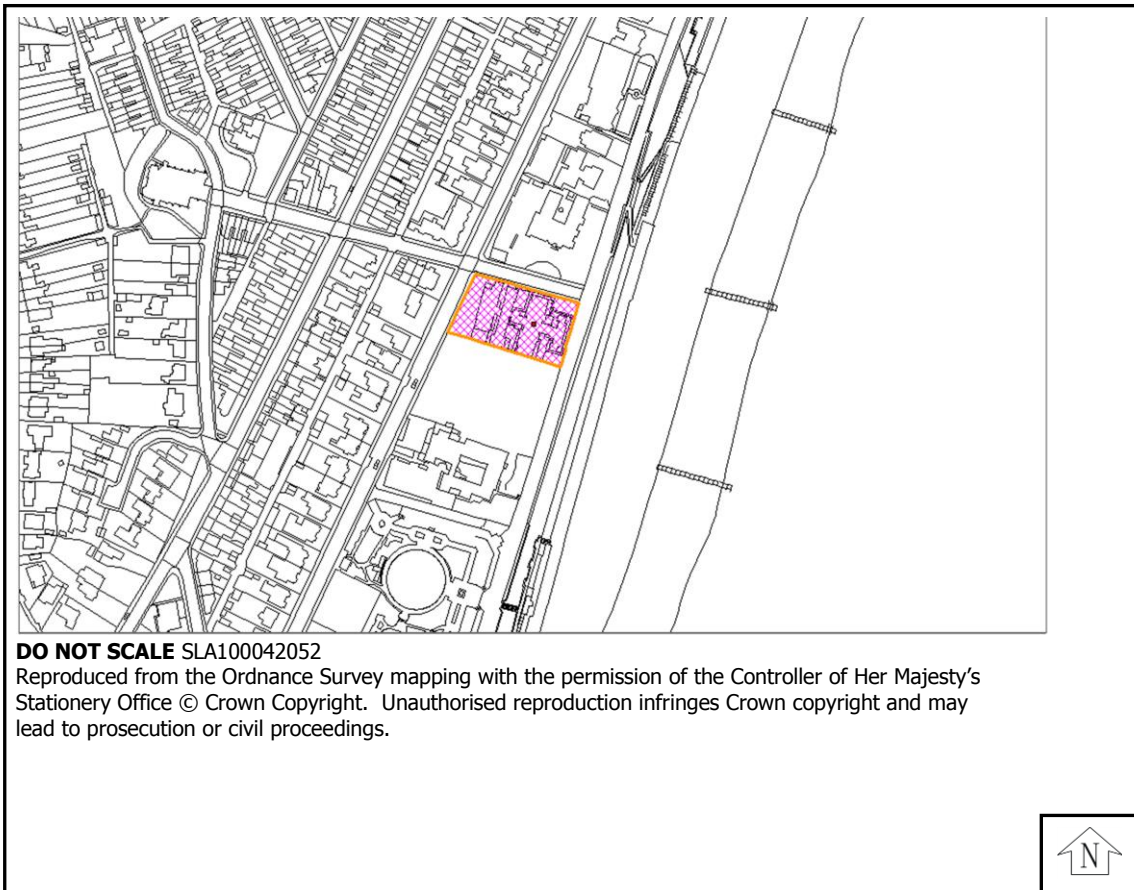


**LOCATION**

Shaftesbury Court  
Rectory Road  
Lowestoft  
NR33 0DQ

<b>EXPIRY DATE</b>	17 January 2018
<b>APPLICATION TYPE</b>	Full Application
<b>APPLICANT</b>	Sanctuary Group
<b>PARISH</b>	Lowestoft
<b>PROPOSAL</b>	Demolition of existing care home building and the construction of 30 no. retirement apartments with associated car parking (amended plans)



**1 SUMMARY**

1.1 This application is a reapplication following the withdrawal of DC/17/4139/FUL for flats for the over 55 age group replacing the existing special needs care home, where facilities have been transferred by the development on the former WDC housing office at Gordon Road. This is a sustainable location and the amended proposal is considered a high quality response to the site context.

- 1.2 There is however no compliance with affordable housing policy and no viability appraisal currently submitted, but more significantly the 30 units now proposed in the amended scheme still is deficient in parking in an area where there is parking stress. The recommendation is for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The 0.31 hectare application lies on the upper Esplanade. To the east is the steep cliff with the seafront and beach beyond. Currently the site contains an existing supported living scheme providing support for up to 15 adults with a physical disability of approximately 1970s date.
- 2.2 The site is now within South Lowestoft Conservation Area following amendments in 2016.
- 2.3 The development is partly within the 30m buffer zone for the Coastal Change Management Area and the application has a Coastal Erosion Vulnerability Assessment.
- 2.4 The Lowestoft Conservation Area Appraisal published in 2007 states: *Shaftesbury Court, although of little architectural significance occupies the former site of the Empire Hotel and enjoys a prominent location within the conservation area.*
- 2.5 The Empire was opened in 1900 and its footprint covered Shaftesbury Court and St. Mary's after 1921 it was a tuberculosis hospital. This building was five storeys high, with a half basement.

## **3 PROPOSAL**

- 3.1 The revised proposal received is for 30 apartments mainly of two bedrooms for over 55 year old to be secured by condition. Twenty car parking spaces are proposed. There is no provision of affordable housing and no viability appraisal currently submitted to support a reduction in affordable housing provision.

## **4 CONSULTATIONS/COMMENTS**

**Neighbour consultation/representations (as received in respect of this application, earlier responses can be read in relation to the earlier application)**

- 4.1 Objections from: 340 London Road South, Flats 2 and 5 Lancing Court, Flat 2, 7, 9, 12, 17, 18, 19 and 22 Kingswear Court, 42 Kirkley Cliff Road, 20 Wellington Esplanade, 20 Pakefield Road, Alan Avenue Newton Flotman, (precised and summarised, other letters have been received with addresses not identified), there have also been several objections from parents of children attending the Convent School site regarding parking stress and highway safety:
- This application from a London based firm misunderstands the character of seaside towns.
  - There are no affordable homes
  - The traffic survey identifies empty parking spaces. This car count was carried out at a quiet time.

- The 'new' plans still show 30 flats (27 x 2 bedroom and 3 x 1bedroom) and still only allow 20 parking places.
- The original highways response of 19/2/18 requires the 30 dwellings to have 44 spaces (another writer states 51 spaces are needed, as not warden assisted. The site is only suitable for 20 flats with 30 parking spaces.
- During hot weather all available parking is in use. The site itself was parked on. Parents are using this site for school drop off.
- The new homes on the convent site will create extra parking demand and there is insufficient parking in that scheme.
- It is common for couples to each own their own car. This proposal includes proportionally more 2 bedroom dwellings than that in the original proposal.
- Space is required on site for emergency services, doctors, paramedics, ambulance, or fire brigade and for Gardeners, cleaners, home help, window cleaners.
- No consideration is given to off site parking for: Visitors, tourist parking, traffic produced by the large hotels when special events create overspill. Parking charges on public car parks cause displaced parking. The local Park Run creates parking load. Visitors and residents of the convent site. Persons visiting the new centre at CEFAS. Dog walkers out of season when beach access is allowed. Visitors to the additional beach huts. Traffic to the extended school. The Coastguard access onto the esplanade.
- There will be increased pollution in the conservation area in disregard for "green" issues. Greenpeace and the Green Party should be involved.
- Kingswear Court and St Mary's both suffer from a lack of parking exacerbating the proposal shortfall.
- This is a pivotal application (setting a precedent)
- The development is proposed to be 10 meters from the site boundary on Kirkley Cliff Road. Allowing the building to be this close to the road will further diminish the open aspect that exists. This is the last place where that open-ness exists.
- Three storey developments are too high to be in proportion to the locality. It triples the height of the existing building and would be the same height as the gutter line of Kingswear Court, diagonally opposite. The seafront will feel like a Spanish package holiday resort. The scale of the former Empire Hotel, once on this site should not be precedent as this severely impacted on light and outlook in the area.
- Two floors of flats, with balconies, will overlook bedrooms and bathrooms, opposite the development on the west side of Kirkley Cliff Road. There will be a loss of light caused by greater proximity. Sea views will be lost.
- The original arboricultural report is not included.
- Protected trees with ecological value will be lost. If the proposal is altered this need not happen. The suggested planting includes types that will not be easy to properly maintain. Cripps were required to keep trees on the former convent site
- The whole of the cliff top and sea front area of Kirkley is major tourism asset. Reducing parking availability will harm tourism.
- The St Mary's redevelopment was restricted in height.
- The Area action plan for Lowestoft and Kirkley sets out areas for this type of development. This proposed development is not within the action plan area or provide infrastructure. This conflicts with the "Area action plan" and Policies EHC1 requires the highest possible quality and Policies WEW1 and WEW2 seek to ensure that development meets the highest possible sustainability standards.

- No further public consultation has been held regarding the revised application. Reapplication is underhand in nature.
- Housing associations have increased construction homes intended for market sale and director remuneration is excessive. The CEO refuses to answer letters sent. This operator has been identified in the press as not responsive to tenant needs regarding property maintenance and is a recipient of large amounts of public money.
- St Marys primary school will require space to expand and this development intrudes on school land.
- One writer reports the closest parking space available was on Marine Parade during the summer creating a long walk for this infirm resident. Elderly residents are being stressed by this application.
- This ongoing application's aim is for acceptance by attrition, to maximise Sanctuary Group profit and a rushed application to avoid objection emanating from the St Mary's scheme before occupation.
- This change will disadvantage the Blind, and be discrimination under the Equality Act 2010 especially if there has been no Equality Impact Assessment.
- The cliff has issues of stability.
- Commentators suggest two storey development to retain the sense of open-ness and reduce the traffic impact, and that a 20 flat scheme should have 30 parking spaces.

4.2 **Parish/Town Council Comments:** recommend approval of the application.

4.3 **Police - Secure By Design** (Précised: full details on line) The agent has agreed secure gates to the main parking area to ameliorate the lack of natural surveillance to that area given the outward facing main rooms in the design. There will be one access point for vehicles and pedestrians. The external cycle storage shown is not adequate, but this can be addressed.

The access system should follow Secured by Design Guidelines with a visitor door entry system or access control system and electronic keys. Vandal resistant external door entry panel with an integral camera recording colour images stored for 30 days, and audio/visual communication with the occupant. There should be remote release of the primary entrance door-set from the dwelling or bedroom and battery back-up and unrestricted egress from the building in an emergency or power failure.

The Integral communal bin store and mobility vehicles store flats must have no windows and be fitted with a secure door-set glazed with laminated glass.

Fire doors shall be alarmed.

The south elevation shall have 2.0 m railings with brick piers with planting behind.  
Dusk to dawn lighting will be provided

Planting to the perimeter will grow to no more than 1.0m to ensure natural surveillance.

4.4 **SCC Flooding Authority:** No objection subject to conditions

- 4.5 **Suffolk Preservation Society** (precised): Previously responded: A parking ratio of one space per unit is required. The proposal represents overdevelopment. The scheme does not reflect pre-application advice stages that the building should not exceed three storeys, the Society also takes this view and such scale would be more appropriate to this part of the conservation area.

In ensuring that most apartments benefit from a south facing view, this has resulted in a development that provides little in the way of public realm and landscaping. The principal view of the Rectory Road elevation offers a service yard and car parking area. The bin stores set immediately behind the railings along this elevation is an example of how little thought has been given to the public realm elements of this scheme. There is very limited private garden and no attempt to provide an attractive communal space. The absence of landscaping is a serious weakness of the scheme.

The gables walls facing onto Rectory Road are predominantly blank, with the exception of a row of small, narrow windows. The lack of active frontage on this principal elevation results in a bland and un-expressive design which fails to enhance the character of the conservation area. The Design Appraisal clearly illustrates that this part of the town is characterised by red brick, ornate Victorian and Edwardian architecture which gives a lively silhouette to the roofline. However, the proposals with pitched roofs and flat topped dormers fails to reflect any of the identity or architectural character of this part of the seaside town.

Development proposals should preserve *or enhance* the character and appearance of Conservation Areas *through high quality, sensitive design* (DM30). Design is a material consideration in the planning process and it is clear that planning authorities should reject poor design. 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 (DM 02).

Response to revised scheme: showing a reduction in the number of units from 40 to 30. We welcome the reduction in height from four storeys to three and the modest reduction in footprint. However, we remain concerned by the treatment of the Rectory Road elevation, the lack of high quality public open space and landscaping. While the scheme has materially benefitted from the significant reduction in scale and massing, the proposals would be further improved by revision to ensure higher standards of design commensurate with the conservation area.

- 4.6 **Victorian Society:** No comments received
- 4.7 **Essex And Suffolk Water PLC:** Our records show that we do not have any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.
- 4.8 **Head of Environmental Health: Noise and Contaminated Land** Concerns have been raised over contaminated land; and pollution arising from demolition.

#### Contaminated land:

The submitted Phase 1 contamination report is incomplete and confusing. The author of the report has identified that a former landfill within the site. If true then this would be a significant source of contamination and ground gas which would require further investigation. The former landfill is barely mentioned in the rest of the report and not included at all in the conceptual site model or risk assessment. Appendix E is missing altogether. The site reconnaissance as part of the Phase 1 assessment is only referred to as a 'walk-past', implying that the author did not gain access to the site and complete a thorough visual inspection of all areas and would not be acceptable.

The above issues need to be satisfactorily resolved prior to the commencement of any development (including demolition). This work, together with the intrusive investigation which has been recommended should be secured using the five appropriately worded conditions.

#### Demolition and construction:

Demolition and construction activities have the potential to emit noise, vibration and dust. Given the size and scale of the demolition and development at this site and its proximity to sensitive receptors, an environmental management plan is required. The hours of site operation should be limited. A condition limiting site hours (including demolition, development, deliveries to or removals from the site) to 0800 – 1800 Monday – Friday, 0800 – 1300 on Saturdays and at no time on Sundays or bank holidays.

The Environmental management plan should be concluded before demolition or construction works take place. This should provide the method for demolition and construction, an assessment of potential emissions, including noise, vibration, dust, light and pollution of water and detailed mitigation measures, in accordance with relevant best practice (e.g. BS5228) to minimise those emissions; and appropriate assessments of any hazardous materials present on site (e.g. pre-demolition asbestos survey) and detailed methodologies for how those substances will be managed safely throughout the demolition / construction process.

4.9 **Waveney Norse - Property and Facilities:** No comments received

4.10 The **Traffic Management Officer** Suffolk Constabulary previously had expressed concern regarding car parking with 20 parking spaces, 2 of which will be set aside as mobility impaired spaces, serving 40 apartments, staff working at the premises and visitors to the residents.

The over 55 age group, with retirement ages from work increasing, better medical facilities and the national push for healthier lifestyles, contains more active lifestyles where residents might have more than one vehicle per apartment. Many elderly people still like to drive, but as vehicles might not be used as often, the vehicles could be parked for long periods. Space is currently available to park 'on road' in the area although the additional number of vehicles may have a knock on effect for the adjacent school at start and end of the school day, the beach and the gardens with tennis courts.

The current traffic officer has further commented on this 30 unit proposal (reduced from the 40 units upon which the foregoing critique had been offered: I think Steve has expressed what I think will be the concerns of many local residents and I would endorse those concerns. My mother is fast approaching her 80th birthday and relies heavily on her car. Are you able to confirm what the County's recommendations are since I think that is the big question for me is: Is one space per unit required? As Steve said, if not for the occupants, certainly for any visitors. Pc 1172 Stark Traffic Management Officer Police Headquarters

4.11 **County Council Development Contribution Manager** : Raised comments regarding financial contributions that will be supported by CIL payments

4.12 **Suffolk County Council Fire Service**: Standard request for higher bearing capacity hard-standings. Confirmation that no additional hydrants are needed in this area, and recommendation that sprinkler systems are employed to protect life and reduce damage to property in the event of a fire.

4.13 **Suffolk County Council Highways**: (precised) scheme for 30 retirement apartments.

The lockable sliding gate and access is unacceptable as shown. The gate would be required to be set back a minimum 5.0m from the edge of the public highway to prevent obstruction. This will result in fewer parking spaces.

The "Suffolk Guidance for Parking (updated 2015)", considers "retirement apartments" if warden assisted then the total number of car parking spaces required would be 30.

The change in status from normal dwelling to warden assisted retirement property would allow a reduction in parking provision of 14 car parking spaces from the normally required total of 44 to a reduced total of 30.

There is no allowance for shared parking spaces. The guide allows nominal "on-street" parking provision in relation to new housing estates only.

If visitor parking is included in the calculations for off-street parking provision, then an additional 0.25 space per dwelling (unallocated) would need to be provided or 7.5 spaces.

The Highways Authority are not satisfied that the likely impact of additional road parking that may result from a reduction in the parking provision, below that advised for warden assisted retirement properties, would not cause inconsiderate and unsafe obstructions to the surrounding road or footpath network or add pressure onto an already densely utilised parking network, and cannot therefore recommend the LPA approve the reduced parking proposals. Their earlier recommendation, DC/17/4139/FUL of 20/11/17 and 19/02/18, that permission be refused, still stands.

4.14 **Anglian Water**: No objection subject to condition

## 5 PUBLICITY

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

Category	Published	Expiry	Publication
Conservation Area, Major Application,	03.11.2017	23.11.2017	Beccles and Bungay Journal
Conservation Area, Major Application,	03.11.2017	23.11.2017	Lowestoft Journal
Conservation Area, Major Application,	27.10.2017	16.11.2017	Lowestoft Journal

## 6 SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Conservation Area, Major Application, Date posted 24.10.2017 Expiry date 13.11.2017
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## 7 RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/17/4139/FUL	Demolition of an existing care home building to facilitate the construction of 40 retirement apartments with associated car parking.	Withdrawn	28.02.2018

## 8 PLANNING POLICY

The Waveney Core Strategy was adopted in January 2009

**CS11** Housing and **CS17** Built and Historic Environment

The Waveney Development Management Policies were adopted in January 2011

**DM02** Design Principles, **DM03** Low Carbon and Renewable Energy, **DM16** Housing Density, **DM17** Housing Type and Mix, **DM30** Protecting and Enhancing the Historic Environment.

## 9 PLANNING CONSIDERATIONS

### Policy Considerations:

#### Location of development:

- 9.1 One writer has referred to industrial land regeneration as preferable. Paragraph 118 of the National Planning Policy Framework 2018, "Gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land". The proposal to use this now unused site for housing is considered to respect this policy and to comply with the preferences expressed in policy CS11 of the Adopted Waveney Core Strategy.



### Design and townscape:

- 9.2 One writer points to the 1985 outline condition that directed that a single storey building should be developed to maintain the open character of the clifftop at this point. It is noted that this advice was set aside to some extent when the reserved matters for that scheme was approved with some two storey elements, given that there are other substantial properties of two and three storey and with roof-space utilisation effectively conferring an additional storey height in the generality of the vicinity, this proposal cannot be said to be atypical of the context. It is noted that both the original SPS response and the revised response in regard of the withdrawn application did support a two storey with attic rooms proposal of the nature now put forward.
- 9.3 There is a sense that the public vista along Rectory Road has hitherto been very open with enticing views to the sea, and this has some benefit to tourism and the coastal character, and this issue was raised recently in the context of the convent redevelopment where single storey structures closer to the roadway helped to retain the open-ness. This open-ness retained on the north side of Rectory Road is therefore useful in maintaining the vista. That advice is not therefore precedent to this site and the larger development here proposed to the south of Rectory Road benefits from the space retained within the convent site. The proposal is considered to accord with policy DM02 with regard to Townscape.
- 9.4 The applicant points to the historic scale of the Empire Hotel, which greatly exceeded the scale and footprint of the current proposal. While this has long been demolished, the reasoning behind the requirements imposed on the convent development were to some extent informed by the history of the site where open landscaped grounds had surrounded the convent and something of this character was considered beneficial to the conservation area.

### Design Aesthetic:

- 9.5 The Suffolk Preservation Society critique of the design finds fault with the architectural language and regards it as failing to enhance, however, given the current buildings on the site, the proposal is considered to offer enhancement and the use of the brick projecting double height balconies creates a rhythm redolent of the Victorian bays without slavish copying, with the shadow lines resulting being a stronger feature, with a regular pattern again reinterpreting the Victorian facades in a modern manner. In detail terms the use of “keystones” in a clearly clad beam situation looks a little perverse, but this is a minor observation. The extra weight at the top of the feature where the parapet provides guarding to a second storey balcony does not look over heavy, in the balance of the overall design. The flat top dormers are not wildly dissimilar from the low segmental pitch dormers on Kirkley Cliff listed terrace and reflect too the shape and proportions of the proposed projecting balcony features. The SPS notes the end gable walls as nearly “blind” with minimal fenestration, yet this is not atypical of Victorian gable end façades on terraced houses, though it is accepted that street corner plots in this area normally provide greater liveliness to return facades. There is criticism too that the open courtyard will be a “service court”, harmful in respect of Rectory Road. It is considered that the creation of a nearly enclosed forecourt is however a not unusual urban feature and the character of this entrance area is likely to be very different to the service yard characterised given the

landscape shown and providing good quality bin enclosure is contrived (by condition). This is not a nursing home where kitchen service yards often do have a utilitarian character. The proposal is considered to accord with policy DM02 with regard to architectural design.

- 9.6 It is noted however that the revised NPPF 2018 is less supportive than the original of 2012, with regard to architectural form that departs from that of the surrounding context, that said the context is not entirely Victorian and Edwardian at this point in the conservation area, so there has to be some concession to modern form, given the new flat diagonally opposite and the very different form and materials of the school to the south of the site.
- 9.7 The scale of the development therefore has to be weighed against the undoubted benefits in terms of policy DM17, regarding the delivery across the District of smaller homes to suit changing household size projections especially where older persons seek to downsize and given that an over 55 usage condition can be employed given the applicant intends the dwellings to be offered as retirement homes and managed as such.

Density:

- 9.8 Policy DM16 Density suggests that density generally across the district should be around 30 dwellings to the hectare. The density in this proposal is 90 dwellings to the hectare. This is atypically dense for the locality. The flats opposite at Kingswear Court achieved a density of 130 dwellings to the hectare on a smaller site. More comparable is the former Convent site where there are 57 dwellings to the hectare, it is considered therefore that this, here proposed, higher density while not in itself cited as a refusal reason is an indicator as to why the overall parking concerns raised below are of significance.

Parking:

- 9.9 Adopted Suffolk guidance requires one space per flat for warden assisted retirement flats. The amended proposal for 30 dwellings provides only 20 spaces, and the guidance adopted by Suffolk County Council. In considering retirement flats, there is no discounting allowed for unallocated shared spaces. The County also suggest that 7.5 spaces are indicated for visitors. There remains therefore a substantial shortfall based on this guidance. The site is further from the town centre than claimed in the applicants supporting statement at 1.6km. There is a local shopping centre that offers convenience shopping at 350m distance. The shortfall remains a reason to refuse the application.
- 9.10 Many respondents note the parking stress in peak tourism season, however, paid beach parking is available and while this is often not used by visitors; it is in place and available, so there cannot be considered a shortage in terms of beach visitors, in the context of a planning application.
- 9.11 Many respondents note the over 55 designation for elderly persons flats and one noted that at this age, typically a vehicle owner might expect another 25 years of driving. The designation is however a low age usually used in planning as a restriction that offers reasonable flexibility and many residents are likely to be a lot older than this. Nevertheless the shortfall is sufficiently substantial to require a refusal recommendation on this amended 30 dwelling scheme.

- 9.12 Although the site is well located for public transport, vehicle ownership in this prime location is considered likely to be high amongst retirees and so while the need to travel by car might be low, ownership and the need to store a car will not be low, the proposal therefore conflicts with policy DM02 in this regard.

Residential Amenity:

- 9.13 The distance across the highway between facades remains as before at 30m a distance given the public nature of the street where mutual overlooking is not considered to be prejudicial in planning terms, to privacy or to have other over-riding amenity impact.

Crime and Safeguarding:

- 9.14 One respondent has criticised windows facing the play area as a potential children's safeguarding issue. Concerns arising from such overlooking seem to be a matter under criminal law, and a presumption on the part of the writer that residents might behave criminally. Such presumptions cannot form part of planning consideration and if they did, would lead to sites around schools generally being excluded from development. The natural surveillance conferred by overlooking rooms is generally considered a positive deterrent to crime by the police. The "Designing out Crime Officer's " response was more concerned to ensure adequate security fencing to the school boundary to prevent unauthorised access to the flats from the school grounds, given that when school is not in session this becomes a weaker perimeter. The proposal could therefore comply with policy DM02 with regard to crime if a condition requiring these further details was applied.

Ecology:

- 9.15 The site is not within an area of specific ecological designation. Policy DM29 Ecology: requires that development proposals where there is reason to suspect the presence of protected species, should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs. Middlemarch Environmental Ltd has conducted both a general ecology and specific bat survey.
- 9.16 The bat survey concluded that low levels of daytime roosting by Pipistrelles was occurring and that before any works which might result in a breach of legislation, a development licence must be obtained from Natural England. Conditional planning approval can therefore be recommended, with regard to ecology matters.
- 9.17 There was also mention of one invasive plant species in the ecology report, Cotoneaster Horizontalis, the Waveney Landscape and Tree Officer has confirmed that this is not considered inappropriate for urban planting, though all Cotoneaster species are listed under Schedule 9 to the Wildlife and Countryside Act 1981 and it is an offence to plant these in the wild. These plants will be destroyed during development.
- 9.18 An objector noted a disclaimer on the report that implied that other invasive plants might be present, this is not however considered to be the case as the Tree Officer at the time of her site visit saw nothing that would raise concerns.

### Landscaping:

- 9.19 The Council's Landscape and Arboricultural Manager is satisfied with the planting but recommended some further changes that would reflect the exposed location. The Holm Oak was objected to by one correspondent as non-native. This is an attractive species and not one considered as invasive. Holm Oaks whilst not native were introduced here in the 1500s and come from the Mediterranean. They are resistant to salt spray from the sea and work as wind breaks. There are many planted close by – for instance in Kensington Gardens. The catkins give good source of pollen to bees and other insects, their evergreen canopy give year round shelter to birds. The tree officer has not heard of the catkins being an exceptional slip hazard.

### Affordable Housing:

- 9.20 Policy DM18 requires that schemes of the size suggested provide 35% on site affordable housing or off-site contributions to a rate published annually by the Council.

Providers of warden assisted accommodation often cite additional costs in providing common areas and access arrangements for the disabled as creating higher costs than those occurred in general purpose housing. The developer in amending this scheme to 30 units from the original submission had proposed to submit a viability assessment. At the time of closing for committee reporting this appraisal had recently been submitted but not in sufficient time for full appraisal to have occurred. Any response from the independent third party appraiser will be reported to committee or be included in the update report, given that the recommendation is for refusal over the parking issue, it is seen as necessary in terms of prompt decision making. As a response is expected soon, the proposal may also be refused on the basis of failure to provide affordable homes.

### Coastal protection:

- 9.21 In December 2017 the Coastal Protection Team provided a detailed response to a previous version of this application that the Coastal Erosion Vulnerability Assessment and associated report are of a reasonable and acceptable standard in that the assessment criteria that apply have been addressed.

Initially the submitted CEVA did not demonstrate there was no risk of cliff destabilisation linked to surface water management. The revised CEVA dated 8/8/18 addresses the points raised because Managed Surface water will be discharged to public sewers and the SUDS Management and Maintenance Plan dated August 2108 shows all car park and roof run off water being diverted to attenuation crates below the car park.

### Other matters raised:

- 9.22 Objectors have opined that the relocation site for former residents in the town centre has dis-benefits, this however, is something that cannot inform the debate as to the merits of the submitted proposals for this site.
- 9.23 Objection has been made to the failure to re-consult the public by the applicant. The Council has carried out re-consultation in accordance with process.

- 9.24 The impact on persons with disability under the Equalities Act has been raised by an objector. While it has been deemed in the past that material planning considerations do fulfil concerns over Human Rights Act matters, there does need to be further consideration of the impact upon the blind or deaf for example under the Public Sector Equality Duty, given the provision of specialist facilities for these groups in this locality. No work on this has been received from the applicant, but it remains a duty for the planning committee report to consider the issues. It is noted that the pedestrian crossing is to the north of the Rectory Road to Kirkley Cliff Road junction. This means that there would be a tendency to use the north footpath. Given low speeds and adequate vision from the private drive serving the development and the facility to leave in forward gear, vehicles using this access are likely to have more awareness of pedestrian movement, than is usual when vehicles reverse from a domestic drive. This then leaves the consideration that inadequate parking facilities within the site might lead to inconsiderate parking off site and this is considered to have some material weight in the determination of this application.
- 9.25 Objection has been made with regard to the applicant organisation as a Housing Association which is failing to deliver significant numbers of affordable housing while remunerating its Chief Executive generously. None of these matters are material to planning.

## **10 CONCLUSION**

- 10.1 Given the low quality of the existing buildings on the site, the amended proposal is considered to offer enhancement, the loss of open-ness of vista along Rectory Road is not considered an extreme impact or harmful to an over-riding characteristic requiring preservation in this part of the conservation area. The proposal however shortfalls substantially on parking provision, more so given the adjustments to layout suggested by the County, given the very high density proposed the scheme is therefore over-development. The viability appraisal has arrived very late so the lack of provision of affordable housing is potentially a refusal reason.

## **11 RECOMMENDATION**

Recommend refusal over under-provision of parking to a significant extent, not supported by County Guidance and insufficiently mitigated by proximity to services in a location of high traffic stress and possibly over the lack of justification for the failure to provide affordable housing:

1. The proposal under-provides parking to a significant extent, not supported by County Guidance and insufficiently mitigated by proximity to services in a location of high traffic stress and therefore considered contrary to policy DM02 of the Waveney Adopted Development Management Policy: where "adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with Suffolk County Council's Advisory Parking Standards, including parking for people with disabilities". The local highway authority is not satisfied that the likely impact of additional on road parking in the vicinity would not cause inconsiderate and unsafe obstructions to the surrounding road network.

2. The proposal does not provide affordable housing. A viability appraisal to justify the lack of affordable housing has been provided to the Local Planning Authority for consideration by a third party review. This has yet to report. The proposal may conflict therefore with Adopted Waveney Development Management Policy DM18 (Affordable Housing).

**BACKGROUND INFORMATION:** See application ref: DC/17/4139/FUL at  
[www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

**CONTACT** Chris Green, Senior Planning Officer, 01502 523022