Expiry Date - 03/06/2011

Development Control – Officer Report

Application Number: ADC/0078/11 Recommendation – APPROVE

Site: **Regal House 45 - 49 Penhill Road Lancing West Sussex**

Proposal: **Redevelopment of former bathroom centre and garage and parking area opposite in Ingleside Road with 3 storey block of flats (3 x 1 bed, 3 x 2 bed, 1 x 3 bed) and 6 x 3 bed houses (comprising terrace of 5 houses on east side of Ingleside Road and single dwelling on west side) with associated parking**

The Application

The main application site is located on the eastern side of the junction of Ingleside Road with Penhill Road. It comprises a former cinema building converted to a car dismantling/repair garage (533sqm) in Ingleside Road and a bathroom showroom (319sqm) in Penhill Road. The application also includes a smaller site on the west side of Ingleside Road comprising an open area used for storing/parking 21 cars associated with the garage.

The main site is L-shaped and is adjoined to the east and south-east by terraced houses (No's 51-57 Penhill Road) and, behind these, by a new terrace of one-bedroom dwellings (Penhill Mews) which back onto the eastern boundary. To the north, there is a bungalow (No.2 Ingleside Road) with a small warehouse/office to its rear (No.32 Ingleside Crescent).
The western site is adjoined to its rear (west) by the end of a terrace of 4 new houses (ADC/0365/09) and by another bathroom showroom (with flat above) to the south which has permission to be converted to a total of 4 flats (ADC/0481/10). To the north is a very small sewage pumping station with a garage beyond used as a store by a carpet-fitting firm.

It is proposed to demolish all the existing buildings and redevelop the site. On the corner of the road junction, would be a three-storey hip-roofed block of 7 flats with 5 parking spaces on the Penhill Road frontage (where the existing showroom parking forecourt is located) and 2 parking spaces in Ingleside Road (adjoined by the bin and cycle store). An amenity area is shown at the rear. The building is L-shaped with maximum dimensions of 16m by 16m on the frontages and a ridge height of 10.2m but with a taller pyramidal roof on the corner of 11m maximum. It is set back 6m from Penhill Road and 1m from Ingleside Road.

To the north of this, on the eastern side of Ingleside Road would be a terrace of 5 narrow-fronted houses with 5 individual parking spaces at the front and individual rear gardens 18m long. The terrace would be two storeys plus rooms in the pitched roof (with side gables and front and rear dormers). The terrace would be 18.7m long and 12.6m deep with a ridge height of 9.5m. Each plot/house would be 3.75m wide.

On the western side of Ingleside Road, there would be a two-storey detached house with a hipped roof with a rear and south side garden and a south side parking space.

It would measure 9m wide by 7m deep, with a ridge height of 8m. The plot measures 15m wide and 15m deep.

The application is supported by a Design & Access Statement, Contamination Assessment Report, Transport Statement and Road Safety Audit (Stage 1).

Consultations and Representations

Consultations/Comments

West Sussex County Council: No objection subject to conditions requiring provision of car and cycle parking spaces, kerb reinstatement, pedestrian visibility splays and details of and restriction to low-level landscaping on corner of the junction. Comments that the proposed development, as compared to the lawful garage and retail uses on this site, would generate no significant increase, possibly a reduction, in both traffic and parking demand, consequently no sustainable transport contribution is sought. The parking spaces accessed directly off Penhill Road utilise an existing similar arrangement; additional ones are proposed off Ingleside Road and given the low level and low speed of traffic on this road, it is acceptable. As identified in the submitted Safety Audit, the proposed landscaping on the corner needs to be restricted to ensure no significant obstructions to visibility over 1m in height. The WSCC parking demand calculator shows a demand for 20 car parking spaces, 7 more than proposed on-site. However, the parking survey contained in the Transport Statement shows that these can be accommodated on-street within a 200m radius. The removal of the garage with its on-street parking would be a benefit although the new accesses to the houses would reduce the available length for kerbside parking in Ingleside Road. No infrastructure contributions are required.

Adur District Council: The Environmental Health Officer has no objection subject to contaminated land investigation/remediation and to removal of the window in the north side elevation of the detached house to avoid potential noise disturbance from the adjacent pumping station. Does not consider the 15m separation distance sought by Southern Water to be justified for a small pumping station of this size and type – normally there are no odour or noise issues.

The Waste Strategy Manager has no objections to the layout shown but requests a condition requiring submission of details.

Environment Agency: To be reported.

Southern Water: No objections subject to a condition requiring further details of foul and surface water drainage. However, advises that no habitable rooms should be located closer than 15m to the boundary of the pumping station site owing to risk of vibration, noise and potential odour.

Lancing Parish Council: Agree with the proposal subject to conditions to prevent neighbours from being overlooked.

Third Parties: 5 letters have been received from residents of No's 34, 38, 42, 44 and 48 Penhill Road, on the opposite side of the road, raising the following objections and concerns:-

- traffic and parking problems in Penhill Road which are already overwhelming would be worsened.

- overcongestion with the number of flats and houses proposed; Penhill Road already has its fair share of new houses and flats.
- out of keeping, especially height, with immediate properties, overbearing on and dwarfing the surrounding terraced houses.
- it should be lowered to two storeys and the windows reduced to normal domestic size (not floor to ceiling).

The residents of No.42 also object on grounds that it would cause:-

- overlooking of the terraced houses directly opposite (south) side of Penhill Road, looking into front firstfloor bedroom windows and groundfloor lounges, with resultant loss of privacy – especially as it is 3 storeys with floor to ceiling windows.
- major intensification with massive increase in population density within the last 2 years, being the third new development within 100m, the scale of the development being only to maximise profit.

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1, SCT5, SP3, CC6, H1-2, H5, BE1-2
Adur District Local Plan (1996): AG1, AG3, AH2, AH5, AB27 and Appendix 11
Supplementary Planning Guidance comprising Development Control Standard No.2 "Space Around New Dwellings and Flats"
'Good Practice Guidance Note: Internal Space Standards for New Homes' (ADC 2010)
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003, amended 2010)
The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSCC 1999)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006, amended 2010)
PPG13 'Transport' (DTLR 2001, amended 2011)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The site is located within a mainly residential part of the built-up area of Lancing and is not identified for any particular use or development in the Local Plan. There is no policy specifically protecting the use of the site for business or shopping purposes although there are general policies encouraging mixed use development. In this instance, the re-occupation of the Penhill Road building for retail purposes and the continuation of the car repair use in Ingleside Garage, being the lawful uses, have the potential to cause significant detriment to the amenities of neighbouring and nearby residential properties. Consequently, it is considered that there is no policy objection in principle to redevelopment for wholly residential purposes. This is the same view as that taken in respect of residential redevelopment schemes for other business sites in the vicinity.

Residential infilling and redevelopment of unidentified sites, as in this case, is needed in order to meet the Council's 5 year housing land supply required by PPS3 and the housing requirements of the South East Plan. Priority is given to use of previously-developed land. The suitability of individual sites for development depends upon many factors including the adequacy of the means of access to the land, the character of the locality and the siting and configuration of existing and proposed dwellings.

The South East Plan sets out the long term spatial planning framework for the region with the aim of achieving more sustainable development, protecting the environment and combating climate change. Policy SCT1 gives priority to pro-actively pursuing sustainable economic growth and regeneration of the Sussex Coast whilst also protecting and enhancing its high environmental quality, its cultural and historic assets and promoting excellence in design of new developments in recognition of their importance to economic success and quality of life.

Policy SP3 seeks to achieve at least 60% of all new developments on previously developed land and through conversions of existing buildings. Developments in urban areas, including infill, should be well designed and consistent with the principles of urban renaissance and sustainable development. Policy CC6 requires development to respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes throughout the region, and to use innovative design processes to create a high quality built environment which promotes a sense of place.

SCT5 & H1 set housing targets for the Sussex coast sub-regional area and Adur for 2006-2026. These targets are to be met by focusing development in existing towns, by optimising the use of previously developed land. H5 aims to raise the quality, adaptability and sustainability of new housing and at higher densities (overall regional target 40 dwellings per hectare). T4 states that Local Development Documents should apply guidance on parking standards for housing in line with PPS3, reflecting local circumstances, and ensure sufficient and secure cycle parking for new flats and houses. BE1, entitled management for an urban renaissance, states that opportunities will be taken to improve the built environment, including by promoting design solutions relevant to their context and building upon local character and by supporting opportunities for appropriate higher density and mixed use development schemes. BE2 states that Local Development Frameworks should identify areas where suburban intensification could assist wider planning objectives subject to providing clear planning and design guidance based on local character appraisal.

Local Plan housing policies AH2 and AH5 have been 'saved' and encourage redevelopment to help meet the demand for dwellinghouses suitable for small families, single persons, the elderly, and to make best use of urban land.

AH2 relates to new residential development by way of infilling and redevelopment and states that new dwellings should be designed so that their appearance, character and scale create a pleasant place in which to live and are in keeping with and enhance the existing local environment with particular attention being paid to architectural form, height, materials, density, layout of buildings and hardsurfaced areas; they do not have an unneighbourly effect due to loss of privacy; daylight/sunlight; outlook or open space, incorporating adequate standards of residential amenity for the new dwellings in terms of amenity space, daylight, outlook and privacy; access and parking provision meets the adopted standards; and they accord with the Council's DC Standard No.2 'Space around New Dwellings and

Flats'. Also of note is the Council's 'Good Practice Guidance Note: Internal Space Standard for New Homes'.

Government policy in PPS1 states *"Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."*

Government policy in PPS3 encourages best use of urban land for housing development and a mixture of types to create a balanced community, at higher densities (although the requirement to avoid developments at less than 30 dwellings per hectare has now been deleted) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient and sustainable use of land without compromising the quality of the environment.

PPS3 also states that Councils should "*facilitate good design by identifying the distinctive features that define the character of a particular local area……. ...Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric… ……successful intensification need not mean high rise development or low quality accommodation with inappropriate space……..The density of existing development should not dictate that of new housing by stifling change or requiring a replication of existing style of form……If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment."*

Density, character and appearance

The type of dwellings proposed accord with adopted policy and provide a mixture of houses and flats. The applicants have indicated that they intend to provide them for long-term rental rather than sale which should assist in helping to meet the needs of local people.

The application is for 13 dwellings on a site of 0.2 hectare, which equates to 65 dwellings per hectare. This is a moderately high density but the neighbouring older terraced houses to the east are at a higher density of 74dph. The character of Penhill Road and Ingleside Road is very mixed with a wide range of building sizes and styles and dwelling types. There are also some community, commercial and business uses, albeit declining in number with residential redevelopment schemes in recent years (eg. the sites immediately to both the east and west). The majority of buildings, including the houses, are two-storey with ridged roofs but there are a number of three-storey blocks of flats. One of the nearby blocks is a full three storeys plus hipped roofs (Flats 1-15 Beverley House, 50m south east of the present site, on the corner of Cecil Road), another is a flat-roofed three-storey block and the remaining 5 blocks have their top floor in a form of a type of mansard roof.

The proposed development greatly reduces the site coverage by buildings as compared to existing and is considered to fit on the site without being overdeveloped. The proposed three-storey flats observe the same building line to Penhill Road as the existing Regal House but the new building is set back slightly more (approx 1m) from Ingleside Road than the existing building and reduced in length. It would create a space to the rear (north) where none currently exists. It also enables landscaping of the corner of the existing tarmac forecourt area.

The proposed terrace of 5 houses is set back 6m from Ingleside Road and creates a large space at the rear (for 18m long rear gardens) behind the existing terraced houses on the Penhill Road frontage. On the western side of Ingleside Road, there would be a single house where no building currently exists but, subject setting it back slightly further from the road than the 1m-1.5m shown on the original plan, this would improve the streetscape as compared to the existing car parking area and would not appear overdeveloped. An amended plan has now been submitted showing it set back 1.8m.

The existing former cinema buildings are of very poor quality and generally detract from the streetscene, especially in Ingleside Road where they have been altered to an industrial appearance. They occupy almost the entire site and abut the boundaries with the adjacent houses to the east on the north side of Penhill Road and the new one-bedroom dwellings at the rear (Penhill Mews).

By contrast, it is considered that the proposed redevelopment scheme has an appearance that would visually enliven the streetscene, in a style and materials that combine both traditional and contemporary elements. The walls are shown with ivory-coloured rendering, reflecting the adjacent Victorian houses, plus cedar-boarded panels. The pitched roofs are shown with blue-black slates whereas the roofs of the existing houses have been re-roofed with red-brown concrete interlocking tiles. The balcony balustrading is proposed to be glazed with timber handrails.

Residents on the opposite side of Penhill Road object to the building being three-storeys high but, as stated above, there are already a number of blocks of flats of this height in the road. It is not a height that is so tall as to be out of place. The existing terrace No's 39-43 (retail showroom, fish & chip shop and flats) on the opposite (western) side of the junction has a tall roof of virtually the same ridge height as the main ridge of the proposed block of flats, with only the proposed 'pyramidal' corner roof being taller (by 0.9m). In comparison with the lower neighbouring terraced houses to the east (No's 51-57), the main ridge line is only 1.6m higher. It is not considered that there is justification in environmental terms for requiring only a two-storey building or for requiring it to be set further back. To the contrary, being on a junction, the streetscape can be argued to be improved by a taller building such as this, which would provide a corner feature.

Residential amenity – effect on existing dwellings

With regard to the impact on neighbouring residents, the proposed flats and houses are considered acceptable.

The outlook northwards from the rear of the existing terraced houses at No's 51-57 Penhill Road, and also westwards from the rear of the new one-bedroom houses, would be much improved with the removal of the existing large building which runs along both the side and rear boundaries of their rear gardens. The existing building is overbearing whereas the replacement buildings, being much smaller in footprint and more appropriately sited, would not be so dominant. As proposed, the existing houses would have the proposed rear gardens of the proposed houses directly behind and have a more spacious environment.

There would be windows (with first-floor Juliet balconies) in the rear of the proposed houses facing towards the rear windows of the new one-bedroom houses to the east. However, the distance between them meets the Council's 22m standard. There would also be some windows in the east side of the northern projection of the proposed flats facing towards the side of the rear garden of No.51 Penhill Road at a

distance of 10m. This is less than would normally be expected and the applicant has submitted an amended plan reducing their number and size. The improved spaciousness is a notable compensatory factor.

To the north, the very small bungalow at No.2 Ingleside Road would be adjoined by the side gable wall of the proposed end terraced house, with its garage in between. The new terrace would be much deeper and taller than the bungalow, projecting about 6m further rearwards. It would be closer than the existing building to be demolished but that building extends much further rearwards. On balance, given that the side of the new terrace would be nearly 6m away from the side of the bungalow, the proposal is considered acceptable in respect of its effect on the bungalow. The first-floor side window (bathroom) can be required to be obscure-glazed.

To the south, on the opposite side of Penhill Road, the terraced houses No's 40-48 are directly opposite the proposed three-storey flats. The objectors make particular reference to unacceptable overlooking of their front windows because of the three-storey height of the flats and some floor to ceiling windows. In fact, one of the top floor windows opens out onto a small roof terrace and a firstfloor one has a Juliet balcony (with glazed balustrade); others are just conventional windows. The intervening separation distance across the road between the proposed flats and the objectors' houses is 24m. The Council has no minimum standard for distances between facing front windows/ balconies as the front of dwellings are normally open to public view from the street. The minimum standard for facing windows at the rear, where greater privacy is expected, is 22m (28m for taller buildings). Bearing this in mind, the 24m distance in respect of the present proposal is considered ample for the front. At this distance, it is not considered justified to require the glazing or balcony area to be reduced.

On the part of the application site on the western side of Ingleside Road, the proposed detached house would face onto the blank side of the new terrace of 4 houses just built to the west. There would be no direct overlooking, only an oblique view over the side of the nearest rear garden.

Residential amenity – for proposed dwellings

As to the standard of amenity of the proposed dwellings in respect of overall internal size, the plans show that the Council's recently-adopted 'Good Practice Guidance Note: Internal Space Standard for New Homes' would, with one very slight exception, be met. The 5 terraced three-bedroom houses are each 107sqm; the detached three-bedroom house is 105sqm; the three-bedroom flat is 94sqm; the 3 two-bedroom flats are 67sqm/87sqm and the 3 one-bedroom flats are 53sqm. This compares to the respective standards of 106sqm for the houses, and 93sqm, 66sqm and 51sqm for the flats. Thus, only the detached house is deficient but by only 1sqm which is so marginal as not to be material. Specific storage space is below but the living/cooking/eating areas and sleeping areas meet or, in most cases, exceed the respective standards.

In respect of externally amenity space, the 2 second-floor flats would each have their own balcony of 14sqm. In addition, there is 120sqm of ground level amenity space, giving an overall total of 148sqm which is slightly above the standard of 20sqm per flat contained in the Council's DC Standard No.2. The 5 three-bedroom houses would have 66sqm in 3 cases and 70sqm/90sqm for the other two, all meeting or exceeding the minimum standard of 65sqm. Their depth of 18m exceeds the 11m minimum standard. The detached three-bedroom house would have 122sqm as

compared to the standard of 85sqm. Its depth would be only 6.5m but this is compensated for by its width of 15m.

Access and Parking

The site is in a sustainable location, being close to the centre of Lancing, within easy walking distance of shops, community facilities and public transport. South Street is only 160m away and the railway station 450m.

The proposed plans show a total of 13 car parking spaces. This is in the form of parking spaces accessed directly from the highway both in Penhill Road (using the existing parking forecourt) and Ingleside Road where parking spaces would be in front of the terraced houses and at the side of the detached house.

Under the recently-revised residential West Sussex Parking Standards demand calculator, the proposal results in a calculated demand for 20 car parking spaces, comprising 13 allocated and 7 unallocated (3 for visitors and 4 for residents). As required by the new Standard, an on-street parking survey has been carried out by the applicant's consultant within a 200m radius of the site on Monday-Wednesday 7th-9th February at 5.30am and 11.15pm. Although Ingleside Road and the north side of Penhill Road were under stress with no vacant spaces, there were 20-25 vacant spaces within the 200m radius at the times of the surveys (NB. this did not include spaces where parking is possible after 6pm on single yellow lines). This is considerably in excess of the calculated demand (7 spaces maximum).

PPG13, although recently amended by the Government, still contains the statement in respect of car parking that LPAs should "*not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls*".

WSCC have stated they have no highway safety or other objections to the development as proposed. The removal of the existing business uses, namely the garage in Ingleside Road which historically caused some parking problems and the bathroom showroom which could be occupied by a more intensive retail use, are also factors to be taken into account. Consequently, notwithstanding the views of some local residents, reduction of the development and provision of more on-site parking is not considered justified.

Secure covered storage for 23 bicycles applies under the standard; 20 are proposed in the form of a cycle store for 8 cycles attached to the north side of the flats and sheds within the rear gardens of the individual houses.

The Waste Strategy Manager considers the proposals acceptable from a refuse collection aspect, subject to a condition requiring more details.

Contaminated land

The existing car repair garage, which has included use for car dismantling for spares, is likely to have caused contamination of that part of the site. The application is accompanied by a Contamination Assessment report by Ashdown Site Investigation Ltd but it is only a phase 1 report and recommends an intrusive ground investigation be carried out to identify the risks to end users and groundwater and the necessary

remediation required. Subject to the comments of the Environment Agency, this can be dealt with by condition as recommended by the EHO.

Noise,etc from pumping station

Although Southern Water have commented that dwellings should be located 15m from their pumping stations, the Council's EHO does not consider that the very small pumping station adjacent to the western part of this site warrants such an exclusion zone. Instead he recommends that the north side window of the proposed detached house be omitted to provide a solid north side wall. The applicants have agreed to this.

Sustainable and Resource Efficient Buildings

The Design and Access Statement refers to the houses being built in accordance with the latest sustainable guidance, reducing carbon emissions from the site, including higher insulation values, dual-flush toilets and flow restrictor taps, external drying areas, energy-efficient gas boilers and appliances, locally-sourced sustainable materials wherever possible, including for timber-framed construction, sustainable drainage techniques, including permeable surfacing and water butts in rear gardens to encourage re-use, and provision of garden composters. The Building Regulations were amended in October 2010 to require construction, in terms of conservation of fuel and energy, to a level equivalent to Code Level 3 of the Code for Sustainable Homes.

Recommendation

APPROVE for the reason:-

The proposed development is within the built-up area and would help meet the need for additional housing without detracting from the existing local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AH2, AH5) and the South East Plan (SCT1, SCT5, SP3, CC6, H1-2, H5, BE1-2)

Subject to:-

- C1Ci (Standard time limit)
- C7Cii (Details of walls/fences to be approved and implemented) (amended)
- C8Gii (Details of car parking and cycle parking to be approved, provided and retained)
- C9F (Provision of pedestrian visibility splays at accesses and restriction of height of planting on corner of road junction) (amended)
- C9Kii (Kerb and footway reinstatement in Ingleside Road in accordance with plans and details submitted to and approved in writing by the LPA) (amended)
- C11A3 (Hard and soft landscaping scheme) (amended)
- C12Aii (External materials for walls & roofs of buildings to be approved)
- C14H (Demolition of existing buildings and structures)
- C18K (Provision of waste storage)
- C18N (Details of foul and surface water drainage to be approved and implemented)

Expiry Date - 03/06/2011

- C18Rii (Ground contamination investigation and remediation)
- This permission relates to the following plans:-
  5537A (Location Plan); 5537/01B (Site Layout); 5537/02B (Plots 1 -7 Floor Plans); 5537/03B (Plots 1-7 Elevations); 5537/04A (Plots 8-12 Floor Plans and Section); 5537/05A (Plots 8-12 Elevations); 5537/06B (Plot 13 Floor Plans and Elevations); 5537/07B (Contextual Elevations).

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Case Officer Keith Morgan Date