



Committee Report

Planning committee – 24 May 2024

Application no DC/23/1433/FUL

Location

141 London Road North
Lowestoft
Suffolk
NR32 1ND

Expiry date 14 August 2023

Application type Full Application

Applicant Panther (VAT) Properties Limited

Parish Lowestoft

Proposal Demolition of existing vacant commercial building and construction of five storey mixed use building comprising of residential dwellings (Class C3) on the upper stories and commercial (Class E) on the ground floor with cycle parking, bin storage and amenity space

Case Officer Matthew Gee
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1. Summary

- 1.1. Planning permission is sought for the demolition of an existing vacant commercial building and construction of a five storey mixed-use building comprising 45no. residential dwellings (Class C3) on the upper stories and commercial (Class E) on the ground floor along with cycle parking, bin storage, and amenity space.
- 1.2. The proposal is considered to represent a well-designed sustainable form of development that will provide a focal point within the town centre, as well as providing quality amenity for the future residents of the scheme. The new residential units would potentially increase footfall within the town centre which, along with other schemes, are deemed to improve the viability and vitality of the town centre - especially during evening hours.
- 1.3. A level of amenity impact may arise to neighbouring land users, but these are deemed to be within acceptable parameters and in accordance with policy.

- 1.4. No affordable housing is to be provided on site as this is not viable, and this has been properly evidenced through an independent viability assessment that officers agree with and accept the findings of.
- 1.5. The Council's Economic Development and Regeneration Team supports the planning application. The economic, social, and environmental benefits from the scheme are deemed to outweigh any identified negative impacts, and when taken as whole the scheme accords with the Development Plan and objectives of the NPPF. Approval is therefore recommended.
- 1.6. The Town Council have objected to the scheme, therefore due to the recommendation being contrary to that of the officers, the application was before the Referral Panel with a recommendation that the decision be delegated to the Head of Planning and Coastal Management. At the Referral Panel members referred the application to Planning Committee North for determination.

2. Site Description

- 2.1. The Site is located on London Road North, which is a predominantly mixed-use commercial area, situated within the Town Centre Boundary. London Road North is a semi-pedestrian road, with access permitted for delivery and servicing vehicles only.
- 2.2. The site comprises a two-storey building which includes a former department store on the corner of Regent Road and London Road North, with a rear frontage onto Police Station Road. The store was permitted in the 1950s/60s and expanded over the intervening years; in 2019 the department store was closed and since then has stood vacant.
- 2.3. The surrounding character to the south of the site is largely derived from its location and density of commercial buildings, with a high number of shops along the main streets of London Road North, Bevan Street East, and Suffolk Road. The central commercial road of London Road North contains a high density of grand historic buildings which line the pedestrian street and contributes to an enclosed and bustling character. Its grain and building stock reflect the development of the area through the nineteenth and twentieth centuries.
- 2.4. To the north and approaching the site, this character relaxes, and the building form loses some of these qualities and distinctive characteristics. Further to the north, residential development predominates.

3. Proposal

- 3.1. Planning permission is sought for the demolition of an existing vacant commercial building and construction of a five storey mixed use building comprising 45no. residential dwellings (Class C3) on the upper stories and commercial (Class E) on the ground floor with cycle parking, bin storage and amenity space.
- 3.2. The Proposal includes 45 flats across the upper 4 stories, with the following mix:
 - 18no. One Bedroom Dwellings

- 24no. Two Bedroom Dwellings
- 3no. Three Bedroom Dwellings

3.3. The ground floor comprises 5no. commercial units, as well as 84 cycle storage spaces, mobility store for 8 vehicles, and bin storage for the residential and commercial units. The first floor comprises flats as well as two communal gardens (approximately 435sqm in total) with a central open core that goes up the building.

3.4. The proposed design of the scheme has been amended during the course of the application. The main design changes are as follows:

- Bringing the upper elevations forward,
- Adding marginally greater depth on either end of the principal elevation,
- Adding a mix of balconies (some inset and some protruding),
- Revisions to the top floor to add depth,
- Changes in materiality to be more in keeping with materials in the locality, and
- Increase of footprint and layout changes of some flats.

4. Consultations

Third Party Representations

4.1. Four representations of objection have been received raising the following key concerns:

- Small sized flats
- Existing similar development is poor quality
- Poor design and impact upon character and appearance of area
- Environmental impact from demolition of existing building
- Impact upon amenity from loss of light and overlooking
- Lack of parking and impact on highway
- Impact from Construction
- Empty shops
- Dominating scale

Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	22 May 2023 27 February 2024	7 June 2023 15 March 2024
Full comments: <u>1st Consultation</u> <i>The Town Council's Planning Committee considered this application at a meeting on 6 June 2023. It was agreed to recommend refusal of the application due the proposed development lacking in sustainable features, no outside spaces for residents and no provision of affordable housing. The Council were also concerned for the amount of demolition and ask that alternatives are considered to demolishing the existing building due to the environmental impact of demolition.</i>		

2nd Consultation

The Planning Committee of Lowestoft Town Council considered this application at a meeting on 14 March 2024. It was agreed to recommend refusal of the application due to concern on the number of parking spaces required and the inability for the area to absorb that demand, the viability of this development to drive regeneration in the town and the design and appearance/scale and dominance of the building relative to the surrounding retail area. The Committee's original objection on environmental grounds in relation to the demolition works was also considered to still be relevant to this application as no mitigations had been demonstrated.

Consultees

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	22 May 2023	6 June 2023
Summary of comments: No objections, service requirement in regards to Libraries, Waste and Early Years Expansion which are to be funded via CIL, and Highways and Monitoring works to be funded via S106.		

Consultee	Date consulted	Date reply received
SCC Highways Department	22 May 2023	9 June 2023
Summary of comments: Initial holding objection raised, but following further information no objections raised subject to conditions, and S106 contribution to appropriate lining/signing improvements to Police Station Road.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	22 May 2023 13 September 2023	6 June 2023 21 September 2023
Summary of comments: <u>1st Consultation</u> Holding objection raised due to request for further information <u>2nd Consultation</u> No objections subject to conditions.		

Consultee	Date consulted	Date reply received
Anglian Water	22 May 2023	9 June 2023
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
East Suffolk Building Control	22 May 2023	

Summary of comments:
Informal advice provided 26 April 2024 recommending a condition.

Consultee	Date consulted	Date reply received
East Suffolk CIL	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
East Suffolk Design And Heritage	22 May 2023	9 June 2023

Summary of comments:
Following amendments no objections raised, comments incorporated into officer consideration.

Consultee	Date consulted	Date reply received
Disability Forum	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	22 May 2023	13 June 2023

Summary of comments:
Support.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	22 May 2023	12 June 2023

Summary of comments:
No objections.

Consultee	Date consulted	Date reply received
Natural England	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
East Suffolk Private Sector Housing	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
SCC Emergency Planning	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	22 May 2023	31 May 2023

Summary of comments:
No objections.

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	22 May 2023	26 May 2023

Summary of comments:
The application is for a net total of 45 dwellings and will attract the 20% affordable homes policy as per the former Waveney Local Plan equating to 9 homes.

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	22 May 2023	11 March 2024

Summary of comments:

This application for 45 dwelling will generate another 104 residents (assuming 2.3 persons per care home room) and will generate an anticipated additional 23 calls per annum on already constrained ambulance services which will require premises reconfiguration, extension, or re-location, need for additional ambulance vehicle provision and clinical capacity to deliver timely emergency ambulance services.

For these reasons, in order to make this development acceptable it is requested a contribution is made towards the provision Emergency Ambulance Service Infrastructure including the nearest Hub and local ambulance stations with population catchment area.

Consultee	Date consulted	Date reply received
Police - General	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
SCC Cycling Officer	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Suffolk Coalition Of Disabled People	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Suffolk Police Design Out Crime Officer	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
SUSTRANS	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	22 May 2023	2 June 2023

Summary of comments:
No objections.

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	22 May 2023	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	N/A	31 May 2023

Summary of comments:
No objection.

5. Publicity

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

Publication	Published date	Expiry date	Reason
Lowestoft Journal	2 June 2023	23 June 2023	Major Application
Beccles and Bungay Journal	2 June 2023	23 June 2023	Major Application

6. Site notices

Site Notice Type	Date Posted	Expiry date	Reason
General Site Notice	24 May 2023	15 June 2023	Major Application

7. Planning policy

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2. The National Planning Policy Framework (NPPF) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant. If decision takers choose not to follow the NPPF, where it is a material consideration, clear and convincing reasons for doing so are needed.
- 7.3. Development plan policies are material to an application for planning permission, and a decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance, the development plan comprises the East Suffolk Council – Waveney Local Plan (adopted 20 March 2019) (“local plan”).
- 7.4. Relevant policies from the local plan are listed in the section below and will be considered in the assessment to follow:
 - WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP2.1 - Central and Coastal Lowestoft Regeneration (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP8.18 - New Town Centre Use Development (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP8.19 - Vitality and Viability of Town Centres (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

- WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.22 - Built Community Services and Facilities (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.30 - Design of Open Spaces (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.31 - Lifetime Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.33 - Residential Gardens and Urban Infilling (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

7.5. Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) provide additional guidance on matters covered by the local plan and are material considerations in decision making. Those that are relevant to this application are listed below and will be considered in the assessment to follow:

- Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)
- Sustainable Construction Supplementary Planning Document (East Suffolk Council, Adopted April 2022)
- Affordable Housing Supplementary Planning Document (East Suffolk Council, Adopted May 2022)
- East Suffolk Cycling and Walking Strategy (East Suffolk Council, Adopted October 2022)
- Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (East Suffolk Council, Adopted May 2021)

8. Planning Considerations

Principle of Development

- 8.1. The application site is located within the Settlement Boundary for Lowestoft, as defined by policy WLP1.2, and is within a highly sustainable location close to transport links, community facilities and retail offerings. Therefore, the principle for new residential development is deemed acceptable, subject to the schemes adhesion to other relevant policies.
- 8.2. The site is situated within the Town Centre of Lowestoft as defined by policy WLP8.18 and is within a primary shopping frontage as defined by policy WLP8.19.

- 8.3. Policy WLP8.19 sets out within Primary Shopping Frontages, proposals to change the use of ground floor premises from use classes A1 retail or A3 cafés and restaurants (Now Class E) to other uses will only be permitted where:
- The proposal would not result in a concentration of non-retail or café and restaurant uses in the immediate street frontage;
 - The proposal would not detract from the dominant retail appearance of the street frontage; and
 - The proposal does not involve ground floor C3 residential development or A5 hot food takeaways.
- 8.4. As the proposal retains the majority of ground floor for Class E use with an active retail frontage onto London Road North, the proposal is considered to comply with policy WLP8.19. Officers acknowledge that retaining the full ground retail floor area as a single space would be difficult in the current climate and as such the subdivision of the unit at ground floor into multiple commercial units is considered appropriate, and likely to mean the units are more lettable.
- 8.5. The Town Centre Masterplan, produced by the Council identifies land and property values as a key driver for change and acknowledges that new homes will appear in the town centre, in part delivered by public organisations, in part by private investment and these have the opportunity to increase interesting small, design quality-driven projects. It carries on to state that residential uses will not drive development viability given values, but they will provide an opportunity to bring footfall into the town centre during the evening. Town centre development should comprise flatted and terraced properties, with a mix of 1, 2 and 3-bed units.
- 8.6. Alongside this Policy WLP8.1 (Housing Mix) sets out that proposals for new residential developments will only be permitted where at least 35% of new dwellings on the site are 1 or 2 bedroom properties unless this can be satisfactorily demonstrated to be unfeasible. Of the 45no. units, 42 of the units would be 1 or 2 bedroom, which amounts to over 93% of the scheme being either 1 or 2 bedroom, far exceeding policy requirements in this instance.
- 8.7. The Masterplan aspiration is for the area to be a part of the Innovation Axis. The regeneration processes and projects in this area will focus on:
- Creating a flexible environment for new uses, in particular for businesses, education and community facilities.
 - Creating direct, high quality pedestrian and cycle links between the centre and PowerPark.
 - Creating educational and skills-building opportunities.
- 8.8. The provision of Class E units within the scheme could include office accommodation, as well as a level of community and leisure facilities which would meet part of the aspiration of the site.
- 8.9. Policy WLP2.1 (Central and Coastal Lowestoft Regeneration) sets out that proposals for development within Lowestoft and Oulton Broad should contribute to the objectives for Central and Coastal Lowestoft and the specific objectives identified for the main themed

opportunity areas. Proposals for development within main themed opportunity areas should be in conformity with the objectives for that area. These aims include:

- Enhancing the vitality and viability of Lowestoft Town Centre.
- Bringing back underutilised and derelict land into positive use.
- Delivering new housing in an accessible location bringing a better mix of tenures and types of housing to the area
- Reduce the need to travel by car
- Improve the natural, historic and built environmental quality of the area.

- 8.10. Furthermore, with regard to town centres, NPPF Paragraph 90 sets out that planning policies should promote the long term vitality and viability of centres by enabling them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allowing a suitable mix of uses (including housing) and reflecting their distinctive characters. It highlights that allocations should be made to meet the scale and type of development likely to be needed.
- 8.11. In relation to housing, NPPF paragraphs 124 and 127 sets out that decisions should aim to optimise the use of land in their area. This should include seeking a significant uplift in the average density of residential development within town and city centres and other locations that are well served by public transport where appropriate.
- 8.12. Officers consider that the provision of 45no. flats within central Lowestoft will further increase footfall in the area. Particularly during the evening hours when footfall in the area is currently low. This in part, and alongside other projects within the town centre, are considered to hopefully boost evening hour activities, benefiting further to the viability and vitality of the Town Centre. It is also noted that the Town Centre has good local transport links with the Bus Station and Railway Station being within appropriate walking distances of the development.
- 8.13. Overall officers consider that the principle of the scheme is acceptable and in accordance with the Development Plan and NPPF.

Design

- 8.14. The applicants Design and Access Statement states:

“The Proposed building or alterations and extensions would represent a significant improvement to the surrounding design quality, as well as an uplift the area in terms of materials, features and architectural style.

Its contemporary form and material palette would complement the surrounding built form and re-interpret the existing architectural elements that are unique to the area to create a proposal that enhances the street whilst being distinctive in its own right and act as a focal point for investment and visitors. In this respect it is not subservient but rather presents a bold design approach.”

- 8.15. Policy WLP8.29 sets out that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should:

- Demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness;
- Respond to local context and the form of surrounding buildings in relation to:
 - the overall scale and character
 - layout
 - site coverage
 - height and massing of existing buildings
 - the relationship between buildings and spaces and the wider street scene or townscape
 - and by making use of materials and detailing appropriate to the local vernacular;

8.16. Concerns have been raised around the potential reuse of the building, and in this instance, it is important to understand the progression of the scheme. As set out within the applicants planning statement, pre-application advice was sought for the redevelopment of the site. As part of this submission the LPA was presented with several options, one of which included the retention and extension of the building. However, as the building was purpose built in the 1960s for its specific use as a Department Store, its conversion to residential would have been difficult given its design and construction. It is also likely that any conversion would have provided poor design outcomes for future residents of the development, as well as difficulties enhancing the appearance of the building.

8.17. Furthermore, the building is of no real architectural value, and is a building of its time. Therefore, its loss will not harm the character and appearance of the Town Centre. In addition, the demolition of the building provides an opportunity to deliver a scheme of higher quality design, enhancing the character of the area.

8.18. Following the submission of this application further amendments have been made as a result of concerns raised during the consultation period. Officers noted that the existing building is a modern 2-2.5 storey building; it does not have any particular visual interest, however with its low scale it does sit comfortably in the streetscene. Most surrounding buildings are 2-3 storeys in height. The replacement building, however, would be 5 storeys in height, one being a penthouse floor. While the massing of the building is broken up due to the penthouse floor, the building would still be readable from the street as at least 4 storeys.

8.19. This would make it dominant in the streetscene and, whilst this is not by itself objectionable, the proposed drawings did not show a full street elevation, therefore the relationships between the new building and the adjacent buildings were unclear.

8.20. Furthermore, in terms of the design, due to its scale, officers had concerns that the building had the potential to appear somewhat monolithic and blank - especially on the corner of London Road North and Regent Road, which is visually prominent in the street scene. Whilst the use of different materials and the ground floor shopfronts did, in officers opinion, break up the elevations and provide visual interest, the elevations appeared quite flat.

8.21. In response to the concerns raised, the applicant submitted a revision of the scheme. The revisions focused on breaking up the main elevation and adding depth whilst also keeping

the overall massing and footprint of the scheme as initially submitted. In terms of external design, the main changes were:

- Bringing the upper elevations forward,
- Adding marginally greater depth on either end of the principal elevation, including the corner elevation on London Road North and Regent Road,
- Adding a mix of balconies including some inset and some protruding,
- Revisions to the top floor depth, and
- Changes in materiality to be more in keeping with materials in the locality.

- 8.22. The surrounding area of London Road North has a rather mixed character, with a variety of scales and architectural designs, giving a somewhat disjointed but none the less visually interesting town centre. Within the immediate area of the application site, there is a general form of two and three storey buildings, with commercial ground floors and residential upper floors. The proposed building is 5-storeys in scale, although with a recessed “penthouse” top floor, which limits the visual scale from ground floor to 4 stories, although views of the uppermost floor will be partially visible in the surroundings. Whilst it is acknowledged that the building will be a dominant focal feature in the street scene as a result of both its scale and striking design, this in itself would not be a reason for refusal.
- 8.23. In terms of its immediate context there are no buildings which could be described as visually important or of any historical value. Therefore, whilst the development could be described as dominating, it would not detract from the setting or character of any important buildings. Furthermore, its contemporary design is a contrast; however, officers consider it represents good quality design compared to its surroundings and especially so when compared to the existing building. Also as noted within the wider context of London Road North, there is a significant varied style, with historic architecture, interspersed by modern post war architecture in a variety of scales from single storey building to multi storey buildings such as boots and Former Palmers department store.
- 8.24. Officers also considered that following revisions the design has been improved significantly since the initial proposals. The elevations are much less flat, due to the articulation of the ground floor and window openings. Setting the ground floor back and breaking it up with metal pillars gives it more visual interest and relates more to the small shopfronts on the rest of the street. The deeper window reveals make the windows more like designed features and the corner of the building has more presence. The use of brick to break up the front and side elevations is likely to be more timeless than the timber cladding previously proposed, as brick is a traditional material used in the area.
- 8.25. It is also noted that the proposal maximises the use of the entirety of the site in a highly sustainable location, balancing this with providing quality accommodation for the use of future residents and a good design.
- 8.26. One further point that the applicant has drawn attention to is the government recent stance in regard to building up and maximising land use. Attention is drawn to potential fall-back positions in terms of permitted development rights specifically ‘Class AB - new dwellinghouses on terrace buildings in commercial or mixed use’ under Part 20 of The Town and Country Planning (General Permitted Development) (England) Order 2015. These rights allow development consisting of works for the construction of up to two additional storeys in the case of an existing building consisting of two or more storeys.

- 8.27. This is a fallback position which should be considered in regard to the development proposed; however, it should be noted this is not a simple case of a form that would automatically be permitted development, as prior approval is first required. Amongst main considerations of the prior approval process is the external appearance of the building, including the design and architectural features of the principal elevation; and any side elevation that fronts a highway. It is, however, worth bearing in mind that the proposals only seek planning permission for 1 additional storey more than could be permissible under Class AB of the GPDO. This carries some limited weight in the planning balance.
- 8.28. Overall officers consider that the development represents a good quality design outcome and is of a scale that would be appropriate for the character and appearance of the area.

Heritage Considerations

- 8.29. The site is not located within the Conservation Area; however, it is visible from within the Conservation Area to the north, and thus consideration needs to be given to its setting. Furthermore, approximately 60m north of the application site, and within the Conservation Area, is the Grade II Listed North Lowestoft United Reformed Church.
- 8.30. The scheme would be visible from the immediate boundary of the North Lowestoft Conservation Area, and limited views may be achievable from the northern most boundary of the South Lowestoft Conservation Area. However, officers do not consider that development has any negative effect upon the setting of the Conservation Area or the nearby Listed Building. The scheme accords with the historic environment objectives of the Development and NPPF, as it would cause no harm to these designated heritage assets.

Amenity Considerations

- 8.31. Policy WLP8.29 sets out that development should be high quality and protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 8.32. To the north of the immediate site is an Estate Agents (no. 143 London Rd North) which appears to cover the full three floors of the building. It is not deemed that the development will result in any significant loss of light through the front elevation. The windows to the rear of no.143 are already affected significantly by the existing building which extends at two storeys across part of the rear. Whilst the proposed development will almost double the height, it will almost remove the upper stories projecting across the rear elevation of no.143. Therefore, it is not deemed that the development would result in any adverse additional impacts which would affect the usability of that premises.
- 8.33. The site fronts London Road North to the east, with neighbouring development comprising commercial and residential on the opposite side approximately between 19m and 24m from the development site. It is considered that additional loss of light may occur to these buildings, in particular the ground floor commercial units as their main outlook would be towards the development. Any loss of light is likely to be more prominent during the later hours of the day given the tracking of the sun. However, as set out in the above design considerations, whilst the scale and massing of the scheme could be considered large it is not in itself deemed to be uncharacteristic of development that may be found within the

Town Centre. Therefore, whilst some additional loss of light may occur, it is not considered that this would materially affect either the enjoyment of the residential flats, or the use of the commercial activities of these buildings. It is also not considered, given their location within the Town Centre, that outlook would be adversely affected, albeit officers note that the building would be more prominent.

- 8.34. The site bounds Regent Road to the south with commercial and residential development on the opposite side, with a side to side distance of approximately 12m. The openings of the building that face the development are north facing and as such get limited direct sun light. Therefore, it is not considered that the development would result in a direct sunlight loss to the premises. Furthermore, as previously mentioned the scale of the development is deemed appropriate for town centre locations and as such it is not considered that the development would result in a form of development that would be overbearing from these properties.
- 8.35. To the west of the site is Police Station Road, with commercial and office buildings on the opposite side. It does not appear that any of the buildings on the immediate opposite side of the road to the development are in residential use. Given the limited separation distance of approximately 10m it is considered that a level of loss of light would occur to openings facing the application site, in particular during the early morning given the tracking of the sun. However, as there appears to be no residential development within these premises it is not considered that the loss of light occurring would be significant enough to harm the use of the buildings, and therefore it would not warrant refusal of the application on its own.
- 8.36. These overall distances are not considered sufficient to remove any intervisibility between the development and neighbouring immediate openings, and vice-versa. However, within urbanised locations such as this, a reduced level of privacy is to be expected, and intervisibility between openings is common in the surrounding area.
- 8.37. The proposed development is not considered to result in increased noise and disturbance which will materially impact surrounding residential occupiers over and beyond that which exists in the area at present.
- 8.38. Therefore, whilst officers acknowledge that the development would have some effect on the amenity to neighbouring buildings, the level of harm would not be so significantly adverse to warrant its refusal. The form and scale of development is also not considered unusual for its setting within the town centre, where amenity values (in terms of outlook and privacy) are generally lower than in less densely populated areas. It is also not considered that the development would result in any harm to the wider public who use the town centre, and there would be an improvement to the appearance of the area. Increased perception of overlooking to the street is likely to improve public amenity/safety.
- 8.39. Some level of noise is also to be expected during the demolition and construction phases of the development if permission were granted. Therefore, it is considered necessary to impose a construction management condition to limit any potential disruption to neighbouring land uses and also the wider public using the town centre.

Amenity for Future Residents

- 8.40. The site is located facing London Road North and surrounded by business and commercial activity as a consequence some level of noise is to be expected. As a result, there is some potential for noise disturbance associated with its location and nearby uses. A Noise Report has been submitted as part of this planning application. The report identifies that subject to the glazing and heating & ventilation sound reduction requirements set out within the report being adhered to that the internal noise levels set in British Standard BS 8233:2014 can be achieved. Overall, the proposal is therefore considered to provide suitable noise mitigation to occupants.
- 8.41. A full Daylight and Sunlight Assessment also accompanies the application. The assessment concludes that the majority of the proposed rooms meet or surpass the BRE recommendations. Whilst a small number of rooms and the proposed amenity areas do not meet the recommendations, the results are not unusual in the context of an urban location. The BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.
- 8.42. In this context, paragraph 129(c) of the NPPF states *“In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”*.
- 8.43. Therefore, whilst some might not meet the technical standard, a level of natural light would be achievable, and officers consider that it would still provide a good quality of amenity for the residents of the future development.
- 8.44. The flats proposed also exceed the requirements of the Technical Space Standards 2015 (in terms of floor area), and overall, the design and layout are considered to provide a high quality design outcome. One more unique element of the proposal is the internal atriums which create a shared space providing a meeting area and informal play area for future residents. It also provides additional means of external lighting provision to the flats.
- 8.45. Overall, the flats are considered to provide good quality amenity for future residents of the scheme in accordance with WLP8.29.

Highways

- 8.46. The Site is located within walking distance of the many shops and facilities located in the town centre of Lowestoft. Bus and train services are also located within walking distance of the site.
- 8.47. A full Transport Statement has been included as part of the submission. The Transport statement identifies no significant transport issues.
- 8.48. The scheme is completely car free form of development, with storage areas at ground floor for cycle and bin storage. SCC Highways initially raised several questions in regard to the scheme which the applicant has answered. Suffolk County Council as The Highway Authority have noted that they actively promote any development that comes forward as

a car free development. Such developments should provide sufficient modes to support alternative transport, in addition deliveries and servicing for residents must be achievable. Such schemes can provide an optimised system, which improves travel efficiency and promote individual freedom within the local community. However, though active travel is forefront to this car free proposal, there may be vehicles linked to future residents, and furthermore, facilities for cycle access and storage must be of a high standard to make this a real and achievable alternative.

- 8.49. Following comments from the Highways Authority the scheme was amended to increase cycle storage provision and other forms of powered transport. The scheme as amended will provide two separate cycle storage areas, providing Free Standing Wall docking Stations for the storage of 84 cycles, as well as provision for the storage of 8 powered vehicles, and bin storage for residential and commercial waste.
- 8.50. In addition to these comments the LHA also noted that London Road North (LRN) is pedestrianised and is the main town centre, though cycling is now allowed to the north of LRN it is still restricted between Gordon Road and Station Square. This means that cyclists do not have direct and consistent access to the town centre and are forced to travel southwards via Battery Green Road or Katwijk Way. Both areas may be considered very busy and could pose a risk to those users, especially the less abled or children that could reside at the car-free development. Cyclists where practicable should be segregated from busy trunk roads. Opening London Road North to greater accessibility for the development could be considered a high priority and make this development acceptable.
- 8.51. L37 London Road North is considered a very high priority route within the adopted ESC cycle and walking strategy.
- 8.52. Officers do not think it would be reasonable to recommend a condition that stipulates a change to a TRO as this may, for whatever reason, be unachievable. Any recommended condition to a TRO amendment may apply an unachievable time restraint to the application or become an un-dischargeable condition. Therefore, the LHA are seeking a section 106 transport contribution to make the development justifiable that could be used to help deliver a change to the TRO. The applicant has agreed to a contribution as such.
- 8.53. Overall officers consider that the site is situated within a highly sustainable location, with sufficient on-site space for cycle and bin storage. Furthermore, the development will potentially fund improvements to cycle access in the area. It is also not anticipated that the development, whilst being car free, would adversely impact upon the highway network due to inconsiderate road uses. The scheme accords with policy WLP8.21.

Affordable Housing

- 8.54. Policy WLP8.2 (Affordable Housing) requires that all new housing developments on sites with a capacity of 11 dwellings or more must make provision for 20% of housing to be affordable housing within the Lowestoft and Kessingland area (excluding Corton). However, in exceptional circumstances the level and tenure of affordable housing may be varied where it can be satisfactorily demonstrated through the preparation of a viability assessment, that a different tenure mix or lower percentages of affordable housing are required to ensure the site remains financially viable.

- 8.55. Affordable housing provision will only be reduced on sites which are necessary to the overall supply of housing in the District unless the scheme has wider sustainability benefits.
- 8.56. Alongside this application a Financial Viability Assessment has been submitted, which has been prepared by S106 Management. The Viability Assessment concluded that the proposed scheme of 45 dwellings with 20% affordable housing would not deliver an economically viable level of land value as required by the National Planning Policy Framework. With the report concluding that with 100% open market basis, the resulting actual return to the developer following all costs including land value detracted from gross development value would be significantly below target return.
- 8.57. The Local Planning Authority has undertaken an independent review of the submitted Viability Report, which has been undertaken by BNP Paribas. In their report, it was concluded that the proposed Development with 22.22% affordable housing generated a surplus of £622,118 against the viability benchmark. They have advised that the proposed Development with 100% private housing generates a RLV of £78,827 providing a deficit of -£496,173 against the viability benchmark. This is in contrast to the deficit of -£1,411,210 concluded in the applicants report. But none the less this represents a deficit, indicating that affordable housing is not viable in this development.
- 8.58. The proposed Development with 22.22% affordable housing (10 shared ownership units) generates a RLV of -£47,118, providing a deficit of -£622,118 against the viability benchmark. This is only marginally greater than the deficit identified in the 100% private housing scheme. Indeed, the deficit of -£622,118 is smaller than the deficit identified by SM of -£1,411,210 after which they still considered the scheme to be deliverable.
- 8.59. Notwithstanding this, the development with affordable housing would result in a deficit, and the LPA cannot therefore require the development to provide affordable housing in this instance because it would not be viable.
- 8.60. Policy WLP8.2 makes clear that in some exceptional circumstances, where evidenced that unviable, affordable housing provision will be reduced. This is such a scenario and therefore in accordance with policy.

Energy and Sustainability

- 8.61. An Energy and Sustainability Statement accompanies this application and confirms that the proposal addresses local policy requirements on energy and sustainability including the energy hierarchy, regional policy on regulated CO₂, and all other headline issues including climate change adaptation, water, waste, pollution, biodiversity, and sustainable transport. The measures outlined within this report to meet the targets will be conditioned in accordance with policy and the sustainable construction SPD.

Other Matters

- 8.62. Initially the Lead Local Flood Authority (LLFA) raised an objection as additional information was required to provide an assessment of the scheme. Following these comments additional information was provided, and the LLFA reconsulted. The LLFA have subsequently confirmed that they have no objections to the scheme. As such officers

consider that the site would not result in any adverse surface water drainage concerns. It is also noted that the site is situated within Flood Zone 1, and as such is at the lowest level of risk from flooding.

- 8.63. Anglian Water have also raised no objections to the scheme, confirming that there is sufficient capacity in the network and that none of their assets would be affected. However, they have requested further information in regard to the used water network and have requested a condition that further details be provided.
- 8.64. The scheme is therefore acceptable in accordance with policy WLP8.24.
- 8.65. SCC Archaeological Service have commented that they are of the opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. Therefore, they have raised no objections to the development and do not believe any archaeological mitigation is required.
- 8.66. Suffolk Fire and Rescue Service have also raised no concerns with regards to the proposal.

9. Conclusion

- 9.1. The proposal is considered to represent a well-designed sustainable form of development that will provide a focal point within the town centre, as well as providing quality amenity for the future residents of the scheme. The new residential units would potentially increase footfall within the town centre which, along with other schemes, are deemed to improve the viability and vitality of the town centre - especially during evening hours.
- 9.2. A level of amenity impact may arise to neighbouring land users, but these are deemed to be within acceptable parameters and in accordance with policy.
- 9.3. No affordable housing is to be provided on site as this is not viable, and this has been properly evidenced through an independent viability assessment that officers agree with and accept the findings of.
- 9.4. The Council's Economic Development and Regeneration Team supports the planning application.
- 9.5. The overall scheme provides significant wider benefits, such as; additional housing units in a sustainable location, quality design, quality of amenity, potential cycling improvements, and improvements to the viability and vitality of the town centre via the provision of modern units and increased footfall. The economic, social, and environmental benefits from the scheme are deemed to outweigh any identified negative impacts, and when taken as whole the scheme accords with the Development Plan and objectives of the NPPF.
- 9.6. Therefore, the principle and detail of the development is considered to be acceptable and planning permission can be granted.

10. Recommendation

- 10.1. Approve, subject to the signing of a S106 agreement, and the following conditions:

11. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - Site Location Plan, 01, received 05/04/2023;
 - Proposed Block Plan, 16, received 15/05/2023;
 - Proposed Ground Floor Plan, 05 - 2021 E, received 22/02/2024;
 - Proposed First Floor Plan, 06 - 2021 D, received 22/02/2024;
 - Proposed Second Floor Plan, 07 - 2021 C, received 22/02/2024;
 - Proposed Third Floor Plan, 08 - 2021 C, received 22/02/2024;
 - Proposed Penthouse Floor Plan, 09 - 2021 C, received 22/02/2024;
 - Proposed Section, 12 - 2021 A, received 22/02/2024;
 - Proposed Section, 14 - 2021 A, received 22/02/2024;
 - Proposed Front and Side Elevations, 172PL(-2)001, received 22/02/2024;
 - Proposed Rear Elevation, 172PL(-2)002, received 22/02/2024;
 - Transport Statement, DWT296, Dated March 2023, received 08/09/2023;
 - Surface Water Drainage Strategy, AEG02835_NR32_Lowestoft_05, received 08/09/2023;
 - Financial Viability Appraisal, dated 3rd April 2023, received 15/05/2023;
 - Phase 1 Site Investigation, 001LOWEP1, received 18/04/2023;
 - Daylight and Sunlight Report, received 05/04/2023;
 - Noise Impact Assessment, received 05/04/2023;
 - Sustainability and Energy Statement, received 05/04/2023;for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

4. Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding

5. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 14th February and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

6. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (AEG02835_NR32_Lowestoft_05 29-08-2023) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

7. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

8. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

9. The use shall not commence until the area(s) within the site shown in Drawing No. 05-2021 Rev E for the purposes of secure cycle storage has been provided, and thereafter, the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2023) to promote sustainable travel.

10. The areas to be provided for the presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 05-2021 Rev E shall be provided in their entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

11. Prior to commencement of development of each phase (including any demolition, ground works, site clearance or other operational works), a construction management plan shall be submitted to and approved in writing by the local planning authority.

It shall include the following details:

- a. parking and turning areas for vehicles of site personnel, operatives and visitors;
- b. provision of public car parking during construction;
- c. loading and unloading of plant and materials;
- d. piling techniques (if applicable);
- e. storage of plant and materials;
- f. provision and use of wheel washing facilities;
- g. programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
- h. a communications plan to inform local residents of the program of works;
- i. provision of boundary hoarding and lighting;
- j. details of proposed means of dust suppression;
- k. details of measures to prevent mud from vehicles leaving the site during construction;
- l. haul routes for construction traffic on the highway network;
- m. monitoring and review mechanisms;
- n. details of site working and deliveries times to the site during construction phase;
- o. details of the measures to protect footpaths/cycleways from motorised vehicles accessing them; and
- p. HGV delivery management plan.
- q. details of a Dust Management Plan and a variety of mitigation measures
- r. details on how noise, dust, and light will be controlled
- s. detailed method of demolition

Thereafter, the approved construction management plan shall be adhered to throughout the construction of the development.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway, to ensure minimal adverse impact on the public highway during the construction phase, and

to reduce the potential impacts of noise pollution and additional vehicular movements in this area during the construction phase of the development.

12. Prior to the first occupation of any residential units, hereby permitted, the specifications detailed in sections 4.4.1 and 4.4.2 of the submitted and approved Noise Impact Assessment Report (ref: CL10409/R1/Rev.B) shall be fully implemented in accordance with the details specified.

Reason: To protect the amenity of future residents

13. All noisy construction activities (i.e. those audible beyond the site boundary) should be restricted to the following hours to minimise the potential for nuisance:

Monday - Friday: 07.30-18.00

Saturday : 08.00 - 13.00

Sundays/Bank Holidays: No noisy working

These restrictions also apply to deliveries/collections from site.

Reasons: To protect the amenity of nearby residents.

14. The ground floor premises shall not be open to customers outside of the following hours: 06:00 to 22:00 Monday to Sunday (including bank holidays)

Reasons: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended, the two retail units, hereby permitted, shall only be used for purposes within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any other Order amending, revoking and re-enacting that order).

Reason: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality.

16. No development shall take place until plans demonstrating that 40% of the dwellings hereby approved comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and/or requirement M4(3) 'wheelchair user dwellings' have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plans and thereafter retained in accordance with those plans.

Reason: To ensure the development provides accessible and adaptable dwellings in accordance with policy WLP8.31 of the East Suffolk Council - Waveney Local Plan (2019).

17. The residential development hereby approved shall be designed and built to achieve a water consumption rate of no more than 110 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.

Reason: To ensure the finished development implements the approved sustainable measures to comply with policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019).

18. Unless Building Regulations require otherwise, all dwellings (including affordable/custom/self build), hereby approved, shall be constructed and fitted out in accordance with the recommendations with the submitted and approved 'Sustainability and Energy Statement' prepared by JS Lewis LTD.

Reason: To ensure a sustainable standard of design interest of addressing climate change to secure sustainable development in accordance with policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019).

19. If, within 12 months of the demolition of the existing building, no substantial works have been undertaken on the construction of the scheme, hereby permitted, details on remediation of the site, shall be submitted to and approved in writing by the location planning authority. The approved remediation works shall then be completed within 6 months of their approval.

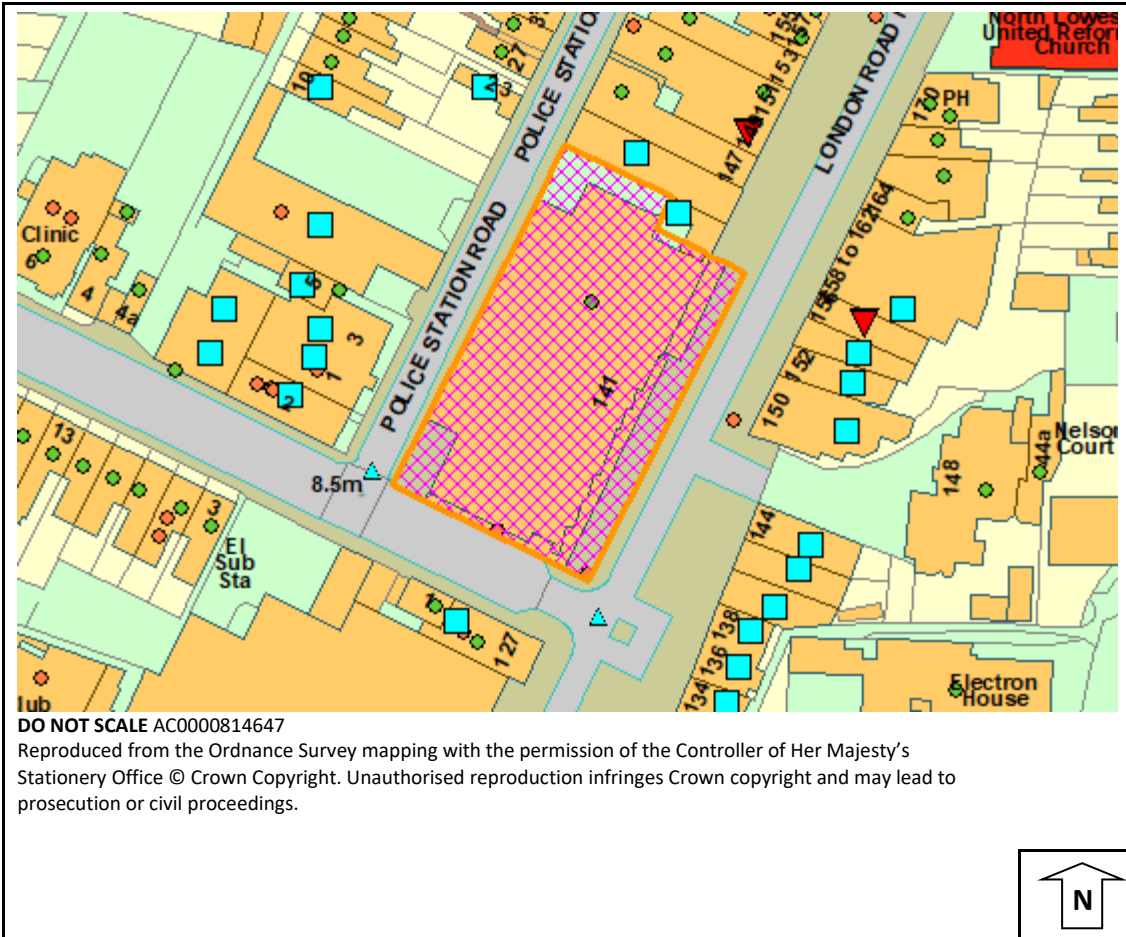
The remediation works details shall include details such as means of enclosures, landscaping, and removal of any unnecessary equipment/waste/building materials etc.

Reason: To ensure that the site is not left in a state that could harm the character and appearance of the area, which could as a result harm the viability and vitality of the Town Centre.

12. Background information

See application reference DC/23/1433/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support