

DELEGATED OFFICER REPORT

Application Ref: H/22/93920

Site Address: WATERS EDGE, LANDS END ROAD, BURSLEDON, SOUTHAMPTON, SO31 8DN

Case Officer: Rachael Morris

Description: Construction of in-ground swimming pool with surrounding terrace and plant cupboard.

Particular Site Constraints?	Yes ☒	No ☐
• Direction under Article 4(1) to remove permitted development rights within the curtilage of the dwelling house for any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure, being development comprised within Class E. • Flood Zone 2 (partial) • Conservation Area • Special Policy Area • Countryside • Adjacent to Special Protection Area		

Planning History?	Yes ☒	No ☐
• Z/28234/000/00 - Addition of pitched roof – Permit – Jun 1985 • C/06/56076 - Construction of replacement front boundary wall & gate – Permit – Mar 2006 • C/06/56082 - Repairs & additions to river wall & buttresses – Withdrawn by applicant – Feb 2006 • C/06/57641 - Construction of single storey front extension & addition of new pitched roof over dwelling with rear facing dormer/balcony to provide first floor living accommodation (amended description) – Permit – Sept 2006 • C/04/52422 - Construction of new enlarged roof and single storey front extension – Withdrawn by applicant – Dec 2004 • C/05/54272 - Erection of 2m high brick wall & new sliding gate with pedestrian entrance to front boundary & erection of 3 new buttresses & repairs to existing river wall at rear – Withdrawn (returned undetermined) – Aug 2005 • NC/18/84577 - Notification of intent. 11 Leylandii - fell. – Raise no objection to – Jan 2019 • NC/19/84819 - Notification of intent. 1 no. Magnolia - Fell. – Raise no objection to – Mar 2019 • N/13/73193 - Notification of intent to fell 1no. Conifer in rear garden – Raise no objection to – Oct 2013 • N/12/71310 - Notification of intent to reduce Conifer trees (G2) in height by 50% - Raise no objection to – Sept 2012 • N/15/76420 - Notification of proposed removal of 1no. Leylandii – Raise no objection to – Jun 2015 • H/20/88346 - Addition of third floor, enlargement of raised terraces, alteration to fenestration – Refuse – Nov 2020 • H/21/90833 - Addition of third floor, enlargement of raised terraces, alteration to fenestration – Permit – Aug 2021 • DC/21/91419 - Discharge of condition application for Condition 5 (Construction Environmental Management Plan) for planning permission H/21/90833 – Discharged – Oct 2021		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
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Representations:	The Boat Store, Lands End Road. Objection (summarised). Grey and Black waste discharge from existing Waters Edge property is discharged into a basic tank with stone filtration, this tank then discharges into the river Hamble. Currently the discharge side of the pipe/system is blocked, and the tank is not maintained. The discharge release now currently discharges into the garden of the property and the next-door property the boat store. The pool would increase discharge into the tank, the increased volume of discharge would increase the bacteria or chlorine content to the river. There would be a risk of contamination as the lower gardens of the river properties flood during exceptional spring tides. The pool would decrease the grounds' ability to absorb rainwater and increase pressures on the surrounding gardens. A feature of the character of Old Bursledon is the relationship of plot to building size, the addition of a swimming pool, terracing and pump room would lead to further oversaturation of this site which I believe is not suitable in the conservation area, additionally the property has developed lower ground residential living, doors and windows which were not on the original planning application. A swimming pool would further increase noise effecting wildlife the neighbouring properties. Inserting a swimming pool in this location would reduce the strength and integrity of the riverbank. The current wall of Waters Edge is in poor condition and in the 1990's was supported with a break wall. Failure of the river wall could lead to flooding of additional properties and collapse of the highway. I believe further assessment should be taken into consideration of this area. I have experience poor management of the existing works. I therefore believe that the previous issues with previous planning should be resolved before additional planning applications are approved. Parsons Plot, Lands End Road. Objection (summarised). This would be yet another example of increased urbanisation and densification of our conservation area, being harmful to its unique character and appearance. The basic schematic plan indicates circa 50% of the garden would be lost, resulting in excessive site coverage on an already dense plot. Furthermore, we believe the excavation of so much soil (dimensions provided suggest approximately 100 cubic metres, hence around 150 tonnes) so close to the riverbank not only risks the area's character, but also the integrity of the ground itself and could result in movement in the short to medium term. If permitted, increased levels of noise (both from pool users and the pump house) and light pollution (when used in the evenings) would result, exacerbating the loss of privacy and quiet enjoyment that Parsons Plot has already suffered by virtue of the consented planning application H/21/90833, which included an extended terrace - the deck of which is at the height of our boundary wall - without adequate screening being stipulated.
Parish Council:	No Comment
Built Heritage:	This application is to add an open-air swimming pool on the waterfront terrace below the house. As a water-filled hole in the ground down close to the river level this presents no intrusion into the conservation area, so is no problem from that perspective; the plant cupboard is only a metre high, so ditto. If an enclosure had been mooted then it would have been a completely different situation, raising an objection. Invariably the greatest problem with swimming pools is that of noise from children, who seem incapable of not making an intrusive noise when using them.

	As the development does not involve any significant above ground-built form, this application raises no issues from a conservation viewpoint. No objection.
Environmental Health:	A quieter swimming pool heat pump is now proposed (reference BPN08 on page ten) which reduces impact to the neighbouring at times during the daytime to a Rating Level ten decibels lower than the Background Sound Level). We note there will also some wooden enclosure of the heat pump and this will not always be operated to full power; the attenuation these will provide is not included for in the assessment report. We advise an absolute condition for approval of this development.
Ecology:	Having spoken to the Environment Agency (EA), they have stated that there are two discharges associated with pools which need to be considered: i. Firstly, there is the drain-down water from the pool. I have been in touch with Electro Engineering who manufactures the UV treatment device. They have stated that the device reduces the need for chemical usage, but a small amount of liquid chlorine or active oxygen is still recommended. Regardless of if chemicals are to be added or not, the EA has said that the drained water must not pass through the existing wastewater treatment plant on site as the volume and nature of the water will potentially damage the treatment capabilities of the plant for its prime function to treat domestic wastewater. However, the solution to this would be, prior to discharge, to leave the pool water to stand in situ for 3-5 days after the last application of any chemicals which will give time for any chemicals to deactivate. The water can then be drained and dissipated through the adjacent garden before draining into the Hamble and should not have an impact on the integrity of the SAC and SPA. Can the applicant confirm that they'd be happy to take this approach? Apparently, this is what many/ most pool owners in this situation do. ii. The second form of discharge is the filter backwash which is the wastewater generated by the cleaning of the filter (physical filtration) required upstream of the UV treatment device. Cleaning of the filter is a regular exercise (weekly or monthly). This backwash can be polluting as it accumulates pool dirt, cosmetic oils, other sediment etc and therefore needs to be disposed of correctly. Ideally this would be discharged to a foul sewer but there is not one within reasonable proximity to the property. Therefore, an alternative solution needs to be found. The applicant can apply to the EA for a permit to discharge but there is no guarantee a permit would be granted. The applicant would need to demonstrate that the discharge could be treated by the treatment system proposed (manufacturer or a drainage engineer specialist to provide this confirmation). The EA also has a nine-month backlog on permit applications. It is recommended the applicant contacts the EA as soon as possible about this. A temporary solution to this, or if the discharge permit is not granted, is that the filter backwash is stored, for example in a tank, and regularly collected from site by a licensed waste disposal company (e.g. a company which empties septic tanks). The applicant will need to confirm that this is possible and an approach they are willing to take. Although not sustainable or cost effective in the long run, this should be an approach which satisfies the HRA to ensure no adverse effect on the integrity of the SAC and SPA. This method of disposal must continue indefinitely until an acceptable alternative is permitted. The applicant has stated that the existing retaining wall is of sufficient height to retain the relocated spoil dug out to form the pool. Therefore, there any run-off with elevated sediment loading should be minimal.

Natural England:	Natural England requires the following information to assess the impacts on the above designated sites: • Submission of a management plan and further clarification of the disposal of drain-down water and filter backwash <u>Update 2/3/23</u> • Provided that the applicant is complying with the CEMP, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s) and has no objection to this aspect of the application. • A Swimming Pool Management and Maintenance Plan which includes details of the management of down-drain water discharges and filter backwash discharges has been provided. Natural England is satisfied with this plan and raises no further concerns
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Site Visit:	Yes ☒	No ☐
Details: 18/11/2022		

Policy: National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1, S2 and S5; and Development Management policies DM1, DM5, DM6, DM8, DM11, DM12, DM14, DM26 and BU7. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals, Old Bursledon Conservation Area Appraisal and Management Proposals. Legislation Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: "In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".)

Assessment: The development is considered acceptable and complies with policies DM1, DM5, DM6, DM8, DM11, DM12, DM14, DM26 and BU7 from the 2016-2036 local plan, in that: <u>Policy and principle</u> • The development is within the Conservation Area, Countryside and Special Policy Area where development must accord with policy within the development plan. • Policy DM12 states that "Development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset and sustains and enhances its special character and qualities. The more important the asset, the greater the weight that should be accorded to this criterion. Permission for development which results in substantial harm to, or loss of, designated assets of the highest significance will be wholly exceptional".

- Policy DM26 states that “The extension or replacement of a permanent dwelling in the countryside will be permitted subject to the general development criteria and transport policies of the Local Plan and provided the extension will not be disproportionate in size to the existing dwelling, neighbouring properties or in relation to its plot, or involve any extension to its curtilage”.
- Policy BU7 states “Residential extensions and replacement dwellings in the Old Bursledon Special Policy Area as defined on the policies map will be permitted provided, they: do not increase the volume of the original dwelling (as existing when the conservation area was first designated in 1982) by more than 25%. Further extension beyond this limit will not be permitted; have regard to the impact of the development on the space between buildings and the openness of the area, ensuring that the character of the undeveloped landscape between buildings is conserved and enhanced; do not create a dwelling disproportionately larger than the one that is being extended or replaced; are subservient to and in proportion to the existing building in form, scale and design; do not contribute to the cumulative urbanisation of the area; and f. are not otherwise detrimental to the character of the area as viewed from the River Hamble”.
- Detailed guidance on the character and appropriate developments for Old Bursledon is provided within the adopted Old Bursledon Conservation Area Appraisal and Management Proposals SPD. Within this SPD, the property is located within Zone 1a.
- Within the Old Bursledon Conservation Area Appraisal and Management Proposals SPD, paragraph 4.30 offers a general management proposal stating “A feature of the character of Old Bursledon is the relationship of plot to building size. Although there is variation, many large plots throughout the area are occupied by buildings of a size that create and maintain space and openness. In some places where properties have been extended unsympathetically, this sense of space within the plots has been eroded, creating a more urban character harmfully impacting on the rural and historic character of the area. The LPA will seek to retain the sense of space and openness within plots which makes a vital contribution to the character of the conservation area. Proposals that result in a detrimental impact on the visual character of the area will not be acceptable. Subdivision of plots will not be acceptable in this countryside location. Development should take account of the shape of the plot. Applications which erode this character will be refused”.

Setting

- Set amongst the large, detached properties on the western shore of the Hamble River at Bursledon Pool, Waters Edge is a 1960's/70's dwelling, appearing as a bungalow on the roadside elevation but as a two-storey property on the river side, set approximately a storey above the high watermark.
- A successful planning application was made last year to remodel and update the property with a scheme to enhance this part of the Conservation Area. As such, this property is proposed to appear as a two-storey dwelling from the roadside and as three-stories from the river side.

Design and layout

- The design of the in-ground swimming pool with surrounding terrace and plant cupboard is suited to the host dwelling in terms of its form, scale and appearance.
- The development would not be an overdevelopment of the site, would retain sufficient amenity space and meet parking standards.
- The design and layout respect the character and appearance of the locality.
- The proposed swimming pool will not have an unacceptable impact on the setting of the dwelling. The proposed pump room would be a modest addition.
- The proposed swimming pool would be development considered under permitted development Class E to dwellings with their rights still intact. However, this

property has an Article 4 direction that removes the ability to construct Class E development without planning permission.

- The proposed development would not be seen from the street scene, but it is noted that this will be seen from the River Hamble. Nonetheless, it is considered these development proposals would not create an unacceptably imposing feature and would not create a detrimental character.

Impact on the Conservation Area and the Special Policy Area

- In the Old Bursledon Conservation Area Appraisal and Management Proposals SPD under paragraph 4.67, regarding Land End Road waterfront properties, the local planning authority will seek high quality design as appropriate for the location of the site and its impact on the setting of listed buildings, should a planning application be submitted. Subdivision of plots or properties will be discouraged. This proposal will not involve the subdivision of the plot and presents a standard type design for this form of development. The pump room would be mostly concealed to the side of the dwelling and the terrace would be to the ground level adjacent to the swimming pool.
- The proposal accords with Policy BU7 and the Old Bursledon Conservation Area Appraisal and Management Proposals SPD as the swimming pool with pump room and terrace would not detract from the openness of the area as the swimming pool is inground and the plant room will be tucked to the side of the dwelling; would be subservient to and in proportion to the existing building in form, scale and design; would not contribute to the cumulative urbanisation of the area; and from the viewpoint of the River Hamble this would not create a detrimental character.
- The proposed swimming pool with associated terrace and pump room would not lead to the subdivision of the plot and as the pool is to be dug out, would not result in an imposing character to the Conservation Area and Special Policy Area.

Residential amenity

- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.
- The proposed swimming pool would not create a raised area that would result in decreased privacy levels to neighbouring properties. In addition, the terrace would not create a raised floor to an unacceptable level and will be conditioned to ensure the terrace is no higher than 30cm from existing floor levels.
- The soil that will be dug out of the swimming pool is proposed to be evenly spread across the rear garden. In addition, the proposed terrace is proposed to sit at ground level.
- While there is an expected increase in the level of noise associated with the use of the pool this is within a residential setting and will be used by the respective household within a residential use. It is expected that this would not be unacceptable and would be similar to the use of any residential garden enjoying their amenity.

Other material considerations

- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.
- A HRA has been completed and sent to Natural England. This considered the points raised by the ecology team. This covers issues surrounding habitat, limitations to construction and management of the pool once in use.
- Natural England have come back and are requiring further information, was supplied through a CEMP and Pool Management Plan, both will be conditioned.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - 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.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...