

Recommendation Report for Planning Permission

**REF NO:** M/42/19/PL

**LOCATION:** 117 Elmer Road  
Elmer  
PO22 6LH

**PROPOSAL:** Demolition of existing dwelling & erection of pair of semi-detached chalet dwellings with on-site parking facilities & new vehicular access.

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| <b>SITE AND SURROUNDINGS</b> |
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|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION      | The proposal is to demolish a detached single storey bungalow and replace it with a pair of 2 storey semi detached chalet bungalows with rooms in the roof.                                           |
| SITE AREA                       | 0.05 hectares.                                                                                                                                                                                        |
| RESIDENTIAL DEVELOPMENT DENSITY | 40 dwellings per hectare.                                                                                                                                                                             |
| TOPOGRAPHY                      | Predominantly flat.                                                                                                                                                                                   |
| TREES                           | There are no trees on the site affected by the proposed development.                                                                                                                                  |
| BOUNDARY TREATMENT              | 1.8 metre fencing and trellising to the west side of the property and rear garden. 1 metre hedging and low wall to the front garden.                                                                  |
| SITE CHARACTERISTICS            | The site is a standard designed bungalow with a windowed loftspace in the roof. Parking and access is directly from Elmer Road onto the front garden. The property has a 16 metre garden to the rear. |
| CHARACTER OF LOCALITY           | The locality is a predominantly residential area in Elmer.                                                                                                                                            |

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Middleton Parish Council

- Objection on the grounds of a loss of residential amenity and possible impact on endangered species including great crested newts.

8 letters of objection from neighbouring properties have been received on the following grounds:

- Loss of privacy/ overlooking.
- Loss of light.
- Height and footprint would cause overbearing impact.
- Harmful impact on the street scene.
- Unsympathetic architectural style.

- Harm to slow worms, hedgehogs and greater crested newts in area.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The application has been amended and further comments are awaited from the Parish Council which will be reported as a committee update.

Material planning issues raised are addressed in the Conclusions section of the report.

#### CONSULTATIONS

Environmental Health  
Engineering Services Manager  
Engineers (Drainage)  
Southern Water Planning  
WSCC Strategic Planning  
Ecology Advisor

#### CONSULTATION RESPONSES RECEIVED:

Ecology - No objection subject to conditions relating to protection of bats & nesting birds.

ADC Surface Water Drainage - No objection subject to a condition and an informative.

ADC - Environmental Health - No objection subject to a condition relating to asbestos and its removal.

WSCC County Highways - No objection subject to a condition relating to provision for electric vehicle charging points.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site:  
Within built up area boundary.

#### 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                                 |
| ECCSP1 | ECC SP1 Adapting to Climate Change           |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |
| ENVDM5 | ENV DM5 Development and biodiversity         |
| ENVSP1 | ENV SP1 Natural Environment                  |
| SDSP2  | SD SP2 Built-up Area Boundary                |

|       |                                   |
|-------|-----------------------------------|
| WDM2  | W DM2 Flood Risk                  |
| QESP1 | QE SP1 Quality of the Environment |

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Middleton does not have a neighbourhood plan.

**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 not be out of character in the street scene and would not have an acceptable impact on the residential amenities of neighbouring properties.

**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**

CHARACTER AND DESIGN.

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including character, appearance/attractiveness, density, and scale.

Furthermore, policy D SP1 "Design" states that development proposals should make efficient use of land but reflect the characteristics of the site and local area.

The two proposed semi detached bungalows would have a cottage style modern design incorporating 3

bedrooms in the first floor of the building within the sloped roof. They are designed to be similar to the neighbouring properties at no.115 and 115a. The plot widths are similar between the 115 and 115a at 15.7 metres and no. 117 at 14.7 metres.

The character of the area is of mixed individually designed properties including bungalows and two storey dwellings such that the proposed dwellings would fit in and not jar in the street scene. Two storey developments exist at 101 and 131 Elmer Road with further 3 storey developments at Chandlers Reach 45 metres to the east of the application site.

There are a number of examples of dormers featuring in dwellings most notably at 115 and 115a but also at 128,133 and 100 Elmer Road.

Having regard to the size, scale, massing and overall design of the proposed dwellings, it is considered that the proposed dwelling would not have a detrimental impact on the street scene and wider area. The proposal is therefore considered to comply with policies D SP1 and D DM1 of the Arun Local Plan.

#### **RESIDENTIAL AMENITY**

Arun Local Plan policy D DM1 requires that the Council have regard to certain criteria when considering the impact of new developments on neighbouring properties which includes avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The existing dwelling has a first floor window serving a loft in the roof facing 119 & 115b Elmer Road to it's rear. The proposed new dwellings would be 28 metres away from the rear elevations of the affected properties (119 & 115b). This is considered to be a sufficient separating distance to prevent unacceptable overlooking from the rear dormers and unacceptable loss of light or overbearing impact from the dwellings as a whole.

The impact of the proposed dwellings on no. 127 Elmer Road, the neighbour to the east of the site which is located beyond a 3.5 metre wide access road, is not unacceptable. The Council uses the 45 degree rule to assess the impact of neighbouring built form on the habitable room windows of existing dwellings. When a 45 degree line is drawn from the rear elevation habitable room windows at no. 127 the new development at 117 Elmer Road would not intersect that line and therefore the impact of the proposed development would not cause a significant loss of light or have an overbearing impact.

The impact of the proposed development on the front elevation of 115a is considered acceptable because it would comply with the 45 degree rule and development would not intersect a line drawn from the closest primary habitable room windows at ground and first floor level.

A condition would be applied ensuring all windows on the side elevations at first floor level would be obscure glazed and non opening below 1.7 metres in height.

In summary it is not considered that the proposed development would cause a significant loss of residential amenity to neighbouring properties and it is considered to comply with policy D DM1 of the Arun Local Plan (ALP).

#### **SPACE STANDARDS**

In terms of the internal space requirements Policy D DM2 of the ALP requires that room sizes accord with the Nationally Described Space Standards.

For a 3 bedroomed, property occupied by 4 people as proposed the National space standards state a required minimum gross internal floor area of 84 sq.m. including a minimum of 2.0 metres allocated as built in storage. From an assessment of the submitted floor plans the dwelling would have a gross

internal floor area of 96 sq.m.

As such, the proposed dwelling would comply with these internal space standards in accordance with Policy D DM2 of the Arun Local Plan.

In respect of outside amenity space the proposal includes a rear garden length of 12 metres across the width of the plot which is acceptable and in line with other dwellings in the vicinity of the application site.

#### **BIODIVERSITY/ECOLOGY**

The applicant's commissioned an ecological survey which found no evidence of any protected species on site including bats, hedgehogs and reptiles.

The Council's Ecologist inspected this survey and found no objection to the scheme subject to conditions relating to the protection of birds and bats. While no protected species were found, the encouragement of provision for bat habitats is requested.

The risk of impact from the proposed development is considered acceptable and the proposal therefore accords with policies ENV SP1 and ENV DM5 of the Arun Local Plan.

#### **PARKING AND HIGHWAY SAFETY**

Arun Local Plan Policy T SP1 seeks to ensure that development provides safe access on to the highway network & promotes sustainable transport, including the use of low emission fuels. It seeks that parking provision accords with West Sussex County Council guidance.

In respect of highway safety, it states that transport and development proposals relating to new development need to demonstrate how it will provide efficient and safe access onto and off the site.

Regard should also be had to paragraph 109 of the National Planning Policy Framework (NPPF) which states that development should only be prevented where the residual cumulative impacts on the road network would be severe.

West Sussex County Council Highways Department have assessed the scheme and consider:

- It has a suitable access and parking arrangement.
- It would not have 'severe' impact on the operation of the Highway network.
- Complies with the WSCC car parking demand calculator.

They have requested that conditions be applied with respect to the provision of electric vehicle charging points prior to the occupation of the development. The agents have provided details of the cycle parking in sheds to the rear of the properties.

It is considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

#### **SUMMARY**

This proposal is an efficient use of the site without harming the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following conditions.

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| <b>HUMAN RIGHTS ACT</b> |
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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.

#### **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:  
  
Proposed Ground Floor Plan and Block Plan - Sheet 1A of 4  
Proposed First Floor Plan, Elevations, Roof Plan - Sheet 2 of 4  
Proposed Front Elevation, Parking and Vehicular Access Plan - Sheet 3A of 4  
Proposed Bicycle Store , Floor Plan & Elevations - Sheet 4 of 4  
Parking and Vehicular Access Plan  
  
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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.  
  
Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Prior to the occupation of the dwellings, 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 and diesel cars/vans will not be sold beyond 2040, 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 5 No development shall commence until a scheme for the incorporation of a bat brick on the southern elevation positioned 3-5 metres above the ground and a bird box on the building or on a tree in the garden of the property has been submitted to and approved by the Local Planning Authority. The bat brick and bird box shall be permanently retained in accordance with the approved details.

Reason: To ensure compliance with policies ENV DM5 and ENV SP1 of the Arun Local Plan.

- 6 The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with the approved Parking & Vehicular Access plan.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.

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

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved Block Plan (Proposed Ground Floor Plan and Block Plan - Sheet 1A of 4) and the Proposed Bicycle Store , Floor Plan & Elevations - Sheet 4 of 4.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T DM1.

- 9 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water

drainage system prior to commencing any building works.

- 10 The windows on the first floor of the east and west elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7 metres in height from internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 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.

- 12 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 13 INFORMATIVE: Vehicle Crossover - Minor Highway Works  
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>  
Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

- 14 INFORMATIVE: The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development is being demolished, the Council need to be satisfied that any ACM previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

Within any owner-occupied domestic properties, the owner(s) are not legally responsible for risks to contractors from asbestos, as the owners themselves are not engaged in any work activity.

NB: If you are planning any DIY home improvements, repairs or maintenance - and intend to bring in any additional builders, maintenance workers or contractors to site - you must inform them of any ACM's in your home before they start work. This will help reduce the risks of any ACMs being disturbed.

The domestic enforcement authority; the Health and Safety Executive (HSE) strongly encourages the use of trained professionals to repair or remove ACMs. If an owner / occupier choose to carry out DIY repairs or remove damaged asbestos materials themselves, they must make sure the right Personal Protective Equipment (PPE) is used and always follow safe working methods. In addition, please be aware that ACMs need to be legally disposed of as 'hazardous waste'. The removed materials should not be mixed with normal household waste. Arrangements must be made to have any ACM's collected by a competent person(s) or there may be special facilities in an area where you can safely dispose of it.

- 15      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.