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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2022/0562/LBA	ITEM 4	
Proposal:	Proposed Swimming Pool and Changing Room		
Address:	Firdale House, 1 Willoughby Road, Morcott		
Applicant:	Mr & Mrs Martin	Parish	Morcott
Agent:	Mr Peter Wilmot	Ward	Braunston and Martinsthorpe
Reason for presenting to Committee:	Councillor Call In		
Date of Committee:	22 November 2022		
Determination Date:	5 July 2022		
Agreed Extension of Time Date:	25 November 2022		

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 the impact on the listed building. 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

<p>APPROVAL subject to the following conditions:</p> <p>1. The works shall begin before the expiration of 3 years from the date of this consent.</p> <p>Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. The works hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:</p> <p>2021-16-06A Location Plan 2021-16-07D Proposed Elevations, Layout and Section</p> <p>Reason: For the avoidance of doubt and to comply with Policy CS22 Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.</p> <p>3. Prior to any above ground works, the following shall be submitted to and be approved in writing by the Local Planning Authority. Works shall then take place in accordance with these approved details.</p> <ul style="list-style-type: none"> -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)
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Reason: To ensure that materials of an acceptable quality appropriate for the listed building and to accord with Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.

4. Prior to the commencement of works, 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. Works shall only take place in accordance with these approved details.

Reason: To protect the listed walls and to accord with Policy CS22 of the Core Strategy and Policy 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.
4. Revised plans have been received adding sections to illustrate the relationship and impact on the boundary walls.

Relevant Planning History

There is a detailed history on the site, none relevant to this proposal other than the associated planning application, 2022/0547/FUL, which is pending.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 16 – Conserving and Enhancing the Historic Environment

Site Allocations and Policies DPD (2014)

SP20 – The Historic Environment

Core Strategy DPD (2011)

CS22 – The Historic and Cultural Environment

Neighbourhood Plan

None

Officer Evaluation

Impact of the Proposal on the Listed Building

5. 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').
6. 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.
7. 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 site. 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.
8. 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.
9. Overall, the historic environment is important in this location with the abundance of listed buildings. 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.
10. 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 grade II listed building. The proposal is therefore in accordance Section 16 of the NPPF, Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.

Other Matters

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

26. 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.
27. 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.
28. 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.
29. 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.
30. 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

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

Human Rights Implications

32. 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

Parish Council

33. No objection to this planning application as the decision will be made in association with the Conservation Officer dealing with listed buildings.

Building Control

34. 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

35. 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.
36. 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.
37. 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.
38. 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.

39. 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.
40. 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.
41. 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, 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.
42. 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

43. 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

44. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle and would not result in harm to the listed building. The proposal is in accordance with Section 16 of the NPPF, Policy CS22 of the Core Strategy and Policy SP20 of the Site Allocations and Policies DPD.