

SHADOW PLANNING COMMITTEE (NORTH) – 16 April 2019

APPLICATION NO DC/19/0754/FUL REP44(SH)

LOCATION

31, 33, 35, 39 And 43
Cleveland Road
Lowestoft
Suffolk
NR33 0BN

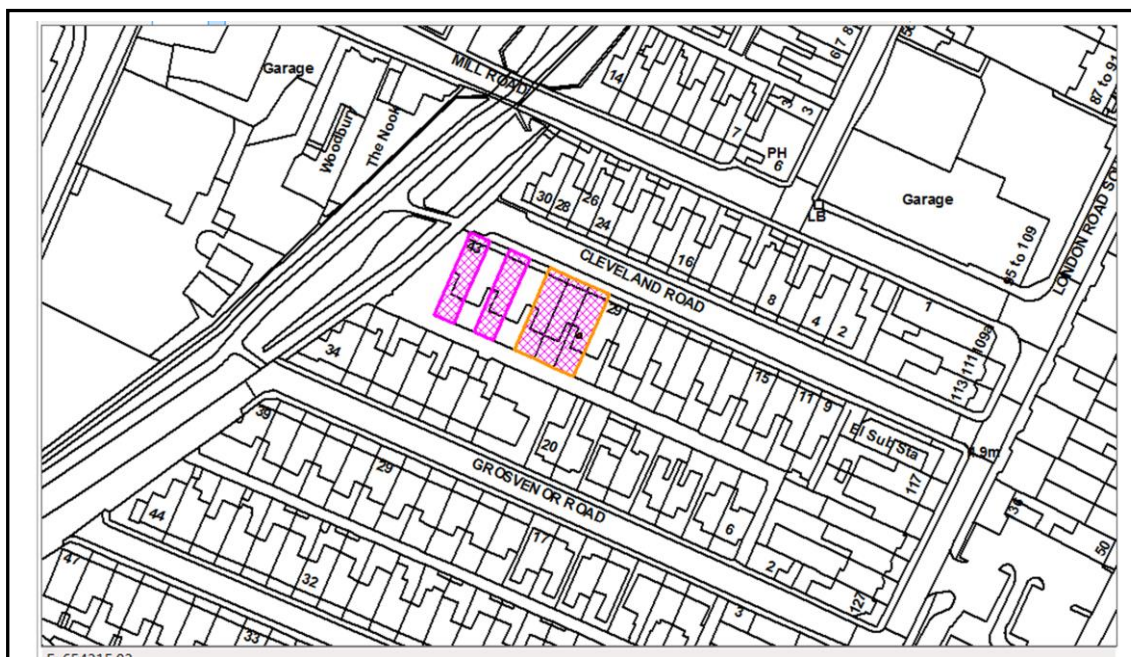
EXPIRY DATE 16 April 2019

APPLICATION TYPE Full Application

APPLICANT Suffolk Coastal & Waveney District Councils (now East Suffolk Council)

PARISH Lowestoft

PROPOSAL Conversion and change of use from five residential dwellings (No. 31, 33, 35, 39 and 43) to provide 14 units of supported housing accommodation with support staff accommodation



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1 SUMMARY

1.1 Planning permission is sought for the conversion of Nos. 31, 33, 35, 39 and 43 Cleveland Road, Lowestoft to provide 14 units of supporting housing accommodation with on-site staff accommodation.

- 1.2 The main issues are around the impact of the proposal on flat saturation, residential amenity impacts, highway safety implications, flood risk, and impact on the Conservation Area. However, it is officer's opinion that the public and social benefits from the proposal outweigh the limited harm that is considered to arise in a properly controlled scheme.
- 1.3 As such it is recommended that the application be approved subject to the conditions outlined, and receipt of an application Flood Risk Assessment.
- 1.2 The application is before committee as it has been submitted on behalf of East Suffolk Council.

2 SITE DESCRIPTION

- 2.1 The site is located within the settlement boundary for Lowestoft, and comprises of five properties in a row of terrace housing along the south side of Cleveland Road. Cleveland Road is a dead-end highway with the main vehicular access of London Road South at the eastern end.
- 2.2 The application properties are two storey terrace houses with rooms in the roof, and include a number of retained original features, such as their windows. The site is situated within the Conservation Area for South Lowestoft, and is further covered by an Article 4 Direction which restricts a number of permitted development rights of properties.
- 2.3 Cleveland Road is a dead-end road, with the only proper vehicular access located off London Road South to the east. Access to the Grosvenor Road is also available via the alley access route to the rear of the properties that line the southern side of Cleveland Road. Cleveland Road is mainly made up of Victorian two storey terrace dwelling which front the highway along the north and south of the street. At the western end of the road is a public footpath that leads from the Belvedere Road Car Park to the Kirkley Rise Car Park, both located approx. 5mins from the application site.

3 PROPOSAL

- 3.1 Planning permission is sought for the conversion of Nos. 31, 33, 35, 39 and 43 Cleveland Road, Lowestoft from single dwellings to provide 14 units of supporting housing accommodation with on-site staff accommodation. The proposed facility will be staffed by 2/3 staff members per shift.
- 3.2 The proposal includes the introduction of four parking spaces at the rear of the site, to be used for on-site staff. Each of the 14 units will be self contained and include a bedroom, kitchen/ living area, and bathroom.
- 3.3 Nos. 31 and 33 are proposed to be converted to include two offices, a general bathroom and kitchen, and five self contained supported living flats, between the two properties. Nos. 35, 39, and 41 will be converted to include nine self contained supported living flats, between the three properties. Nos. 31, 33, and 35 will include internal doors between the properties.

- 3.4 Permission is also sought to refurbish / upgrade the current windows to incorporate double glazed panels or replaced with like-for-like timber windows and doors incorporating double glazed panels.

4 CONSULTATIONS/COMMENTS

4.1 Parish/Town Council Comments

The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 12 March 2019 where 15 members of the public were in attendance. It was agreed to recommend REFUSAL of the application. The Town Council wishes to refer to the following Planning Policy and material considerations when making its recommendation for refusal:

- WLP8.4 Conversion of Properties to Flats. Flat Saturation Zone. States no further conversions will take place in Cleveland Road. This policy alone should result in refusal of the application. The submitted site layout document clearly shows the conversion of these houses to 14 flats.
- WLP8.39 Conservation Area. The application is for an area within the southern Lowestoft Conservation Area. To date there has been no consultation with the Conservation Officer. There are several matters in the application which would be contrary to the conservation area setting, one being the conversion of wooden windows to PVC (8.225). Something the planning authority has refused for other dwellings in this road. To ensure Part M compliance (as detailed in the Design and Access statement) to design and character of these houses would need to change. This is not appropriate in a conservation area.
- WLP8.30 Housing Design and Density. Seeks to restrict new uses for buildings which would result in substantial harm to a building or its setting. The Town Council feels strongly that this application would be contrary to this policy.

Other material considerations are:

- Lack of parking provision in the area to accommodate possibly in excess of 16 vehicles.
- The cumulative impact of such an application on a 'cul de sac' road.
- Disturbances created from the largely increased number of residents, and visitors/staff, who would be accessing the flats.
- Lack of appropriate bin storage.

4.2 Neighbour consultation/representations

60 Letters of objection have been received from neighbouring residents and groups who have raised the following matters:

- Highways and parking impacts
- Impact on Conservation Area
- Contrary to flat saturation zone policy
- Increase in anti-social behaviour/increase in crime
- Increased noise impact
- Loss of privacy to neighbours
- Saturation of similar units in the area and potential issues arising
- Loss of family housing
- Impact on house prices

4.3 **Head of Environmental Health**

No comment regarding contaminated land, however have some concern regarding potential noise as there are terraced houses either side or between the units.

They have requested a condition to be imposed that asks for a noise management plan for the units or other form of noise control to be agreed in writing prior to development, that ensures that the occupants of the units will not cause noise disturbance to those living in neighbouring premises.

4.4 **Suffolk County Councils Highways Authority**

Initially recommended a holding objection due to the lack of on-site parking, and the potential highway safety implications that could result.

Additional subsequent comments have been received that indicate that the Highways Authority may consider conditional approval of this application if on-site parking for at least two staff members is provided, a travel plan is produced encourages visitors to park off-street utilising the nearest public car parks, and were confirmation is received that the bins will not be stored on the public highway.

4.5 **Environment Agency**

Do not wish to comment, as the application falls under Flood Risk Standing Advice.

5 **PUBLICITY**

The application has been the subject of the following press advertisement:

| Category | Published | Expiry | Publication |
|--------------------|------------------|---------------|-------------------------------|
| Conservation Area, | 01.03.2019 | 22.03.2019 | Beccles and Bungay Journal |
| Conservation Area, | 01.03.2019 | 22.03.2019 | Lowestoft Journal |

6 **SITE NOTICES**

The following site notices have been displayed:

| | |
|---------------------|--|
| General Site Notice | Reason for site notice: Conservation Area, Date posted 26.02.2019 Expiry date 19.03.2019 |
|---------------------|--|

7 **PLANNING POLICY**

7.1 Section 38(6) of the Planning and Compensation Act 1990 states that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

7.2 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application.

7.3 Planning (Listed Buildings and Conservation Areas) Act 1990, Part II (Conservation Areas)

- 7.4 The East Suffolk Council – Waveney Local Plan was adopted in March 2019 and contains the following policies of relevance to the determination of this application:
- WLP1.1 - Scale and Location of Growth
 - WLP1.2 - Settlement Boundaries
 - WLP8.4 - Conversion of Properties to Flats
 - WLP8.29 – Design
 - WLP8.39 – Conservation Areas
- 7.5 East Suffolk Council’s SPD ‘Guidance for Historic Buildings and Conservation Areas - Built Heritage and Design Supplementary Planning Document - April 2012’
- 7.6 South Lowestoft Conservation Area Character Appraisal with Management Plan

8 PLANNING CONSIDERATIONS

- 8.1 The key considerations in the determination of this application are:
- Principle of development and flat saturation policy
 - The impact on residential amenity
 - Transport and parking;
 - Design and appearance considerations and impact on the conservation area;
 - Flood Risk
 - Other matters

Principle of development and flat saturation policy

- 8.2 The site is located within the physical limits for Lowestoft, and as such the principle of this type of development is considered acceptable, subject to its adhesion to the other relevant planning policies set out in the East Suffolk Council – Waveney Local Plan (March 2019) and the NPPF.
- 8.3 The site is located within the flat saturation zone as defined under Policy WLP8.4 of the adopted East Suffolk Council – Waveney Local Plan (March 2019). The policy states that no further conversions to self-contained flats/HMOs will be permitted within Cleveland Road where saturation levels have been exceeded.
- 8.4 The policy states that *“Some areas of Lowestoft have been subject to high numbers of flat conversions and are considered to be at saturation point when considering the above issues. In these areas further conversions should be resisted. The point at which saturation occurs will vary according to historical and local characteristics of the street, but 20% of properties converted to flats has been held to be a general guide.”*
- 8.5 The policy also states that *“Conversion of larger properties to flats and smaller units can provide much needed smaller units of accommodation. However, where high concentrations of conversions to flats or ‘houses in multiple occupation’ have taken place this can bring about amenity issues. These include on street parking, bin storage and increased levels of activity and disturbance. In some cases high numbers of flats can be associated with low levels of owner occupation which can result in lower maintenance standards and environmental decline. The cumulative conversion of larger dwellings to*

flats can reduce the number of larger family dwellings in an area which can result in unbalanced communities.”

- 8.6 The submitted design and access statement states that *“these will be specifically for people with support needs and accompanied by 24-hour on-site support catering for their individual care requirements. The accommodation will not be used for general needs accommodation or available within the private rental sector.”*
- 8.7 As stated above the flats will be specifically for people with support needs and will be accompanied by 24-hour on site support. As such in this instance the flats will be standard open-market housing. Policy WLP8.4 is centred towards the impact that open-market housing has on communities, and seeks to prevent unconscious open market conversion occurring. As this facility would have 24-hour on-site support and is specifically for people with support needs, it is considered that the principle is acceptable, and that the proposed development would not undermine the aims of policy WLP.8.4
- 8.8 However, in order to ensure that the flats do not enter open market housing, which would carry a greater chance of community impact, officers recommend the imposition of a condition to ensure that the flats remain for supported housing with on-site staff only, and that once the supported housing is no longer required that the properties be returned to single dwellings. This proposed condition is included in the officer recommendation.

Impact on residential amenity

- 8.9 The proposal seeks to convert the five 3/4 bedroom dwellings into 14 self contained supported living flats, with 24 hour on site staff provision. The flats will usually be occupied with individuals, rather than couples, and therefore each of the five properties will contain between two or three self contained flats.
- 8.10 The proposal does not seek to introduce any additional windows into the existing building over and above what currently exists. Concerns have been raised by local residents with regards to overlooking from the people in the flats, and the impact that this would have on their rear privacy. However, given that no new openings are proposed it is not considered that the impact on residential amenity is any differently than currently exists. The relationship is considered to be acceptable in an urban location.
- 8.11 A number of concerns have been raised in regards to the potential increase in noise from the properties as a result of the change of use. Some additional noise impacts are likely as a result of the development, due to the increased activity from the small increase in potential occupants. Environmental Health have raised no direct concerns in regards to noise impact, however, they do acknowledged that a potential increase is likely and have therefore requested the submission of a noise management plan prior to occupation. This is requested by means of planning condition should Members be minded to grant permission.
- 8.12 It is envisioned that the production and implementation of this noise management plan should reduce the potential impact of the development on the neighbouring residents to an acceptable level which would not adversely impact on their amenity.

Transport and Parking

- 8.13 The Highways Authority have recommended a holding objection to the application due to concerns that the proposal would increase the number of vehicles parking on Cleveland Road which could result in safety issues and inconsiderate parking. Officers are fully aware of the parking demands on Cleveland Road, due in part to the lack on on-site parking for a majority of properties in the area.
- 8.14 The Highways Authority have however indicated that if parking were provided to the rear of the site for at least two staff members, that a travel plan were created for visitors, and confirmation is received that the bins collection point at the western end of Cleveland road will be off the public highway, then they could conditionally support the application.
- 8.15 An additional plan has been drawn up and submitted by the which details four parking spaces at the rear of the site will be provide in a parallel arrangement with the rear access alley, which is in addition to the two spaces requested. In addition, confirmation has been received that the bins will be stored off the public highway on an area of land next the fence that runs along the western end of Cleveland Road. In the case of this application if the Highways Authority were to recommend the submission of a Travel plan it is not considered by officers that it would be appropriate given the scale and sustainable location of the development. It is also unclear on how such a travel plan would be monitored and enforced to ensure compliance. Therefore in this instance it is not considered that a Travel Plan would be considered reasonable.
- 8.16 If any additional comments are received they will be reported to the Committee via the Update Sheet.
- 8.17 The site is in a highly sustainable location with good access to the town centre, good public transport links, close proximity to shops and facilities, and is within easy walking distance of two public car parks. As such it is considered that in this instance a reduction in the on-site parking requirements that are required under the SCC Parking standards would be acceptable.
- 8.18 MAVAM, who is proposed to be the care provider for the facility, have confirmed that it is highly unlikely any of the residents will have a car, they have known one resident to have their own car in the 10+ years they have been running these types of schemes. Whilst it can not be guaranteed that residents would not be vehicle owners it is considered unlikely that they would be.

Design and appearance considerations and impact on the Conservation Area

- 8.19 The site is located within the South Lowestoft Conservation Area, and is covered by an Article 4 Direction which removes permitted development rights for dwellings with the area. The application properties appear to have the original wooden sash windows, although minor alterations such as the front door and dormers have occurred in the past. Policy WLP8.39 states that *“Development within conservation areas will be assessed against the relevant Conservation Area Appraisals and Management Plans and should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.”*

- 8.20 Paragraph 196 of the NPPF (2019) states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 8.21 The application as submitted sought permission to replace the existing windows and doors with Upvc alternatives. However, following officer recommendation the application has been amended to either refurbish or upgrade the current windows to incorporate double glazed panels, or replace the existing windows with like-for-like timber windows and doors incorporating double glazed panels.
- 8.22 The Council has developed the Waveney Built Heritage and Design Supplementary Planning Document - April 2012, this sets out the assessment required to consider the replacement windows, and the score for the windows are:
- The Location – Cleveland Road = 1 point
 - The Building - Original features intact = 3 Points
 - The Windows - Original in fair condition or in need of simple on-site repair= 3 points
- This gives the property an overall score of 7 points, scores between 5-7 mean that Upvc should not be accepted but replacement can be supported using authentic materials, i.e. timber or metal as appropriate.
- 8.23 No details have been provided in regards to whether any windows are to be replacement, however, the principle of replacing the windows and doors with like for like replacements is considered acceptable in this instance. A condition is proposed requiring full window and door details to be provided prior to the removal of the existing openings and their replacement.
- 8.24 Therefore in this instance it is considered that if necessary the replacement of the front elevation windows with wood sliding sash would be acceptable, and would continue to preserve the existing character and appearance of Cleveland Road and the Conservation Area. It is also considered that the public benefit, in terms of both the increased energy efficiency of the building and from the provision of additional needed supported housing, is considered to outweigh the less than substantial harm.
- 8.25 As such it is considered that the proposal complies with the requirements of policy WLP8.39 and the NPPF.
- 8.26 Planning permission would generally not be required for the replacement of these windows in the rear elevation.

Flood Risk

- 8.27 The site is located within the Environment Agencies Flood Zone 2, and the Council’s Strategic Flood Risk Assessment Zones 2 and 3. However, under the EA’s vulnerability classification classifies both the existing use and proposed use as ‘more vulnerable’. The EA has provided no comment in regards to this application, and have indicated that it should be assessed against their standing advice.
- 8.28 The Environment Agencies standing advice advises that a Flood Risk Assessment should be submitted with the application, which assesses the potential risk from flooding. The report

should cover the following areas; Surface water management, Access and evacuation, and Floor levels. No flood risk has been submitted at the time of writing this report, and therefore officers are unable to assess if the application meets the EA's standing advice. Therefore if members were minded to recommend, then it would be subject to the submission of a Flood Risk Assessment and this being considered acceptable by the relevant officers.

Other matters

- 8.29 The application involves no ground alterations, and as such Environmental Health Officers have raised no concerns in regards to a potential risk from ground contamination as a result of the proposed development.
- 8.30 A number of concerns from local residents have been around the potential impact on house prices. Impact on house prices is not a material planning consideration, and therefore cannot be considered as part of a planning application.

Planning balance

- 8.31 The proposal is considered to provide an economic benefit as it would provide six full time jobs to the local economy, in addition, the minimal employment created during the conversion phase. The proposal also provides on-site parking for staff, thereby reducing potential on-street parking need. In addition, it would provide a social public benefit as it would provide much needed accommodation for people with support needs that would be accompanied by 24-hour on-site support. It is considered that on balance these benefits would outweigh the limited harm arising due to increased activity and parking constraints.

10 CONCLUSION

- 10.1 The proposed development is considered to provide both a social and economic benefit to the local area, through the creation of jobs and provision of supported housing flats.
- 10.2 It is also considered that either the proposed replacement or refurbishment of the properties windows and doors would not result in an adverse impact on the character and appearance of the area and would reserve the current appearance of the conservation area.
- 10.3 Therefore, it is considered that on-balance the public benefit would outweigh the potential limited impacts that may arise as a result of the proposed development.

11 RECOMMENDATION

It is recommended, subject to the submission of an acceptable Flood Risk Assessment which is considered acceptable by officers, that the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with;
 - Site location plan, ref: SL01, received 06/03/2019
 - Existing elevations, ref: SP-006, received 20/02/2019
 - Proposed elevations, ref: PL02, received 20/02/2019
 - Existing floorplan, ref: SP-005, received 20/02/2019
 - Proposed floorplan, ref: PL01, received 20/02/2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. Prior to the replacement of any front elevation windows, hereby permitted, full details of the replacement timber, double-hung, vertical sliding sashes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Prior to the replacement of any door, hereby permitted, in the front elevation, full details of the proposed replacement doors shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: In order to safeguard the special architectural or historic interest of the building.

5. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the 14 flats and associated office space, shall be used solely for supporting living accommodation with 24-hour on-site support, and for no other use within the C3 use class as defined in the Town and Country Planning (Use Classes) Order 2005.

Reason: To ensure that the flats do not become open market housing, which has the potential to further impact on the amenity of neighbour if not properly controlled.

6. Once the supporting living scheme, hereby permitted, is no longer required, the buildings should be returned to five separate residential units.

Reason: To ensure that the flats do not become open market housing, which has the potential to further impact on the amenity of neighbour if not properly controlled.

7. Prior to commencement on site, a full noise management plan shall be submitted to and agreed in writing by the Local Planning Authority. The recommendations and advice of this approved report shall be implemented in full prior to first occupation, and shall be continued during the course of the approved scheme as required.

Reason: To ensure that the occupants of the units will not cause noise disturbance to those living in neighbouring premises.

8. The use shall not commence until the area within the site shown on SL01 Rev A for the purposes of manoeuvring and parking of vehicles have been provided and thereafter it shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

9. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing numbers SL01 Rev A, and PL01 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

10. The areas to be provided for cycle storage as shown on drawing numbers SL01 Rev A, and PL01 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To improve the scope for employees and visitors to access to the site by the sustainable form of transport that is cycling.

BACKGROUND INFORMATION:

See application ref: DC/19/0754/FUL at www.eastsuffolk.gov.uk/public-access

CONTACT

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