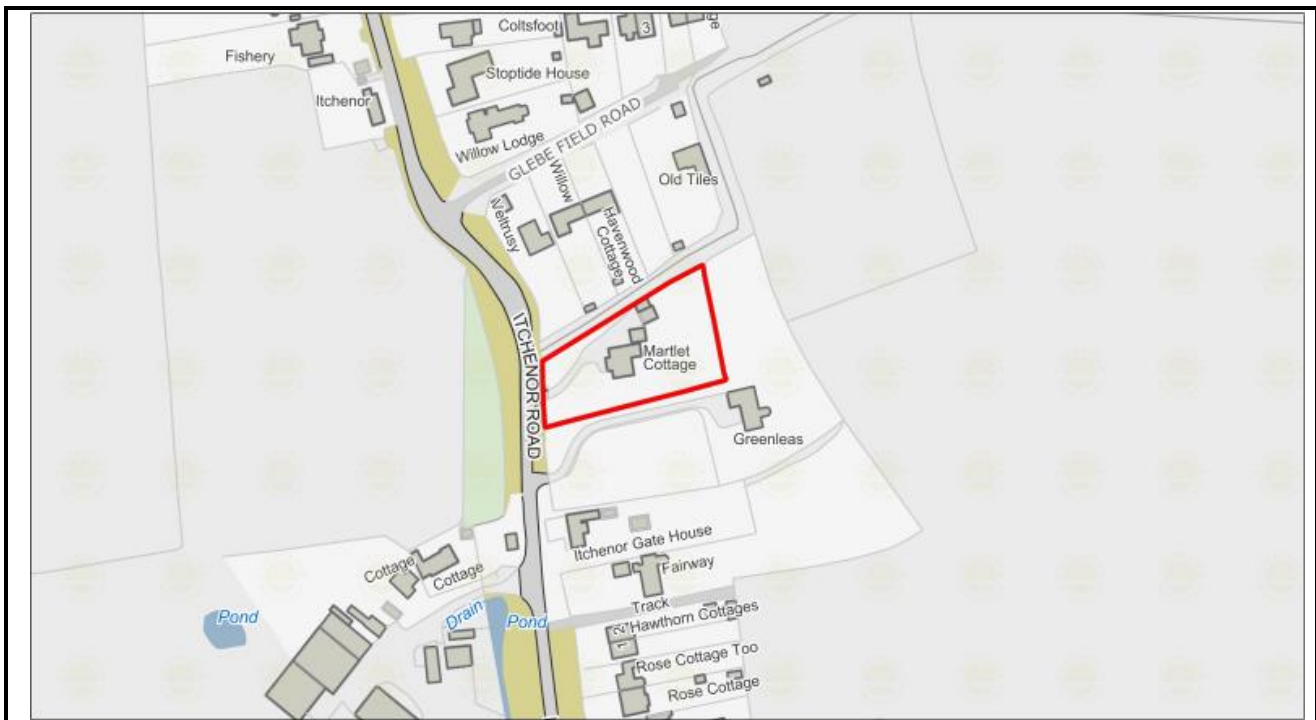



Parish: West Itchenor	Ward: The Witterings
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WI/22/02637/FUL

Proposal	Adjustment to previously permitted swimming pool location and new pool roof and associated pool plant.		
Site	Martlet Cottage Itchenor Road West Itchenor West Sussex PO20 7DA		
Map Ref	(E) 480310 (N) 99956		
Applicant	Mr Salvato	Agent	Mr John Brown

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 A two-storey detached residential dwelling is currently being constructed at the site. The site is located on the east side of Itchenor Road, West Itchenor and situated within the Chichester Harbour Area of Outstanding Natural Beauty and outside of any settlement boundary. There is agricultural land to the east and west of the site and neighbouring dwellings to the north and south, with the dwellings to the north separated by a Public Right of Way.

3.0 The Proposal

- 3.1 The application proposes an adjustment to the previously permitted swimming pool location and the erection of a new pool room and associated pool plant.
- 3.2 Planning permission was granted in September 2021 under application 21/01676/FUL for a replacement dwelling and combined garage and annex and new swimming pool. The swimming pool was proposed to be sited to the rear of the site, to the north-east of the proposed dwelling and set back from the northern boundary.
- 3.3 Under this current application, it is proposed to site the swimming pool further to the south-east of its permitted location. A detached pool house building is also proposed to be constructed. The pool house would be sited adjacent to the northern boundary of the site and to the north-east of the swimming pool. The main part of the pool house would be rectangular shaped with a hipped roof. It would be constructed of materials to match the dwelling that is being constructed, brickwork and stone infill to the walls and clay tiles to the roof. This part of the building would contain a pool room, pool equipment room and changing room. Part of the building, the part that would be directly attached to the boundary wall, would have a flat roof and contain a pool equipment room and a store.

4.0 History

21/01676/FUL	PER	Replacement dwelling and combined garage and annex and new swimming pool.
22/00012/DOC	PER	Discharge of condition 3 of permission 21/01676/FUL.
22/02730/FUL	PER	Replacement dwelling and combined garage and annex and new swimming pool (Variation of condition 2 from planning permission WI/21/01676/FUL - Amendments to plans to reflect the actual as-built construction on site which consist of internal and external alterations.

22/02876/FUL PDE Amendments to previously permitted north and west elevation boundary treatments.

22/02963/FUL PER Replace permitted dormer window with 3 no. velux roof windows fitted with night activated black out blinds.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
AONB	YES
Tree Preservation Order	NO
Flood Zone 2	NO
Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 West Itchenor Parish Council

Further comments (17.03.23)

This village was encouraged to produce the West Itchenor Village Design Statement in 2012 with the help of CDC planning Officers and with help from the Conservancy; the application (22/02876) concerns building a front wall facing Itchenor Road where residents have agreed not to build walls and instead to use natural planting along the boundary. Can we ask the applicant to read the VDS before insisting on rights granted under National Permitted Development legislation. They are building in a sensitive environment where Village Design Guidelines have been very carefully considered and ratified by CDC. We would ask that the VDS should be preferred to the use of the National Permitted Development legislation.

Original comments (07.11.22)

West Itchenor Parish Council objects to this application as the plans submitted do not appear to make sense and are likely to bear no resemblance to the actual building. It is inconceivable that a building would have doors only 1.5m high, along with the overall height being some 3m high which is considered to be too high for such a building.

6.2 Chichester Harbour Conservancy

Summarised:

Further comments (21.02.23)

No objection. Conditions on materials and to limit light pollution should be applied.

Original comments (07.11.22)

No objection. Conditions on materials and to limit light pollution should be applied. The proposed building would be proportionate and generally complementary to the host building and appropriate for a small ancillary building. The visual appearance would not be out of place in this location. There would not be a significant change or dominant visual impact to the wider environment of the AONB.

6.3 Environmental Protection

Summarised:

Further comments (26.01.23)

Comments as application 21/01676/FUL provided with ecological enhancements for the site included in these.

Original comments (07.11.22)

Satisfied that the comments made as part of the previous application are still applicable for the site. No further comments to make.

6.4 Third party other comments

1 no. letter of objection has been received stating, summarised:

- It is not clear what the proposed amendments are.
- The rural gap of the footpath has been made sterile, a high wall has been built.
- The ditch by the footpath is blocked at the culvert by the road which could lead to flooding and could undermine the bank.
- The noise of the pool house pump would impinge on the neighbours to the north of the footpath and people using the footpath.
- The development is an example of urbanisation of the village and out of sympathy with the rural character.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan (LP): Key Policies 2014-2029, the Site Allocations DPD and any Neighbourhood Plan for the area. There is no Neighbourhood Plan for West Itchenor at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 43: Chichester Harbour AONB

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Summer 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

Relevant policies from the published Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19) are:

S1: Spatial Development Strategy

S2: Settlement Hierarchy

NE10: Development in the Countryside

NE13: Chichester Harbour Area of Outstanding Natural Beauty

P1: Design Principles

P2: Local Character and Distinctiveness

P5: Spaces and Landscaping

P6: Amenity

P7: Alterations and Extensions

P8: Materials and Detailing

National Policy and Guidance

7.4 The revised National Planning Policy Framework was published in July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply presumption in favour of sustainable development, and for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

*i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

7.5 Consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

- West Itchenor Village Design Statement
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area/landscape
- iii. Impact upon amenity of neighbouring properties
- iv. Biodiversity
- v. Other Matters

- i. Principle of development

8.2 The application site is located in the rural area outside of a Settlement Boundary, and is thus, defined as the 'Rest of the Plan Area'. As per Policies 2 and 45 of the Local Plan, development outside of settlement boundaries must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement.

8.3 The principle of the proposal was established under application 21/01676/FUL and relates to development within the curtilage of an existing dwelling, therefore the general principle of the development is acceptable.

ii. Design and impact upon character of the surrounding area/landscape

8.4 Policy 33 of the Local Plan refers to new residential development and sets out that the scale, form, massing and siting, height and design of development must respect and enhance the character of the surrounding area and site. Policy 43 requires that the natural beauty and locally distinctive features of the Area of Outstanding Natural Beauty (AONB) are conserved and enhanced; and that proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB.

8.5 The proposed pool house would be sited to the rear of the site. It has been designed so that the eaves would be the same height as the boundary wall and the materials and design of the roof would be the same as the dwelling currently being constructed. With the proposed overall size of the pool house and the roof proposed to be hipped, it is considered this prevents it from being a bulky addition to the site. Due to the siting, size and design of the pool house, Officers, consider it to be an appropriate addition to the site. In addition, the re-siting of the swimming pool will have a neutral visual impact.

8.6 The Harbour Conservancy were consulted on the application. It has no objection to the application and has said that the proposed pool house would be an appropriate size for an outbuilding and would not be out of keeping with the location. The Conservancy has requested that if the application is permitted, conditions controlling the plans and materials are attached and that there be no external lighting installed without a further grant of planning permission in order to protect the AONB.

8.7 The Parish Council (PC) has objected to the application, stating that the doors of the pool house would only be 1.5m high, which along with the overall height being 3m, is considered to be too high for such a building. The main pool house doors measure approximately 1.9m and the building is approximately 4.3m high. The door to the pool equipment room measures approximately 1.7m high and this part of the building is approximately 2m high, the same height as the adjoining boundary wall.

8.8 In response to the comments from the PC, it is noted that the detached garage and annex building currently being constructed to the front of the site, permitted under application 21/01676/FUL, is approximately 6m in height (approximately 1.7m higher than the proposed pool house) and is more prominently located to the front of the site, so has a greater impact than the outbuilding now proposed. It should also be noted that guidance for Areas 3 and 4 of the West Itchenor Village Design Statement produced in 2012 states:

3/4.2 Materials and design should be sympathetic to the existing house and neighbouring properties

8.9 The proposed outbuilding would utilise materials already seen within the replacement dwelling permitted under 21/01676/FUL, including matching stonework and tiles. Therefore, it would be sympathetic to its surroundings, integrating into the site.

8.10 In addition, consideration should also be given to the size and design of an outbuilding that could be constructed at the site under permitted development. Planning permission is required for the pool house as it would have a dual-pitched roof and is 4m in height. Under permitted development rights, if the outbuilding was to be sited to the rear of the site and more than 2m from the boundary, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), would allow an outbuilding of a larger footprint, 4m in height and with a gabled roof to be constructed.

8.11 When taking all material considerations into account, it is considered that due to the proposed size, siting and design of the pool house, it would be an appropriate addition to the site and would not be out of keeping with the character and appearance of the area and would conserve the natural beauty of the AONB. In the view of Officers, subject to conditions, the proposed works accord with local and national development plan policies.

iii. Impact upon amenity of neighbouring properties

8.12 The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places), and Policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

8.13 Concern was raised during the consultation of the application by a third party that the proposed works would impact on the amenities of the neighbouring properties because of noise. Due to the siting of the proposed works and the neighbouring properties, it is considered that the proposed works would not have a harmful impact on the neighbouring properties in regards to noise. It is considered that if the application is permitted, a condition should be added restricting the use of the pool house to incidental use only in order to protect the amenities of the area.

8.14 Due to the siting, size and design of the of the proposed works, subject to conditions, they would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light.

iv. Biodiversity

8.15 Ecological enhancements were conditioned for the site as part of the application to replace the dwelling, 21/01676/FUL, which is still being constructed. It is therefore considered unnecessary for all of those enhancements to be conditioned again in this application, as they are still in force. As a new outbuilding is proposed to be constructed that would be used as a pool house, it is considered that a condition be included in this application that no external lighting be installed without a grant of planning permission in order to protect the biodiversity in the area as well as the AONB.

v. Other Matters

8.16 Concern was raised during the consultation of the application by a third party that the rural gap of the footpath has been made sterile and a high wall has been built. The wall does not form part of this application.

8.17 Concern has also been raised that the ditch by the footpath is blocked at the culvert by the road, which could lead to flooding and could also undermine the bank. This is a separate matter that needs to be addressed independently of this planning application.

Conclusion

8.18 Due to the siting, size and design of the proposed works they would be acceptable in terms of their size, design and impact upon the surrounding area. Based on the above assessment, it is considered that the proposal complies with the National Planning Policy Framework and the Chichester Local Plan Key Policies and there are no material considerations that indicate otherwise.

Human rights

8.19 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informative:-

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

- 3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

- 4) Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the pool house hereby permitted shall be restricted to use incidental to the dwelling known as Martlet Cottage and for no other purposes.

Reason: The site is in an area where a new dwelling would not normally be permitted except in the demonstrable needs of the case and in order to protect the amenities of the area.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting attached to the building other than in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The lighting scheme shall include details of the proposed location, luminance and design of the lighting including measures to minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reason: In the interests of protecting bats and the Chichester Harbour Area of Outstanding Natural Beauty.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Existing Location Plan	10284-DPA-01		19.10.2022	Approved
PLAN - Proposed Site Plan	10284-DFA-03		19.10.2022	Approved
PLAN - Proposed Floor Plan and Elevations	10284-DFA-04		19.10.2022	Approved
PLAN - Proposed Pool Section	10284-DFA-05		19.10.2022	Approved
PLAN - Proposed Site Plan	10284-DFA-10		15.02.2023	Approved

INFORMATIVE

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RL86B5ERFQH00>