

Recommendation Report for Planning Permission

REF NO: K/11/22/PL

LOCATION: Salamanda
37 Coastal Road
Kingston
BN16 1SJ

PROPOSAL: Demolition and erection of 1 No detached dwelling. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the replacement of a two-storey pitched roof house with a 2 storey, 6 bed dwelling. The ground floor would be considerably larger than the first floor and would incorporate an integral garage. A contemporary design with flat roof is proposed. The house is to be finished in render and stone cladding to the ground floor and vertical timber cladding at first floor level with aluminium powder coated windows, finished externally in a dark grey. The front elevation would have French doors and windows of a different width, the entrance door with side screen. The south elevation is open to the sea with large French windows and doors and balcony with frameless balustrade.
SITE AREA	1250.00sqm
RESIDENTIAL DEVELOPMENT DENSITY	8 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, sloping down towards the public path resulting in a difference between the level of the site and properties to the east approximately 1m and sloping down slightly towards Coastal Road.
TREES	None affected by the development.
BOUNDARY TREATMENT	Brick wall with overgrown hedgerow and other planting around the perimeter on the east and west boundary, dwarf brick wall with hedging and the access passage to the front, fencing adjacent to the neighbouring garden at No 39 and brick wall with hedgerow to the rear.
SITE CHARACTERISTICS	The site is on the south side of Coastal Road and is occupied by a detached 4-bedroom, 2-storey pitched roof dwelling with attached double garage. The dwelling sits approximately 9.3m back from its boundary with Coastal Road, with a dropped curb entrance to the driveway. Parts of the ground floor are single storey; there is a sheltered entrance and porch to the front. Behind the garage are flat roofed single storey

outbuildings, and on the south facing side, there is a first-floor terrace above a conservatory style extension looking out to sea. The house is characterised by its red/brown bricks and roof tiles and white UPVC windows.

CHARACTER OF LOCALITY

Coastal Road is a residential street, running east to west and parallel to the coast with the Greensward public space along the southern boundary of Coastal Road properties, adjoining onto Kingston beach. A great number of neighbouring dwellings consist of three storey, large detached properties, many of which are replacement dwellings of modern design, or extended dwellings.

RELEVANT SITE HISTORY

K/56/60

House & Double Garage

Approve
06-01-61

REPRESENTATIONS

Kingston Parish Council objected the original proposal as submitted. The drawings have been amended (proposed roof terrace removed) and re-consulted. Kingston Parish Council provided further comments expressing no objection subject to the following concerns:

- There is an important drainage outfall pipe that runs adjacent to the east boundary and the Arun drainage engineer should be consulted to ensure the outfall pipe is not compromised.
- County Public Rights of Way legal section should be consulted to clarify the protected route of BOAT 3623.

2 letters of objection:

- A privacy screen should be included to both end of the long balcony to avoid overlooking.
- Allowing access to the roof space would impact on privacy.
- The roof terrace should be removed from the application.
- The massing is far larger given the flat roof at the same ridge line providing a much larger volume. A roof terrace would further increase the massing of the property from the street.
- Number 37 is installing a bar as part of their property. Drinking and anti-social behaviour could occur at this rooftop terrace.
- The siting of the swimming pool/plant room on the west side of the plot would result in a noise pollution.
- There is an issue with the 16 PV panels shown on the roof; the parapets are not deep enough to screen them, and they are not shown on the submitted elevations.
- The solar panels, and AC plant should be integrated and screened.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The drawings have been amended and the roof terrace removed.
- ADC Drainage Engineers raised no objection.
- WSCC have been consulted and if there was a necessity to consult County Public Rights of Way legal section, they would ask for it in their comments to this application.
- A condition will be imposed which requires submission of the scheme to include technical specifications and a plan illustrating the location for the heat pump, air condition unit and any sound mitigation

measures required.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS: Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ADC ENVIRONMENTAL HEALTH: No objection subject to conditions on construction hours/construction management.

WSCC HIGHWAYS (LHA): Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore, is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up Area Boundary;

Flood Zone 1;

Prone to Ground Water Flooding;

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Kingston Neighbourhood Plan 2014 Policy KPNP1](#)

The Presumption in Favour of Sustainable Development

Kingston Neighbourhood Plan 2014 Policy KPNP2	BUILT-UP AREA BOUNDARY
Kingston Neighbourhood Plan 2014 Policy KPNP4	NATURAL ENVIRONMENT
Kingston Neighbourhood Plan 2014 Policy KPNP7	DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies the Kingston Neighbourhood Plan (made 2015) are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 proposal complies with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual/residential amenity, space standards, highways/traffic, and flooding.

PRINCIPLE

The proposal seeks permission for a replacement dwelling in the Built-Up Area Boundary (BUAB). This accords with Arun Local Plan (ALP) policy SD SP2 which seeks to focus new development in the BUABs. It accords with Kingston Neighbourhood Plan (KNP) policy KPNP 2 which states development will be permitted in the BUAB, subject to other policies in the Neighbourhood Plan. The development is acceptable in principle subject to accordance with relevant development plan policies. The key policies considered are SD SP2, D SP1, D DM1, D DM2, QE SP1 and W DM3 of the Arun Local Plan.

Policy SD SP1 of the Arun Local Plan advocates that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM3 requires all development proposals to incorporate SUDS.

Due to the position of the site the dwelling would not conflict with the policies above which allow for development or redevelopment in the built-up area. The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF. The policies most relevant to this application are not out of date.

VISUAL IMPACT

ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the surrounding environment.

Policy KPNP 7 of the KNP provides design criteria for new development, including in respect of siting, design, and ensuring it is in scale with adjacent buildings.

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part P.O1 deals with infill development requiring development to respond positively to the character, balance the benefits of more efficient and intense use of development land whilst preserving the character and local amenities of the site's context and existing street frontage.

Paragraph 130 expects developments to be visually attractive as a result of good architecture and sympathetic to local character and history.

The width of plots along the south side of Coastal Road varies, some plots are spacious the other are more regular and accordingly the spaces between buildings are not the same reflecting the character and style of each property. The site is large enough to accommodate the proposed dwelling.

The dwelling is to have a larger ground floor than first floor, reflecting existing massing on the site and

reducing the impact of the scale on the dwelling at No 39. The interior allows for the main ground floor living spaces to have level access to the ground floor terrace, including a downstairs bedroom with en-suite. The first floor comprises of bedrooms and bathrooms, mainly en-suite and a home office. The south facing bedrooms have access to a covered balcony. The roof space would accommodate 16 solar panels, AC unit and Air Source Heat Pump. Three skylights would be inserted to the roof above the second floor and two to the roof above the garage. A new swimming pool is proposed, running across the back of the house, with a small pool plant housing on the western boundary.

The house would be set behind the line of its immediate neighbours at 39 and 35, reducing the prominence of the house when viewed from Coastal Road. There would be a separation distance of 1.2m from the western shared boundary and 0.9m from the eastern boundary along the path. The replacement dwelling would extend the gross internal area from 309 sqm to 461 sqm with a maximum height of 8.0m. Whilst the footprint of the dwelling would be slightly wider than the existing house, its visual impact would not be greater due to its architectural style and appearance and it would not adversely impact surrounding area.

The development would respect and complement the character of local development and would be in harmony with a balanced street-scene. It would comply with those aspects of Policies D SP1 and D DM1 of the Arun Local Plan, Policy KPNP 7 of the Kingston Neighbourhood Development Plan, relevant paragraphs of NPPF and the Arun Design Guide (SPD).

RESIDENTIAL AMENITIES

Arun Local Plan policy D DM1 indicates permission will only be granted for schemes displaying high quality design and layout and it takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The Council requires in policy QE SP1 all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

Policy KPNP 7 of the KNP states that development will be supported if it has a minimal impact on users and occupiers of nearby property and land.

The use would have similar characteristics to other residential properties in the locality. The applicant proposes the provision of an air source heat pump and AC units on roofs which would produce some noise. A condition which requires submission of technical specifications and a plan illustrating the location for the heat pump and AC units and any sound mitigation measures required will be imposed to this decision.

A small pool plant room on the western shared boundary with No 39 would be unlikely a source of noise, however, some equipment in a pool plant room can generate noise which can be suppressed or blocked out by adding a layer of sound insulation around the inside of the plant room to eliminate a potential background noise.

The proposal would result in a substantial dwelling in between two rather large properties with sufficient spaces between, especially to the east with a footpath running along the proposal site. Whilst there are proposed narrow windows of bedrooms 1 and 2 on the flank walls at first floor level they would not result in any further loss of privacy since there are existing habitable windows at the first floor level of both flank walls of the house.

Habitable windows at first floor level of No 39 would not be adversely affected by the proposed dwelling due to an existing reasonable separation distance of 9m between these properties at the first floor level

which would be maintained. There is a separation distance of 12.5m between the proposed dwelling and No 35/33 to the east with no flank windows at the first floor level facing to the west and given the proposed dwelling would have a depth similar to the depth of neighbouring properties, the proposed development would not result in an adverse impact on living conditions of occupiers of both neighbouring dwellings.

The development would accord with policies D DM1, QE SP1 of the Arun Local Plan and policy KPNP 7 of the KNP and relevant paragraphs of the NPPF.

INTERNAL and EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards.

The application proposes a 2 storey, 6 bed, 8 person dwelling. The minimum Gross Internal Area (GIA) for which, according to the standards, would be 132sqm whilst floor plans indicate a GIA of over 461sqm which would considerably exceed the national internal space standards and comply with policy D DM2 of the ALP.

The proposed dwelling would benefit from 21m deep garden of a regular shape as such it would comply with the ADC Design Guide SPD.

SITE ACCESS, PARKING AND HIGHWAYS IMPACT

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards.

Policy KPNP 7 of the KNP requires new development to provide sufficient off-road car parking for its intended use.

The access onto the application site is located on a Private Estate Road. The dwelling will have provision for a covered parking space, with access to Electric Vehicle charging and secure cycle storage in the garage. A further 3 parking spaces are provided on the new permeable surface driveway.

Subject to conditions, the proposals would provide a safe and suitable access, and adequate parking and EVCP provision, and would not give rise to unacceptable highways safety or operation impacts. The proposals would therefore accord with the NPPF, ALP policies T SP1 and T DM1, KPNP policies 7 and 9 of the KNP and the ADC Parking SPD (2020).

DRAINAGE:

ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems.

Policy KPNP 5 of the KNP relates to flood risk and drainage, and policy KPNP 7 states development will not be permitted where 2 (i) Any change in nature of front gardens includes predominately impermeable surfaces.

The proposal is for a replacement of a 2 storey dwelling which would not result in unacceptable flood risk on site or elsewhere and would be in accordance with policy W DM3 of the ALP and policies KPNP 5 and

7 of the KNP.

BIODIVERSITY

ALP policy ENV DM5 asks development schemes to achieve a net gain in biodiversity and protect existing habitats on site.

KPNP policy 7 requires new development to protect and enhance onsite habitats and associated networks thus protecting biodiversity and policy KPNP 4 expects proposals to contribute positively to the quality of the natural environment of Kingston Parish.

The application is for a replacement dwelling. The site is generally laid to lawn with concrete hard standings to the north, west and immediately to the south of the dwelling. Due to the nature of proposal a Preliminary Ecological Appraisal Report was not required.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions.

SUMMARY

This proposal represents an appropriate redevelopment without compromising the visual amenity of the area amenities of neighbouring residential occupiers. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 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 approved shall be carried out in accordance with the following approved plans and documents:

P232-100 Location Plan
 P232-113 Proposed Parking Plan
 P232-101 Block Plan
 P232-105 Proposed Site Plan
 P232-106 Proposed Ground Floor Plan
 P232-111 Rev A, Proposed Sections
 P232-109 Rev A, Proposed Elevations - Sheet 1
 P232-110 Rev A, Proposed Elevations - Sheet 2
 P232-107 Rev A, Proposed First Floor Plan (5 Bed)
 P232-112 Rev A, Existing & Proposed Street Scenes
 Application form specifying materials.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 5 Prior to the occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate

against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 6 Prior to the occupation of the dwelling hereby permitted a privacy screen (obscure glazed and to minimum height of 1.7m) on either side of the rear balcony, as shown on the approved drawing P232-110 Rev A, shall be in place and shall be permanently retained thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 7 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 8 Prior to the occupation of the dwelling hereby permitted a scheme shall be submitted for approval by the Local Planning Authority to demonstrate that the proposed Air Source Heat Pump, AC Unit and pool plant room be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure-borne sound. The scheme shall include elevations of the property which show proposed measures within context of the hereby permitted dwelling. The approved noise mitigation scheme shall be installed and maintained and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 9 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 10 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.