Development Management - Delegated Officer Report

Application Number: AWDM/0948/18 Recommendation – Approve

Site: Regal House, 45 - 49 Penhill Road, Lancing

Proposal: Demolition of existing building, construction of a three storey block of flats comprising 3no. one bedroom, 3no. two bedroom and 1no. three bedroom flats together with associated car parking, amenity space and landscaping

Date of site visit: 18 July 2018

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site is located on the eastern side of the junction of Ingleside Road with Penhill Road. It comprises a former bathroom showroom (319sqm) which is currently occupied by a fitness studio and as offices for a swimming club. It has a two storey from at the front but has three floors (with rooms within the roofspace) when viewed from the side.

The site is adjoined to the east by terraced 2 storey houses (No's 51-57 Penhill Road) and with terraced houses opposite. To the north, there is a former cinema building converted to a car dismantling/repair garage (533sqm) in Ingleside Road. This site is within the same ownership and previously was included in an application for redevelopment in 2011 (ADC/0078/11). It is not possible to redevelop that site at the present time and so it is excluded from this application.

To the west is Gardner & Scardifield Decorating Centre (with flat above), part of a 2 storey terrace.

It is proposed to demolish the existing building and construct a three-storey hip-roofed block of 7 flats with 5 parking spaces on the Penhill Road frontage (where there is existing forecourt parking forecourt) and 2 parking spaces in Ingleside Road (adjoined by the bin and cycle store). An amenity area is shown at the rear with a smaller area at the front. 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.

The design, scale and layout of the development reflect that of the earlier permission.

Relevant site history

ADC/0078/11 - Demolition of garage and bathroom centre and redevelopment with three-storey block of 7 flats (3 one-bedroom, 3 two-bedroom, 1 three-bedroom) and 6 three-bedroom houses (comprising terrace of 5 houses on

east side of Ingleside Road and detached house on west side) with associated parking (13 car spaces) - approved

Consultations

West Sussex County Council: The **Highways** Officer has no objection.

Access & Visibility
Penhill Road and Ingleside Road are both subject to a 30mph speed restriction in this location. Ingleside Road is unclassified and Penhill Road is 'C' classified local distributor route. The existing vehicle crossover to Penhill Road will require alteration to facilitate the amended car parking layout. A licence for these works on to the public highway should be obtained from the Adur Area Engineer and the works carried out to an agreed specification. A new dropped kerb is proposed on Ingleside Road to facilitate access to 2 x new car parking spaces.
From inspection of the plans and WSCC mapping there appears to be no apparent visibility issue at the point of access onto the public highway. I have also checked the most recently available verified accident records, which reveals there have been no personal injury accidents in the vicinity of the existing point of access within the past 5 years that would suggest the existing access arrangements have been operating unsafely.
With regard to the amenity space on the south west corner of the plot it is advised that planting/ obstructions to visibility in this area are kept to a height of no more than 0.6m to facilitate vehicular visibility on to the footway for reversing vehicles. This will also retain full visibility for a car exiting Ingleside Road to Penhill Road. Details of this can be secured via condition. The LHA would also retain our advice that details of pedestrian visibility splays either side of both access points are secured via condition.

Parking
Seven off-street parking spaces are to be provided. These meet the required dimensions to be counted toward allocated parking provision and the LHA do not envision that a car would overhang the pavement in this layout.
The parking demand has been assessed using the WSCC Car Parking Demand Calculator. On the basis of one space being allocated per flat a total demand for ten spaces is envisioned for a development of this scale and location. We would advise that the parking remains of an unallocated arrangement which would reduce the demand to seven spaces. Nevertheless, there are comprehensive parking restrictions in the vicinity that would prohibit any overspill parking on-street occurring in locations that would be detrimental to highway safety. The LPA may wish to consider the impact of additional on-street parking from an amenity point of view.
Whilst a turn on site would be beneficial there is insufficient space to provide for this. Furthermore, these arrangements have been operating on Penhill Road without evidence of highway safety concern and the proposals are not anticipated to detrimentally impact this.

Capacity
The building has previously operated as an A1 showroom retail use of 549 sqm. Under WSCC Supplementary Planning Guidance this could have created a maximum demand for 1 space per 20 sqm (27 spaces total). Whilst the nature and constraints of the site could not have accommodated this it is

evident that a commercial use could see a number of vehicles coming and going throughout the day. The proposed residential use is not anticipated to give rise to trip generation at the site and movements are anticipated to be concentrated to peak times. No capacity concerns would be raised to the application.

Accessibility
There are a range of local services and amenities within walking distance along continuous street lit footway links. Lancing Train Station is 0.3 mile distant and there are also regular bus services within the vicinity providing a sustainable means of transport to further destinations.
A covered and secured cycle storage facility is proposed for the new flats. It is advised that this communal facility is capable of accommodating at least one space per flat. The LHA are satisfied that the proposals suitably encourage use of sustainable modes of transport and that not all daily trips would necessarily be reliant on use of the private car.

Conclusion
The National Planning Policy Framework (NPPF), paragraph 109 states that development should only be prevented on highways grounds where the residual cumulative impacts on the road network would be severe. The LHA consider that the proposals meet with policy set out in the NPPF and there are no transport grounds to resist the application.

Conditions

Access, car parking, landscaping, pedestrian visibility, cycle parking, construction plant and materials

Adur and Worthing Councils: The **Environmental Health** Officer has made the following comments:

I have concerns about noise transmission between some of the kitchens/living rooms and bedrooms. A number of kitchens/living rooms are positioned directly above, below and adjacent to bedrooms. In particular, the three bedroom flat on the first floor has its bedrooms above the kitchen and living room of the ground floor flat and beneath the kitchen and living room of the second floor flat. These dissimilar rooms positioned in this way are likely to lead to loss of amenity and noise complaints.

I would advise the reconfiguration of the rooms so similar room types are positioned above/below/adjacent to each other in accordance with ProPG guidance. If this is not possible then sound insulation testing should be carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications before occupation.

[*The applicant has sought to address the comments of the EHO and the architect has explored whether the internal layout could be amended. Unfortunately, the conclusion is that nothing short of a complete redesign would be necessary. It is not possible to try and flip the layout of some of the units without losing a bedroom in unit 5 or compromising access to the balconies. The applicant is not keen to do this having previously obtained an approval for the same.*

He would like to reassure the Council that the building will be constructed to mitigate against noise disturbance between the units. Naturally, the build will meet Building Regulation requirements and testing. A concrete flooring system will be used which is particularly good for its noise reducing properties.]

EHO response – It's a shame the layout can't be changed but if it's not possible I would request that sound insulation testing should be carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications before occupation.

This will reduce the likelihood of complaints between neighbours.

2. As this site is in very close proximity to existing residential dwellings I have concerns about the resulting noise and dust associated with the demolition and construction works. I would recommend the following conditions.

All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.
Monday Friday
08:00 18:00 Hours
Saturday 09:00 13:00 Hours
Sundays and Bank Holidays no work permitted.

Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the adjacent commercial unit has been submitted to and approved by the local planning authority. The scheme should also include a strategy to prevent overheating. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, tests shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.

3. The site is on an area of potentially contaminated land and my colleague will respond separately on this matter.

The **Engineer** initially raised a holding objection. Comments as follows

The site lies in flood zone 1, and according to EA modelling, the north west corner of the site may be prone to surface water flooding however I have no records of this site flooding.

The application form states that parking areas will be surfaced in block paving and that surface water will be disposed of using sustainable drainage and soakaways.

It should be noted that there are no public surface water pipes local to the site. There is a surface water piped system, but this is not maintained by Southern Water and is therefore privately owned. I have no idea who the owners would be. Under current legal guidelines this network could be deemed publically owned that is to say each resident in the road and in the roads up and downstream of this road owns a piece. Therefore there is no right of connection; however if the same connection point is used and a decreased flow discharged I think this would be acceptable, because its deemed to be betterment.

Looking at the application it is apparent that the hard landscaping and roof area will be decreased, because of the provision of the garden area.

If calculations and a drainage strategy can be produced to
a) Show the existing area of hardstanding and roof, and runoff generated for a 1:100 year storm
b) Show the reduced hard standing and roof, and runoff generated for a 1:100 year storm
c) Extent of runoff reduced.
d) Where and what drainage is proposed, storage for 1:100 years plus climate change

When these figures plus the drainage strategy, detailing what sustainable drainage is proposed and what happens to surface water if infiltration is not appropriate are provided I will reconsider this application.

The applicant has requested that this be dealt with by condition and the Engineer has agreed. Advises that the condition needs to be firm as he does not think a new connection can be made so a reduction or controlled rate is the only option. Drainage connections must be established and a design confirmed before any work except clearance is undertaken.

The ***Waste Services*** Officer advises that the location of the bin store looks satisfactory but there is no information provided about capacity. If individual bins are to be provided 14 are needed and I am not sure whether that number will fit in the bin store. Perhaps at this stage you could just list as a condition of planning permission?

[The applicant has confirmed that the proposal shows space for one 1100L refuse and one 1100L recycling bin so a total of 2200L. If two bins per flat (14 x 140L refuse bins = 1960L) then the two large bins should be sufficient or is there an expectation for individual bins?]

The Waste Services Officer has responded by stating that this will be okay. The only issue is they will have to purchase the larger bins from us as we do not supply anything above a 240 litre bin free of charge. I am assuming the bin area allows for easy access

Southern Water - Requests usual advisory informatives

Representations

Lancing Parish Council – No objection

Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 3, 9, 15, 18, 20, 22, 25, 28, 34, 26
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Lancing Vision 2012
West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)
West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)
National Planning Policy Framework (July 2018)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The proposal involves the provision of new housing within the built up area and can be supported in principle as it makes a small contribution to the District's housing supply. It has previously been identified in the SHLAA as a potential housing site but was rejected in the most recent update for the following reason:

"*The planning consent on this site has now expired. There had been no change in at least 3 years and no indication that the site is to be promoted for residential redevelopment. From the information available, it is considered that there is not a reasonable prospect that housing will be delivered on the site and therefore the site has been reassessed as a 'Rejected Site'*"

The current application suggests that there is now a reasonable prospect of housing development coming forward and the application can be supported in principle.

While there is a loss of commercial use, the quality of accommodation is not considered to be likely to be meet modern office needs and no strong objection is raised to its loss. Furthermore, it should be remembered that planning permission was previously approved for the redevelopment of this site for residential purposes.

Density, character and appearance

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. 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 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.

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 Design and Access Statement states that the building "*has been designed to strengthen the existing street scene, presenting a high quality frontage to Penhill Road, creating a feature corner to act as a vista when travelling eastwards towards the site. The building turns a corner, establishing a continuation of the public realm and providing an enhancement of the existing poor quality return frontage to Ingleside Road.*"

The walls are shown with light coloured render with timber cladding as a feature between the windows and to part of the top floor. The pitched roofs are shown with blue-black slates. The balcony balustrading is proposed to be glazed with timber handrails.

While taller than the terrace to the east, the terrace to the west 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.

There would 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 obscure glazing the upper floor window to prevent any loss of privacy.

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. One of the top floor windows will open out onto a small roof terrace and other flats will have a

Juliet balcony (with glazed balustrade); others are just conventional windows. The intervening separation distance across the road between the proposed flats and the houses opposite 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.

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 National Housing Standards would be met. 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 DM Standard No.1. The majority of the amenity space is at the rear (north) of the building which is not ideal, but this also reflects the position of gardens on this side of Penhill Road, and is considered to be acceptable as it is considered to be difficult to provide it elsewhere without compromising the layout unduly.

This scheme differs from the previous permission in that the garage in Ingleside Road is currently proposed to remain. This has the potential to create a noise nuisance for the future residents and the EHO has requested that a scheme of acoustic protection be submitted, to be reserved by condition.

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 7 car parking spaces whereas the parking demand on the basis of one space per flat would be for 10 spaces

WSCC have stated they have no highway safety or other objections to the development as proposed but have asked that the amenity impact of additional on-street parking be considered by the LPA. In this case, the removal of the existing business uses should be taken into account. In addition, a secure cycle store is proposed to the north of the building to reduce reliance on the private car. The development is therefore considered to be acceptable in terms of its highway and parking impacts.

The Waste Strategy Manager considers the proposals acceptable from a refuse collection aspect.

Contaminated land

The site is on potentially contaminated land and a full contaminated land condition is required to ensure that the site is adequately assessed and a remediation strategy agreed prior or commencement.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Details of walls/fences to be approved and implemented
4. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing
5. Details of car parking to be approved, provided and retained
6. Cycle parking
7. Provision of pedestrian visibility splays at accesses and restriction of height of planting on corner of road junction
8. Hard and soft landscaping scheme
9. External materials for walls & roofs of buildings to be approved
10. Provision of waste storage
11. Details of foul and surface water drainage to be approved and implemented. Drainage connections must be established and a design confirmed before any work except clearance is undertaken
12. Ground contamination investigation and remediation
13. Each flat shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day.
    No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.
14. Prior to first occupation sound insulation testing shall be carried out between floors to confirm compliance with Approved Document E
15. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the adjacent commercial unit has been submitted to and approved by the local planning authority. The scheme should also include a strategy to prevent overheating. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, tests shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.

16. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.
    Monday Friday
    08:00 18:00 Hours
    Saturday 09:00 13:00 Hours
    Sundays and Bank Holidays no work permitted.
17. Construction Management Plan
18. 2nd floor window in east elevation to be obscure glazed

Is recommendation contrary to letter(s) of representation? N

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.

Case Officer: Peter Barnett Date: 22 August 2018

Authorised by: Gary Peck Date: 22 August 2018