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## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2022/0547/FUL</b>	<b>ITEM 3</b>	
Proposal:	<b>Proposed Swimming Pool and Changing Room</b>		
Address:	<b>Firdale House, 1 Willoughby Road, Morcott</b>		
Applicant:	<b>Mr &amp; Mrs Martin</b>	Parish	<b>Morcott</b>
Agent:	<b>Mr Peter Wilmot</b>	Ward	<b>Braunston and Martinsthorpe</b>
Reason for presenting to Committee:	<b>Councillor Call In</b>		
Date of Committee:	<b>22 November 2022</b>		
Determination Date:	<b>5 July 2022</b>		
Agreed Extension of Time Date:	<b>25 November 2022</b>		

## EXECUTIVE SUMMARY

The proposal comprises an extension to the listed building to accommodate a changing room, w.c, plant room and air source heat pump and the provision of an outdoor swimming pool. The proposals are acceptable in principle and in terms of visual amenity, heritage, ecology, highway safety and residential amenity. Objections have been raised by residents to the potential impact of the construction of the swimming pool on the listed stone boundary wall; however, a structural report has been submitted which demonstrates the swimming pool can be constructed without harm to the structural stability of the boundary wall.

## RECOMMENDATION

**APPROVAL** subject to the following conditions:

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

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

- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

2021-16-06A Location Plan  
2021-16-07D Proposed Elevations, Layout and Section

Reason: For the avoidance of doubt and in accordance with Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD.

- Prior to any above ground development, the following shall be submitted to and be approved in writing by the Local Planning Authority. Development shall then take place in accordance with these approved details.

- Sample stone
- Details of coursing of the stone
- Details of the mortar mix to be used and the method of application
- Roof material sample
- Details of all doors and windows
- Details of the rooflights (shall be conservation rooflights)

Reason: To ensure that materials of an acceptable quality appropriate to the area are used and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

4. The development shall be carried out in accordance with the noise mitigation measures as appropriate (to be completed following re-consultation with Public Protection) to be confirmed at committee.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

5. No demolition/development shall commence until a written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

6. Prior to the commencement of development, a construction management plan setting out the method of construction for the swimming pool, to include delivery methods, safeguards to protect the boundary walls, including exclusion zones, a comprehensive monitoring regime to assess the current vertical and horizontal alignment of the northern wall followed by daily readings during construction, to include trigger values which if exceeded would halt work until such time as appropriate safeguards/remediation works can be carried out having first been approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To protect the listed walls and to accord with policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

## Site & Surroundings

- 1 The site accommodates a single, two and three-storey stone and slate detached dwelling on the northern side of Main Street at the junction with Willoughby Road. The dwelling is orientated to face Willoughby Road, set behind a front garden, and bordered by a stone wall. The side gable abuts Main Street and vehicular access is off Main Street. The private amenity area is to the north, bordered by stone boundary walls.

- 2 The site is bordered by 3 Willoughby Road to the north, Firdale Barns and Stables to the west and the highway to the east and south.

## **Proposal**

- 3 The proposal comprises the construction of a swimming pool and the erection of an extension to accommodate a changing room, w.c., plant and air source heat pump. The swimming pool would be set to the rear of the dwelling, not closer than 5 metres to the rear boundary wall with 3 Willoughby Road. The changing room building comprises a single storey lean to extension to the rear wall of Firdale Barns. This would be constructed of rubble ironstone and grey concrete roof tiles. An existing timber lean-to structure would be removed.
1. Revised plans have been received adding sections to illustrate the relationship and impact on the boundary walls.

## **Relevant Planning History**

2. There is a detailed history on the site, none relevant to this proposal other than the associated listed building application, 2022/0562/LBA, which is pending.

### **Planning Guidance and Policy**

#### **National Planning Policy Framework (NPPF) 2019**

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 16 – Conserving and Enhancing the Historic Environment

#### **Site Allocations and Policies DPD (2014)**

SP5 - Built Development in the Towns and Villages

SP15 – Design and Amenity

SP20 – The Historic Environment

#### **Core Strategy DPD (2011)**

CS19 – Promoting Good Design

CS22 – The Historic and Cultural Environment

#### **Neighbourhood Plan**

None

#### **Other**

### 3. Officer Evaluation

#### Impact of the use on the character of the area

7. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.
8. The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').
9. The NPPF refers to the importance of considering the impact of development on the significance of designated heritage assets. Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD both seek to protect historic assets, their settings and their character and special features. Policy CS19 relates to design, Policy SP15 relates to design and amenity.
10. The proposal comprises the construction of a detached swimming pool and ancillary pump/changing room to be sited within the garden and curtilage of the host listed building which is grade II. The swimming pool and ancillary pump room would be sited within the garden and are proposed to be located in a relatively inconspicuous position away from direct views in and out of the Morcott Conservation Area. Furthermore, the site is contained by high boundary walls which form the backdrop to the swimming pool and its ancillary building and as such overall there would be no harm to the historic environment. The existing lean-to building is of no historic merit.
11. There is no harm to the fabric of the listed building itself. In terms of the setting of the listed building the proposed curtilage building is in keeping provided the use of materials are sympathetic and the scale is limited to single storey; these can be subject of an appropriately worded condition.
12. Overall, the historic environment is important in this location with the abundance of listed buildings and set within the Morcott Conservation Area. The site itself retains its strong landmark form as a three-storey building with early use as a friary likely dating back to the 1800's and later as a farmhouse with its former barn range. The historic characteristics of the site and the wider historic environment does not preclude the proposal to build a swimming pool and pump room, as new structures can be achieved in historic locations.
13. LCC Archaeology recommend a written scheme of investigation to safeguard any remains.
14. Taking the above into account, it is considered that subject to the imposition of conditions the application is considered to be visually acceptable and would not result in harm to the character or appearance of the Conservation Area. The proposal would also be acceptable on the grade II listed building and site itself, in accordance Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy, Policies SP15 and SP20 of the Site Allocations and Policies DPD and the Council's Extensions to Dwellings SPD (2015).

## **Impact on the neighbouring properties**

15. The proposed extension would be built onto the outer wall of the neighbouring barn. It would be of a limited size and scale with only the upper part of the wall visible from the neighbouring property with the existing stone boundary wall intervening. The extension would be set a significant distance from the boundary to the north and would not have an undue adverse impact through any overbearing or overshadowing impacts. The swimming pool would be at ground level and would have no physical impact on neighbouring properties. As such, the physical impact of the building would be acceptable.
16. The proposed swimming pool would be for personal use only and therefore noise and disturbance would not be unduly harmful to the residential amenities of occupiers of neighbouring properties, notwithstanding the objection received.
17. Public Protection has requested additional noise information and their response will be provided in the update report. At this stage they raise no objection.
18. Subject to the above, the proposal is acceptable in terms of residential amenity, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policy SP15 of the Site Allocations and Policies Development Plan Document (2014) and the Council's Extensions to Dwellings SPD (2015).

## **Highway issues**

19. The proposal would not impact on the existing access, parking or turning and would not generate any additional traffic. As such, it is not considered the proposal would have an unacceptable adverse impact on highway safety and the proposal would be in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

## **Ecology**

20. LCC Ecology stated the proposed swimming pool and changing room are to be located on what appears to be managed garden and are therefore unlikely to significantly impact ecology; ecology surveys are not required. The application site is within a Swift Alert Area, where opportunities for artificial nest sites should be taken within proposed development. However, this development does not provide an opportunity for this enhancement and no swift nest boxes will be required.

## **Other Matters**

21. Concern has been raised over the potential impact of the proposed swimming pool construction on the historic boundary walls. In response to this, a revised section plan has been submitted to demonstrate the construction of the and swimming pool would not adversely affect the structural integrity of the boundary walls. In addition, a structural appraisal report has been submitted in support of the application.
22. The report was commissioned to comment and advise on the structural implications of constructing the swimming pool in relation to the boundary wall and

to assess the effects of the excavations on the stability of the walls. As part of this report, the wall was inspected from both the application site and from 3 Willoughby Road. Local ground conditions were inspected via two trial bore holes excavated at the base of both walls.

23. The report noted the general construction of the wall as random rubble construction consisting of natural coursed faced limestone/ironstone with a relatively loose binding stone core, capped with stone copings to prevent water ingress. The walls act as retaining walls with the western wall retaining material from entering the application garden and the northern wall retaining material from entering into the neighbouring garden.
24. The report noted that the walls have been the subject of previous structural repairs and maintenance issues and that various reports have been commissioned to assess the walls and the potential impact of the development.
25. The report considered the current condition of the wall on the Firdale House side to be reasonable bearing in mind that previous re-pointing work has been carried out, although there are areas which may need attention in the future and should be protected against water ingress to prevent freeze/thaw cycles expanding the moisture in the stone, thus weakening and loosening the mortar bond holding the stones together and shearing off the local edges of the stones.
26. Following this initial visual observations PW Architects have carried out a detailed survey of this wall including checking the verticality of the wall (June 2022). The result of the survey illustrates that the wall undulates slightly as well as changes direction in two areas.
27. The trial holes excavated in the Melville House site exposed the base of the northern wall, which was very shallow, approximately 150mm below current ground levels. The foundation to the wall consisted of two courses of brickwork formed on the firm to stiff clay. There was little or no corbelling to the brickwork which is the normal construction procedure in this type of older wall construction. It was noted that there was concrete benching against part of the wall base close to the corner of the house. This may have been incorporated in previous construction works to protect the base of the wall having been exposed.
28. The difference in level of the two walls is approximately 1000mm and 1200mm for the western and northern walls respectively. The thickness at the top of the walls is between 310 – 440mm but may be thicker at the base as would be expected in this situation.
29. The condition of the wall on the Melville House side shows that previous repair work has been carried out but there are still some open joints which could allow water ingress but is mainly at the base of the wall which may aid drainage in some instances. There is also some slight bulging and the alignment at the top of the wall leans out where the wall turns.
30. Notwithstanding the above there are no immediate signs of any recent significant cracking since the repairs were carried out three years ago that could be attributed to ongoing progressive movement. This type of bulging defect is not uncommon in older random rubble walls. The report notes that in this particular case it is not considered that the amount of bulging is significant in structural stability terms but

as a precautionary measure some remedial enhancement may be sensible to alleviate future deterioration.

31. The report then considered whether the depth and proximity of the pool will undermine the two walls. Theoretical load dispersion lines radiate out at an angle of 45 degrees from the underside of the foundations. The evaluation of this when superimposed onto the section drawing illustrates that the dispersion lines do not encroach on the pool excavation in either direction and therefore should not cause any de-stabilisation of the wall in this manner.
32. The report then considered whether the walls in their present condition are stable. The report concluded that under current applied load conditions, the walls are stable; however, it notes that the key to retaining the equilibrium and stability is to avoid surcharging the soil immediately behind the wall which induces an additional horizontal force on the rear of the wall. Therefore, it is important that this is avoided during the construction process and the report recommends that spoil is not heaped or stored in the area immediately behind the northern wall and that no construction plant is allowed in this area. This will also apply to the western wall but to a lesser extent since the retaining side is in the Firdale Barns site.
33. The report concludes there is no evidence of the walls accommodating any recent or progressive movement that will compromise the overall structural stability of the walls and it is considered that the excavation and construction of the pool can be safely constructed when taking the necessary precautions as outlined above without destabilising the walls.
34. As a precautionary measure it recommends a protection barrier of temporary low key shallow trench sheeting is installed adjacent to the working area of the pool to minimize any tendency of the ground to move during excavation and construction of the pool. The report also concludes that a full condition survey be carried out before work commences.
35. In addition, PW Architects have set out detailed remedial repair/reinstatement work to be carried out to the wall which would include the installation of a series of Helifix CemTies to improve the integrity and robustness of the northern wall, as well as re-point any open mortar joints with a sand lime mortar.
36. A further report has been commissioned by a resident which notes the proximity of the northern wall to the property at 3 Willoughby Road, notes the shallow footings, the lean of the wall and the condition of the wall. The report recommends a comprehensive monitoring regime to assess the current vertical and horizontal alignment of the wall and to then take daily readings during construction and to include trigger values which if exceeded would halt work until such time as appropriate safeguards/remediation works can be carried out.
37. Building Control has been consulted and stated the walls/structure of the proposal may impact the nearby building(s)/wall, and would require a competent structural engineer (i.e., Chartered Engineer) to assess the proposal regarding the walls and neighbouring buildings and provide a solution and justify the proposed structure. They also state the Party wall Act would need to be taken into account by the owner.



38. It is considered that the submitted report demonstrates that the development could be carried out without harm to either boundary wall. However, the condition of the northern wall especially is noted and is a concern. As such, a condition requiring a construction method statement to include exclusion zones, wall alignment monitoring, remedial works etc. will be imposed. It is also noted that the walls are likely to require remedial works regardless of the proposed development and as the walls are protected through their listed status, a separate listed building application would be required to cover these works.
39. The Conservation Officer has stated the works to the wall should be treated separately as listed building consent will be required to safeguard the wall and necessary remedial action will be required as the wall cannot be left in its current condition. An informative can be added to request this application. The Conservation Officer notes that the boundary wall does not form part of the application per se, given its separation from the detached pool building; however, if the swimming pool affects the integrity of the wall, then it should be a consideration as part of the application.
40. In conclusion, it is considered that sufficient evidence has been provided to demonstrate that the development could take place without harm to the boundary wall, subject to appropriate conditions to control the construction. However, a separate listed building application will be required to set out the required works to repair the wall, regardless of this application.

### **Crime and Disorder**

41. It is considered that the proposal would not result in any significant crime and disorder implications.

### **Human Rights Implications**

42. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

### **Consultations**

#### **LCC Ecology**

43. The proposed swimming pool and changing room are to be located on what appears to be managed garden and are therefore unlikely to significantly impact ecology; ecology surveys are not required. The application site is within a Swift Alert Area, where opportunities for artificial nest sites should be taken within proposed development. However, this development does not provide an opportunity for this enhancement and no swift nest boxes will be required.

#### **LCC Archaeology**

44. The site lies within the Historic Settlement Core of Morcott and within the land of Firdale House a grade II listed building. Therefore, there is the potential for archaeological remains to be impacted from the earliest time of the Morcott to the more recent past. The development proposals include works (e.g., foundations, services, and landscaping) likely to impact upon those remains. In consequence,

the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 205).

45. To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.
46. A contingency provision for emergency recording and detailed excavation should be made to the satisfaction of your authority in conjunction with your archaeological advisors in this Departments Archaeology Section. The Archaeology Section will provide a formal Brief for the work at the applicant's request.
47. The applicant should, if planning permission is granted, also obtain a suitable Written Scheme of Investigation (WSI) for the archaeological recording from an archaeological organisation acceptable to the planning authority. This should be submitted to this Archaeology Section, as archaeological advisors to your authority, for approval before the start of development. The WSI should comply with the above-mentioned Brief and with relevant Chartered Institute for Archaeologists (CIfA) Standards and Code of Practice. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
48. We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present.

### **Public Protection**

49. I would ask for a sound assessment by BS4142:2019 in order to judge whether the sound from the plant associated with the pool is likely to adversely impact neighbouring properties.

### **Building Control**

50. The walls/structure of the proposal may impact the nearby buildings/wall and would require a competent structural engineer (i.e., Chartered Engineer) to assess the proposal in regard to the close walls and neighbouring buildings and provide a solution and justify the proposed structure. Also, the Party Wall Act would need to be taken in to account by the owner – it would be advised the owner contact a competent Party wall surveyor for advice.

### **Conservation Officer**

51. The proposal is for a detached swimming pool and ancillary pump/changing room to be sited within the garden and curtilage of the host listed building at Grade II, therefore the application would be assessed under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990, which require that for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses.
52. Furthermore section 72 (1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
53. I can advise that I have no objection to the principle of the swimming pool or the ancillary pump room, these structures will be sited within the garden and are proposed to be located in a relatively inconspicuous position away from direct views in and out of the Morcott Conservation Area and the site is contained by high boundary walls which form the backdrop to the swimming pool and its ancillary building, then overall the harm to the historic environment here is limited. There is no harm on the fabric of the listed building itself and so the limited harm is on the setting which for a curtilage building is generally within keeping provided the use of materials are sympathetic and the scale is limited to single storey, I would suggest the height of the building to the ridge is as low as it can be to comply with Building Regulations.
54. Overall, the historic environment is important in this location with the abundance of listed buildings and set within the Morcott Conservation Area, the site itself retains its strong landmark form as a three-storey building with early use as a friary likely dating back to the 1800's and later as a farmhouse with its former barn range – with typical characteristics of an early 19th century farmstead. The historic characteristics of the site and the wider historic environment hereabouts does not preclude the proposal to build a swimming pool and pump room, as new structures can be achieved in historic locations, notwithstanding any other planning matters around amenity issues or design.
55. I would suggest however than a section plan would be useful, showing the depth of the pool in relation to the proximity of the boundary wall with the neighbour so that the engineering operation required for digging to a depth of 2 metres – (suitable for the swimming pool depth) can be assessed against the proximity of the boundary wall, this would then be considered in conjunction with the structural report which has been carried out independently on the boundary wall. Would it then be worth – from a structural point of view - checking to see if Building Control can provide their opinion of the section plan and the structural survey – in terms of whether the depth of the swimming pool would have any impact on the proximity of the boundary wall. Perhaps the swimming pool is far enough away from the boundary wall not to have a direct impact on its integrity? I do agree that the boundary wall does not form part of the application per se, given its separation from the detached pool building, but if the swimming pool affects its integrity, then it should be a consideration as part of the application, as per the request for the input from Building Control above.
56. In terms of the setting of the historic boundary wall then the swimming pool and the ancillary pump house does not necessarily present any harm to the visual

setting of the site beyond any other curtilage buildings that custodians of listed building enjoy in their garden spaces. In terms of setting then I do not consider the swimming pool to have any heritage harm on the significance of the wall, or the wider historic environment for that matter, given its siting and scale.

57. Provided of course that the wall remains in situ or is repaired under a separate application for listed building consent. It is certainly in the interests of the custodians of listed buildings to ensure that maintenance is carried out. In any case and without the application for the swimming pool then the boundary wall is bowing on the neighbour's side considerably, the effect of under-maintenance is showing on the neighbour's side, whereas the wall appears well maintained on the applicant's side. Regardless of the application for the swimming pool the boundary wall is in need of re-pointing and a repair strategy to address the future of the retaining wall and the extent of intervention required for it to be made good or at least structurally secure for the foreseeable future. Indeed, the wall can be maintained and repaired outside of the scope of this application in order that it remains preserved going forward.
58. Future repairs required to the wall (outside of the scope of the application for the swimming pool application if preferred, since the wall has been failing for a number of years) can be controlled under a separate application for listed building consent and would be assessed as required by Sections 16(2) and 66(1) of the Act which require that for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it

## **Neighbour Representations**

59. 3 objections received which are summarised below:
- Impact of the construction on the wall and consider RCC should instruct an independent professional to assess the impact;
  - Disruption during construction;
  - Increase in noise and disturbance from the use of the swimming pool, pool close to the upper floor windows of the neighbouring property especially given the 1.2 metre height difference between the two sites;
  - Impact on the heritage assets;
  - Wall deteriorated in the dry months.

## **Conclusion**

60. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the character or appearance of the Conservation Area or affect the setting of any listed building or the fabric of the host building. There would be no harm to residential amenity, highway safety or ecology. The proposal is in accordance with Sections 9, 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.