

Item No.	Application and Parish	No.	Statutory Date	Target	Proposal, Location, Applicant
(3)	24/00767/HOUSE Inkpen		20 June 2024		Formation of a swimming pool. The Old Rickyard, Inkpen Mr and Mrs Colquhoun
¹ Extension of time agreed with applicant until the 19 th July 2024.					

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=24/00767/HOUSE>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SBZBL5RD0S100>

Recommendation Summary: The Development Manager be authorised to grant conditional permission.

Ward Member(s): Councillor Vickers

Reason for Committee Determination: Called in by Ward Member as the site is in a sensitive location within the North Wessex Downs National Landscape, a conservation area and in the setting of listed buildings.

Committee Site Visit: 10th July 2024

Contact Officer Details

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1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the construction of a swimming pool for personal use within the domestic curtilage of the Old Rickyard in Inkpen. The pool will be 12m by 6m in extent. It is located on higher ground in the curtilage to the north east of the main house.
- 1.3 The application site in question lies in the North Wessex Downs National Landscape (former AONB) and also in the Lower Inkpen Conservation Area. In addition it lies close to the grade 2* listed building of St Michael's Church in the hamlet. Church Farm house adjacent is also listed grade 2.
- 1.4 The proposed swimming pool lies in an elevated location in the rear garden of the Old Rickyard, a modern house built this century. It is a substantial dwelling but lies in a significant landscaped curtilage. There is a small outbuilding also adjacent the proposed swimming pool.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
02/00247/FUL	Demolition of existing dwelling, erection of replacement dwelling	Approval. July 2002.
05/02040/HOUSE	Erection of a shed.	Approval. November 2005.
24/00829/HOUSE	Single storey rear extension.	Approved June 2024.

- 2.2 The final permission listed above has not yet been implemented.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on the 22nd of May and expired on the 13th of June. A public notice was placed in the Newbury Weekly News on the 2nd of May 2024.

- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are relevant to this application.
- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). There is no CIL liability with the proposal.
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. This application must be considered in relation to the impact the scheme may or may not have upon the setting of the grade 2* listed building of St Michael's Church adjacent.
- 3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site lies in the Lower Green conservation area for Inkpen which is designated heritage asset. Accordingly the Committee is required to consider the scheme in the light of this conservation area.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Inkpen Parish Council:	<p>No objections but do have concerns about the following issues.</p> <ul style="list-style-type: none"> • The site falls within the conservation area and is a very quiet area of the rural AONB countryside and noise mitigation is requested. • The house has been extended extensively over the last few years and a full landscaping is required to diffuse the additional building work. • No external lighting should be erected without permission. • All construction work should be limited to protect the amenity of the area - no construction work at weekends and Bank Holidays.
Highways:	No objections.

Lead Local Flood Authority:	Conditional permission is recommended.
Thames Water:	No response.
Conservation Officer:	The introduction of the pool in this location would have a limited impact on the setting of the grade 2* listed church due to the low degree of intervisibility between the pool and the church. In addition in respect of the conservation area the views of the pool are not in the public domain. No objections.
Archaeology Officer:	No response.

Public representations

- 4.2 Representations have been received from one objector. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- 4.3 The house has been extended already, the pool is close to the Church, the area should be kept quiet and tranquil as per the Village Design Statement, which this application will not promote.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP5, CS14 and CS19, of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - North Wessex Downs AONB Management Plan 2019-24
 - WBC Quality Design SPD (2006)
 - Inkpen Village Design Statement 2004

6. Appraisal

- 6.1 The main issues for consideration in this application are as below.

Principal of development

- 6.2 The application site is located outside of any defined settlement boundary. Overall, there is a general policy of restraint in the countryside, but the Council's policies allow for the approval of householder development where these changes do not undermine the general policy of restraint or have an adverse impact on the rural character of the countryside.

Noise

- 6.3 Policy OVS6 is a saved policy in the WBDLP of 2006 to 2026. According to the policy, "the Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty."
- 6.4 The application site lies in the North Wessex Downs National Landscape (former AONB), in an area that is particularly quiet. It is however anticipated that given the purely domestic use of the pool and its relatively small scale, the expected level of noise generation from it during the summer months will be low, and no more than what would be considered reasonable in this location. It is accordingly considered that no objections should be raised in regard to any acoustic matters in relation to this application.

Heritage and landscape

- 6.5 Secondly there is the heritage and visual impact to take into account in relation to the pool and its potential impact upon the wider setting of the conservation area and the setting of the listed church. Paragraph 201 of the NPPF notes the following advice to local planning authorities in determining planning applications in relation to heritage assets: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."
- 6.6 In this case the listed building potentially affected is grade 2*. Only about 10% of all listed buildings are in this category so their visual setting is important to retain where possible. In this case the application site is at a much lower level than the church, and the intervening boundary is a mature and large hedge in the applicant's control which serves to provide an attractive natural screen between the curtilage of the Old Rickyard and the graveyard of the Church. Officers consider that the construction of the new pool in the location identified will accordingly not harm the setting of the church, but simply be a feature consistent with what might be expected in a large garden in this area.
- 6.7 In addition, policy CS19 in the Core Strategy is the primary policy on heritage advice and landscape character in the Local Plan. This policy notes that an area's sensitivity to change must be taken into account, having due regard to the proposed scale of the new application under consideration. In this case the pool set into the ground will have a minimal visual impact only being 72m² in extent. No additional buildings are proposed around it either. As such, whilst it is recognised that the application site is subject to heritage and landscape constraints, the proposal will not harm any of these in any material way, in the view of the officers. To conclude, whilst the scheme will not

positively contribute to the conservation area or the local setting of the church, the impact will be neutral and so acceptable in terms of policy at both the national and local level. The views of the Conservation Officer have effectively substantiated the officer view that little harm will arise to any designated heritage assets as a consequence of the application so it complies with NPPF.

7. Planning Balance and Conclusion

- 7.1 The application is considered to be satisfactory. It is acceptable in terms of principle and location in an established and well landscaped domestic curtilage. It is not considered that any additional planting around the site is required. The visual impact if any on the conservation area, the setting of the North Wessex Downs National Landscape and the setting of the church is neutral and so not harmful. It complies fully with policy accordingly and any noise impact will be small. Conditional permission is recommended.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

1. Commencement of development

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

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

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Plan number 231208-01 and 231208-02 (Location/block plan and site plan and sections).

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Drainage

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Include details of the frequency of emptying and maintenance of the swimming pool and where the proposed backwash will be discharged.
- (b) Include written confirmation from Thames Water of their acceptance of the discharge from the site and confirmation that the downstream sewer network has the capacity to take this flow.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat

and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Guidance. A pre-commencement condition is required because the approved details will need to be incorporated into the development works.

4. **Working Hours (construction)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).