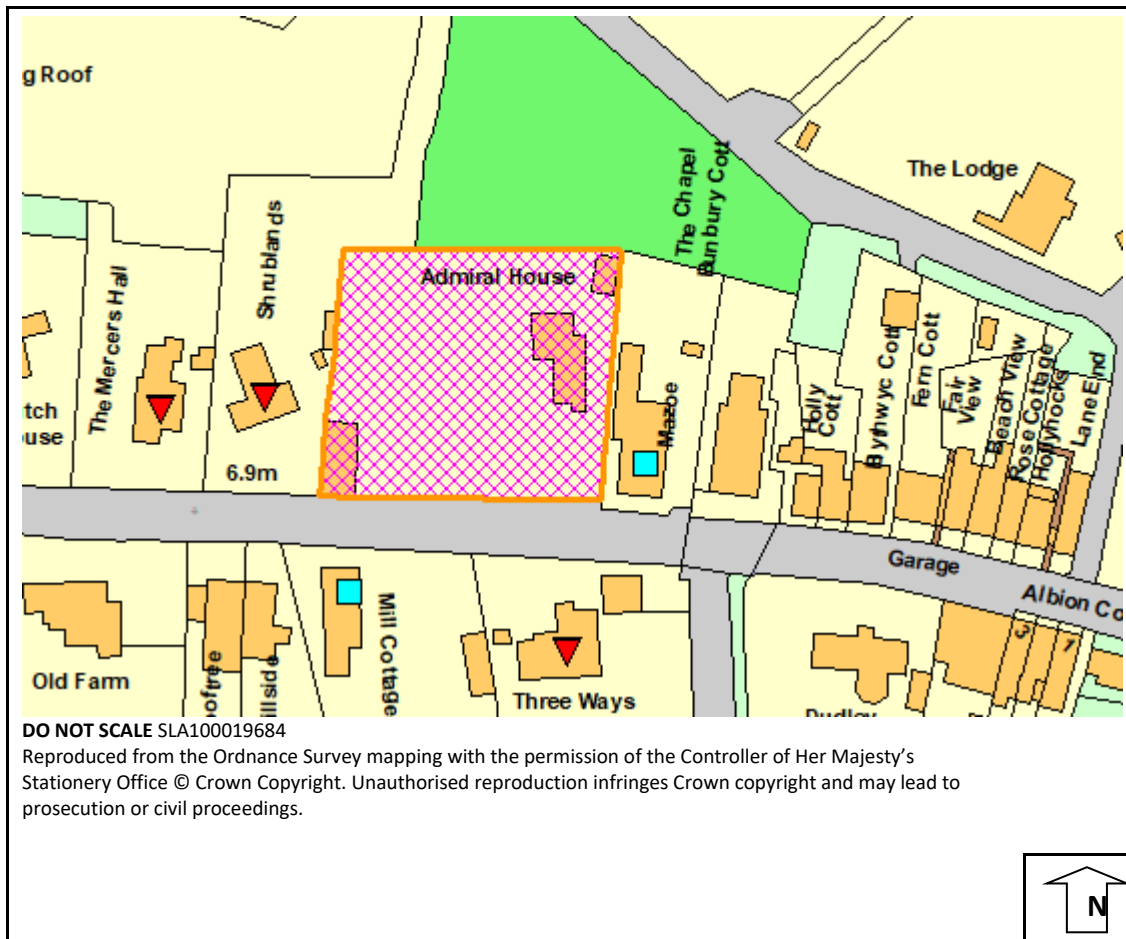
7. No external lighting shall be installed without the prior submission and approval of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels). Thereafter only the approved lighting scheme shall be installed and maintained in that form.

Reason: In the interests of amenity, and protection of the local rural environment.





Background Papers

See application reference DC/22/4246/FUL on [Public Access](#)

Map



Key

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|---|--------------------------------|
|  | Notified, no comments received |
|  | Objection |
|  | Representation |
|  | Support |