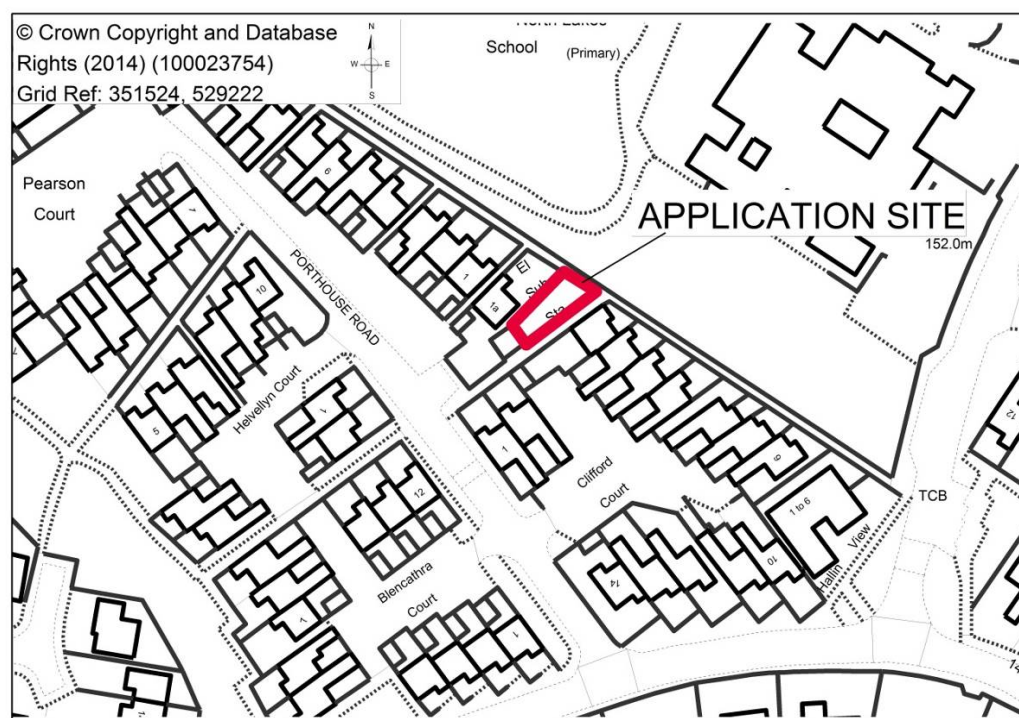


Eden District Council
Special Planning Committee
18 February 2016

Proposed erection of a dwelling with all matters reserved
Site adjacent to 1A Porthouse Road, Penrith

Reporting Officer: Head of Planning Services

Planning Application No:	15/0636	Date Received:	15 July 2015
OS Grid Ref:	351524 529222	Expiry Date:	21 December 2015
Parish:	Penrith	Ward:	Penrith South
Application Type:	Outline		
Proposal:	Proposed erection of a dwelling with all matters reserved		
Location:	Site adj 1A Porthouse Road, Penrith, CA11 9BJ		
Applicant:	Mrs Sharkey		
Agent:	Mrs Anthea Jones		
Case Officer:	Mr Daniel Addis		
Reason for Referral:	To allow Members to consider the application further and to provide conditions should Members wish to approve the application contrary to Officer advice		



1. Recommendation

Either

a) It is recommended that planning permission be refused for the following reason:

1. The application proposes a new house in the rear and side garden of an existing house which would fail to show a clear understanding of the form and character of the area, which fails to reflect the existing street scene and which fails to protect the amenity of existing and future occupiers of the host property and which fails to demonstrate an acceptable level of amenity of future occupiers of the new house given the constrained nature and limited size of the site all contrary to Core Strategy policy CS18 and this is not outweighed by material considerations including the NPPF and NPPG.

Or

Should Members remain minded to approve the application, that the application be approved subject to the following conditions and reasons:

Time limit for commencement

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

Reason - In order to comply with the provisions of the Town and Country Planning Act 1990.

2. Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - In order to comply with the provisions of the Town and Country Planning Act 1990.

3. Approval of the details of the scale, layout, and external appearance of the building (s), means of access thereto and the landscaping of the site (called "the reserved matters") shall be obtained from Local Planning Authority in writing before any development is commenced.

Reason - The application is in outline form only and is not accompanied by full detailed plans.

Approved Plans

4. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i. Location plan received 15 July 2015
 - ii. Site plan received 15 July 2015

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Note to developer:	The application is supported by a Unilateral Planning Obligation which requires the provision of a financial contribution to the Council's Affordable Housing Fund.
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2. Proposal and Site Description

- 2.1 At the Planning Committee meeting on 21 January 2016 planning application 15/0636 was recommended to be refused for the reasons set out above and based on the assessment of the application as set out in the original committee report included as Appendix A to this report.
- 2.2 The application, in outline with all matters reserved, proposes a dwelling. The proposal is set back and away from the street scene and parking is provided on the public highway to the west of the site.
- 2.3 Justification for the location and provision of the dwelling is put forward partly on the basis of family circumstances though Members are advised that no weight can be given to these in this case.
- 2.4 There have been no changes to the application since it was originally considered by Members at the Committee on 21 January.
- 2.5 Officers remain of the opinion that the application fails to comply with the development plan and confirm that the personal circumstances of an applicant are not a material planning consideration. It is considered that there are no material planning considerations which would outweigh this and therefore the reason of refusal provided is appropriate in this case.

3. Reasons for Refusal

- 3.1 The application is recommended for refusal on the basis that the site is to the side and rear of an existing house and that house in this location would fail to show a clear understanding of the form and character of the area. Furthermore the applicant has failed to demonstrate how a house could sit on the site without compromising the amenity of the adjoining 'host' property 1A Porthouse Road and also provide an acceptable level of amenity and privacy for the proposed house. These concerns are considered to be contrary to Core Strategy policy CS18 and this is not outweighed by material considerations including the NPPF and NPPG.
- 3.4 The recommendation remains that the current application is contrary to the provisions of the development plan and also the NPPF and that the application should be refused for the reason set out above.

4. The Development Plan and Material Considerations

- 4.1 Members are reminded that they are entitled to depart from the professional advice of officers but only where there is good reason to do so based on clear and legitimate material considerations. The Committee is required to provide clear justification on planning grounds for their decision.
- 4.2 Members are reminded that the personal circumstances of the applicants are not relevant to the consideration of this application.

5. Implications

5.1 Legal Implications

- 5.1.1 The following matters have been considered but no issues are judged to arise.

5.2 Equality and Diversity

- 5.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

5.3 Environment

- 5.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

5.4 Crime and Disorder

- 5.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

5.5 Children

- 5.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

5.6 Human Rights

- 5.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

6. Conclusion

- 6.1 It is recommended that the application should be refused for the reasons provided at the start of the report.
- 6.2 Should Members wish to approve the application the conditions set out at the start of the report are considered appropriate.

Gwyn Clark
Head of Planning Services

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File