

**PLANNING COMMITTEE – 12 February 2019****APPLICATION NO DC/18/4470/COU****LOCATION**

364 London Road South  
 Lowestoft  
 Suffolk  
 NR33 0BQ

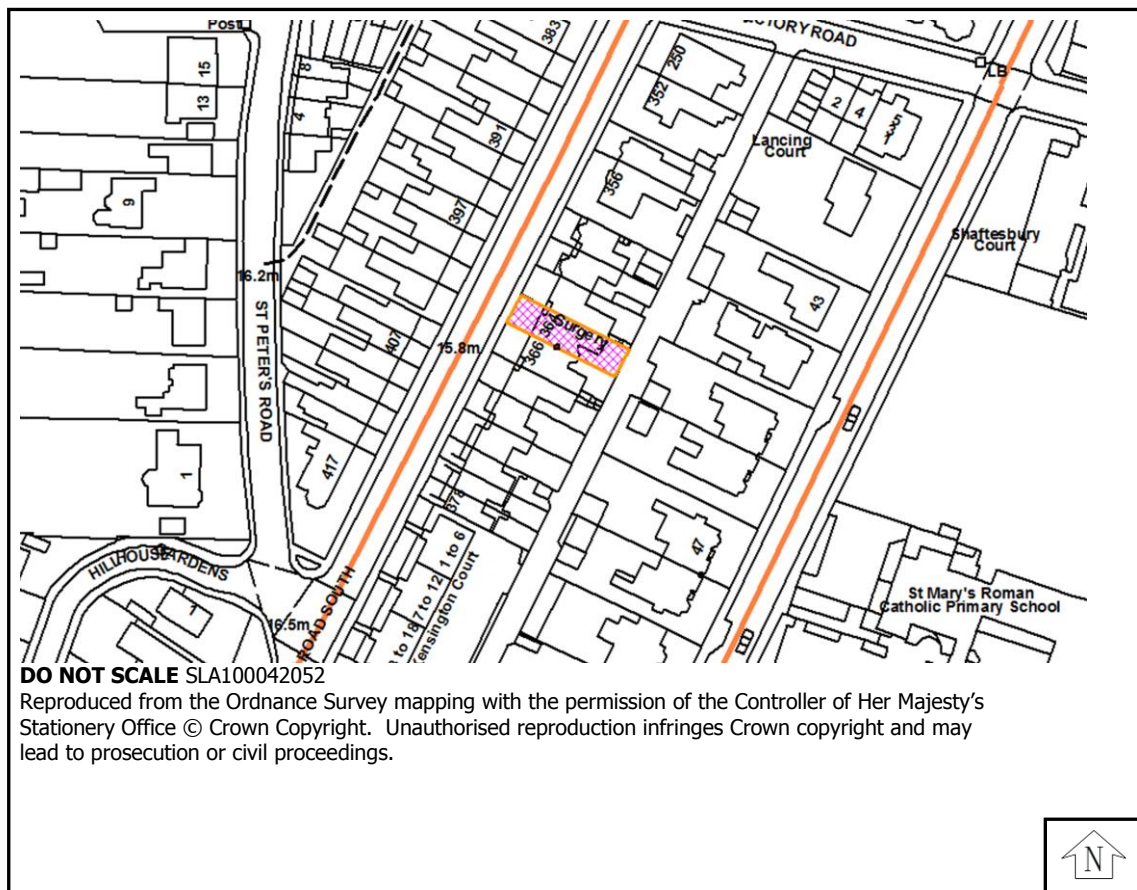
**EXPIRY DATE** 23 December 2018; **EXTENSION OF TIME** 18 January 2019

**APPLICATION TYPE** Change of Use

**APPLICANT** Mrs Ann Ceresa

**PARISH** Lowestoft

**PROPOSAL** Change of use of the doctors on the ground floor to a residential flat and retrospective planning permission for the exhaust flue to the front elevation.



## 1 SUMMARY

- 1.1 Planning permission is sought for the change of use of the ground floor medical surgery (D1), to a self-contained flat. Additionally retrospective planning permission is sought for the retention of a flue, connected to a domestic 'A' rated combi boiler, on the front elevation facing London Road South.

- 1.2 The application is before Committee as it has been submitted by a relative of an elected Member.
- 1.3 The application is recommended for approval subject to conditions outlined in section 10 of this report.

## **2 SITE DESCRIPTION**

- 2.1 The site is located within the Physical Limits and Conservation Area for South Lowestoft. The site comprises of a mid-terrace two-storey dwelling. The property fronts London Road South to the west, to the north of the site is a B&B, and to the east is a rear access track that serves the rear of the properties along this section of London Road South.
- 2.2 The property was historically used as a Doctors Surgery on the ground floor with two flats above, which is considered to be the established lawful use. However, it is understood that the Doctors Survey moved to a new location on Economy Road a number of years ago, and has subsequently been left vacant since.

## **3 PROPOSAL**

- 3.1 Planning permission is sought for the change of use of the ground floor doctors surgery to a flat. The building will therefore subsequently contain three self-contained flats (including the two existing flats)
- 3.2 Permission is also sought for the retention of the flue pipe at first floor level on the front elevation facing towards London Road South.

## **4 CONSULTATIONS/COMMENTS**

### **4.1 Parish/Town Council Comments**

“The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 27 November 2018. It was agreed to recommend approval of the application.”

### **4.2 Neighbour consultation/representations**

Five letters of representation have been received from neighbouring residents raising the following matters:

- Contrary to Policy DM19 – Conservation of properties to flats
- Vent exhausts ‘fumes’ across front of neighbouring properties
- Vent does not conserve the Conservation Area and detracts from the area
- Conversion to 3no. flats is overdevelopment of the site
- Allowing would set a precedent
- Lack of parking provision along London Road South

### 4.3 Suffolk County Highways Authority

It is noted that although no additional provision of parking is proposed, the change of use is likely to see a significant reduction in the demand for parking, particularly during office hours, compared with existing usage.

The Highway Authority does not wish to comment on the retrospective planning permission for the exhaust flue to the front elevation of the property as this is not related to highways matters

### 4.4 WDC Head of Environmental Health

No justifiable grounds to object to the flue

### 4.5 WDC Head of Economic Development

The Economic Development & Regeneration department are aware that this property has limited commercial sector use due to the accessibility and lack of parking in the area. The property is in an area of London Road South which presently has vacant commercial properties. Taking this into consideration the Economic Development & Regeneration Team does not object to the property returning to residential use.

## 5 PUBLICITY

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

Category	Published	Expiry	Publication
Conservation Area,	09.11.2018	30.11.2018	Beccles and Bungay Journal
Conservation Area,	09.11.2018	30.11.2018	Lowestoft Journal

## 6 SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Conservation Area Date posted 01.11.2018 Expiry date 22.11.2018
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## 7 RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/14/3342/COU	Change of Use from doctors surgery and 2 flats to 2 maisonettes	Permitted	05.12.2014
DC/14/2295/COU	Change of use from residential to bed and breakfast	Permitted	26.08.2014
DC/13/0780/COU	Change of Use from Doctors Surgery into two residential dwellings	Permitted	04.09.2013

## **8 PLANNING POLICY**

- 8.1 Section 38(6) of the Planning and Compensation Act 1990
- 8.2 The National Planning Policy Framework (2018) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application in particular those areas of guidance relating to the location of town centre uses.
- 8.3 Planning (Listed Buildings and Conservation Areas) Act 1990, Part II
- 8.4 The Waveney Core Strategy was adopted in 2009 and contains the following policies of relevance to the determination of this application:
- CS01 sets the Spatial Strategy for the District;
  - CS02 requires development to be of High Quality and Sustainable Design;
  - CS17 sets out aims for works affecting the Built and Historic Environment
- 8.5 The Waveney Development Management Policies Document was adopted in 2011 and contains the following policies of relevance to the determination of this application:
- DM01, deals with development within the physical Development Limits;
  - DM02, sets out the Council's Design Principles for new development;
  - DM19, deals with development involving the conversion of properties to flats
  - DM30, deals with protecting and enhancing the Historic Environment

## **9 PLANNING CONSIDERATIONS**

- 9.1 The key considerations in the determination of this application are:
- Principle of development and flat saturation policy
  - The impact on the amenity of adjacent and future occupants and users;
  - Transport and access;
  - Design and appearance considerations and impact on the Conservation Area;
  - Biodiversity impacts;
  - Other matters

### Principle of development and flat saturation policy

- 9.2 The site is located within the physical limits for Lowestoft, and as such the principle of development is considered acceptable, subject to its adherence to the other relevant planning policies set out in the Local Core Strategy, Development Management Policies Document and the NPPF.
- 9.3 The site is located within the flat saturation zone as defined under Policy DM19 of the adopted Development Management Policies Document. The policy states that no further conversions to self-contained flats/HMOs will be permitted where saturation levels are exceeded.
- 9.4 The policy document states that "Certain parts of Lowestoft have been subject to pressure for flat conversions which has resulted in high levels of subdivided properties. This has led to concern that these areas are over-saturated in terms of pressure on parking, level of

activity generated and the effect on the remaining family dwellings. There is also a need to maintain a supply of above average sized properties for larger families. The point at which saturation occurs will vary according to the historical and local characteristics of the street, although as a general guide saturation is likely to have been reached when the number of properties converted to flats in any one street reaches 20% of the total number of properties.”

- 9.5 Whilst the proposal is contrary to this policy, the harm arising as a result also has to be established, and this will be considered in the following sections.

#### Loss of Doctors Survey

- 9.6 The site was granted planning permission in September 2013 for the change of use of nos. 364 and 366 to two separate residential dwellings. In this application it was stated that the Doctors Surgery that occupied the ground floor had been relocated to Economy Road. Therefore the loss of the community asset was considered justifiable in this instance. It also appears that this application may have been partially implemented in that no.366, was later granted consent for its change of use from residential to bed and breakfast. However, it does not appear that the application site (no.364) was converted to a single residential dwelling at any point.
- 9.7 In addition, in August 2014, planning permission was granted for the change of use of no.364 to a bed and breakfast, and in December 2014, planning permission was granted for the change of use to two maisonettes. However, it does not appear that either of those applications was implemented, and permission has subsequently lapsed.
- 9.8 Therefore given that policy has not changed since the granting of the previous consents, it is not considered that the loss of the Doctors Surgery would have a significant impact. In addition, it is noted that there are a number of empty units within the nearby Carlton Road Local Shopping Centre, although planning permission for change of use may be required.
- 9.9 In addition, the Economic Development & Regeneration department have noted that this property has limited commercial sector use due to the accessibility and lack of parking in the area, and that the property is in an area of London Road South which presently has vacant commercial properties. Therefore the Economic Development & Regeneration Team does not object to the property returning to residential use.

#### The impact on the amenity of adjacent and future occupants and users

- 9.9 The proposed use as a flat may result in an increased level of coming and going from the building compared to its existing unoccupied state. However, consideration has to be taken in regards to what the ground floor can currently be used for. The current established use of the ground floor is a D1 ‘Doctors Surgery’, which would likely see a high level of coming and going from the building, should the ground floor be used for its current established use. A D1 use class is a ‘non-residential institution’ and can include but is not limited to; medical or health services, provision of education, libraries, public hall, and/or places of public worship.
- 9.10 Therefore given the potential lawful use of the ground floor, and potential impacts that may arise on neighbours it is not considered that the proposed use as a flat would result in

a marked amenity impact above the levels that could occur without the need for planning permission.

- 9.11 The Environmental Health Officer did raise some concerns in regards to the potential that the emissions from the flue may affect the neighbouring property, although they did note that they had not received any complaints about this. The applicant subsequently confirmed that the flue had been installed in accordance with legislation, and is the required distance from neighbouring properties. Therefore given the above confirmed from the applicant, the Environmental Officer has identified that there are no justifiable grounds to object to the flue. In addition, a flue of this type is generally considered to be de-minimis, and therefore would usually not require consent.
- 9.12 Therefore given the above, the flue is also not considered to result in any adverse impact on the amenity of neighbours by virtue of noise, smell, or loss of light.

#### Transport and access

- 9.13 The applicant has indicated within their submission that there is space for the parking of two vehicles off site at the rear of the site. However, given the limited size of the space at the rear it is likely that it could only accommodate the parking of one vehicle satisfactorily. Under the Suffolk Parking Standards a residential property of two bedrooms, requires parking provision for two vehicles. This would therefore result in a deficiency of one parking space for the dwelling.
- 9.14 However, consideration also has to be given to what the parking requirements for the lawful use of the ground floor would be. Under the Suffolk Parking Standards, a D1 'medical centre', would require at the very least five parking spaces, this would be four spaces per medical consulting room and one space per full time employee.
- 9.15 Therefore compared to the existing lawful use of the ground floor, the proposal would result in a decrease in parking requirement, and as such it is considered that the proposed use of the ground floor would have limited additional impact on parking compared to if the lawful current use were to re-commence.
- 9.16 Suffolk County Highways Authority have reviewed the application and concluded a similar conclusion that the change of use would likely see a significant reduction in the demand for parking, particularly during office hours, compared with existing usage. Therefore the Highways Authority has raised no objection to the proposed change of use.

#### Design and appearance considerations and impact on the Conservation Area

- 9.17 The application includes the retention of a vent pipe in the front elevation of the dwelling. The vent serves a boiler at first floor level, and is constructed of plastic and extends a few centimetres out from the front elevation. The application is located within a Conservation Area, and therefore works are expected to either preserve or enhance the character and appearance of the area.
- 9.18 The proposed vent pipe is not necessarily in character with the historic character of the street. However, given the minimal extension and form of the vent, it is not considered that it would appear incongruous in the street scene, and therefore is not out of character

with the area. It is therefore deemed that the proposal preserves the existing character and appearance of the Conservation Area in this locale.

- 9.19 The proposed use of the ground floor involves no alterations to the exterior of the dwelling, and as such it is not considered that the change of use would adversely impact on the character and appearance of the Conservation Area.

#### Biodiversity impacts

- 9.20 This development falls within the 13km zone of influence for the Benacre to Easton Barents (SPA) and Benacre to Easton Barents Lagoons (SAC), as set out in the emerging Waveney and Suffolk Coast and Estuaries Recreational Disturbance Avoidance and Mitigation Study. It is anticipated that the cumulative impact of increased recreational pressure, as the result of increased housing in this area, will lead to a 'likely significant effect' upon the qualifying features of the designated site identified above. The likely impact as a result of disturbance is a reduction in the number of pairs of Little Terns.
- 9.21 An appropriate assessment has been undertaken, and it is concluded that no site specific measures for the development of one flat within an established residential area are necessary. The appropriate assessment and its conclusion have been agreed by Natural England. The proposal will make the necessary financial contribution to the Recreational Avoidance Mitigation Strategy, which will be secured by a Unilateral Undertaking requiring payment prior to occupation of any of the dwellings.

#### Other matters

- 9.22 The application site contains an open area at the rear of the site which is used for parking and bin storage. It is considered that the area is of sufficient size to allow the storage of at least a further two bins for the proposed flat.

## **10 CONCLUSION**

- 10.1 Policy DM19 of the adopted Development Management Policies Document, states that no further conversions to self-contained flats/HMOs will be permitted where saturation levels are exceeded. The main reasons behind this policy are to ensure that further subdivision of buildings, does not aggravate existing parking issues, result in the loss of larger homes families, adversely increase the level of activity generated and adversely effect on the remaining family dwellings.
- 10.2 Therefore whilst the proposal does not technically accord with the policy DM19, for the reasons given above it is not considered that it would adversely impact on parking, amenity, or the character and appearance of the conservation area. Additionally, the proposed change is for the ground floor only, and therefore it does not result in the loss of a larger family home in the area.
- 10.3 In addition, the proposal would provide an additional small residential unit, and therefore for the reasons given above it is considered that on balance planning permission should be granted.

## 11 RECOMMENDATION

APPROVE subject to the completion of a legal agreement to secure the appropriate RAMS contribution and the following condition. Should the legal agreement not be signed within six months from the date of the resolution then permission be refused for lack of payment for RAMS

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Proposed Layout received 29/10/2018, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

**BACKGROUND INFORMATION:** See application ref: DC/18/4470/COU at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

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