



<b>Planning Committee Date Report to</b>	14/12/2022 South Cambridgeshire District Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference Site</b>	22/03957/HFUL 62 High Street Melbourn Cambridgeshire SG8 6AJ
<b>Ward / Parish</b>	Melbourn
<b>Proposal</b>	Outdoor swimming pool
<b>Applicant</b>	Mr & Mrs S N Hart
<b>Presenting Officer</b>	Mary Collins
<b>Reason Reported to Committee</b>	Application submitted by an elected member of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1.Impact on Melbourn Conservation Area 2.Impact on neighbours
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for an outdoor swimming pool.
- 1.2 The proposal would preserve the character/appearance of the Melbourn Conservation Area and would not harm heritage assets.
- 1.3 The proposal would respect the amenities of surrounding residential properties.
- 1.4 Officers recommend that the Planning Committee approve

## 2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area	x	Local Nature Reserve	
Listed Building		Flood Zone 1	x
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

\*X indicates relevance

- 2.1 62 High Street Melbourn is situated on the western side of the High Street and on the southern side of Rose Lane. To the rear of the property runs Cross Lane.
- 2.2 It is a detached two storey dwelling which has a blue painted render finish and which was formerly The Rose Public House. To the Rose Lane side, it has a detached building used as a garage with access off Rose Lane. The property has private amenity space to the rear and to each side of the dwelling, where the garden areas are bounded by brick walls to the High Street frontage, with higher flint/brick walls to the Rose Lane frontage and hedging to the rear boundary.
- 2.3 Adjoining the application site to the south and west are residential properties. To the rear of the property is Cross Lane and there are residential properties opposite the application site in this lane. On the opposite side of the High Street are residential properties.
- 2.4 The site is within the Melbourn Conservation Area. The building is identified as a Non-Designated Heritage Asset in the Melbourn Conservation Appraisal and Management Plan 2021. There is a Eucalyptus tree in the

rear garden to the northern side of the dwelling. No. 60 High Street on the other side of Rose Lane is a Grade II Listed Building.

### **3.0 The Proposal**

- 3.1 Planning permission is sought for the construction of an outdoor swimming pool.
- 3.2 The pool will be constructed with prefabricated polypropylene panels filled with reinforced concrete. The swimming pool will entail excavation to a depth of 1.6m. The finished height of the pool will be flush with existing ground levels. The pool will be 9m in length and 5m in width, with a depth of 1.4m. The pool will be surrounded by 900mm by 600mm, 20mm thick porcelain slabs.
- 3.3 It would have an automatic safety cover sited at one end of the pool which will retract into a sunken pit at a depth of approx 350mm below the finished surface of the pool.
- 3.4 An inverter air source heat pump is proposed to be installed in the corner between the garage outbuilding and the external garden wall. This will provide heating for the pool.

### **4.0 Relevant Site History**

None

### **5.0 Policy**

#### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

## **5.2 South Cambridgeshire Local Plan 2018**

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/7 – Development Frameworks

S/9 – Minor Rural Centres

CC/6 – Construction Methods

HQ/1 – Design Principles

NH/14 – Heritage Assets

SC/10 – Noise Pollution

## **5.3 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

- 5.4** The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning decisions, with the weight in decision making to be determined on a case-by-case basis:

Development affecting Conservation Areas SPD – Adopted 2009

District Design Guide SPD – Adopted March 2010

Trees and Development Sites SPD – Adopted January 2009

## **5.5 Other Guidance**

- 5.6** Conservation Area Appraisal and Management Plan September 2021

## **6.0 Consultations**

- 6.1** Melbourn Parish Council – No Objection

- 6.2** **Environmental Health** - Advise that the following conditions / informatives should be attached to any planning consent granted

- Construction hours
- Construction Environmental Management Plan
- ASHP (informative)

**6.3 Tree Officer – No Objection**

**7.0 Third Party Representations**

7.1 No representations have been received.

**8.0 Member Representations**

Not applicable

**9.0 Local Interest Groups and Organisations / Petition**

Not applicable

9.1 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

**10.0 Assessment**

**Principle of Development**

**Design, Layout, Scale and Landscaping**

10.1 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.

10.2 The proposed swimming pool owing to its siting in the rear garden and its minimal visual impact as a result of being sunken into the ground would not have a visual impact outside the application site. The proposal is compliant with Local Plan policy HQ/1.

**Trees**

10.3 Policy HQ/1 seeks to preserve, protect and enhance existing trees and hedges. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.

10.4 There is a Eucalyptus tree in close proximity to the site of the proposed swimming pool. This is to be retained and is not considered to be harmed by the proposal. The Council's Tree Officer has advised that this is acceptable.

10.5 The proposal would accord with policy HQ/1 of the Local Plan.

**Heritage Assets**

- 10.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.7 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification.
- 10.8 Policy NH/14 of the South Cambridgeshire Local Plan (2018) requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets. Policy HQ/1 states that all new development must be compatible with its location in terms of scale, density, mass, form, siting, design, proportion, material, texture and colour in relation to the surrounding area.
- 10.9 The application site is within the Melbourn Conservation Area and is adjacent to the listed building at 60 High Street.
- 10.10 There are limited views into the rear garden from the public realm and wider conservation area from the access into the rear. The swimming pool would be sited at the far end of the garden and would be sunk into the ground. By virtue of its scale and siting within an enclosed area of rear garden, the proposal would not harm the character and appearance of the Conservation Area. Given the proposal is separated from the listed building by the intervening Rose Lane and the proposal is in the rear garden of 62 High Street, the proposal is not considered to impact on the setting of the adjacent listed building. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy NH/14.

### **Amenity**

- 10.11 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.
- 10.12 The swimming pool would be sited to the side of the existing dwelling and in the private rear garden. It adjoins 3 Rose Lane, with other neighbouring properties being separated from the site by the width of a lane. An air source heat pump (ASHP) for heating the pool is proposed to be sited against the wall. No concerns are raised with regard to the presence of an ASHP

however, an informative regarding their operation and maintenance has been recommended by the Environmental Health team.

#### Construction and Environmental Health Impacts

- 10.13 The noise and vibrational impacts associated with the construction and occupation of the site are addressed by Local Plan policies CC/6 'Construction Methods' and SC/10 'Noise Pollution', Paragraphs 183 - 188 of the NPPF are relevant.
- 10.14 The Council's Environmental Health Team have recommended a condition regarding the submission of a construction and environmental management plan (CEMP), with specific reference to details of piling to be provided, if forming part of the construction process. The applicant has not stated piling is required, noting the construction will be from prefabricated polypropylene panels filled with reinforced concrete. It is therefore, not considered necessary to impose the CEMP condition for this development. A condition regarding control of construction hours is also proposed and considered reasonable, in the interests of residential amenity.

#### Summary

- 10.15 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policy HQ/1 and the District Design Guide 2010. The associated construction and environmental impacts would be acceptable in accordance with policies CC/6 and SC/10 of the Local Plan.

#### Planning Balance

- 10.16 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 10.17 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

#### 11.0 Recommendation

##### 11.1 **Approve** subject to:

The planning conditions as set out below with minor amendments to the conditions as drafted, delegated to officers.

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

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

- 3 No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018.

#### Informatives

1. The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

To avoid noise complaints, it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features. In addition, equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory, and any defects remedied to ensure that the noise levels do not increase over time.

2. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of



water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environment Planning Team.