



Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/2593/FUL

Location

High Dene
105 Park Road
Lowestoft
Suffolk
NR32 4HU

Expiry date 16 September 2020

Application type Full Application

Applicant Mrs Elaine Thomas

Parish Lowestoft

Proposal Change the use from C2 Residential care home to large HMO (Sui-Generis category) - Supported Housing for people with complex needs

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1. Summary

- 1.1. Planning permission is sought for the change of use of 105 Park Road, Lowestoft from a C2 Residential care home to a large House in Multiple Occupation (HMO) (Sui-Generis use category) providing supported housing for people with complex needs. The accommodation would be supervised 24 hours a day.
- 1.2. The site is situated within the settlement boundary of Lowestoft and outside of any of the 'Flat Saturation Zones' as highlighted within Policy WLP8.4 of the Local Plan and shown on the policies maps. Under the Local Plan, the conversion of premises to HMO's is only permitted in exceptional circumstances.
- 1.3. The supported housing facility proposed by The Stone Foundation - to be managed by Mavam Group Ltd - would be in line with the strategic aims of Suffolk County Council with regard to supported housing delivery. In this case 'exceptional circumstances' have been demonstrated.

- 1.4. Given that the justification for this proposal relates to the type of accommodation offered and the management proposed within this application, in these circumstances the application is recommended for approval as a personal permission.
- 1.5. This application has been referred to members for consideration due to the level of public interest in this application.

2. Site description

- 2.1. The site is situated within the North Lowestoft Conservation Area; the property at 105 Park Road is noted within the Conservation Area Appraisal for being of local importance and is therefore considered to be a Non-Designated heritage Asset (NDHA) which forms part of the 'Local List'.
- 2.2. The site is within easy reach of all local services and facilities within the vicinity and the Town centre of Lowestoft.
- 2.3. The northern end of Park Road is characterised by larger dwelling houses. The southern end of Park Road intersects with St. Margaret's Road and Melbourne Road and is made up of much higher density terraced housing and some purpose-built flats.
- 2.4. Harleston House Care Home is situated to the northern end of Park Road which is an imposing larger property which has been extended in recent times. Abigail Court and Trinity Methodist Church front Yarmouth Road but are also accessed from Park Road.
- 2.5. Royal Avenue runs parallel to Park Road and at its Northern end with the junction of Yarmouth Road is situated Avenue Mansions.
- 2.6. Lyndhurst Road is situated to the north of Yarmouth Road and is highlighted as a flat saturation zone as highlighted on the policies map and described within Policy WLP8.4 "Conversion of properties to flats".

3. Proposal

- 3.1. The proposal is for the change of use of 105 Park Road, Lowestoft from a C2 Residential care home to large HMO (Sui-Generis category) providing supported housing for people with complex needs.
- 3.2. This is a supported housing scheme managed by Mavam Supported Housing (MSH), which would be staffed 24 hrs a day. MSH provides support to people aged sixteen upwards, with no upper age limit. The users of their services will usually have a diagnosis of a Learning Disability, such as autism, physical disabilities and/or a mental health problem.
- 3.3. People are supported with all aspects of daily living such as shopping, cooking, cleaning, budgeting and medication, as well as emotional support and are provided with access to meaningful activities and opportunities.

3.4. Social groups and activities are regularly provided along with making full use of the local community. Each service user has an allocated keyworker who oversees and coordinates their support, which includes developing a support plan and a robust risk assessment.

4. Consultations/comments

4.1. Fifty-six letters of objection have been received raising the following key planning issues (inter alia):

- Would result in an unbalanced community - large quantity of temporary and supported housing in the area (Abigail Court, Avenue Mansions, Royal Avenue, Flats at the south end of Park Road).
- Flat saturation over 20%. Postcode NR32 4HU is in a heavily saturated area of flats which has resulted in a rise of neighbourhood disturbances, in-appropriate behaviour, anti-social behaviour, criminal activity including drug dealing and participation.
- Loss of care home places when the Strategic Housing Market Assessment identifies a need for 905 additional spaces in care homes and nursing homes over the plan period.
- Policy WLP8.4 requires that exceptional circumstances need to be demonstrated for the conversion of houses to HMO's.
- More undesirable in planning terms than retaining care home use.
- Not the right location for people with drug or alcohol related problems.
- How would this use not become an uncontrolled HMO?
- Overlooking
- Noise and disturbance
- Increase in on-street parking
- Surrounding road network is unsuitable
- Harm to the Conservation Area
- Safeguarding concerns - Wellbeing and safety of surrounding residents
- Information on deliveries not specified
- Used to be a very desirable residential area but is now gradually degenerating from such uses.
- Raises serious fears of an increase of crime & anti-social behaviour
- Security

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	24 July 2020	12 August 2020
<p>Summary of comments: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 12 August 2020. It was agreed to recommend refusal of the application.</p> <p>The Town Council were in receipt of numerous public objections to the proposed change of use and these were noted as part of the consideration.</p>		

The reasons for refusal are listed as; whilst Park Road is not within the Flat Saturation Zone the Council were concerned that the number of units created by this change of use would be contrary to policy WLP8.4 (para 2) and the 20% figure being exceeded, there seems to be no exceptional circumstances for this conversion to be permitted (para 3 of WLP8.4), the application included no justification on how the supported housing will be managed, and there is insufficient parking and bin storage allocation. The change of use will have a detrimental impact of the local residential amenity by virtue of the movements to and from the supported housing. There are no material changes to the building included as part of the application and it is requested that if such are planned an appropriate application is submitted. It was also noted that no site notice had been displayed at 105 Park Road to inform local residents of the application.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	30 July 2020	30 July 2020

Summary of comments:
Advice relating to access, firefighting facilities, and water supplies.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	24 July 2020	14 August 2020

Summary of comments:
No objection subject to a condition requiring manoeuvring and parking area to be provided.

Non statutory consultees

Consultee	Date consulted	Date reply received
Police - General	20 August 2020	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Housing Development Team (Internal)	28 July 2020	No response

Summary of comments:
Internal - Comments previously received included in report.

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	24 July 2020	29 July 2020
Summary of comments: No concerns or comments to make.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
Lowestoft Town Council	16 September 2020	15 October 2020
Summary of comments: The Town Council's Planning and Environment Committee re-considered this application at a meeting on 13 October 2020, the additional information submitted by the applicant and the numerous public objections. It was agreed that the Town Council's original recommendation of refusal of the application still remains.		

5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	31 July 2020	21 August 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	31 July 2020	21 August 2020	Lowestoft Journal

6. Planning policy

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.

6.2. Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that with regard to Conservation Areas *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.

6.3. National Planning Policy Framework (NPPF) (2019)

6.4. National Planning Policy Guidance (NPPG)

6.5. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP8.1 - Housing Mix
- WLP8.4 - Conversion of Properties to Flats
- WLP8.21 – Sustainable Transport
- WLP8.29 - Design
- WLP8.37 - Historic Environment
- WLP8.39 - Conservation Areas

7. Planning considerations

Principle:

- 7.1. The use of a building as a large HMO falls outside of a specific use class and is therefore classed as 'Sui Generis'.
- 7.2. Policy WLP8.4 - "Conversion of Properties to Flats" is applicable in this case. This policy states that: *"no further conversion to self-contained flats/houses in multiple occupation will be permitted in Flat Saturation Zones on Lyndhurst Road, part of Denmark Road, part of London Road South and part of Kirkley Cliff Road, Grosvenor Road, Cleveland Road and Windsor Road where saturation levels are exceeded"*.
- 7.3. *"Outside the Flat Saturation Zones planning permission will be granted for conversion of existing buildings to fully self-contained accommodation where the saturation figure for the street does not exceed 20% and residential properties are above average size (i.e. above 160sqm original gross floorspace and include at least 5 bedrooms), no longer suited to family occupation or have a long established use (i.e. 10 years or more) as a House in Multiple Occupation or flats. The property should be located in a commercial, mixed use or other area close to services and facilities, be able to meet existing standards for parking, amenity areas, refuse bin storage and sound insulation and have no significant detrimental impacts to adjoining family houses"*.
- 7.4. In this case the site is outside the flat saturation zone, the closest of such areas is on Lyndhurst Road to the north of the application site.
- 7.5. Policy WLP8.4 then goes on to discuss the requirements for self-contained flats. Although this is not what is proposed, these aspects of the policy are relevant.
- 7.6. The policy requires that outside the flat saturation zones, in order for further conversion to be granted planning permission, the saturation figure for the street should not exceed 20%. Whilst objectors to this proposal have suggested that this figure has been breached leading to an unbalanced community, there is no evidence to suggest that the numbers of properties within Park Road exceed this figure. Whilst other premises such as Abigail Court, Avenue Mansions and Harleston Care Home have multi person occupancy, these premises do not lead to a saturation of Park Road, with Avenue Mansions being situated on Royal Avenue.
- 7.7. In any event, even if that were not the case and the 20% figure had been exceeded, it is important to note that the property has a long established use of housing multiple occupiers from its use as a care home; the property is above average size and is unlikely to be suited

to family occupation given that it has 13 bedrooms and is therefore limited in the types of use that the property could be put to.

- 7.8. The property is situated close to services and facilities as required by this policy. The policy does however state that exceptional circumstances will need to be demonstrated for the conversion to Houses in Multiple Occupation or bedsits, as opposed to self-contained flats, to be permitted".

Exceptional circumstances - Need for Specialist types of accommodation:

- 7.9. This proposal is for a supported housing scheme rather than an unrestricted HMO. As stated in the proposal section of this report, the property would be managed by Mavam Supported Housing (MSH), which would be staffed 24 hours a day. The users of their services will usually have a diagnosis of a Learning Disability, such as autism, physical disabilities and/or a mental health problem.
- 7.10. Section 6 of The Ipswich and Waveney Housing Market Areas - Strategic Housing Market Assessment (SHMA), Volume 2 - May 2017 considers the housing requirements of specific groups of the population.
- 7.11. Paragraph 6.12 of the SHMA highlights that to meet the occupation patterns predicted by the County Council in 2036 the model identifies a requirement for 1,197 additional specialist units of accommodation in the Waveney Housing Market Area (HMA). It is stated within this section of the SHMA that:
- 7.12. *"The actual numbers and type of specialist accommodation needed may depend on changes in patterns of demand and expectations and it is also recognised that Suffolk County Council are developing further accommodation typologies to best respond to future care needs, and it is therefore appropriate to consider this level of need with the acknowledgement that the form of accommodation delivered should not be too prescriptive".*
- 7.13. A letter accompanies the application from Suffolk County Council (Adult and Community Services) with the following statement:
- 7.14. *"I can confirm that there is a supportive housing need for the proposed scheme in Lowestoft for specialist supported living dwellings for people with a range of disabilities. The proposal would be in line with the strategic aims of Suffolk County Council and is responsive to the required transition service of suitable accommodation for a number of prospective residents who require supported housing. The proposed development is in a good location and would provide good access to amenities and the local community".*
- 7.15. As well as the need for specialist housing this section of the SHMA also considers the requirement for Registered Care (nursing and residential care homes). In the Waveney HMA, it is estimated there will be a requirement for an additional 905 spaces over the plan period. This figure is referred to within the pre-ambule to Policy WLP8.1 - "Housing Mix". Objectors to this proposal are of the view that this statement provides a presumption against the loss of care homes; however, there is no policy protection against the loss of existing care homes from change of use.

- 7.16. These additional spaces are being sought through larger allocations such as the Beccles and Worlingham Garden Neighbourhood allocated within Policy WLP3.1 through the provision of retirement communities. Purpose built facilities are much more suitable for this type of accommodation and the loss of smaller facilities in older buildings such as this cannot be resisted in principle. Furthermore, this facility has ceased trading and the property is currently vacant.
- 7.17. Suffolk County Council have had input into the evidence base to the SHMAA and are supportive of this proposal. Whilst it is acknowledged that there is a need for both care home spaces as well as specialist forms of accommodation it is considered that this type of facility provides an important housing need which is clearly required and therefore 'exceptional circumstances' have been demonstrated in this instance. The proposal is therefore considered to comply with Policy WLP8.4 in this regard.

Neighbour Amenity:

- 7.18. Policy WLP8.4 and WLP8.29 of the Local plan require that proposals do not have any significant detrimental impacts to adjoining family homes and that proposals protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 7.19. The majority of the objections to this proposal relate to the perceived impact on neighbour amenity of houses in multiple occupation, in terms of antisocial behaviour, noise and disturbance and general environmental decline. Whilst some of these issues have been experienced in some parts of Lowestoft due to certain streets reaching saturation point, this is not considered to be the case here.
- 7.20. The applicant has experience in running supported accommodation and would therefore be considered to be a responsible landlord. Together with effective management by Mavem, as detailed within their supporting statement, the amenity of occupiers of surrounding properties and that of the wider environment will be protected and the proposal would comply with the requirements of Policy WLP8.29 and WLP8.4. Furthermore, in order to ensure that the accommodation continues to be operated as proposed within this application and does not become an unrestricted large HMO it is recommended that a personal permission be granted.

Personal permission:

- 7.21. Section 75 of the Town and Country Planning Act 1990 states that *"any grant of planning permission to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested in it"*.
- 7.22. Section 70 (1) of the Act allows Local Planning Authorities to grant planning permission, either unconditionally or subject to 'such conditions as they think fit'. This power needs to be interpreted in light of material considerations such as the National Planning Policy Framework, supporting guidance on the use of conditions (circular 11/1995 - Use of Conditions in planning permissions), and relevant case law.
- 7.23. Planning Practice Guidance (PPG) and the above circular 'Use of conditions in planning permissions' highlight that there may be exceptional occasions where development that

would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. Although planning authorities are given very wide powers to impose 'such conditions as they think fit,' nevertheless the law says that those conditions, to be valid, must fairly and reasonably relate to the permitted development.

- 7.24. As the justification for this proposal relates to the type of accommodation being proposed and those that will occupy it, the management of which is integral to the proposal, it is considered appropriate in these circumstances to condition that this permission be personal to the applicant 'The Stone Foundation' to be managed by Mavam Group Ltd.

Other matters - Appearance of Conservation Area:

- 7.25. It has been highlighted by objectors to the proposal that unauthorised alterations to the frontage of this site have been carried out, which have had a harmful impact on the character and appearance of the Conservation Area. Although these works were carried out prior to the applicant's involvement in the site, the applicant has committed to an undertaking to replant trees, rebuild the wall to the frontage and remove some of the hard-surfacing area. The specific details of which will be required by condition.
- 7.26. Such works would be intended to re-introduce features to the frontage which would have a positive impact on the character and appearance of the Conservation Area as required by Policy WLP8.39 of the Local Plan and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways:

- 7.27. It is extremely unlikely that any of the people who would occupy the premises would have their own vehicles. It is anticipated that there will usually be two or three staff cars requiring a parking space at any one time. MSH promotes the use of public transport and provides cycles for staff to use to limit the reliance on vehicles and being conscious of environmental issues. Cycle storage will be provided in accordance with the requirements of Policy WLP8.21 "Sustainable transport".
- 7.28. Even with the proposed works to the frontage area this would still allow parking provision for 2 - 3 cars within the site of which Suffolk County Council as highways authority do not object to. It is considered that on the odd occasion that on-road parking does take place, this would not have an unacceptable impact on highway safety and would comply with the requirements of Paragraph 109 of the NPPF.

8. Conclusion

- 8.1. The proposed HMO would provide supported housing accommodation to be managed by Mavam Supported Housing (MSH), which would be staffed 24 hrs a day.
- 8.2. The site is situated outside of the flat saturation zones in Lowestoft and would not result in a saturation point being reached within Park Road, which as highlighted in policy WLP8.4 the guide figure of 20% is specified.

- 8.3. Suffolk County Council have confirmed that there is a need for specialist supported living accommodation for people with a range of disabilities and it is therefore considered that this justifies 'exceptional circumstances' required for an HMO to be permitted under Policy WLP8.4. The provision of specialist accommodation represents a significant social benefit, which is an important strand of 'sustainable development' as required by the NPPF. Furthermore, the need for such accommodation is likely to be in greater demand in the wake of Covid-19.
- 8.4. The applicant has experience in running supported accommodation; together with effective management and control of the use, which would be for the benefit of 'The Stone Foundation' to be managed by Mavam Group Ltd, the amenity of occupiers of surrounding properties and that of the wider environment will be protected and the proposal would comply with the requirements of Policy WLP8.29 and WLP8.4.

9. Recommendation

- 9.1. Approve subject to the following conditions:

10. 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 accordance with the layout plan received 04 November 2020, 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. This permission shall endure solely for the benefit of the applicant 'The Stone Foundation' to be managed by Mavam Group Ltd and not for the benefit of the land. When the premises cease to be managed by the above-named groups the use hereby permitted shall cease.

Reason: Having regard to the special circumstances put forward by the applicant.

4. Prior to first use full details of the frontage layout, (including manoeuvring and parking area, tree planting, reinstatement of frontage wall and reduction in hard standing area) shall be submitted for approval in writing to the Local Planning Authority. The approved scheme shall be carried out in its entirety within six months of first use of the site or within such other period as may be agreed with the Local Planning Authority, and any trees which die in the first 3 years shall be replaced in the next planting season.

Reason: To ensure the satisfactory appearance of the frontage of the site and that sufficient space for the onsite parking of vehicles is provided and maintained.

5. Details of secure and covered cycle storage shall be provided to and agreed in writing by the Local Planning Authority. The facilities as approved shall be provided prior to first occupation of the units and shall be retained thereafter.

Reason: To encourage people to travel using non-car modes.

6. Details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that Refuse/Recycling bins are not stored on the highway causing obstruction and dangers to other users.

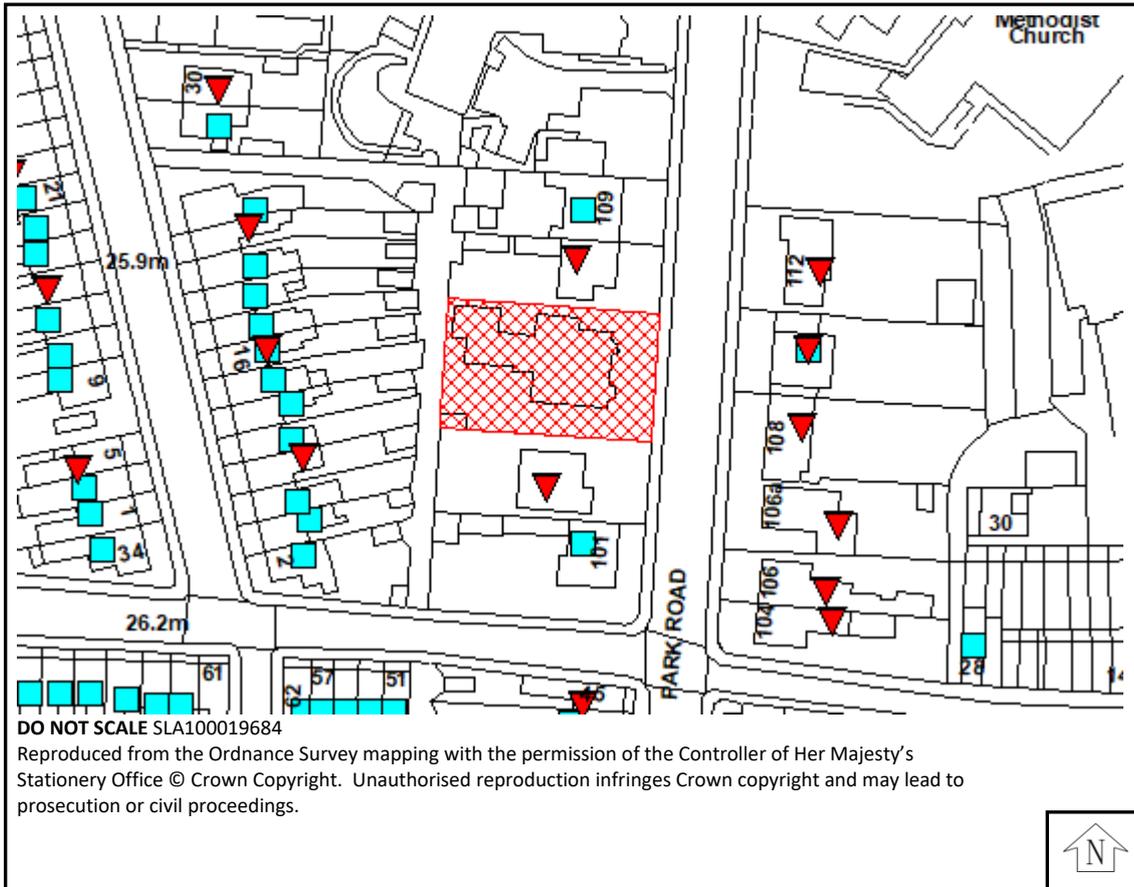
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background Papers

See application reference DC/20/2593/FUL on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support