Development Management - Delegated Officer Report

Application Number: AWDM/0797/21 Recommendation – Approve

Site: 127 South Street, Lancing

Proposal: Change of Use from Class B1 (Offices) to C3 dwelling; including second floor balcony with balustrade to rear (East), new front entrance and additional windows and internal layout

Date of site visit: 19 May 2021

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a three storey building on the east side of South Street. It is at the end of a terrace of three buildings between Alma Street and Headborough Gardens. The ground floor is currently vacant but was previously in commercial use as a printer's workshop (formerly Class B1). The first floor use is less clear. It appears to have been used for ancillary offices but the floor plans show a kitchen also on this floor with a bedroom on the second floor. The planning agent confirms that the applicant has lived at the property for many years.

The application seeks to convert the entire property to residential use, to enable it to become a single dwelling.

The proposed floor plans show a living room and bathroom on the ground floor, a bedroom and kitchen at first floor and bedroom at second floor. Also proposed is a second floor balcony on a flat roof at the rear. The size of the balcony has been halved in depth from the original submission to bring it away from the roof edge.

Relevant Planning History

L/175/77 - Change Of Use From Dwelling House To Commercial Printers

L/158/82 - Two-Storey Rear Extension And Change Of Use Of First And Second Floors To Offices And Stores Ancillary To Ground Floor Printing Works

Consultations

West Sussex County Council: The Highways Authority has no objection. Applications such as these could be in Highways Safety terms be considered under a Prior Notification (Permitted Development), though in this instance the LPA are not considering it as such. However, that said the LHA would deem it

unfavourable to consider the application in Highways terms outside the remits of a PD application. Considering the above the LHA provides the following comments. No Access changes are proposed from the existing use with all movements in and out of the site being foot traffic. The applicant has proposed a NIL Vehicle Parking Provision. This is unchanged from the existing use. Given the sustainability of the location and if cycle parking conditions are met the LHA raise no concerns over a NIL provision. Upon inspection of the plans and supporting documents the LHA concludes that the applicant proposes to supply a NIL cycle parking provision. The LHA advises the following. The site is in a sustainable location within walking and cycling distance of a range of public services, amenities and employment options. Buses and rail station provide a realistic travel opportunity for longer trips. The Local Highways Authority (LHA) would not anticipate that future occupiers of the dwelling would be reliant on the use of a private motor vehicle. As a result, the LHA would like to see the implementation of cycle storage space,details of which can be secured with a suitably worded condition.

Adur and Worthing Councils: Public Health: The area of development on South Street, Lancing, has been identified by DEFRA as an area severely affected by traffic noise. Given this is a conversion of an old existing building I would recommend that an acoustic assessment is undertaken to ascertain the exact noise exposure of the property and then to devise a scheme to protect the habitable rooms and amenity areas from excess noise. Where windows need to remain closed to obtain internal noise criteria then an alternative ventilation scheme will be necessary along with a separate overheating assessment. In accordance with the Council's Planning Noise Advice Document, I would request this information is provided before permission is considered.

Comments following receipt of noise assessment: The plans in the acoustic report are different to what was originally submitted and uploaded on the planning portal. The plan shows new windows on the Northern facade but these will be affected by trees and shrubbery in Headborough Gardens.
The 2nd floor room has changed from a bedroom to a study, but there is a kitchen extract from the neighbouring burger bar 2m away from the skylight window to this room, so there is an agent of change concern here. The applicant needs to consider how nuisance from this extract can be mitigated.

The acoustic assessment relies on trickle ventilators for the windows as these need to remain closed because of the noise. As windows have to remain closed then a separate overheating assessment needs to be done.
Finally, it is likely that the 2nd floor study will be used as a bedroom and this room has not been assessed by the acoustic assessment. It may be best to omit the roof light and leave this second floor as a storage space, as this room may not meet the internal space standards for a bedroom.

Private Sector Housing: No objections

Technical Services: Flood risk- The application is within flood zone 1, and is not shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds. Surface water drainage- the application includes no increases in impermeable area. Due to the scale and location of development we have no conditions to request. Any alterations to surface

water drainage must be designed and constructed in accordance with building regulations.

Representations

Objection received from the occupier of White Rose, Alma Street:

The origins of White Rose can be traced back to 1809. Whilst it has been neighboured by 127 South Street for a long period of time it has remained largely un-overlooked from the rear, as the adjoining property, Headborough Gardens, has remained as an undeveloped public space throughout Lancing's changing history.

The first concern is with the term balcony, which conjures the notion of a small space for one to two persons. The space shown in the proposed plans is large (half the roof area) and could accommodate a significant number of persons. This poses a potential for harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance. This space could potentially occupy a significant number of persons, with such close proximity to the boundary. There are also concerns for safety of such persons in the event of fire, with no additional means of escape for persons from the roof top location.

The secondary concern over the proposal of a 'balcony' to the second story (currently flat roof) of 127 South Street shall mean that residents can look directly down into the gardens of White Rose. Persons on the 'balcony' would also be able to look into rear facing windows and down into the kitchen extension. Currently the rear of White Rose is not overlooked from Rose Cottage to the east and the closest neighbours directly looking South at White Rose are the flats to the North side of Headborough Gardens. These are sufficiently far away to not feel imposing or to feel 'overlooked' or 'observed' whilst being outside or through rear windows. White Rose is currently overlooked from the 1st floor of 129 South Street (Lancing Burger Bar) and 127 South Street however due to the existing long standing garage structure, the view directly down into the garden or into the rear windows of White Rose is limited. Whilst obscured glass is possible to fit to balcony edges, anyone standing at the edge of the structure would still have full visibility over the top such glass, into White Rose.

It is considered by the owners of White Rose that the proposed alterations to the second floor (roof) of 127 South Street would not be in keeping with the local area. Space is not at a premium in Lancing, like it may be in Central London where there is a need to incorporate balcony areas to give outside space. The property is not overlooking the sea, so there will be no addition of a sea view or a picturesque panorama. The owners of White Rose also question the proximity of the extract from the Burger Bar fryer system and also the extract from Mr Chips, both of which would be extracting directly into the proximity of the roof balcony. This would detract from the space being of any beneficial use.

Given that there are ample local open spaces in the vicinity including Headborough Gardens and Wenceling Gardens (at the end of Alma Street/South Street) quite literally on the doorstep it poses the question why there is a need for such an alteration. The proposed roof alterations do not

reflect the character and style of the dwelling and the streetscene. In essence, the owners of White Rose do not object to the change of use of 127 South Street (Favil Press) from a commercial property to a residential property and also the proposed alterations to the internal spaces. However objections are strongly focused on the proposed roof “balcony” part of the application.

Relevant Planning Policies

Adur Local Plan 2017 Policy 9, 15, 27
‘Supplementary Planning Guidance’ comprising: Development Management Standard No.1 ‘Space Around New Dwellings and Flats’
Sustainable Energy SPD (August 2019)
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)
WSCC Guidance on Parking at New Developments (Sept 2020).
Lancing Vision 2012

Planning Assessment

Principle

It would appear from the planning history that the building was formerly in use as a single dwelling before becoming a printer’s workshop in the 1970s. The upper floors have been in commercial use too. This proposal to change back to a dwelling falls to be considered against current planning policy. The site lies within Block 6 of the Lancing secondary shopping frontage where Policy 9 advises that a more flexible approach to change of use will be taken providing that such changes do not conflict with other policies in this Plan or the Lancing Vision.

Lancing Vision identifies the site as being within the Seaside Zone, some way outside of the defined ‘village heart,’ where changes of use to residential or community uses are supported. There have been a number of residential conversions of ground floor commercial premises, some through the prior approval process, and it must be acknowledged that the new Use Classes Order does allow much greater flexibility between uses. As the building is within a small, standalone terrace with residential uses closeby, at No.131 within the same terrace, flats opposite and houses in Alma Street for example, and appears to have been vacant for a number of years, the principle of its change of use to residential is considered to be acceptable. It does not appear that the loss of a commercial function here would be detrimental to the commercial function of the wider area.

The relevant issues for consideration are the effects on the amenities of neighbouring residential occupiers, the standard of accommodation to be provided and the impact on the visual amenities of the area.

Visual amenity

The front elevation is to be changed to remove the fascia and shopfront window and to install a smaller window. The north elevation sees the addition

of several new windows while the rear sees a minor change to a first floor window and a balustrade added to the proposed balcony.

The change to the front elevation will remove the projecting fascia which is a feature of the properties in this terrace and install a smaller window, which has been amended to align with the upper floor windows.The loss of the fascia is regrettable as it is a reminder of its past commercial use but it appears that the fascia at 131 has already been removed and a refusal for this reason alone would not be justified as insufficient harm to character would occur.

The other elevation changes are considered to be acceptable in visual terms.

Residential amenity - proposed occupiers

The house would have a floor area in excess of 100m2, being over 3 floors, which comfortably meets the National Standards.

A noise assessment has been carried out at the request of the EHO which recommends that acoustic glazing with trickle vents is provided on the front elevation. The EHO has asked for additional information in respect of overheating and has queried noise from the kitchen extract at the rear of the burger bar next door and its impact on the second floor bedroom which is served by a rooflight.

In this case, however, it should be noted that the building already is in partial residential use on the upper floors and the planning agent has advised:

"*The house has very personal requirements as the purpose of the application is for a change of use of the ground floor from printers to a part of the dwelling for use by the present owner. The top floor has been used as a bedroom for many years and this has included the roof light. The only internal change to the 2nd floor is for a toilet. In practice there will be no change of use of that room*."

In light of the fact that the property has already been in residential use the additional measures requested by the EHI are not considered to be necessary to insist upon. The acoustic glazing upgrade should suffice in this case.

Noise from the flue at the adjoining burger bar is not considered to be a significant issue in this case as the second floor is already in use as a bedroom, as described above. The proposed roof terrace will experience noise and odour from the flue but the proposal is for the existing occupiers and will introduce an outdoor amenity space where there is currently none. On balance, it is not considered that the presence of the flue will cause such significant harm as to warrant refusal.

The new windows on the north elevation will be partly obscured by the trees in Headborough Gardens. At first floor these are a window serving a stairwell and a kitchen, but the kitchen also has a window in the rear (east elevation). At ground floor level, the affected windows serve a living room, which has several other openings, and a corridor from the rear entrance. The impact of

the trees on light and outlook is not considered to be sufficiently harmful to warrant refusal therefore.

The ground floor living room window on the north elevation will abut the pavement where there are also cycle racks. These have been amended to be high level windows only to maintain privacy.

Residential amenity - existing occupiers

The main issue for adjoining occupiers is the introduction of the roof terrace. The plans have been amended to reduce the size of the terrace and it now stops 2m short of the eastern edge of the roof so as to prevent overlooking of the houses to the east. The balcony is to be 1.86m wide and 3.82m long and, while not a common feature in the area, it is not considered that it will cause any harm to neighbouring occupiers through overlooking or noise. It will not be readily visible, being at the rear, and partly screened by the existing false pitch around the flat roof.

Parking and access

The development does not include any parking, which is unchanged from the existing use. The site is in a sustainable location and no highway concerns have been raised, subject to cycle parking being provided. The property does not have any outdoor space other than the proposed roof terrace but the plans do show storage provided within the house.

Sustainability

No sustainability measures are proposed as this proposal is largely for the conversion of an existing building.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Materials and window details
4. Cycle storage
5. To be carried out in accordance with noise assessment

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

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.

Case Officer: Peter Barnett Date: 6 January 2022

Authorised by: Gary Peck Date: 7 January 2022