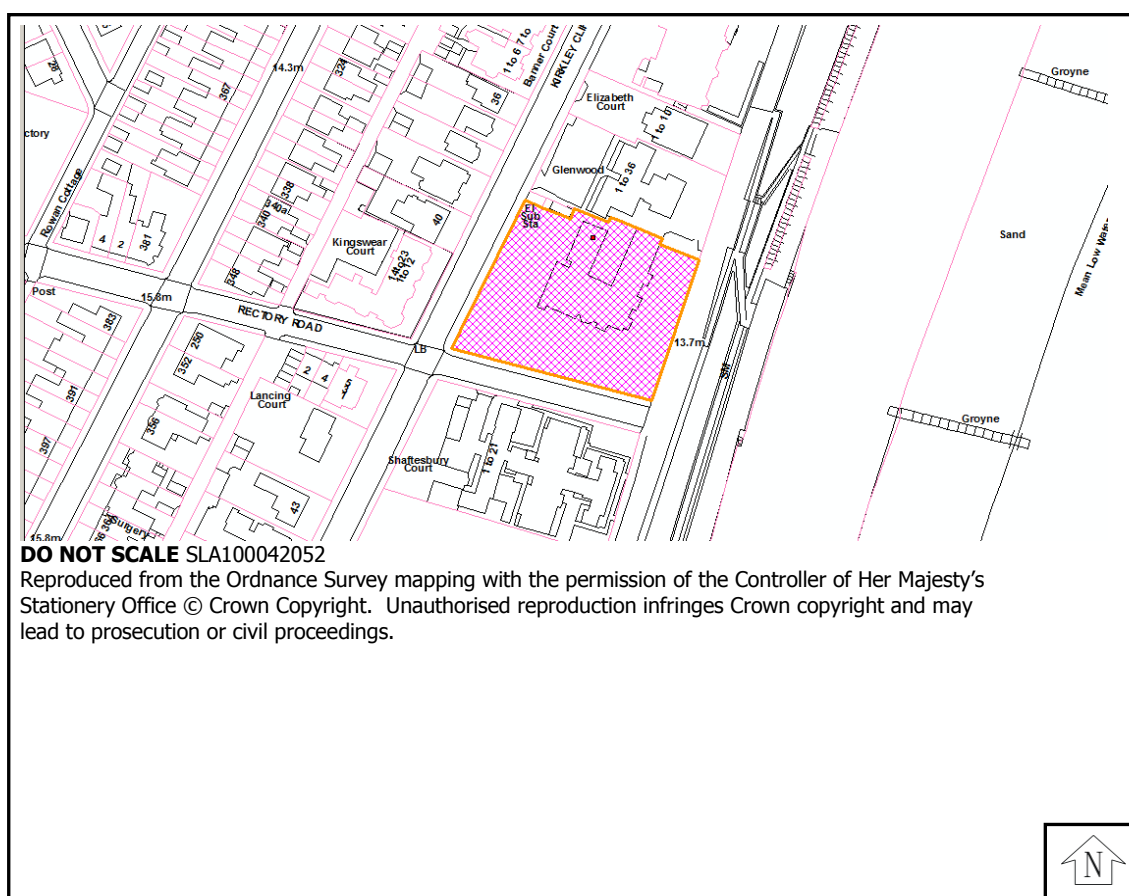


**PLANNING COMMITTEE – 16 AUGUST 2016****APPLICATION NO DC/15/2442/FUL****LOCATION**

Rectory Road  
 Lowestoft  
 Suffolk  
 NR33 0ED

**EXPIRY DATE** 21 October 2015**APPLICATION TYPE** Full Application**APPLICANT** Cripps Developments Ltd**PARISH** unparished**PROPOSAL** Revised scheme for the construction of 20 dwellings including partial demolition of existing building.**SUMMARY**

- 1.1 This application has been subject to protracted discussion based on consultation comments received and in revised form now seeks to demolish part of the former convent, last used as offices, in order to redevelop the whole site for residential purposes.
- 1.2 There have been discussions around viability leading to a finalised proposal that is considered approvable where a slight reduction in accommodation is provided and a contribution of £50,000 for contribution to affordable housing off site has been negotiated.

- 1.3 This further revised proposal retains the earliest and most architecturally well considered parts of the former convent and more modest additions in the grounds than previously proposed and is in itself considered acceptable.

## **SITE DESCRIPTION**

- 2.1 The former convent was built around 1900. The original building forming the part where the current entrance porch is on the southern side and to the east running along the cliff top with a series of three attractively proportioned square bays. Around 1905 a further series of buildings to the west of the entrance block and running north and parallel to Kirkley Cliff Road were erected. The whole is built from the Suffolk Buff gault clay brick and under slate roofs. The buildings are very complete; all original fenestration appears to survive, though the ground floor is currently boarded up for security.
- 2.2 To the east of the site there is car parking, formerly gardens with a 1.5m approx. height garden wall between the site and the Esplanade. The other side of the Esplanade drops away in a cliff to the lower esplanade and beach.
- 2.3 To the south of the site is Rectory Road, providing a route from the southern end of Kirkley to the seafront. Rectory Road is all within the South Lowestoft Conservation area and features open views to the sea at the east end and the Church of St Peter and St John framing the western end.
- 2.4 The south side of Rectory Road opposite the proposal site contains modern sheltered accommodation in brown/red brick, single storey closest to the highway and double height elements to the rear and south overlooking the Roman Catholic school playing field yet further south. These buildings extend at single storey over much of the depth of the site, and to within 20m of the Kirkley Cliff Road.
- 2.5 To the north there is a six storey modern purpose built block of flats in a red brick (Glenwood). This building features a slate hung top floor that has the character of a mansard roof, and helps to some extent to make the building look lower than six storeys. This building contains flats at both front and rear and is therefore quite deep on its plot, certainly closer to Kirkley Cliff Road than the Victorian and Edwardian Terraces further north, which appear to respect a common (possibly covenanted) development line. There are some windows facing towards the application site on parts of this building. Further north is another modern flat block set in a similar plane to the Victorian Terraces housing the current Victoria Hotel. The Victoria Hotel features a 20<sup>th</sup> century front extension projecting beyond this apparent 19<sup>th</sup> century established building line.

## **PROPOSAL**

- 3.1 The revised proposal, in the form submitted on 19<sup>th</sup> April 2016 is for a scheme with no part higher than the existing south east two storey element of the former convent, with three storey blocks to the west and infilling to the north, of the same height as the original building. This can be achieved because the ceiling heights in this Victorian institutional building are considerably greater than in modern residential practice, so that three storey modern buildings need not be higher than the existing two storey building in terms of total ridge height, though the new building's eaves lines will be around 0.6m higher than the existing.
- 3.2 The proposal comprises buildings now listed as "Blocks"
- 3.3 These are:
- 3.4 **Block A** New build, 3 storey pair of townhouses with integral garage 4 bedroom
- 3.5 **Block B** New build, 3 storey flats. 3 number 2 bedroom and 3 number single bedroom.

- 3.6 Block **C** New build to immediate west of retained buildings 3 townhouses with integral garage and with 3 bedrooms each.
- 3.7 Block **D** Original SE part of convent buildings retained converted to 4 number 2 bedroom flats
- 3.8 Block **E** Original east range of the convent buildings retained and converted to a 3 bedroom townhouse.
- 3.9 Block **F** New build, infill to north of retained part, pair of townhouses each 4 bedroom
- 3.10 Block **G** Two new build 2 bedroom detached bungalows styled as lodges and towards the southern Rectory Road boundary entrance.
- 3.11 The total number of dwellings now proposed is therefore 20 units.
- 3.12 These are therefore in order of size: (parking spaces required in brackets based on the adopted guide SCC 2015)
- 3.13 Three number one bedroom flats, (3)
- 3.14 Seven number two bedroom flats, (10.5)
- 3.15 Two number two bedroom bungalows, (3.0)
- 3.16 Four number three bedroom houses and ( 8)
- 3.17 Four number four bedroom houses. (12) TOTAL 36.5 spaces

## **CONSULTATIONS/COMMENTS**

- 4.1 **The original scheme drew a large number of objections, for brevity these are not reproduced here; the first revised scheme upon which this report is based was taken to a re-consultation where all previous objectors were consulted.**
- 4.2 Originally objections were received from the following respondents and these can be viewed on line: 1 Kingswear Court, The Salvation Army Trustee Company (owner 3 Kingswear Court), 4 Kingswear Court, 9 Kingswear Court, 10 Kingswear Court, 16 Kingswear Court, 17 Kingswear Court, 18 Kingswear Court, 19 Kingswear Court, 23 Kingswear Court, 127 Banbury Road, Oxford, 340 London Road South, Kirkley House, Kirkley Cliff Road, 21 Aldergrove Close, Halesworth:
- 4.3 **Objections received to revised drawings of 19<sup>th</sup> April 2016** from 24 Glenwood Court, 1, 4, 9, 16, 17, 18, 21 and 23 Kingswear Court, 340 London Road South, précised:
- 4.4 Block A and F will block light and view into the living room on the third floor of Glenwood Court. Block F residents will be able to see into Glenwood Court
- 4.5 The needs of housing association residents unfairly ignored
- 4.6 The amended plans are an improvement in retaining some of the original building but the site is overdeveloped with an increase from the original plans from 15 to 21 properties, the original historical part of the building that is being retained will become overshadowed by the additional buildings surrounding it.
- 4.7 The three storey town house is over dominant and overlooks Kingswear Court, removing view and adversely affecting property value.

- 4.8 Development at St Marys should not increase the number, proximity or height from ground floor, of windows overlooking existing dwellings along Kirkley Cliff Rd, only obscured glass should be used in elevations above ground floor. The three proposed bungalows extend beyond the building line on Kirkley Cliff Road. Block B is 2m beyond the existing building line.
- This closest bungalow harms outlook.
  - There is a large tree at the corner of Kirkley Cliff Road and Rectory Rd which is a good specimen and an asset to the area.
  - This will set a precedent for other developments to break the building line.
  - There is only one parking space is provided for each property, leading to parking problems and congestion on already busy roads near a school, harming safety.
  - The access to Kirkley Cliff Road should be wider to allow emergency vehicles to enter and avoid queuing along the main road if a vehicle is exiting.
  - Congestion and accidents could occur.
  - Internal roads may need widening
  - The proposal does not comply with the local plan.
  - Currently, the roofline is broken-up by use of hipped ends. This proposal features long expanses of continuous tiles and gable ends.
  - Wholesale expansion of the footprint in several directions is wrong, dominating the historic part of the building it was designed to complement.
  - Light pollution needs to be reduced by the use of shading.
  - Residents of Kingswear Court have been refused replacement of a Holm Oak with two new smaller trees due to 'the amenity in a conservation area' but the proposal requires the removal of the tree on the corner.
  - Tantamount to official vandalism.
  - Access for emergency vehicles is insufficient
- 4.9 Objection from Wheatman planning (precised). The substance of the objections still remains as in the original proposal.
- Financial viability is secondary to the primary and statutory duty of the Local Planning Authority to protect and enhance the surrounding historic Conservation Area.
  - Unacceptable impact on the amenities of the residents of Kingswear Court from over-dominance, loss of privacy and loss of outlook to several apartments within Kingswear Court, contrary to the requirements of adopted Local Plan policies CS02 and DM02
  - Unacceptable impact on the Conservation Area contrary to the requirements of Local Plan Policies CS02, CS17 and DM30.
  - The revised plans go some way towards addressing previous concerns, the partial retention of the original convent building and observing the building line along the eastern boundary of the site adjacent the promenade.
  - Other concerns remain and new elements generate additional objections.
  - Development should be in harmony with neighbouring properties and not result in loss of existing residential amenity.
  - The developer's priority is quantum of accommodation not historic and amenity context.
- 4.10 The proposal represents an over-development of the site, demonstrated as follows.
- 4.11 Blocks A, B, C and G will extend well beyond the footprint of the existing building bringing the development closer to the western and southern boundaries of the site.
- 4.12 Blocks A, B and C are over prominent in the street scene when viewed from Kirkley Cliff/ Rectory Road and taller than the existing building leading to the retained parts being obscured to the west and south, defeating the reason for retaining the original building and not observing the widely applied rule of thumb that extensions to historic buildings, should be subservient.

- 4.13 In the Statement of Significance accompanying the revised scheme it is stated in paragraph 4.4; "...It could be argued that the significance of the original convent building has been harmed by subsequent extensions and the character of the Conservation Area has changed much during the late twentieth century."
- 4.14 These later extensions proposed to be removed by this scheme, are in keeping with and do not over-dominate or conflict with the original building and are consistent with the architecture the retained parts. The proposed additions blocks A, B, C and G will have a harmful impact on the character and setting of the original building.
- 4.15 The Statement of Significance goes on to say in paragraph 4.5 "...The proposal involves the replacement of extensions of little or no significance by town houses of quality will not harm the character of the Conservation Area and would soften the impact of adjacent twentieth century blocks of flats. The proposed redesign reduces the hardstanding and providing a landscaped area around the building. It improves the setting whilst better revealing the significance of the non-designated heritage asset..." We disagree because by being taller and on a bigger footprint than the existing convent building line along Kirkley Cliff and extending closer towards Rectory Road to the south the character of the Conservation Area and also the setting of the non-designated heritage asset will be harmed
- 4.16 There is a defined building line to Kirkley Cliff from the junction with Cliff Road extending along both the road side and the promenade. The proposed scheme is forward of this building line. Block 'A' projects 7m forward of the existing western elevation of the Covent facing Kirkley Cliff Road. Block 'B' extends 9.0m forward of the existing western elevation.
- 4.17 Both of these blocks intrude into the open space adjacent to the site boundary, halving the distance between building and boundary wall. Blocks 'A' and 'B' have an eaves height of 7.6m. Height to ridge on Block 'A' is 10m and Block 'B' 10.3m and will be intrusions into the street-scene along Kirkley Cliff Road.
- 4.18 The single storey dwellings are on a part of the site never before developed and extend beyond the current frontage towards both Kirkley Cliff Road and by 19m more towards Rectory Road. The ridge height of the bungalows is 5.3m, on a prominent part of the site that is currently open space. They depart from the pattern of development and are harmful to the visual character of the Conservation Area. These bungalows will be over dominant to residents of Kingswear Court losing open and uninterrupted outlook in this direction.
- 4.19 Town-houses do not soften the impact of the adjacent blocks of flats (Glenwood Court?), instead forming an additional incongruous feature.
- 4.20 The overall design of the new buildings within the site fails to meaningfully reflect the design or architectural detailing of the existing building or the surrounding area. The proposed three bungalows are bland and relate poorly to both existing and proposed development. Design policy requires that new development be of high quality design in keeping with the character and appearance of the area (CS02) that also protects and enhances the built and historic environment (CS17).
- 4.21 While the proposal reduces the hard standing areas these are well screened from public view by the substantial brick wall which will instead be replaced by intrusive buildings.
- 4.22 The amount of soft landscaping proposed is limited and is concentrated on the eastern and south eastern corners of the site with very little landscaping proposed for the prominent western and southern areas of the site.
- 4.23 There will still be loss of privacy to flats within Kingswear Court. Windows from bedrooms and living rooms in flats 6 and 8 on the first and second floors within block 'A' will look directly into existing properties.

- 4.24 The large gable feature on block 'A' will be a particularly intrusive feature, will result in over-dominance and loss of outlook to properties within Kingswear Court contrary to the requirements of Policy DM02. It will also have a detrimental visual impact on the overall street scene.
- 4.25 The number of parking spaces proposed is below the minimum numbers recommended in Suffolk County Council Guidance for Parking providing only 32 spaces. With no spaces allocated for Block B a shortfall of 8 spaces. There is no cycle storage or bin storage shown on Drawing No. 065A - Proposed Street Elevations. Does not show the bungalows on section a-a from the Esplanade, whereas they do appear on b-b from Kirkley Cliff Road
- 4.26 The red line on the "Existing site and location plan" Drawing no. 51 is at odds with that shown on the latest "Site and Ground Floor" plan Drawing No. 052 A. A substation and single storey garage are shown outside the red line on Drawing No.51 but included within it on Drawing. No 052 A.
- 4.27 **Further objection from Wheatman planning précised following revisions received 23<sup>rd</sup> June 2016:**
- 4.28 We are concerned that the Council appear to still be prepared to entertain a viability report on a site that was purchased by the applicant over a year ago when the same planning policy requirements applied then as they do now and market conditions, in terms of land values, have not altered substantially in the meantime. The Land Registry shows the site was purchased for £605,000.00. Lloyds Bank was identified as a lender. This Bank would have required an assessment of the development potential (capacity quantum) of the site, based on current planning policies for affordable housing, open space and CIL. We doubt that a bank would support lending where there was doubt over viability. There cannot be logical grounds for viability being allowed to influence the application process at this stage when there has been no material changes to circumstances between date of purchase and now that would affect the viability or delivery of the site.
- 4.29 We reiterate our previous letters that the requirements of Local Plan policies and also those of the NPPF that protection and enhancement of the historic Conservation Area should take precedence over viability considerations. Please refer to our earlier letters where we set out more fully our arguments with regard to the duty imposed on the LPA.
- 4.30 Our clients maintain their objection to the latest revised plans, as Blocks A & B extend forward of the existing building line on Kirkley Cliff and are taller than the original convent building resulting in loss of privacy and outlook to our clients properties.
- 4.31 The height and breaching of building lines will be visually prominent and conflict with the predominant pattern of adjacent development on Kirkley Cliff. The retained convent building will be dominated.
- 4.32 We urge that views along Kirkley Cliff should be carefully considered as the proposed development is 11m tall and approximately 8.6m closer to the boundary with Kirkley Cliff. The existing sense of openness and the transition to lower density development that one currently experiences as one travels in a southerly direction along Kirkby Cliff will be substantially altered. The development will introduce a range of tall three storey buildings that will fill the existing gap between the site and the existing buildings located on the opposite side of Kirkley Cliff blocking views of the promenade and seafront. A Committee site visit is needed.
- 4.33 The Five Year Housing Land Supply March 2015 showed this site as a "Justified Windfall Site" for 11 dwellings. The proposed pair of detached bungalows straddling either side of the Rectory Road site entrance represents an improvement to the original proposal, though some detail is still not shown on the website currently. The Architectural Detailing is

inadequate and insufficient attention has been paid to reflecting the detailing of the existing building in the design of the proposed buildings.

- 4.34 Why the revisions in April and more recently accepted as amendments, given the increased number of units and design and layout changes compared to the original application?

### Consultees

- 4.35 **Anglian Water:** There are assets owned by Anglian Water close to the development boundary that may affect the layout of the site. Any approval will require a notification that AW be informed and consulted.
- 4.36 There is current treatment and network capacity for foul drainage.
- 4.37 AW does not comment on surface water management where not related to Anglian Water operated assets. The Local Planning Authority should seek the advice of the Lead Local Flood Authority.
- 4.38 **Suffolk County - Highways Department:** recommends that any permission which that Planning Authority may give should include the standard conditions that: manoeuvring and parking provision shown on submitted drawings are provided before use and thereafter retained.
- 4.39 Garages shown on drawing are below the 3m x 7m shown in the Suffolk Guidance for Parking 2014.
- 4.40 The access shall accord with standard SCC drawing DM10; and be 4.5m wide.
- 4.41 The method preventing surface water run off onto the highway shall be approved before construction.
- 4.42 Bins storage details shall be approved by the Local Planning Authority.
- 4.43 **WDC Environmental Health - Contaminated Land** The Phase 1 contamination assessment submitted with the application has identified a number of potential sources of contamination including an electricity sub-station and an on site landfill. I am not aware of the existence of a former landfill on site and can find no basis or explanation for the identification of such a feature at the site. The report recommends that an intrusive investigation is carried out:
- 4.44 "Following site strip samples should be taken in the area around the substation and in a grid pattern across the site to test for contamination." I would concur with this recommendation and advise the LPA that these works, together with any remediation and validation which may subsequently be required, should be secured using the four model planning conditions.
- 4.45 **Waveney Coastal Management and Protection Team** (precised): The Coastal Erosion Vulnerability Assessment and associated report are of an acceptable standard. Future coast defence works may require funding contributions from beneficiaries which could include owners of property in this development. This is a long term risk that is unlikely to affect the investor but may become an issue for future owners of the properties.
- 4.46 **Environment Agency – Drainage:** (precised) The Phase 1 Contamination Report, has identified the potential for contamination from a landfill and electricity substation.
- 4.47 No objection provided that four conditions relating to the protection of the water environment are included in any permission granted.

- 4.48 The site is not within a Source Protection Zone and is considered to be in an area of medium environmental sensitivity.
- 4.49 Condition 1. Before each phase commences, work equivalent to the four model conditions for land contamination shall be carried out.
- 4.50 Condition 2. No occupation of any part of the permitted development or of each phase of development shall take place until a verification report demonstrating the effectiveness of the remediation shall be submitted.
- 4.51 Condition 3. No development should take place until a long-term monitoring and maintenance plan is agreed.
- 4.52 Condition 4. If unexpected contamination is encountered during development, work shall be suspended until a remediation strategy is agreed.
- 4.53 The developer intends to use soakaways for the discharge of roof water and hardstanding but needs to consider advice given by the Agency especially where it is proposed to discharge impermeable parking areas to soakaways.
- 4.54 Infiltration sustainable drainage systems such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where they will not pose a risk to the water environment. Infiltration SuDS cannot be constructed in contaminated ground.
- 4.55 Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from, roads and vehicle parking areas shall incorporate pollution prevention measures appropriate to the environmental sensitivity of the receiving waters.
- 4.56 New development should be designed to improving resilience and adapt to climate change particularly water supply and treatment, water quality and waste disposal facilities and minimise the consumption of natural resources. Development should minimise energy demand and have decentralised and renewable energy technologies.
- 4.57 **Victorian Society (original response):** We object to the demolition of the former convent, which would harm the character and appearance of the Conservation Area and the loss of a locally important building.
- 4.58 Historic England and the Suffolk Preservation Society have also noted that the former convent is a handsome, well-proportioned and pleasingly detailed building. As an undesignated heritage asset the impact of its loss is a material consideration in determining the application, according to paragraph 135 of the NPPF.
- 4.59 Given its aesthetic merit and its stylistic congruence with the well-defined character of this part of Lowestoft, in addition to its interesting historical associations, the building must be considered to make an important and positive contribution to the character and appearance of the Conservation Area and the building is in a good state of repair, well-suited to reuse.
- 4.60 The demolition is not justified by the information submitted, and would in turn impoverish Lowestoft's rich and well-preserved historic streetscape.
- 4.61 **Suffolk Preservation Society: (precised response to first revised scheme)** We note the Heritage Assessment and the retention and conversion of the earliest part of the convent. We oppose the loss of the campanile on the corner of the Kirkley Cliff Road and Rectory Road. This has townscape merit.
- 4.62 Comments on amended scheme:



- 4.63 Block G: The proposed terrace of bungalows is incongruous in this important open space which provides uninterrupted views of the sea front. The block is unrelated to the remainder of the development in terms of its location and design, the design is unimaginative and without architectural interest. Whilst the single storey scale and high boundary wall will result in the terrace having limited visual impact, the low grade design fails to preserve or enhance the character of the conservation area or the setting of the heritage asset. Efforts to materially upgrade the design quality should be made. (Note these have been revised as lodges).
- 4.64 Block A and B: We note that the building line of Block A and B is significantly forward of the prevailing building line of the convent. This will make the retained parts a subordinate element rather than the principal or defining element of the site. Viability is not the sole consideration in a conservation area and affecting the setting of an undesignated heritage asset. We urge retaining the building line.
- 4.65 If this increase in scale is accepted we urge the design quality should be concomitant to this increase in prominence. The front elevation of block B uninspired and does not positively respond to the urban context, the history of the convent or even the sea side location. The corner of the site requires a more distinguished architectural treatment perhaps making reference to the campanile (bell tower) feature of the original building.
- 4.66 The level of submitted architectural detail supplied is inadequate. There is no information on fenestration, including depth of reveals, cills, joinery details, eaves, verges, plinths, balconies and balustrades, porches and rainwater goods.
- 4.67 In summary, whilst the amended scheme has successfully responded to our concerns regarding the wholesale loss of the original building, we remain concerned about the scale of new build and the low level of design quality. However, if you are minded to support the scheme we would argue strongly for a significant increase in design quality.
- 4.68 **Comments by SPS (précised) on two Lodge version for the scheme:** We had expressed concerns about the extent of demolition and the detailed proposals for redevelopment. We are encouraged by the latest revisions which show the introduction of a pair of single storey lodges on the south elevation and increased landscaping and better boundary treatment. This shows greater sensitivity to the conservation area and mitigates the loss of open space and views. There remains an absence of detail which needs to be secured before recommending this scheme for approval.
- 4.69 Concern has been raised by the scale of the new blocks of accommodation; it is best practice for the new to be subordinate in scale to the host. In this case attaching a three storey extension to a two storey parent building raises challenges, and the ridgeline of the extension should be below that of its host. The scheme would benefit from rationalised fenestration, currently random and varied. Simpler and more coherent fenestration with a consistent size of window for habitable and non-habitable rooms alike would be better.
- 4.70 Large scale joinery details are necessary, including reveals and cills should be agreed before permission rather than by condition.
- 4.71 **Historic England. (original proposal)** The proposed development would require the demolition a building of some architectural and historic interest which makes a positive contribution to the significance of the conservation area. This would be harmful in terms of the NPPF and we recommend the application is refused.
- 4.72 Précised further comment: Existing is typical villa form associated with Lowestoft's development as a resort. The Heritage appraisal submitted is inadequate in terms of paragraph 128. A building need not have architectural merit to have historic interest.

- 4.73 The open former front garden allows the vista along Rectory Road to open out and give greater sea views. The buildings historic significance derives from association with a Catholic religious order arising from increased tolerance in the 19th century.
- 4.74 National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development (paragraphs 6, 7, 14, 17, and 132).
- 4.75 The existing building's architectural style reflects and reinforces the character of the conservation area. The building makes a positive contribution to the character and significance of the area and is lent additional interest by its historical use as a convent. The area around the building also plays a positive role in the conservation area and has the potential for enhancement.
- 4.76 The existing building is therefore an undesignated heritage asset (in terms of the NPPF) that contributes to the significance of the conservation area. Its demolition and redevelopment would result in harm to the significance of the conservation area in terms of paragraph 132 and 134 of the NPPF. We consider that the building can be adapted to deliver housing and the lesser quantum that would result would not represent a significantly reduced benefit compared to demolition.

## **PUBLICITY**

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area, Major Application,	14.08.2015	03.09.2015	Beccles and Bungay Journal
Conservation Area, Major Application,	14.08.2015	03.09.2015	Lowestoft Journal

## **SITE NOTICES**

4.78 The following site notices have been displayed:

General Site Notice	Reason for site notice: Conservation Area, Major Application, Date posted 18.08.2015 Expiry date 07.09.2015
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## **PLANNING POLICY**

5.1 Relevant policies include:

- CS02 High Quality and Sustainable Design (Adopted Core Strategy, January 2009)
- CS11 Housing (Adopted Core Strategy, January 2009)
- CS17 Built and Historic Environment (Adopted Core Strategy, January 2009)
- DM02 Design Principles (Adopted Development Management Policies, January 2011)
- DM16 Housing Density (Adopted Development Management Policies, January 2011)
- DM17 Housing Type and Mix (Adopted Development Management Policies, January 2011)
- DM18 Affordable Housing (Adopted Development Management Policies, January 2011)
- DM19 Conversion of Properties to Flats (Adopted Development Management Policies, January 2011)
- DM30 Protecting and Enhancing the Historic Environment (Adopted Development Management Policies, January 2011)

## **PLANNING CONSIDERATIONS**

6.1 **General Policy considerations:** Paragraph 135 of the National Planning Policy Framework examines the effect of an application on the significance of a non-designated heritage asset where a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Complete demolition would have the greatest impact and given the viability appraisal suggesting that affordable

housing cannot be financed in full; it is considered that this option would fail the test of any compensating public good as well as clearly representing a total loss of historic and cultural meaning of the site. The latest revised proposal retains much of the first construction phase of the convent so cultural harms are lessened.

- 6.2 Development Management policy **DM30** requires that proposals should preserve or enhance the character and appearance of Conservation Areas through high quality, sensitive design. As the preposition offers an either / or statement replacement or addition would need to represent high quality design. The revised proposal submitted, retains parts of the original building but fails the NPPF (para 131) test which is more prescriptive than the local policy in citing “the desirability of sustaining and enhancing the significance of heritage assets”, in other words preserve and enhance where possible.
- 6.3 Development Management policy **DM02** states “New development should be in keeping with the overall scale, character, layout, site coverage, height and massing of existing buildings, taking into account the relationship between buildings and spaces”. This could be read to imply that the coverage and building height on a site should not exceed the pre-existing site coverage and heights of the existing buildings within the site, the revised proposal, while on a more expansive footprint is of no greater height than the original building. Expansion within a site needs to be considered in the round, but the policy is not seeking to embargo extension of the built form.
- 6.4 The proposed density of the revised proposal is 58 units per hectare, exceeding the 30 units per hectare expected as an average across the district generally. All the properties are terraced together as is the general pattern of development in this urban location. The conservation area is characterised by larger Victorian terraced town houses with small gardens. Kingswear Court, the flats opposite represent a density of 156 units to the hectare and the whole of the terraces on Kirkley Cliff Road opposite the site represent a density of 60 to the hectare, containing a mix of single homes and larger properties converted to flats, having therefore a similar character to the revised proposal. The proposal is considered compliant with policy **DM16** Density. One objector notes that this site was predicted to offer a windfall of 11 dwellings, which is however a prediction made with the purpose of assessing the broader likely contribution of windfall sites in the housing supply rather than a policy guide as to this specific site’s capacity.
- 6.5 The Type and mix policy **DM17** seeks a balanced mix of accommodation across the District with some emphasis on providing a greater number of smaller dwellings to suit trends in household formation. This policy does not demand that all sites contain smaller accommodation, looking instead for an appropriate approach to site context. It is considered that this site which is beyond the flat saturation areas specifically identified in policy DM19 allows provision for these smaller dwellings, and the revised proposal features this balance.
- 6.6 Development Management policy **DM18** Affordable housing: Objectors have noted that viability is not the prime concern when determining applications. Viability is however of concern in determining the quantum of affordable housing and may therefore create a consideration as to the balance of public goods delivered in relation to the harms occasioned by the scheme with regard to historic setting or neighbour amenity. Following recent court of appeal decisions there is a mechanism for discounting existing floor space brought back into use when calculating affordable housing contributions. In this case the upper limit of contribution that could be required is £140,000 so the viability appraisal has sought to demonstrate that this reduced sum cannot be funded by the proposal.
- 6.7 **Scale and footprint considerations:** Objection has been made by several amenity bodies to the expanded footprint of development and the departure from historic patterns. (Though negotiated design changes have reduced these impacts). Twentieth century development in the area has however already created altered footprint of development on the sites to the north and south of the proposal. In so doing the buildings to the immediate

north of the site step progressively forward of the line established by 19<sup>th</sup> century development (furthermore ground floor extensions to the locally listed Victoria Hotel are also substantially forward of the original building line), such that this further stepping forward could be considered an extension of that principle in terms of Blocks A and B. The height of all the blocks is now generally comparable with the original building both retained and to be demolished, with the exception of the lodges and Block A. The two lodges on the south side of the site follow the predominantly single storey scale of the modern care home on the other side of Rectory Road. Block A will be 1.3m higher than the existing turret feature to its ridge, and closer to Kirkley Cliff Road and Kingswear Court opposite, but in mitigation of this scale difference the eaves proposed to block A are only 500mm higher than the eaves of the existing building on this part of the site and 500mm lower than the eaves of the turret feature, and given the trees and separation distances little different in impact by way of scale. It is also the case that the 19<sup>th</sup> century Empire Hotel, formerly occupying the site of Shaftsbury Court to the south of Rectory Road, was set closer to Kirkley Cliff Road than the residential development here proposed on the convent site.

- 6.8 Comment has been made that extension to historic work should be subservient to the original building. The 1905 extension to the original building was not itself subservient and the proposed new dwellings on the site of the demolished part are not subservient because they follow the footprint of that removed part on the south façade. The two lodges project into a formerly open area and therefore obscure some views from the south in places, of the original building. Given the (confidential but independently expertly assessed) viability appraisal work however it is considered that it is necessary to extract some additional value from the site, over and above the original built form, if development is to proceed. The risk in not accepting a degree of change on this site is that it will remain undeveloped and without use, deteriorate. The alternatives to this now relatively small scale intervention that were first submitted were of larger footprint and greater height.
- 6.9 **Design:** National Planning Policy Framework, paragraph 17 states that planning should ... secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 6.10 Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (NPPF para. 64).
- 6.11 The amenity society's remaining objection to the architectural treatment relates to the need for further small scale component details. These can be secured by conditions. The style chosen does follow materials and roof pitches found within the convent site as existing and other local precedent. Fenestration is indicated as of a similar type to the existing buildings. The first and second floor forward projecting elements and the small surmounting gables on Block A facing west and Block F facing east are insubstantial in scale compared to the original gable features. The amenity society suggested using of more regular sizing of fenestration. This advice reflects the formal classically derived architectural forms in this locality with, typically: diminishing height windows progressing vertically up facades. Where windows face into internal courtyards this advice is not considered to apply.
- 6.12 Further negotiation with the architect has resulted in revised plans received 28<sup>th</sup> July 2016 showing a generally uniform fenestration pattern departed from only where balconies occur with larger window openings. This is considered to go a considerable way towards establishing the pattern suggested by the amenity society.
- 6.13 **Appraisal of the existing building:** The buildings former use confers some cultural significance with regard to religious institutions. The existing building is not of highest architectural quality because the later extensions create varied roof junctions of an untidy character, so that the west and south facades are disjointed. The north façade is effectively hidden by the modern flats to the north but the east elevation does exhibit

designed structure and rhythm with regular gabled bays facing the sea and the whole building has moulded brick detail of fine quality. Original sash windows survive throughout and there is a good quality early 20th century timber porch on the south side. The building is not listed or locally listed.

- 6.14 **Surrounding Amenity (revised scheme with two Lodges):** Most residents of “Kingswear Court” across Kirkley Cliff Road from the proposal site have objected to a loss of light, outlook, privacy and view. Block G; the two lodge bungalows, feature pyramidal roofs and are 45m from Kingswear Court, this is sufficient for no material harm to outlook or light to occur.
- 6.15 Block B is opposite number 40 Kirkley Cliff Road and features windows in that direction, but at 31m separation distance and with some intervening planting shown. While this is not the 35m distance suggested in the Suffolk Design Guide for direct overlooking being immaterial, it is close and with the benefit of planting mitigation. Block A also faces 39 and 38 Kirkley Cliff Road but is further set back to achieve 35m separation. There are windows currently facing this direction, across Kirkley Cliff Road, albeit last use was office space and they are further away, but their pre-existence and the public nature of the street does offer further mitigating circumstance when judging materiality of impact.
- 6.16 Further revision to Block F overcomes the mutual overlooking towards the east facing windows of the tall flat development to the immediate north, by the use of partly blind projecting bay windows.
- 6.17 Residents state they purchased flats in Kingswear Court, because they offered a sea view. In planning practice the right to a view is not normally accorded significant weight in decision making, if it were development would be severely curtailed. It is considered that the loss of a sea view can be lent little weight here such as to justify refusal, especially where the only part of the development to intrude into the view are the two lodges set 45m from Kingswear Court so reduced in impact within the field of view to the sea by perspective.
- 6.18 **Street-scape impact:** The proposal scheme does narrow views in a manner that represents a change and reduces sea views when appreciated from the public domain. Given the relatively high boundary wall and the small scale of the lodge bungalows proposed and the way that existing trees on the Kirkley Cliff Road boundary act to limit open-ness, this is not considered a change that is materially harmful.
- 6.19 **Parking:** The existing building is surrounded by hard surfaced parking areas. The creation of landscaped areas and the breaking up of parking into smaller areas around the site does offer enhancement in the Conservation Area further assisted by the areas of planting which promise the return of some of the character of the original convent use especially to the east side (from the Esplanade) of the site where the convent is retained.
- 6.20 There are 32 spaces in total counting garage provision. Given the schedule of property numbers and bedrooms a provision that would satisfy the Adopted Suffolk County Council Parking Guide, would be 36.5 spaces. This technical shortfall over the scope of a scheme of this size and urban location close to bus routes is not considered to carry sufficient material weight to serve as a refusal reason, and under provision is considered preferable to losing the visual gains of converting tarmac to greenspace. Furthermore the guide allows for 25% reduction for grouped parking spaces with flexible use, and as many of the spaces here are in that category the shortfall's significance is further reduced.
- 6.21 As such neighbours' objections over impact on street parking spaces and congestion caused at the nearby primary school during the school run, is considered to carry little material weight in planning terms. The garages scale just under the County recommended width but greater than the recommended length. They do offer genuine parking capacity it is considered, especially if the overall parking arrangement dictates it.

- 6.22 **Trees:** The revised scheme (drawing 52E) retains the three existing substantial trees on the Kirkley Cliff Road side and offers a number of additional trees, though the species is not specified, and will require therefore, a condition to define.
- 6.23 **Precedence:** The demolition of former Kingswear Hotel, used as Council offices and latterly the Planning Department office under application reference W1628/1 in 2006 was reported to committee. The report reflected that the original building was much altered and included a very poor quality flat roofed wing on the north and east side. It was therefore considered that the loss of the whole and replacement by something that was a modern high quality interpretation of the “local vernacular style drawing on influences from the Peto period” was capable of a recommendation for approval. In that case the footprint and vertical scale and massing of the replacement was practically identical to the original building, so there was little material townscape impact. This decision therefore carries some weight in that loss of a building was able to be supported on quality grounds and in this proposal the better parts of the original building are retained and the revised street scene better addresses the context as was the case across the road.
- 6.24 **Procedural:** The Council can negotiate revised schemes and number of units can be increased, providing the description is changed and interested parties notified. The fee regulations allow for this.
- 6.25 **Viability:** Actual details are commercially confidential so principles and findings are discussed without specific values:
- 6.26 There is an appraisal for the revised proposal, which showed that the version with a three bungalow block G was not viable if financial contribution for affordable housing were to be made. The assumptions as to sale values were however challenged by the independent valuer appointed by the Council and funded by the applicant. At a meeting held with the planning team, the independent valuer and the applicant, the design demerits of the three bungalow proposal was discussed and the idea of a version with small lodges proposed. The valuer calculated that with two lodges there would still be a justifiable requirement for a £50,000 off site affordable housing contribution. The area planning officer considered that this offered the best balance of Conservation Area townscape impact reduction and financial contribution. The applicant accepted this further change to the proposal.
- 6.27 Criticism mentioned in the Wheatman planning letter regarding out of date viability work ignores the fresh viability calculations assessed by the valuer relating to the more recent 3 bungalow version of the scheme but supported by calculations by the independent valuer to support the two lodge version. Given the confidential nature of this work it is not surprising that an external observer would not be aware of this, as nothing is published publically. This objector characterises the purpose of the viability work as an attempt to justify harm to the character of the conservation area, whereas the viability work has been used to ensure some contribution towards affordable housing within a reduced scheme whereby harms are considered reduced as bourn out by the Suffolk Preservation Society comments on the presented scheme.

## CONCLUSION

- 7.1 The revised proposal addresses many concerns raised and while it leads to the loss of a part of the original building and creates development forward of the line of the original building on the site, does reflect a proposal for a re-use of a site currently occupied by an undesignated heritage asset not thought to warrant local listing where if development profit is not able to be secured could run the risk of leading to blight. Recommendation is for conditional approval.

## RECOMMENDATION

To approve the amended scheme subject to a section 106 agreement being signed providing a £50,000 contribution towards off-site affordable housing provision with the following recommended 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 carried out in accordance with approved drawing reference: (job ref 4913)

52 E site plan with trees retained and proposed new received 22nd July 2016  
62 Existing elevations with vertical dimensions added  
66 C street elevation proposed with dimensions vertically added (mainly views within courtyards) all received 19th July 2016  
070 A block A proposed floor plans  
071 A block A proposed elevations  
085 A block D proposed floor plans  
086 A block D proposed elevations  
090 Block E proposed floor plan  
091 block E proposed elevations all received 19th April 2016  
100 A block G proposed plan and elevation for the two lodges received 25th July 2016  
065C Street Elevations with external dimensions and regularised windows  
075C Block B plans  
076B Block B elevations  
080B Block C plans  
081B Block C Elevations  
095B Block F plans  
096B Block F Elevations all received 28th July 2016, for which permission is hereby granted.

Reason: To secure a properly planned development.

3. The use shall not commence until the area within the site shown on Drawing Number 52 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area 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.

4. The access shall be completed in all respects in accordance with DM10; with an entrance width of 4.5m for the access and be available for use before occupation. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

5. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

6. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out 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.

7. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.



9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work is begun. The work shall be carried out in accordance with such approved details:

Widened gateway to Rectory Road, showing method by which the existing wall and gate pillars are made good.

New opening and gateway to Kirkley Cliff Road, showing method by which the existing wall and gate pillars are made good.

Brick arch, dentil course, string course, balcony guarding.

Further detailed profiles for all joinery at large section size

Reason: In order to safeguard the special architectural and historic interest of the conservation area.

**BACKGROUND INFORMATION:** See application ref: DC/15/2442/FUL at [www.waveney.gov.uk/publicaccess](http://www.waveney.gov.uk/publicaccess)

**CONTACT** Chris Green, Area Planning and Enforcement Officer.