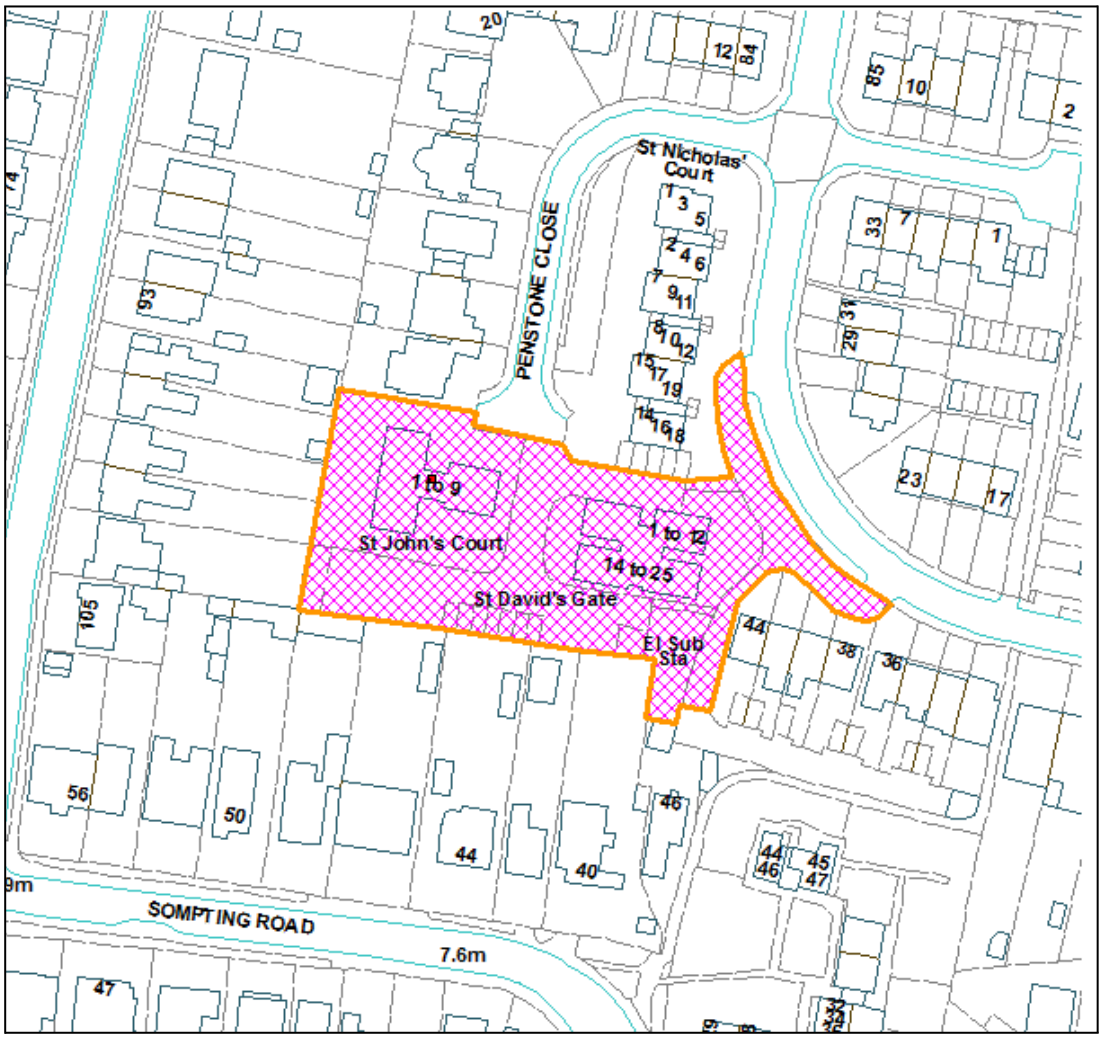
Application Number:	**AWDM/0949/22**	**Recommendation - APPROVE**
Site:	**St Johns Court, Penstone Close, Lancing**	
Proposal:	**Erection of a three-storey side extension to the existing building and recessed roof top extension to the whole of the building to accommodate 9no. flats comprising 7no. 1-bedroom flats and 2no. 2-bedroom flats. Demolition of existing garage block, reconfiguration to existing car parking, proposed landscaping, and cycle/refuse storage.**	
Applicant:	Lincoln Estates Ltd	Ward: Churchill
Agent:	ECE Planning Ltd	
Case Officer:	Peter Barnett	



Not to Scale

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Update

This application was first reported to the Adur Planning Committee at its meeting in February 2023. Members deferred a decision to enable further consideration to be given to parking, access and bin storage issues.

Since that meeting, amended plans have been received removing a bin store from on the boundary with 30 Penstone Close and relocating it to the southern boundary of the site. Clarification regarding the 7 no. visitor parking spaces in the layby off Penstone Park has also been provided. It has been confirmed by West Sussex that these spaces are within the public highway and cannot be reserved for the residents of the development. A revised parking layout has been submitted, removing the use of these spaces as exclusive visitor spaces but they have been retained as spaces available for all to use, including residents of the development if available.

Consideration of these and all the other issues is set out in the report below.

Proposal, Site and Surroundings

The application relates to a three storey flat roofed block of flats known as St John's Court located at the southern end of Penstone Close which contains a mix of bungalows and houses but also another three storey block of flats (St Nicholas' Court). There is a six storey block of flats immediately to the east of the site, known as St David's Gate. To the west the site backs onto the rear gardens of dwellings in Wembley Avenue while to the south are rear gardens of dwellings in Sompting Road.

Both St Johns Court and St David's Gate (which is within the applicant's ownership) share unallocated parking spaces for residents to use. There are also 7no. garage spaces which are currently privately rented to offsite residents. The site has vehicular access via Penstone Close.

The application seeks permission to erect a three-storey extension to the southwestern corner of St Johns Court and to construct a recessed fourth floor over the entire building, providing a total of 9no. additional units of residential accommodation. The side extension would measure approximately 10 metres wide.

The new flats would comprise 7no. 1 bed flats within the three storey extension and 2no. 2 bed flats on the roof.

The Design and Access Statement submitted with the application states:

"The appearance of the building has been designed to reflect the value in the simplicity and proportions of the existing building. The existing window openings are altered to introduce a more contemporary window style and make the block cohesive as a whole. The proposed windows will preserve the existing head heights but are often changed in width and swapped to full height windows to create a contemporary aesthetic and boost natural daylight within the existing flats. Large picture windows are introduced at the lobbies to create dual aspect upon approach and help mark the entrances. A number of smaller window sizes overlooking boundaries. The proposed

extension is to be white render along with the existing St Johns block which is proposed to be over clad in insulated render. This will visually tie the elements together while also providing increased thermal efficiency to the existing flats. Standing seam aluminium is used on the third floor as well as a feature in between windows."



Proposed West Elevation

The existing road arrangement along the southern boundary is proposed to be shortened and the garage block on the southern boundary is to be removed to create a new area of 13 parking spaces. Elsewhere, the parking arrangement will be formalised to move the vehicles off the main access routes by proposing parking spaces on the existing grass verges. These include 6 new spaces on land west of 44 Penstone Park in the SE corner of the site, which will necessitate the removal of an existing hedge. In total, as amended, 31no. car parking spaces will be provided across the site.

1 bin store is proposed, shown as being on the southern boundary, and 2 bike stores, in the SW corner of the site and on the northern boundary close to the hammerhead at the end of Penstone Close.

Private amenity gardens are proposed to the rear of St Johns Court with a communal garden area proposed to the west.

In order to provide an energy efficient development, air source heat pumps are proposed, which are to be located on the roof in two locations, set in from the edge.

Relevant Planning History

L/13/85 - Two-Storey Block Of 6 Flats - refused for the following reason:

"Having regard to the limited area of the site and its relationship to existing residential accommodation the proposed development would give rise to a density of development which would be detrimental to the amenities and environment of the locality and would, largely on account of the additional parking provision required, result in a serious loss of amenity space for existing flats."

The original file has not been located however so it is not clear to which part of the site this relates to or what was proposed in any detail.

Consultations

West Sussex County Council: **Comments on latest plans**: The ***Highways*** Officer has no objection. Given the small increase in dwellings as a result of the proposal, the sustainable location of the site and the on highway parking controls in the local area the Highway Authority would not raise an objection to the proposed application given the overall parking spaces available. The area showing the visitor spaces to the front of the site is designated a public highway. The land beneath the surface of the road may well be under private ownership but once an area has been designated as a public highway it remains so and has priority over private ownership. What this means is that the spaces in question should be available for all to use and should not be designated as private i.e. no barriers to parking or private signs should be in place.

Even with this scenario there is no highway objection to the proposed level of car parking and the potential for overspill car parking. A parking survey is not required in this instance.

Previous Highways comments:

Access
No changes are proposed to the existing vehicular access point from Penstone Close. However it is proposed for a number of spaces to be served via an additional existing access from Penstone Park. Please note that new surfacing/block paving within the site will be bounding the public highway, therefore a minor works licence may be required for adjacent kerbing etc.
Car parking
It is stated there are currently 31 informal parking spaces within the existing car park which will be increased to 37 as part of this application. This is broken down into 29 for the 2 flats blocks (0.7 spaces per flat) plus 8 visitor spaces. This is close to the existing car parking to flat ratio.
As the car parking area is proposed as a shared surface the area will need to be block paved in a contrasting colour. As per the D&A statement.
Access from Penstone Park
Whilst the parking provision as stated in the D&A statement and above would be acceptable to the Highway Authority, there are some concerns over the visitor parking provision and spaces 24-29. The existing area/layby bounding Penstone Park and shown edged in red on the plans is within the public highway and therefore the 7 visitor spaces can not be included within the application. Parking spaces 24-29 appear to have been positioned in the area of the Electricity Sub station or blocking maintenance access.
The applicant has confirmed that access to the sub-station will remain as existing (from the north) and the proposed parking spaces will not obstruct access.
Electric Vehicle Charging
Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore,

WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

Cycle Parking

The applicant has confirmed that 13 cycle parking spaces will be provided which is acceptable.

Recycling/Waste

The Design and Access Statement includes areas to store waste and recycling facilities. Both Cycle and Bin storage are labelled as '2' and are in 2 locations. The bin store should be located close to Penstone Close to allow for Refuse vehicles to easily access the facility.

Sustainability

The site is located within 7 minutes walk of the main village with pedestrian links from the site. Lancing Train Station and connections to local bus services are also within walking distance.

West Sussex Fire and Rescue: Evidence is required to show that all points inside all flats are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

Adur & Worthing Councils: The ***Environmental Health*** officer (Public Health) has no objections. Recommends a condition to secure a Construction Management Plan, including a resident liaison section, to minimise any disruption to the existing residents during construction

The ***Environmental Health*** officer (Private Sector Housing) has no objections overall, but the orientation of the flats mean that there is unsympathetic stacking of conflicting uses

The ***Waste Services*** Officer has not commented.

The ***Engineer*** Flood risk- The application is within flood zone 1, The application is within flood zone 1, but has areas in the vicinity shown to be at risk from surface water flooding. We have no objections to the proposals on flood risk grounds. Surface water drainage- our mapping indicates there may be a private surface water sewer located within the location of the proposed extension. This should be fully investigated via CCTV survey, and investigations into the asset owner should be made. As per our validation list this application should be supported by a surface water drainage statement. We wish to place an OBJECTION, AND REQUEST FURTHER INFORMATION is supplied prior to determination. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Information is required prior to determination as it is not clear that policy compliant drainage can be secured via conditions. In order to overcome our objection the applicant should submit: 1. Results of investigations into existing drainage assets to the south of the building within/ near the location of the proposed extension. 2. A

surface water drainage strategy outlining proposed methods of surface water disposal. This should clearly detail the existing drainage arrangements, and should consider that there are no public surface water sewers in this location. Discharge of surface water must not occur to the foul sewer. Please re-consult Technical Services for further comments once further information has been supplied or should you decide to determine the application prior to the submission of further information.

Agent's Response: We do not have details of the private surface water sewer on site. However, this is private and does not relate to the surface water drainage of the wider locality, nor is it under the control of the council. Should the sewer pose any issues there is scope to relocate to the south of the proposal or to incorporate it within the significant hardstanding which is currently on the site. Should the council consider this to be unacceptable then an appropriately worded condition could be attached to the decision notice requesting further information regarding the drainage systems of the site to be approved in writing by the LPA prior to commencement of the development. As such it is not considered that a full CCTV Survey is appropriate or necessary at this stage.

The drainage system proposed on the site follows that of the existing. The additional 133.95sqm on an area which is currently hard standing is not considered to result in any significant increase in surface water runoff. As such the proposed development is not considered to create an unacceptable increase in the surface water drainage of the site or cause a significant increase in surface water flooding elsewhere. Full details for such a system can be controlled by condition.

Engineer's Second Consultation Response: The diameter and depth of the private sewer will determine whether it is appropriate to build over/ near to it, and the gradient will determine if it would be possible to divert the sewer. It is of course also possible that the private status is incorrect. We would not support leaving this to conditions as it is fundamental to the acceptability of the principle of development.

We stand by our request that a surface water drainage statement should be provided with the application, this application should not have been validated without it. It is not evident that there will be 0m2 increase in impermeable area, furthermore the drainage arrangements for the existing impermeable area are not known and will unlikely meet current policy requirements. Due to the lack of public surface water sewers here there is a significant reliance upon sufficient space for soakaways, i.e. surface water drainage is fundamental to the acceptability of the principle of development.

Engineer's Third Consultation Response following receipt of updated Drainage Report: The surface water drainage design is based upon an assumed infiltration rate. The groundwater level is based upon records taken in 1958/59.
The CCTV survey of the existing private drainage system does not include the two manholes to the south of the site which could conflict with the proposed extension.
The calculations and strategy are in principle satisfactory, however, I would recommend that the Groundwater levels and infiltration rates are validated by on-site investigations and the design reviewed and re-submitted before development commences.

Also the private drainage system is revisited to rule out any conflict with the proposals before development commences.
Confirms that there is no objection in principle and that this can be subject to the usual condition.

Southern Water: The exact position of the existing foul sewer and water main assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Recommend condition requiring details of foul sewerage and surface water disposal.

Lancing Parish Council: No response received

Representations

9 letters of objection received from the occupiers of 28, 30 Penstone Close, 95, 97 Wembley Avenue, 3 St Johns Court, 10, 14 St Nicholas Court, 44 Penstone Park and 48 Sompting Road:

- Existing roads already congested with limited parking
- Proposal will worsen parking situation
- Increased risk to highway safety
- Noise disturbance and disruption during construction
- Loss of light
- Increased traffic using access road at side of 44 Penstone Park, increasing noise and fumes
- Loss of high hedge and resulting privacy
- Loss of wildlife, hedge and green space
- Overlooking, loss of privacy
- Bike and bin store proposed adjacent to bungalow at 30 Penstone Close could lead to smells
- Where will access for refuse collectors be?
- Security risk
- Sewage concerns

Petition with 50 signatures received from addresses in St Johns Court, Penstone Close, St Nicholas Court, Penstone Park, St David's Gate, Annweir Avenue:
- Objecting to volume of additional traffic, increased risk to safety and worsening of parking difficulties in the area

Owner of 44 Sompting Road observes that the garage block due for demolition forms his boundary wall. In order to maintain security & privacy, could this wall be either retained, rebuilt or replaced with a 2 metre fence?

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 2, 3, 15, 18, 20, 22, 28, 30, 31, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'; No.2 'Extensions and Alterations to Dwellings'
Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The application relates to a residential extension of an existing block of flats located within the built up area and is acceptable in principle subject to the usual planning considerations which are set out in the report below.

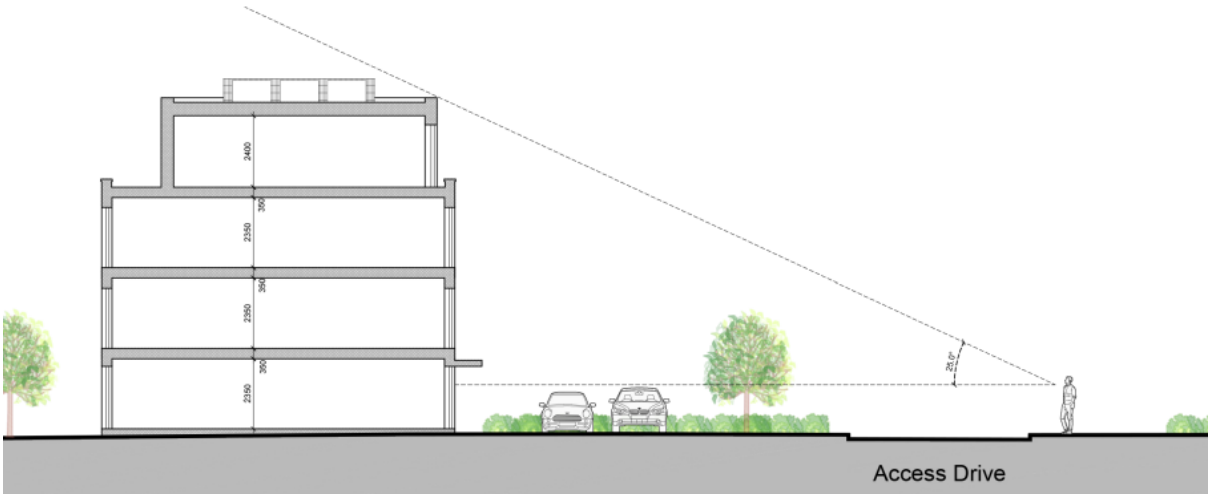
The proposals will help towards meeting the identified housing need in Adur by providing 9no additional residential units.

Visual amenity

The proposals will increase the bulk and scale of the block of flats, from three to four storeys, plus a large side extension. However, the building is to the west of a much taller block of flats at St David's Gate (6 storeys) and the proposed increase in height is not considered to have a significant visual impact when seen in context with that building. The main bulk of the side extension is within the SW corner of the site and will not be unduly prominent due to the taller block of flats in front limiting views from Penstone Park.

It is acknowledged that there are bungalows in Penstone Close, including immediately adjacent to the north, and there will be a greater disparity between the heights of those buildings as a result of this proposal, but the visual impact of the increase in height is reduced by the set back of the top floor from the edge of the building by almost 3m on the part of the building which is closest to the nearest bungalow. Overall, the increased height is considered to be acceptable.

The addition of the Air Source Heat Pump plant to the roof will further increase the overall height by 0.6m in two separate locations. However, the plant is considered to be a relatively minor addition which will not be prominent in views from the street as demonstrated in the section drawing below:



The proposal will also see an uplift in the appearance of the building through the use of render and aluminium on the top floor. Existing windows are to be upgraded to be more contemporary through the use of dark grey UPVC, with increased width and depth in places to become full height windows. The overall aesthetic is considered to be an improvement which will enhance its appearance in the street scene.

Residential amenity - effect on existing dwellings

The most affected properties are the bungalows in Penstone Close to the north, the houses to the west in Wembley Avenue and the houses to the south on Sompting Road.

As discussed in the section above, the impact of the roof extension on the adjacent bungalow (30 Penstone Close) is mitigated by its set back from the edge of the building. No. 30 sits close to the boundary with St Johns Court but is 6.5m from the nearest building. It has a blank side wall but does have a rear conservatory with side glazing. However, the conservatory projects beyond the line of the flats and will continue to receive light from the south and west as existing.

New windows are shown on the north elevation of the roof extension facing towards Penstone Close but these face out over the road itself or the front of neighbouring bungalows and view into rear gardens are restricted by the set back of the extension from the building edge.

A covered bin and bike store originally proposed to be located on the northern boundary adjacent to the front garden of No.30 has now been removed. A smaller bike store for 4no. bicycles is proposed on the northern boundary behind a hedge at the hammerhead at the end of Penstone Place. It is considered to be sufficiently distant from No. 30 to not cause any loss of amenity.

To the west, the houses in Wembley Avenue back onto the site at a distance of 33m to the closest dwelling. There is a quite extensive tree cover which provides a screen in the summer for some properties but the extension will be visible from these houses. However, at a minimum of 33m the distance between the buildings is considered to be sufficient to prevent a serious loss of amenity through overlooking or loss of light. The flats are 10m from the western boundary and the top floor is to be recessed by 1.5m-2m. Despite there being an increase in the number of windows and enlarged openings on the existing building, the separation distance complies with the Council's DM Standard No.1 which advises:

"A distance of 22m is considered sufficient between 2 storey blocks of flats (which have no "permitted development" rights) but in the case of three-storey houses or flats a distance of 28m would be required. Where a one or two-storey building backs onto a three-storey building a space of 28m would also be required. Higher buildings would need to be considered on their merits."

This proposal will result in a four storey building but, taking into account the set back of the top floor, the separation distance of minimum 33m is considered to be acceptable in this case and no serious harm will arise for residents in Wembley Avenue.

To the south, houses in Sompting Road will face the side of the new extension at a distance of 28m -35m. Fewer and smaller window openings are proposed on the top floor which has a set back 1.4m. There is also a good tree screen on the boundary. No harm is considered to arise.

44 Penstone Park lies to the east of the site adjacent to an existing access road which leads to a garage block at the rear of that property. There is an existing hedge which currently abuts the access road with an area of lawn beyond that, directly to the west of 44 Penstone Park. The proposals would see the hedge removed and the lawn area reduced in size in order to accommodate 6 new parking spaces, to be accessed from Penstone Park. This will increase activity along the side of No.44, which has its entrance door and a number of windows facing the access road. However, the road is already used to access the garages at the rear and the noise and activity associated with the 6 new spaces is not considered to be sufficiently significant to cause a harmful loss of amenity.

Overall, the proposals are considered to have an acceptable impact on the residential amenities of existing occupiers.

Residential amenity - for proposed dwellings

The proposed flats will meet the Nationally Described Space Standards having floor areas of between 50sqm (1bed, 2person flat) to 66sqm (2bed, 3 person flat). There will be some unsympathetic stacking of rooms, with bedrooms above living rooms and kitchens, but internal layouts are not a planning concern generally and the issue of noise between flats is usually dealt with under Part E of the Building Regulations which will ensure that there is an acceptable level of sound transmission between the flats.

The ground floor flats on the west side will have private amenity spaces and all flats will have access to a shared amenity space to the west.

The proposal is considered to provide an acceptable standard of accommodation for proposed occupants.

Accessibility and parking

The proposals include a reconfiguration of the existing parking arrangements to provide a more formalised layout for both St Johns Court and St David's Gate, which is also within the applicant's ownership. There are currently 31 spaces serving the 33 flats in both blocks and the proposals will see the same number of spaces to serve an additional 9 flats. While there is no increase in the number of spaces it should be noted that the existing parking spaces include 7 garages which the applicant claims are too small for modern cars and which are used for storage. They are also rented out to non residents. They are not therefore currently being used for parking so the more realistic total number of existing spaces is 24. Their removal and replacement with 31 surface parking spaces will therefore be of benefit. Access remains via Penstone Place for all but the 6 spaces in the SE corner of the site which are accessed off Penstone Park.

The site also benefits from being in a sustainable location within walking distance of Lancing Station, the local amenities in Lancing and public transport services on Grinstead Lane. This could result in lower levels of car ownership than in other, less accessible areas. 13 cycle parking spaces are to be provided comprising 9 spaces within two covered stores and 4 spaces via Sheffield stands.

While some overspill on-street parking could take place, it is not considered to be at a level that would result in a highway safety or amenity concern that would be deemed to warrant a reason to refuse the planning application. The previously identified 7 visitor spaces within the public highway, while not exclusively for use by residents of this development, are nevertheless also potentially available for use should the need arise.

While the concerns of residents regarding parking shortfalls and the potential for increased congestion are acknowledged, it is considered that the new parking proposals will enable a more efficient layout which will be of benefit to the occupiers of the flats and local residents alike.

For the reasons set out above, the parking provision and layout is considered to be acceptable.

The Fire Service comments are noted. They have advised that any areas not within the 45 metre distance from a fire appliance will need to be mitigated by the installation of domestic sprinkler or water mist system. This will be covered under the Building Regulations but can also be included as an informative on the permission.

Loss of green space

The new parking arrangement will see the loss of a hedge and some grassed areas, diminishing the amount of green space around the flats. While this is regrettable, new, more formalised landscaping and hedge planting is to be provided to ensure that existing residents in the flats are screened from the new spaces. The small reduction in green space is balanced against the new housing to be provided and a more efficient parking layout and, overall, it is not considered that sufficient harm would be caused to warrant refusal on this ground.

Flood risk and drainage

The site is located in Flood Zone 1 which means that it has a low probability of flooding but there are areas in the vicinity shown to be at risk from surface water. Following initial objections and subsequent discussions with the Council's Engineer, a revised drainage strategy is proposed.

The site has an existing surface water drainage system that uses soakaways to discharge surface water from St John's Court and St David's Gate. Due to the shared use of this drainage system between St John's Court and St David's Gate, the proposed drainage strategy is to retain the 2no. soakaways in the north-south section of the access road, as these serve the northern and western 'wings' of St John's Court and St David's Gate, all of which are not undergoing development. The footprint of the extension to the southern 'wing' of St John's Court will conflict with the location of the single soakaway in the east-west section of the access road, meaning that this must be removed. SuDs drainage is proposed in this area.

Some of the new parking spaces are to be provided on land that is currently lawn which represents an increase in impermeable areas and it is therefore proposed that permeable paviours will be used for the new parking areas.

Through the use of existing soakaways, new permeable paviours and attenuation methods, the applicants consider that the development will successfully attenuate and discharge surface water without increasing flood risk.

The Council's Engineer is satisfied that this approach is acceptable in principle and that full details can be reserved by condition.

Sustainability

The applicants have confirmed that the development has been designed to meet the new Building Regulation Part L Standards 2022 (Conservation of Fuel & Power). This newly adopted standard achieves a 30% carbon reduction on the 2016 standards, which in themselves would achieve an even greater reduction on the 2013 standards.

The development will be gas free with Air Source Heat pumps being fitted to cater for the heating and hot water supply. They have confirmed that this will exceed a 31% CO2 reduction, compared to the Building Regulations Part L 2013 standard, as recommended in the Council's Planning and Climate Change Checklist.

Recommendation

Approve

Subject to conditions:-

1. Approved Plans
2. 3 year time limt
3. Schedule and samples of materials to be submitted and approved
4. Construction Management Plan (to include resident liaison) to be submitted and approved
5. Hours of working: 8-6 Monday to Friday, 8.30-1 Saturdays, no working on Sundays or Public Holidays
6. Development shall not commence, other than works of site survey and investigation, until full details of the proposed foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. 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
7. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
8. Car and cycle parking to be provided in accordance with the approved plans
9. Waste storage to be provided in accordance with the approved plans
10. Sustainability and energy efficiency measures to be provided in accordance with the approved details
11. Landscaping scheme to be submitted and approved