

4.3 21/02775/HOUSE Revised expiry date 4 March 2022

Proposal: Construction of an in-ground swimming pool with associated filter / pump equipment cabinets and landscaping.

Location: Reed Beds, Church Street, Shoreham Kent TN14 7SW

Ward(s): Otford & Shoreham

#### Item for decision

The application has been referred to Development Control Committee by Councillor Roy, due to the detrimental impact on residential amenity on neighbouring properties, contrary to Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those stated on the application form.

To ensure that the appearance of the development is in harmony with the existing character of the area and Area of Outstanding Natural Beauty as supported by Policies EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 030, 031, 100, 110, 111, VR10, Longitudinal plan, proposed garden planting plan.

For the avoidance of doubt and in the interests of proper planning.

4) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and agreed in writing with the local planning authority. The development shall be carried out in strict accordance with the detailed scheme of investigation and any

archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

The site is of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

5) No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

To protect the residential amenity of neighbouring properties, as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) No development shall take place until a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until the measures have been implemented in accordance with the Tree Protection Plan. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) Notwithstanding the landscaping proposed, the addition of native hedging shall be installed along the northern, eastern and western boundaries of the application site prior to first use of the proposed development.

To enhance the biodiversity on the application site, as supported by Policy SP11 of the Sevenoaks Core Strategy.

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

## **Description of the site**

- 1 The application site currently comprises of a detached grade II listed building located within Church Road. There are neighbouring properties surrounding the site, with the site located within the parish of Shoreham.

## **Description of proposal**

- 2 Construction of an in-ground swimming pool with associated filter/pump equipment cabinets and landscaping.
- 3 The proposed swimming pool requires only planning permission as it lies within the curtilage of a listed building.
- 4 The proposed paving areas around the swimming pool does not require planning permission.
- 5 The development does not include the addition of lighting at ground floor level, but within the pool itself to illuminate the water.

## **Relevant planning history**

- 6 21/00665/HOUSE - outdoor swimming pool - Withdrawn - 29/06/2021

## **Policies**

- 7 National Planning Policy Framework (NPPF)
- 8 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 9 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 6; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10 Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations

11 Core Strategy (CS)

- SP1 Design of New Development

12 Allocations and Development Management Plan (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape

13 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Conservation Area Appraisal

Constraints

14 The following constraints apply:

- Area of Outstanding Natural Beauty
- Conservation Area
- Grade II Listed Building
- Biodiversity Opportunity Area
- Blanket Tree Preservation Order
- Area of Archaeological Potential

Consultations

15 Shoreham Parish Council:

16 Shoreham Parish Council objects to this application as it did to application SE/00665/HOUSE which was withdrawn. The parish would object on grounds of loss of amenity to the 15 neighbouring properties which surround the site of the development. The proposed development is located in a built up area and noise both from the pump and from the use of the pool will have an adverse effect on those who live nearby as will the lighting emanating from the pool. The pump and pool are in fact much closer to some of the neighbouring properties than to applicant's property. Unlike other swimming pool which have recently granted planning permission, this one is inappropriate for its location, being in the centre of the village and Conservation Area and being surrounded on each elevation by residential properties. A swimming pool in such a location will affect a peace and tranquillity of the village and is inappropriate for a conservation area and AONB. Consideration must also be given to an area in the heart of the CA going under concrete as it this is built, there will be no going back. Finally lighting and chemicals from the pool could be harmful to the bats, which roost in several neighbouring properties and no provision for the attraction

of wildlife has been made. Members of the planning committee vote unanimously against this proposal.

17 Conservation Officer:

18 Significance: Reed Beds is a large detached house sat in a generous plot in the centre of Shoreham Village. Part of the timber-framed buildings dates from the 16<sup>th</sup> century frontage facing onto the street elevation. The rear garden is large with mature trees and an outbuilding on the western boundary.

19 Assessment: It is proposed to construct an outdoor swimming pool, which sit towards the corner of the garden, beyond the existing outbuilding. There were concerns raised with the previous withdrawn application (21/00665/HOUSE) due to a lack of information and then with the revised scheme its close proximity to the rear of the listed building and impact on the setting. The proposed location of the swimming pool will be less visible and intrusive in views from the garden towards the house and in views from the house. Details have been provided in terms of the proposed pool edge and paving for the surround and are considered appropriate. The pool filtration cabinet and heat pump will be located near the eastern boundary nearer the side of the house. They will be level with the plant beds and will have willow screening to the front and sides lessening their appearance and impact on the setting of the listed building.

20 Conclusion: From a conservation perspective we raised no object to the principle of the swimming pool and associated works. Assessed in line with paragraphs 199-202 of the NPPF it not considered to cause harm to the significance of the listed building and its setting.

21 KCC Ecology:

22 No ecological information has been submitted with this application. Whilst the ecological impact to likely to be low, we request clarification that no trees will be removed to facilitate the development. As the replacement of green space for a pool will result in a minor loss of biodiversity, this should be offset in accordance with paragraph 174 of the NPPF (2021) and the NERC Act (2006).

23 Planting has been proposed (which could act to offset the loss), however the proposed planting appears to feature exclusively non-native species. We highlight that non-native species have little to no biodiversity value and are not in keeping with the surrounding countryside. As such, we advise that the planting plan is revised to feature exclusively native species so as the minor biodiversity loss from the development is adequately offset.

- 24 KCC Archaeology:
- 25 Reed beds is considered to be a 16<sup>th</sup> century or earlier house which was later divided in to 4 cottages and then altered again back into a private house. It is a designated heritage asset and may be associated with Samuel Palmer and part of the Samuel Palmer School for Fine Art. There is high potential for post medieval or earlier remains to survive. There are also considerable issues surrounding the impact of the swimming pool on the setting of the medieval building. This is a very sensitive scheme and heritage issues need to be carefully considered. In view of the archaeological potential I recommend a condition is placed on any forthcoming consent.
- 26 Tree Officer:
- 27 The area shown for the excavation for the pool appears to be a sufficient distance away from the protected mature trees on site. A pool at that location is therefore feasible. The removal of the excavated soil will, I am assuming be removed from site and the route for its removal would again presumably be via the east of the building onto Church Street. I will therefore need to see tree protection details inclusive of a route for the soil extraction avoiding RPA's. I have noted that drawing number 100 does not show all mature trees upon it. This does not mean that existing protected trees can be removed as part of this application. No consent for tree removal is to be given within any consent for this application.
- 28 Environmental Health:
- 29 I have reviewed the materials submitted in support of the above application and would request that further information is provided. Specifically:
- 1 There is no information provided on the sound levels produced by the heat pump or filtration cabinet when in operation. In addition, there is no detail on the hours that this plant will be operating. Will the heat pump operate a heat recovery function? If so, will this operate over 24 hours? Please can I ask that the applicant provided some information in this respect of these matters.
  - 2 Further to noise from mechanical operation of the pool, I note that the proposed location is bordered on three sides by neighbouring dwellings. Many of these dwellings are in close proximity to the proposed pool-some approx. 20m away. Use of the pool during evenings/at night could give rise to complaint from residents wishing to use their amenity spaces at those times. Has the applicant offered any proposed times of use or means of ensuring that use of the pool will not give rise to excessive noise from users?

- 3 Apologies if I have missed this but I have not seen any information regarding illumination of the pool and surrounds. If there any lighting proposed?
- 4 Will there be any need for cleaning chemicals. If yes, how will these be stored?
- 30 Further comments: The information provided by the applicant has satisfied my initial concerns relating those issues actionable through the planning process. However, given the proximity of neighbouring dwellings, should permission be granted, I would recommend the standard hours of construction condition be applied in order to limit any impact to amenity.

### **Representations**

- 31 We have received five letters objecting on the following grounds:
- Impact on residential amenity (loss of light, noise, privacy, smells, outlook)
  - Planting too dense and would not assist in benefiting the wildlife
  - Current planting not maintained
  - Information outdated (does not include the neighbour's extensions or distances between development and neighbours)
  - Results in a greater use in the existing outbuilding
  - Impact on listed building, AONB and Conservation Area
  - Is a leisure facility not a home improvement
  - Boundary fencing, which has recently been erected impacts the maintenance of existing trees
  - Out of keeping
  - Recent removal of trees (do they have permission)
  - Previous neighbour comments on previous application no longer assessable
  - Loss of green space
  - No public benefit
  - Overdevelopment
  - Impact on biodiversity

### **Chief Planning Officer's appraisal**

- 32 The main planning considerations are:
- Impact on the character of the area
  - Impact on neighbouring amenity
  - Impact on the AONB
  - Impact on the Conservation Area
  - Impact on the listed building

### **Impact on the character of the area**

- 33 The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the ADMP. The Residential Extensions SPD is also applicable.
- 34 The proposed development would not have any impact the street scene as the proposal is to be located within the rear garden of the dwelling and would therefore not be visible from the highway.
- 35 The proposed development is to include the addition of a pool, hard and soft landscaping and plant equipment. Due to the scale of the site, the proposed swimming pool would sit comfortable on the site and would maintain an open appearance. A sufficient gap will be maintained between the swimming pool and the boundaries. The development would also include paving around the pool and a cabinet, which are very modest additions, with the proposed cabinet being close to the existing built form of the dwelling and the patio being permitted development. The swimming pool would not result in an overdevelopment to the site, as it would sit comfortably on site and respect the site levels of the residential garden. The proposed soft landscaping would integrate well within the existing landscaping and would enhance the appearance of the site.
- 36 Concern has been raised as to the loss of green space within the garden of this property. However, the swimming pool and paved area takes up only a very small portion of the garden and more than sufficient outdoor amenity space and garden left available to the occupants of the property. I would add technically the applicant would just hardstand the area of the swimming pool and surrounding paved area without the need for a planning application. Therefore, the loss of small section of green space within this garden is not sustainable ground of refusal.
- 37 The proposed materials would respect the materials on both the application site and the area.
- 38 The soft landscaping is proposed along the boundary of the application site. Although the Tree Officer has confirmed that the landscaping is sufficient, KCC Ecology have concerns with the loss of the biodiversity due to the development. Therefore, they have requested native hedging to offset this loss. A condition would be included to ensure this.
- 39 The proposal complies with policies EN1 of the ADMP and SP1 of the Core Strategy.

### **Impact on the neighbouring properties**

- 40 Policy EN2 of the ADMP and our Residential Extensions SPD are relevant in the consideration of this application.



- 41 The swimming pool and surrounding paved area would result in no above ground built form on the site and would not result in any loss of light, privacy or outlook to neighbouring properties.
- 42 The cabinet would be a minor addition, which would be of a height of 1.6 metres and would also pass the 45 degree light test adjacent to The Spinney and will not result in any loss of privacy or outlook either.
- 43 The soft landscaping would be located along the boundaries of the site and does not require planning permission and is being provided to visual the appearance of the site. Therefore, the proposed landscaping will not have any impact on the residential amenities of neighbouring properties.
- 44 Concerns have been raised in relation to the effect on neighbours in relation to noise and smell from the development. Environmental Health were consulted on the scheme they initially had concerns in relation to insufficient details. However further details required by Environmental Health have been supplied in relation to sound levels for the cabinet and heat pump, hours of operation for plant, operation of plant in relation to the heat recovery function, hours of use of the swimming pool, proposed lighting and the cleaning chemicals required and the storage of these. Environmental Health have now confirmed that their original concerns have been overcome and request that a condition of construction hours is included on the decision.
- 45 The proposed development is to include a level of lighting, however this is to be located within the swimming pool to illuminate the water. Therefore, based on this and being located below ground level, there are minimal concerns in relation to the impact of this lighting on neighbouring properties as it would not protrude the light flow into the surrounding area.
- 46 A concern has also been raised in relation to the use of the swimming pool. The swimming pool does only require planning permission due to it being positioned within the grounds of a listed building. Therefore, the use of the swimming pool results in minimal concerns in relation to the use within an existing residential garden.
- 47 The proposal complies with Policy EN2 of the ADMP.

### **Impact on the AONB**

- 48 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 49 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the

application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

- 50 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 51 The site is located within an Area of Outstanding Natural Beauty. The development would not result in any additional built form and would maintain the openness to the site. The proposed landscaping would enhance the visual appearance of the site and wider landscape character. The development would conserve and enhance the AONB.
- 52 The proposal complies with Policy EN5 of the ADMP.

#### **Impact on the listed building**

- 53 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 54 The NPPF also states that great weight should be given to the conservation of heritage assets (para.199).
- 55 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 56 The dwelling is a Grade II listed building. The development includes the addition of a swimming pool within the setting of the listed building. The Conservation Officer was consulted on the scheme and raised no objection due to the development not being visible or intrusive in this location and would conserve the setting of the listed building when combined with the landscape enhancements.
- 57 The proposal complies with Policy EN4 of the ADMP.

#### **Impact on the Conservation Area**

- 58 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the

desirability of preserving or enhancing the character or appearance of that area.

- 59 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 60 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 61 The site is located within the Shoreham Conservation Area. The Conservation Area Appraisal emphasises the linear frontage of the development within Church Street with the boundary treatment also being a common feature within the area. The long views of the wider area are seen as a positive contribution within the Conservation area along with the material finish, which should be maintained.
- 62 The development would not impact the linear frontage of the site as the development would be located within the rear garden of the site. Due to the development not resulting in any built form, the proposal would conserve the wider views of the site and the Conservation Area. Therefore, the proposal would conserve the character and appearance of the Conservation Area and complies with Policy EN4 of the ADMP.

### **Landscaping**

- 63 The site would result in the increase of landscaping from the development. The development would be resulted at a considerable distance from the existing trees, however the Tree Officer has requested tree protection measures to ensure that these are protected during the construction stage. The proposed landscaping would enhance the appearance of the application site. A concern has been raised in relation to existing landscaping on the site and how the current landscaping is not maintained, how existing trees have been removed and how the existing boundary fencing has impacted existing landscaping. These are not material planning considerations for the determination of this application. KCC Ecology have confirmed that the non-native landscaping proposed is not ideal and therefore a condition for native hedging is to be included on the decision.

### **Biodiversity**

- 64 The site is located within a Biodiversity Opportunity Area. KCC Ecology were consulted on the scheme and confirms that the development would have a minimal/low impact on the biodiversity of the site. KCC do have concerns in relation to the proposed landscaping and request that the planting is native species. Although the Tree Officer raised no concerns in relation to the planting, KCC emphasise how the development would result in biodiversity

loss on the site. By including native hedging on the site would offset this loss. Therefore, a condition will be included.

### **Other Issues**

- 65 The site is located within an area of Archaeological Potential and believes that in this location there is a high percentage of remains being found. Therefore KCC requests an archaeological survey condition to be included on the scheme, which has been added.
- 66 A concern has been raised in relation to the plans showing outdated information in relation to neighbouring properties. The plans must show the application site accurately, however the accuracy of neighbouring properties are not required to be accurate.
- 67 A concern has been raised in relation to the use of the existing outbuilding being greater. This is not a material planning consideration, as it does not form part of the planning application assessment. Notwithstanding this, the use of the existing outbuilding has already previously been assessed separately and found to be acceptable.
- 68 In regard to the previous neighbour comments on the previous application, these are no longer present in the public domain once an application has been determined, as we are required to remove them from the internet by the Information Commissioner. This comments do however still form part of the planning file and are available for inspection at the Council Offices if needed. Every application is assessed under its own merit and no previous comments are taken into consideration with this scheme. The assessment is based on the comments received under the current application.

### **Community Infrastructure Levy (CIL)**

- 69 The proposal is not CIL liable.

### **Conclusion**

- 70 The proposed development complies with the relevant local and national policies.

### **Background Papers**

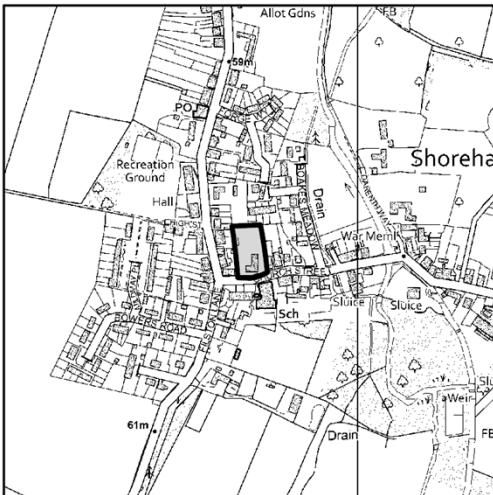
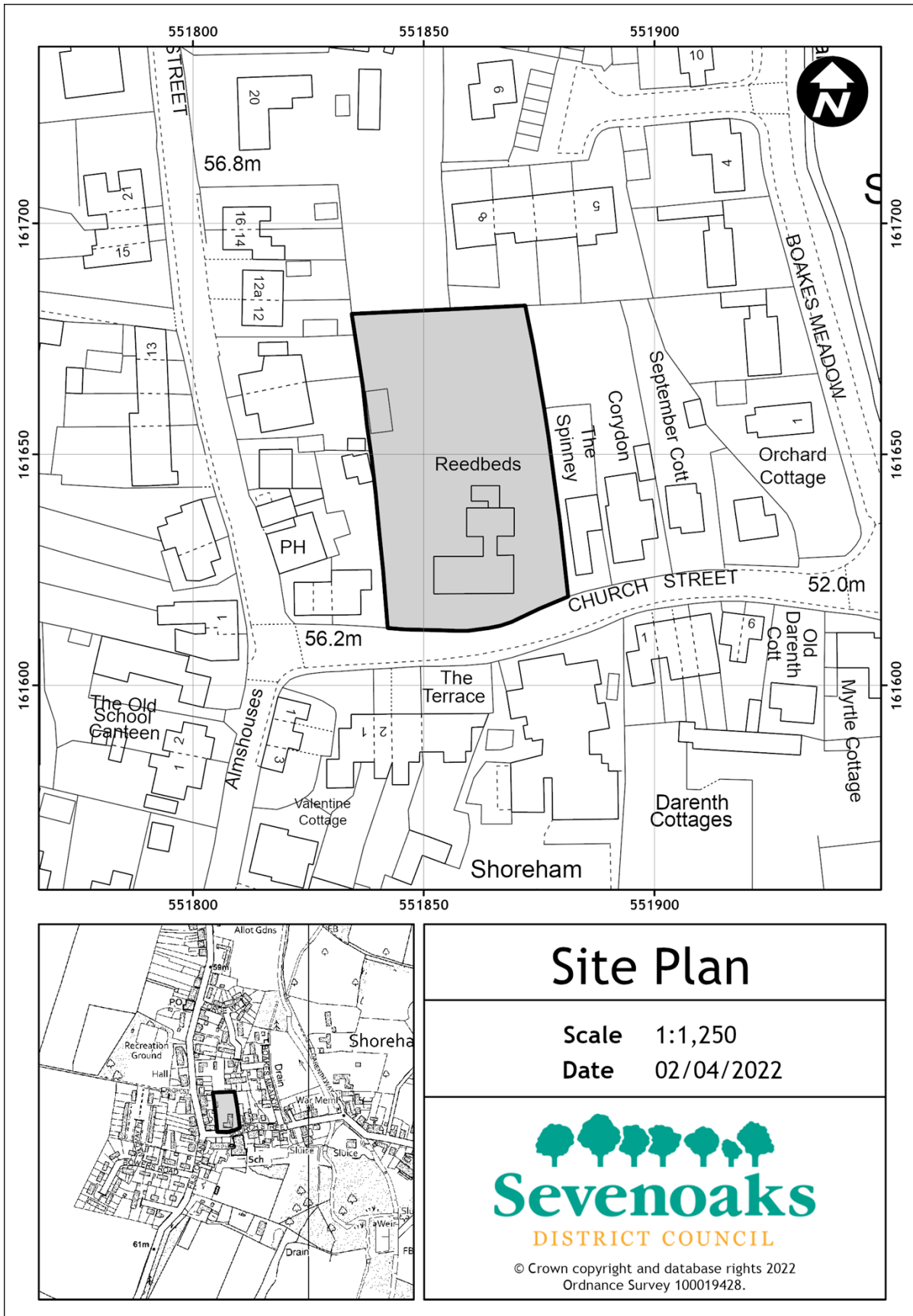
### **Site and block plan**

Contact Officer(s): Louise Cane: 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



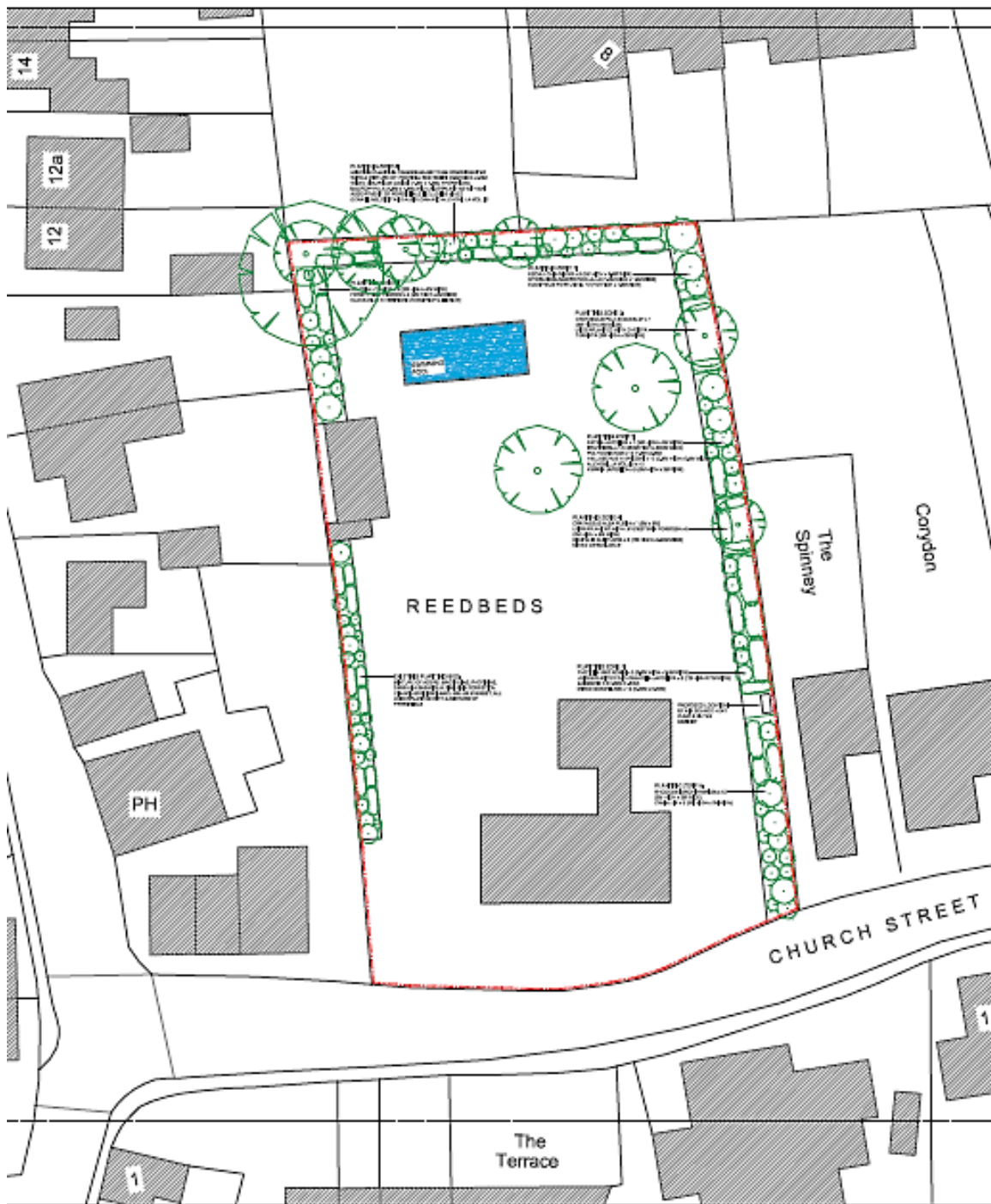
# Site Plan

Scale 1:1,250

Date 02/04/2022



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KENT TN14 7SW

