

Recommendation Report for Planning Permission

REF NO: K/20/13/

LOCATION: Part Garden to West of
9 Coastal Road
East Preston

PROPOSAL: Application for outline planning permission with some matters reserved for the erection of 1 No detached dwelling house and garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application is for a renewal of outline permission. Details of the appearance, layout, scale and landscaping of the proposed development are reserved matters.
SITE AREA	Approximately 0.0725 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 14 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall following front and rear site boundaries. The western (side) boundary is marked by an approximately 2 metre high concrete wall and coniferous hedging of similar height. The eastern boundary is not defined as present as it is within the current garden of 9 Coastal Road.
SITE CHARACTERISTICS	The site is occupied by a single-storey flat roof extension that has been made to 9 Coastal Road. The extension houses a double garage as well as additional habitable rooms and is externally finished in painted render.
CHARACTER OF LOCALITY	The site is located on a residential road which is bordered by a broadly linear arrangement of what are predominantly detached residential dwellings that are set back from the road. A number have low walls or hedging to the front. Dwellings generally occupy close to the full width of their respective plots. Properties on the southern side of the road back onto a swathe of grass which is designated as an area of Open Space and is traversed by a public footpath. This grass area in turn faces onto the beach.

RELEVANT SITE HISTORY

K/20/13/

K/11/89	Outline application for single dwelling house and garage	ApproveConditionally 24-04-1989
K/9/92	Renewal of unimplemented outline planning permission K/11/89 for a single dwelling house and garage	ApproveConditionally 21-04-1992
K/3/95	Renewal of unimplemented outline planning permission K/9/92 for single dwelling house and garage	ApproveConditionally 03-03-1995
K/5/98	Renewal of unimplemented outline planning permission K/3/95 for single dwelling house and garage	ApproveConditionally 23-02-1998
K/37/00/	Renewal of unimplemented outline planning permission K/5/98 for single dwelling house and garage.	ApproveConditionally 09-02-2001
K/2/04/	Renewal of unimplemented outline planning permission K/37/00 for single detached dwelling & garage	ApproveConditionally 02-03-2004
K/7/07/	Renewal of unimplemented outline planning permission K/2/04 for single detached dwelling house & garage	ApproveConditionally 24-05-2007
K/11/10/	Renewal of unimplemented outline planning permission ref: K/7/07/ for a single detached dwelling house & garage	ApproveConditionally 30-06-2010

REPRESENTATIONS

Representations received:

Kingston Parish Council

No objection to the principle of a new single dwelling on the plot of land defined within the application. There are some matters in the application which Council is unsure whether it is appropriate to comment on at this outline application stage and asks that the case officer considers them (and whether they are relevant) when making a decision on the outline application. The matters of concern are: 1. The ridge height of the roof as shown is too high to 'fit' with neighbouring properties 2. The design as shown does not 'fit' with the character of the neighbouring properties 3. There is a window shown on the west side of the dwelling which would overlook the neighbouring property and be intrusive to privacy.

Comments on Representations received:

Noted. The dwelling shown on the plans accompanying this application are for illustrative purposes only. The details of the final design and scale of the proposed dwelling are reserved matters that will need to be confirmed in a subsequent application.

CONSULTATIONS

Engineering Services Manager
WSCC Strategic Planning

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[GEN9](#)

Built-up Area Boundary

The Form of New Development

Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 is considered to comply 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 an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Outline application for the proposed development was initially granted in 1989 under application K/11/89. The permission has subsequently been renewed on a number of occasions. The most recent approval was granted under K/11/10, this permission has now lapsed.

Since the application was last approved, the National Planning Policy Framework (NPPF) has been introduced, superseding the National Planning Policy Guidance and Statements that were previously in place. Arun District Local Plan Policies continue to carry weight, the extent of which is derived by their consistency with the directives contained within the NPPF. It is considered that the Local Plan Policies previously which formed the basis of the decision made on the previously approved application are consistent with the aims and the objectives of the NPPF, namely presuming in favour of sustainable development (para. 14) and is designed in such a way that it will be sympathetic towards, and integrate within, its surroundings (Part 7).

It is considered that, by virtue of its location within the established built-up area, that the proposed dwelling is an example of development within a sustainable location. Whilst details of the design and scale of the dwelling are reserved matters, it is considered that the plot on which the dwelling will be located is of comparable size to neighbouring plots, enjoys and could accommodate a dwelling of the scale and width that is in keeping with neighbouring dwellings and that the site also enjoys a full street frontage which will enable the proposed dwelling effectively integrate with the overall street scene.

It is noted that permission for residential development of the site has been consistently been renewed over a period of approximately 14 years. However, it is not considered that the continued renewing of this permission is causing harm or uncertainty over future patterns of development.

It is therefore recommended that the application is approved, subject to the following 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 for 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 it has been determined that it would result in a neutral impact 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).

As such, no specific mitigation measures are required.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management / maintenance).

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building

Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to an affordable housing contribution.
- 6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.