



Report to West Area Planning Committee

Application Number:

Proposal: Construction of outdoor swimming pool and sleeper retaining wall

Site Location: The Spinney
Upper Icknield Way
Whiteleaf
Buckinghamshire
HP27 0LY

Applicant: Mr S Ruck

Case Officer: Peter Nixon

Ward(s) affected: The Risboroughs

Parish-Town Council: Princes Risborough Town Council

Date valid application received: 20th May 2021

Statutory determination date: 15th July 2021

Recommendation: Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Permission is sought for the development of an outdoor swimming pool for ancillary use to a replacement detached dwelling currently being built out.
- 1.2 Concerns over cumulative level of development have been raised, and as such Cllr Alan Turner called in the application for consideration by committee.
- 1.3 The site of the proposed pool is currently shown on existing plans as a patio area, which received permission along with the main dwelling as part of application 18/08264/FUL. This planning permission for the redevelopment of the site removed permitted development rights by way of a planning condition.
- 1.4 Whilst a pool would represent further development of the site, the area shown on plan is already an area of permitted hard landscaping and the pool would not impact upon openness. As such a pool would not be contrary to Green Belt policy or result in any further loss of green infrastructure.
- 1.5 The application is recommended for approval.

2.0 Description of Proposed Development

- 2.1 The proposed development would involve the introduction of a rectangular outdoor pool measuring 12m x 4m, with a maximum depth of 2.5m. Plant equipment for the pool would be stored within a subterranean area built into a retaining feature to the rear of the pool, under the sloping garden.
- 2.2 The proposed development would represent additional development to a property currently under development that was granted consent through permission 18/08264/FUL.
- 2.3 18/08264/FUL allows for the development of two dwellings to replace a single dwelling, the result being an increase in the quantum of the development on the site. The principle of two dwellings on the property was established with 16/05513/FUL which would result in the original dwelling being subdivided.
- 2.4 The permission was predicated on the increased level of development representing a lesser level of harm than the amount of lawful development available to the existing dwelling via permitted development rights.
- 2.5 Condition 5 of the above planning permission removed permitted development rights for classes A, B and E. The proposal herein would normally fall within class E.
- 2.6 The site sits within The Chilterns AONB and Green Belt, and adjacent to the Ragnpits quarry; an area of chalk excavation dating from the 1850s, and also borders the Whiteleaf Golf Course local wildlife site.
- 2.7 The Ragnpits quarry is an archaeological notification site, as an Anglo-Saxon inhumation cemetery was discovered there during quarrying in 1850. The extent of this ancient burial area is unknown and thought to extend beyond the Ragnpits quarry.
- 2.8 The area in which the pool would be excavated has already undergone minor engineering works and archaeological investigation under the current permission to create a flattened patio area built into the surrounding sloping topography.
- 2.9 The application is accompanied by:
 - a) Heritage Statement
 - b) Design and Access Statement
 - c) Ecology and trees checklist

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
16/05513/FUL	Construction of part single storey, part two storey side extension, fenestration & external alterations to existing building & alterations to ground levels to provide new terraced area to the rear and internally divide existing dwelling to provide 1 x 6 bed and 1 x 2	PER	5 May 2016

	bed dwellings, parking and access.		
17/05769/FUL	Demolition of existing two dwellings and garages and erection of 2 x 6 bed detached dwellings with detached double garages.	PEOBL	24 July 2018
18/07069/MIN AMD	Proposed non-material amendment to permission for application for construction Demolition of existing two dwellings and garages and erection of 2 x 6 bed detached dwellings with detached double garages granted under planning ref: 17/05769/FUL	APPRET	
18/07378/MIN AMD	Proposed non-material amendment to permission for the demolition of existing two dwellings and garages and erection of 2 x 6 bed detached dwellings with detached double garages granted under planning ref 17/05769/FUL	REF	26 September 2018
18/07748/FUL	Householder application for internal reconfiguration resulting in changes to window/door positions/sizes, elevations of Cotswold stone and timber cladding, landscaping, outdoor swimming pool, part subterranean pool plant and new gates to driveway.	APPRET	
18/07847/FUL	Demolition of existing dwelling and garages and erection of 1 x 5-bed detached dwellings with detached double garage	APPRET	

18/08264/FUL	Demolition of existing two dwellings and garages and erection of 1 x 5 bed and 1 x 4 bed detached dwellings with detached double garages (alternative scheme to pp 17/05769/FUL)	PEOBL	20 March 2020
20/06422/ADRC	Application for approval of details subject to conditions 3 (materials) and 14 (landscaping scheme) of planning approval ref: 18/08264/FUL	PECOND	3 July 2020

Policy Considerations and Evaluation

Principle and Location of Development

Adopted Wycombe District Local Plan (August 2019): DM31 (Development Affecting the Historic Environment) DM43(The replacement or extension of dwellings in the Green Belt (including outbuildings))

- 3.1 The location is within a residential garden and the proposal is for a swimming pool plant and works ancillary to the residential use. The principle of development is therefore acceptable.
- 3.2 The site is within the green belt, and as such development of outbuildings is subject to the limitations of policy DM43.
- 3.3 Whilst the applicant notes that the extraction of the swimming pool is subterranean development, the pool would nonetheless be an intensification of use and have a greater visual impact than the current permitted patio.
- 3.4 For the purposes of assessing this impact, the pool is not considered to be an addition of in curtilage massing on the site. The plant equipment has also been integrated into the existing landscape and therefore accords with the constraints of policy DM43.
- 3.5 In this instance, the pool would not represent an addition to the volume of above ground built form within the residential curtilage, and is therefore acceptable.
- 3.6 Furthermore, as the principle of development in this area is in place, no further harm to the openness of the green belt would occur.

Raising the quality of place making and design

DM30 (Chilterns Area of Outstanding Natural Beauty), DM35 (Placemaking and Design Quality), Chilterns Building Design Guide.

- 3.7 The site is located in the Chilterns Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the NPPF (2019) requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs.
- 3.8 The location of the pool would be within an already established area of curtilage development, however an outdoor pool and the contingent plant equipment, plumbing

and foundations would be a more intense level of development than the hard landscaping that currently has planning permission.

- 3.9 The development would be located in an already developed patio area of the property, and as such harm to the character and appearance of the surrounding green infrastructure would be minimised, however the proposal would not offer any enhancement to the landscape of the AONB.
- 3.10 Nonetheless, the design of the pool and plant storage integrates into the existing landscaping of the site.
- 3.11 The pool would be in a residential curtilage and while it would not enhance the AONB it is not considered detrimental to it.
- 3.12 The location of the pool would not be visible from the highway. The adjacent Whiteleaf Golf Course has a public footpath running across the eastern edge, however the development would not be visible from here.
- 3.13 The landscape officer has stated that a tree and hedge retention plan is necessary to ensure an acceptable level of boundary screening. A tree planting plan and landscape plan from the 2018 permission remains extant and fulfil this function, this can be controlled by condition.

Amenity of existing and future residents

Policy DM35(Placemaking and design quality)

- 3.14 The pool would provide an enhanced level of amenity for the residents of The Spinney.
- 3.15 The pool is located next to the boundary with the Ragpits and is therefore unlikely to impact upon the neighbours.

Landscape Issues

List relevant policies & SPD

- 3.16 The site sits within the Chilterns AONB. Policy DM30 requires that all development conserve, and where possible enhance, the natural beauty of the landscape.
- 3.17 An external swimming pool would be a departure from the historic character of the AONB, which is characterised by buildings associated with rural industry and farmsteads.
- 3.18 Mature planting around the site would obscure the development from the landscape, and would need to be retained in perpetuity as noted by the conservation area.

Archaeology

Policy DM31(Development affecting the Historic Environment)

- 3.19 The application site is within an area of Archaeological Notification site, and adjacent to the Ragpits' quarry in which Anglo Saxon graves have been discovered. A previous desk study by the county archaeology department concluded that it is likely further remains exist beyond the excavated area of the Ragpits, potentially within the application site.
- 3.20 The pool site has already been the subject of harm following the development of the flattened patio area in which a notable amount of earth has been removed. The harm was considered to be acceptable as the development was confirmed to be within the prior building plate, which had been substantially terraced.

- 3.21 The swimming pool would represent additional excavation in the same location to a depth not yet disturbed. Thus a cumulative level of harm to a site of archaeological interest would occur, with previous applications and the proposed application reaching a depth of at least 2.5m.
- 3.22 However, correspondence with an external archaeological consultant notes that the archaeologically relevant stratum would not be further affected by these excavations.
- 3.23 Archaeological monitoring was carried out during initial site excavation as per the condition attached to 18/08264/FUL, to land adjacent to the proposed pool site and no significant remains were encountered. However, the County Archaeological Team have stated that they would also require monitoring of the pool site during development to be a condition of planning approval.

Green networks and infrastructure

Policy DM34(Delivering Green Infrastructure and Biodiversity in Development)

- 3.24 The neighbouring Ragpits site is an important local greenspace, and is characterised by mature woodland. The development would have no impact on the biodiversity of the site.
- 3.25 The application site is currently shown on permitted plans to be developed as a patio. The development of a pool would therefore not represent any further loss of green infrastructure that is not already permitted.
- 3.26 The landscape officer has requested that a tree and hedgerow retention plan be made should planning permission be granted, to ensure no damage to existing mature boundary planting. However, the landscaping for the development is already controlled through a previous landscaping plan.
- 3.27 Policy DM 34 requires that 'all development is required to protect and enhance both biodiversity and green infrastructure features and networks both on and off-site for the lifetime of the development'. In this instance the plans do not demonstrate any enhancement to biodiversity. This can be controlled by a condition requiring two bird boxes to be attached to trees within the garden.

Ecology

Wycombe Delivery and Site Allocations Plan 2013 policy DM13

- 3.28 The site borders the Whiteleaf Golf Course local wildlife site. As per retained policy DM13 of the Wycombe Delivery and Allocations Plan 2013 'The highest level of protection will be given to sites and species of international and national importance; development affecting them will not normally be permitted'.
- 3.29 The development would be situated around 60m away from the local wildlife site ensuring harm would be minimised. Nonetheless the noise from the operation of the pool may have a nominal impact on local habitats.

4.0 Weighing and balancing of issues / Overall Assessment

- 4.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 4.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the

development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

- 4.3 As set out above it is considered that the proposed development would accord with development plan policies. Whilst policy DM43 looks to control the quantum of in curtilage development, the design of the pool and the ancillary plant storage house ensures the development would not represent further volume built onto the property.
- 4.4 Some harm to the character of the landscape would be encountered, however this would not be a significant increase on the level already assessed and permitted by the development of the main dwelling. Measures to mitigate any further impact can be put in place through the retention and maintenance of boundary planting.
- 4.5 The applicant also notes that the pool would be visibly ancillary to the domestic use of the dwelling, and as such harm to the character of the area would not be encountered.
- 4.6 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

5.0 Working with the applicant / agent

- 5.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 5.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 5.3 In this instance the agent was made aware of objections to the plans from the local councillor.
- 5.4 With regard to the concerns over harm to archaeological sites, the agent referred to the previous monitoring on the site to demonstrate an acceptable level of harm from the proposed development.
- 5.5 The agent supplied evidence that an archaeological consultant (Thames Valley Archaeological Services Ltd) had provided a recommendation that the original watching brief was sufficient to ensure further excavations for a pool would not be detrimental.

6.0 Recommendation

- 6.1 The application is recommended for approval.
- 6.2 No notable increase in harm to the character or openness of the site would occur as a result of the works.

- 6.3 Whilst the removal of permitted development rights by condition was put in place to limit the overdevelopment of the site, the development would not include any new outbuildings or prominent structures within the curtilage.
- 6.4 The siting of the pool is adjacent to the main dwelling, and would not result in any further loss of green infrastructure.
- 6.5 Conditions to ensure adequate boundary screening, archaeological monitoring, and biodiversity enhancement are recommended.

Application Permitted

Subject to the following conditions and reasons:

- 1 The development hereby permitted 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).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers SR1/TS/1/20/P003; SR-20-1-SP001 and SR-TS-1-20-P001; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 No earthmoving or groundworks shall take place on site unless the Buckinghamshire Council Archaeologist has been given two weeks written notice. Thereafter, access to the site shall be afforded to the Buckinghamshire Council Archaeologist, or their representative, for the duration of the works for them to record any archaeological features exposed during the work.
Reason: To permit the recording of any archaeological features exposed during the implementation of this consent.
- 4 A revised landscaping plan for this plot to show the development hereby approved in line with the previously approved landscaping plan under 18/08264/FUL on drawing CAS32/02C shall be submitted to and approved by the local planning authority prior to any construction work, other than excavation, taking place. The submitted plan will also indicate the type and location of the two bird boxes required under Condition 5 of this permission.
The approved plan shall then be implemented in accordance with the landscape management plan for the site approved under application 20/06422/ADRC.
Reason: To secure adequate landscaping and biodiversity within the site.
- 5 All development is expected to result in a net increase in biodiversity and ecological features proportionate to the development proposed. In order to increase biodiversity opportunities two bird boxes shall be attached to trees within the site and thereafter retained for the lifetime of the development.
Reason: To comply with the requirements of policy DM34

Informative(s)

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APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Alan Turner:

This application is yet another deviation from the original plans for this site. The previous permission to put two large houses on this site in the AONB was granted on condition that plans for a swimming pool were dropped in order to comply with the "50% rule" of increased development. The current application exceeds the amount of development that was barely acceptable previously.

It is overdevelopment and the impact on the adjacent "Ragpit" site, both by digging deep into the ground next to such an historic and archaeologically important site and on the wildlife habitat caused by the noise from the proposed swimming pool filtration unit is of serious concern.

Should officers intend to grant permission, I request that it is brought to Planning Committee for determination.

Parish/Town Council Comments

None received

Consultation Responses

Landscape Officer:

There appears to be well established vegetation around the site boundary, which hopefully was offered for some protection through the permission for the two houses. Check that this has been put in place on site, as there isn't any protective fencing visible in the photos.

The proposed pool is very close to the vegetation along the southern boundary and excavations have potential to damage roots if they are too close. Check that the proposed excavations do not encroach into the root protection area of the southern vegetation.

A Tree/hedgerow Protection Plan should be made, and protective fencing erected, to ensure there are no excavations within the root protection area of the southern boundary vegetation. This may require a layout revision.

County Archaeological Service:

No consultation received, however comments provided for 21/06533/FUL remain pertinent to the site for the purposes of this application:

The proposed development is likely to affect a heritage asset of archaeological interest because it lies adjacent to a quarry put where a Saxon cemetery was discovered in the mid-19th century.

It is possible that further inhumations could survive on the site of The Spinney.

Further comments received via email from the County Archaeological Service:

Despite nothing being found within the area of the houses*, there is still the potential for burials elsewhere on the site.

Unless the swimming pool is within the area that was monitored previously**, it would be expected that this would also be monitored as part of the condition.

*during a watching brief associated with permission 17/05769/FUL.

**the area shown in plans for the proposed pool is within the previously monitored area which had the soil removed down to the chalk strata. Nothing of Archaeological interest was found in the previous investigation.

Representations

None received

APPENDIX B: Site Location Plan

