



## Committee Report

Planning Committee - 13 October 2020

Application no DC/20/1352/FUL

**Location**

Royal Court Hotel  
146 London Road South  
Lowestoft  
NR33 0AZ

**Expiry date** 15 July 2020  
**Application type** Full Application  
**Applicant** Lowestoft Court Apartments Ltd

**Parish** Lowestoft

**Proposal** Redevelopment and extension of the former Royal Court Hotel to provide a café (A3) at ground level and 16 residential flats

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### 1. Summary

- 1.1 The application seeks full planning permission for the re-development and extension of the former Royal Court Hotel to provide sixteen residential flats, and a café at ground floor level.
- 1.2 The application was initially submitted seeking planning permission for twenty-nine flats and a café. The scheme has been significantly amended and reduced in response to officer feedback. The revised scheme for sixteen flats and a café is now supported by Lowestoft Town Council, and all previous objections from statutory consultees have been positively resolved.
- 1.3 The Royal Court Hotel has sat vacant for many years in a highly prominent location within the South Lowestoft Conservation Area and Kirkley District Shopping Centre. The existing flat-roofed additions to the rear, along with the tired and vacant appearance of the building, detract from the character, appearance, and vitality of the area. The proposed development would see the building brought back into a viable use with a ground floor café fronting London Road South and well-designed residential accommodation within the existing

building and new rear extensions. The remodelling and rear extensions are high-quality contemporary design that will enhance the character and appearance of the Conservation Area. The proposal will bring more residents into the town centre who will then likely spend at local shops and services. The regeneration of a key site in such a prominent location will be a significant public benefit for the town and will make an important positive contribution to the wider work of the Lowestoft South High Street Heritage Action Zone that is about to commence.

- 1.4 Officers consider that the proposed development accords with the Development Plan and represents a sustainable form of development delivering significant public benefits. Accordingly, the application is recommended favourably.
- 1.5 At the request of the Planning Committee (North) Chairman, the application has been brought direct to committee for determination given the significance of the development and level of public interest.

## **2. Site description**

- 2.1 The application site is located in the Lowestoft settlement boundary and the South Lowestoft Conservation Area. The site falls within the Kirkley District Shopping Centre - which is located along London Road South between Parade Road South and Lorne Park Road.
- 2.2 The Royal Court Hotel is located at 146 London Road South. The majority of the site is taken up by the former hotel building which faces west, fronting London Road South. A gated point from the road provides access to the remaining area of hardstanding at the rear of the property which has historically been used for vehicular parking. The site covers an area of approximately 0.07 ha and is bounded to the north by a vacant retail store and to the east by a private surface level car park that is used in conjunction with Hatfield Lodge Hotel. To the south lies The Kirkley Centre, a business and training venue.
- 2.3 The building is a classically proportioned, red brick building with decorated overhanging eaves. It has a tall, projecting southern chimney stack. A modern two storey flat roof extension has been added to the rear facing Wellington Esplanade. The rear elevation of the Royal Court Hotel is situated a plot width back from Wellington Esplanade. The terrace of four storey buildings adjacent to the rear of the site is noted in the Conservation Area Appraisal as being Grade II listed and buildings to the front and rear of the site are local list candidates.
- 2.4 The site lies within tidal Flood Zone 3a (according to Environment Agency mapping).
- 2.5 There is a flat saturation area a short distance south of the site; however, the site falls outside this designated area.

## **3. Proposal**

- 3.1 As set out in the summary section, the application originally proposed a much larger scheme comprising 29 flats and a ground floor cafe. The proposals have been significantly amended

and reduced. The application was formally amended by revised submission received 17 August 2020, and public consultation undertaken on the amended scheme.

- 3.2 The proposed development is for the redevelopment of the existing building and provision of sixteen flats, with a café space at ground level.
- 3.3 Car and cycle parking provision is proposed to the rear of the building in the form of eight car parking spaces, and a secure cycle parking area accommodating, potentially, up to 40 bikes via secure/covered two tier cycle racks.
- 3.4 To facilitate this development a number of physical works are proposed including the extension of the building and insertion of dormers, doors and windows. The existing building comprises 651 square metres (sqm). The new building would comprise 1006 sqm of new floor space; 74 sqm would be occupied by the café with the rest given over to residential and communal areas.
- 3.5 The overall design retains and converts the existing building to provide a number of residential units, with areas of extension provided to add additional floor space. A vertical extension on the existing rear flat roof building provides additional units with the stair core also vertically extended to allow access to this new second floor level. The main element of the rear block would be clad in a brick slip system. The new second floor and roof terrace have been stepped back, with the second floor clad in a contrasting material to recess this element against the lower brick building.
- 3.6 The two flats within the new vertical extension would have large glazed openings on the south east elevation which allows the internal spaces to open up onto their private roof gardens/ terraces.
- 3.7 Access to the new apartments and café spaces would be gained via the existing front entrance that was used in conjunction with the hotel; access to the apartments is designed with a double door entry system.
- 3.8 Of the 16 flats/apartments proposed - twelve would be 1-bed (2-person); two would be 2-bed (3-person); and two would be 2-bed (4-person).
- 3.9 On the ground floor, fronting London Road South, 74sqm of floor space would be used as a café.

#### **4. Consultations/comments**

- 4.1 In response to the original proposals (for 29 flats and a cafe) 10 letters of objection were received that raised a number of key material planning issues (inter alia):
  - Doubling the height of the building will result in overlooking of nearby properties and harm to outlook.
  - 29 flats is much more than the 20 previous hotel rooms.
  - The accommodation is poor quality bedsit/HMO type accommodation.
  - The proposals will generate significant noise.
  - So many flats and a commercial use will create lots of rubbish.

- The application is 'dressed up' as accommodation for the offshore energy sector but will actually result in a poor-quality HMO.
- There are long standing problems in the area of poor-quality HMOs and social deprivation.
- There is no mechanism to secure the units to only offshore energy workers.
- No parking for 29 flats will cause problems locally.
- The development is unacceptable in the conservation area.
- Proposal will harm the character of the existing building.
- Not convinced the client base will be solely corporate lets for offshore sector.
- Over development in a flat saturation zone.
- Already local problems with bedsits and HMOs; this will add to those problems.
- Property should return to a hotel use.
- Over development of the site.
- Small unit size will attract transient tenants and bring about antisocial issues and decline in the area.
- No need for further commercial premises in this area of the town.
- This site would ideally suit a development of fewer but higher quality residential units contained within the existing building.

Three letters of support were received that raised several key material planning issues (inter alia):

- The development will bring new people working in the area to the town.
- Development will support local trade and investment into the community.
- Design should be commended.
- Parking will not be an issue for professionals employed in the offshore energy sector, as their vehicles can be parked at the docks for the duration of their work trip.
- The development will free up other houses for long term residents/families that are currently being rented to businesses.

4.2 In response to the amended proposals for sixteen flats and a cafe, one previous objector has submitted a letter to state that, after reviewing the amended plans, they withdraw their objection. Another previous supporter has reiterated their support for the amended scheme.

Three further letters of objection have been received that raise several key material planning issues (inter alia):

- Overdevelopment of the site and only 8 parking spaces is inadequate.
- The proposal has no outdoor space, limited parking, and limited bin space.
- No parking provided and parking on nearby streets is not an option.
- The grey annex at the back should be pulled down to allow for parking.
- It is unclear who the residents will be, and the result could be a HMO.

4.3 All properties originally consulted have been re-consulted, with a final response date for comments being 15 October 2020. Any officer recommendation to grant permission would be seeking authority to approve, subject to no new material planning issues being raised prior to 16 October 2020. Any additional representations received prior to Planning Committee will be reported to members via the update sheet.

## 5. Consultees

### Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	16 April 2020	14 May 2020
Summary of comments: The Planning and Environment Committee considered this application at a meeting on 12 May. It was agreed to recommend approval of the application.		

#### Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	5 June 2020	25 June 2020
Summary of comments: Concerns with the design of the scheme and impact on the conservation area.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	5 June 2020	25 June 2020
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	5 June 2020	11 June 2020
Summary of comments: Recommend approval.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	16 April 2020	18 May 2020
Summary of comments: Holding objection due to lack of parking provision.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Economic Development (Internal)	N/A	30 April 2020
Summary of comments: Support the application.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	5 June 2020	6 July 2020
Summary of comments: Internal planning consultee. See planning considerations section.		

Consultee	Date consulted	Date reply received
Design Council	16 April 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	16 April 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	16 April 2020	29 April 2020
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	16 April 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
CIL (Internal)	16 April 2020	17 April 2020
Summary of comments: Internal planning consultee; see planning considerations section.		

Consultee	Date consulted	Date reply received
Police - General	16 April 2020	21 April 2020
Summary of comments: Advice given.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	N/A	27 August 2020
Summary of comments: No objections. No archaeology conditions required.		

#### **Re-consultation consultees**

Consultee	Date consulted	Date reply received
CIL (Internal)	20 August 2020	4 September 2020
Summary of comments: Internal planning consultee; see planning considerations section.		

Consultee	Date consulted	Date reply received
Design Council	20 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	20 August 2020	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	20 August 2020	20 August 2020
Summary of comments: No objections. See previous comments.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	20 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	20 August 2020	No response
Summary of comments: See previous comments.		

Consultee	Date consulted	Date reply received
Historic England	20 August 2020	28 August 2020
Summary of comments: No objections to amended plans.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	20 August 2020	24 August 2020
Summary of comments: No objections. Conditions recommended.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	20 August 2020	9 September 2020
Summary of comments: The Town Council's Planning and Environment Committee considered this application at a meeting on 8 September 2020. It was agreed to recommend approval of the application.		

Consultee	Date consulted	Date reply received
Police - General	20 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	20 August 2020	25 August 2020
Summary of comments: Recommend approval.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	20 August 2020	14 September 2020
Summary of comments: Holding objection removed. Conditions recommended.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	20 August 2020	No response
Summary of comments: No response.		

## 6. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Major Application	28 August 2020	21 September 2020	Beccles and Bungay Journal

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Listed Building	28 August 2020	21 September 2020	Lowestoft Journal

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Affects Setting of Listed Building	24 April 2020	18 May 2020	Lowestoft Journal

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Affects Setting of Listed Building	24 April 2020	18 May 2020	Beccles and Bungay Journal

## **7. Planning policy**

National Planning Policy Framework (NPPF)

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

WLP2.1 - Central and Coastal Lowestoft Regeneration (East Suffolk Council - Waveney Local Plan (March 2019))

WLP2.12 - Kirkley District Shopping Centre (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.4 - Conversion of Properties to Flats (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.17 - Existing Tourist Accommodation (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.18 - New Town Centre Use Development (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.19 - Vitality and Viability of Town Centres (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.20 - Local Shopping Centres (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.38 - Non-Designated Heritage Assets (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019))

## 8. Planning considerations

### Policy Background

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-taking.
- 8.2 The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

### Principle of Development

- 8.3 The application site is located within Lowestoft settlement as defined in the Local Plan. Local Plan spatial strategy policies WLP1.1 and WLP1.2 set out, broadly, that new development should generally be directed to within the defined settlement boundaries, with the majority of development over the plan period allocated to Lowestoft as the largest town in the District. The principle of residential development, in that context, is entirely supported by the Local Plan.

### Change of Use and Kirkley District Shopping Centre

- 8.4 Policy WLP8.17 of the Local Plan seeks to protect existing tourism accommodation from change of use to residential. Changes of use will only be considered in exceptional circumstances where it can be fully and satisfactorily demonstrated that there is no demand for the tourist accommodation.
- 8.5 Policy WLP2.12 relates to the Kirkley District Shopping Centre and sets out that new town centre use development will be permitted within this area where the scale and function is consistent with the role of the District Centre and not harmful to the vitality and viability of the town centre. Although now superseded due to recent Government changes to the Use Classes Order, the desired ground floor uses in this area include A class uses such as retail, financial and professional services, cafes, and restaurants etc.
- 8.6 The proposal seeks to introduce a ground floor café use into the District Centre and this is supported by WLP2.12 which clearly sets out to promote new restaurant and café uses in the area. The provision of a café would enhance the commercial offer in this location, and it would not detract from Lowestoft Town Centre.
- 8.7 The Royal Court Hotel was first put up for sale in 2009, and was marketed again in 2011, with reportedly little interest aside from as a residential development opportunity. The property was marketed by Steel & Co from 2016 to its point of sale in 2019, although the developer has clearly purchased the property with the intention of change of use. Whilst the

marketing information provided with the application submission is limited, it is clear that the building has not been in a tourism/hotel use since 2009 and has been subject of extensive marketing for that consented use over the last eleven years. The building has sat vacant throughout most of this period which does detract from the vitality and appearance of the area. Proposals to bring the building back into a viable use, with commercial floorspace at ground floor level, fronting onto London Road South, will bring significant benefit to the area. Given the length of time that a hotel has not viably operated at the site, any 'loss' of tourism accommodation does not weigh significantly against the application, and the regenerative benefits from its development would far outweigh that limited conflict with WLP8.17. That the proposal meets other policy objectives for the District Centre, in terms of WLP2.12, again supports the comprehensive re-development proposal. There is also the added benefit that future residents of the development will likely spend in the local economy, further enhancing the vitality and viability of the area.

- 8.8 Within the initial proposals, the applicant's intention was to provide the accommodation for workers in the offshore energy sector. Whilst that is an idea with merit, officers raised concerns that there was no realistic way to ensure the accommodation was solely for that demographic. And then, there was concern over the future use of the accommodation should that sector change, and the flats no longer needed. The amended proposal, therefore, is residential accommodation that *could* be for offshore energy workers but, irrespective of that, it is accommodation designed to endure and meet the needs of all future occupiers in terms of amenity space and functionality. Officers consider that this is the correct long-term strategy for this area where there has been a history of substandard HMO and bedsit-type accommodation bringing problems of crime and anti-social behaviour. The nature of the spacious flats and functional ancillary space makes it unlikely the building use would deteriorate into that which would harm the vitality of the area.
- 8.9 For the reasons given, the change of use is considered to be acceptable and in accordance with WLP8.17 and WLP2.12, when read collectively.

#### Design and Heritage Considerations

- 8.10 The South Lowestoft Conservation Area and the Grade II Listed Post Office building are designated heritage assets. The starting point for heritage considerations is the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act").
- 8.11 For Conservation Areas, the statutory duty under s.72 of The Act is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.12 For listed buildings, s.66 of The Act imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The duty is engaged when the local planning authority is considering whether to approve development which affects a listed building or its setting.
- 8.13 These statutory duties are reflected in national and local planning policy. The NPPF identifies conservation and enhancement of the historic environment as an important element of sustainable development. Paragraph 184 of the NPPF makes clear that heritage assets are *"an irreplaceable resource, and should be conserved in a manner appropriate to their*

*significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*

8.14 Paragraph 189 says that when determining planning applications, *"local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*

8.15 NPPF paragraph 192 sets out that, *"in determining planning applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness."*

8.16 The NPPF at paragraphs 193 and 194 requires planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. It is also clear that *"any harm or loss should require clear and convincing justification."*

8.17 The NPPF paragraph 196 sets out that:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

8.18 In the case of non-designated heritage assets (NDHAs), paragraph 197 of the NPPF says that the effect of a proposed development on their significance should be taken into account, and that where a development would affect a non-designated heritage asset either directly or non-directly, *"a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.

8.19 The NPPF at Paragraph 200 highlights the opportunity for local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that therefore preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

8.20 The statutory duties of The Act, and heritage objectives of the NPPF, are also reflected in the Historic Environment section of the Local Plan - policies WLP8.37 (Historic Environment); WLP8.38 (Non-Designated Heritage Assets); and WLP8.39 (Conservation Areas). Policy WLP8.29 (Design) promotes high quality design.

8.21 To support the amended proposals, the applicant has submitted a Heritage Statement that assesses the impact on: the South Lowestoft Conservation Area; Nos. 9, 10 and 11 and

Eastleigh Waterloo Road (Grade II listed building); and Victoria House, and St Georges House and Gresham House (non-designated heritage assets/locally listed buildings). The Heritage Statement is comprehensive and complies with the NPPF requirement.

- 8.22 The Royal Court Hotel lies within the London Road South character area of the South Lowestoft Conservation Area. It is not mentioned within the character statement, but it is a classically proportioned, red brick building in English Bond with decorated overhanging eaves. It has a tall, projecting southern chimney stack. A modern two storey flat roof extension has been added to the rear facing Wellington Esplanade. The rear elevation of the Royal Court Hotel is situated a plot width back from Wellington Esplanade which is explained by the presence, on historic maps, of a building which has been long since demolished. The land is now used as a car park for an adjacent business.
- 8.23 The character of the South Lowestoft Conservation Area reflects the development of the late Georgian/early Victorian seaside resort. Much of the building occurred with Peto's development of Lowestoft as a pleasure resort and the coming of the railway to the town in the 19th century. London Road South developed as the commercial centre of South Lowestoft with many houses being converted to commercial use and rows of tall townhouses being built along Wellington Esplanade to take advantage of the sea views.
- 8.24 The significance of this building and site therefore lays in its architectural design, reflecting the fashion of the period and the predominant style within the conservation area. Its position close to the heart of the 19th century expansion of the town illustrates the town's development as a pleasure resort.
- 8.25 Whilst the original building has character, its current vacant appearance detracts from the significance of the conservation area. To the rear, the site is very prominent from Wellington Esplanade and presents unsightly flat roofed additions; hard surfaced car park; and poor-quality boundary enclosure. From this perspective, the site seriously detracts from the significance of the conservation area.
- 8.26 It is proposed to convert the red brick building on London Road South to a café venue on the ground floor and use part of the ground floor - and all of the upper floors - as residential accommodation. An extension fronting Wellington Esplanade would be used as residential flats.
- 8.27 The conversion and reuse of the building fronting London Road South would involve restoration work, in particular to the windows. This, subject to appropriate detailing, is likely to result in an enhancement to the character of the building and, to the conservation area. The additions of dormers in the roof slope is not unusual in buildings of this type and, subject again to details, is acceptable.
- 8.28 The new development to the rear of the site looks out over the existing car park and onto Wellington Esplanade. The site is extremely visible from this road. The new extension has been significantly amended and reduced in scale since first submission. A vertical extension on the existing rear flat roof building provides additional units with the stair core also vertically extended to allow access to this new second floor level. This also provides the opportunity to insert a vertical break in the elevation and visually separate the existing building from the reconfigured rear block, using a contrasting cladding material. The main element of the rear block would be clad in a brick slip system, with a brick to complement

the existing light/buff brick on the corner/rear of the original building. The new second floor and roof terrace have been stepped back to reduce the overall massing of the building, with the second floor clad in a contrasting material to recess this element against the lower brick building. The two flats within the new vertical extension benefit from large glazed openings on the south east elevation which allows the internal spaces to open onto their private roof gardens/terraces.

- 8.29 The proposal represents good design in accordance with WLP8.29 (Design) that will enhance the appearance of the building within the conservation area, thereby enhancing the significance of this designated heritage asset and the setting of nearby listed buildings. There would be no harm to any designated or non-designated heritage assets arising from this development proposal, which would accord with the historic environment objectives of the NPPF and Local Plan policies WLP8.37, WLP8.38 and WLP8.39. As no harm would arise, the balancing test of NPPF paragraph 196 is not engaged for decision-taking.

#### Residential Amenity

- 8.30 In terms of local living conditions, the site is located within a busy urban area and the introduction of sixteen flats and a café is unlikely to bring significant impact. The new extension would be flanked by deeper plan development to the north and south, and then new upper floor (west facing) windows and outdoor spaces would provide an outlook not dissimilar to the existing situation. This would allow for some overlooking of the rear of properties on Wellington Esplanade, but with back-to-back building separation distances of over 20 metres, such overlooking would not be unacceptable in the urban context.
- 8.31 The scale and massing of the building has been significantly reduced since the first submission, and the result is that the development – particularly the rear additions – are well related to the built context. The development would not be overbearing to neighbouring property.
- 8.32 The mix of café use and residential flats could bring some disruption to future occupants of the development. Therefore, a condition is recommended to restrict the café public opening hours to ensure that any disruption is limited to daytime hours. There is no extract or ventilation equipment proposed for the café use, which will not likely bring significant noise and odour, in any case. Officers recommend though that permitted development rights for changes of use of the commercial space be removed on any grant of planning permission, to ensure that commercial use on the ground floor is compatible with the residential use of the development.
- 8.33 For the reasons given, the amenity impact of the development is acceptable in accordance with Local Plan Policy WLP8.29.

#### Affordable Housing and Vacant Building Credit (VBC)

- 8.34 Local Plan Policy WLP8.2 sets out that new housing developments over eleven dwellings must make provision for a proportion of the total dwellings to be affordable housing. In the Lowestoft area such developments must provide 20% affordable housing.
- 8.35 However, in accordance with NPPF paragraph 63, the National Planning Practice Guidance sets out that:

*“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”*

8.36 The former Suffolk Coastal and Waveney DC’s published a VBC Advice Note that provides guidance on how the Council will apply the VBC:

*“The vacant building credit will only be applied where the building has not been abandoned and has not been demolished prior to the date when an application has been validated.*

*The national guidance does not specify how to calculate floorspace. For consistency Gross Internal Area (GIA) will be used for both vacant and proposed floorspace.*

*The NPPG does not provide a definition of “vacant building” so the two Council’s will apply the CIL definition, which is a building that has not been in continuous use for any 6 month period during the last 3 years. This means the whole building must have been vacant, not just a single planning unit or part of the building. The building must be vacant at the time the application is validated for the VBC to be applied. This approach has been used by a number of councils across the country.*

*In addition it will not apply in situations where there is a valid live consent on the site, or where consent has recently lapsed, or where a site has had an application considered since the reintroduction of the guidance in the NPPG and the VBC was not sought.”*

8.37 The applicant has supplied information within their updated Planning Statement to cover this. The building has been vacant for at least three years and it has not been in any continuous use for any 6-month period during the last three years. The building was vacant at the time the application was validated, and there is no live or recently elapsed consent for development. Accordingly, the VBC applies to the Royal Court Hotel site and therefore needs to be calculated to determine any affordable housing requirement arising from the proposed development.

8.38 The process to calculate the VBC is:

- Calculate the Gross Internal Area (GIA) floorspace of the existing building/s as a proportion of the proposed GIA floor space of the proposed redevelopment to give the Credit Proportion (Note: for wholly residential schemes this will be the total GIA of all proposed dwellings, for mixed use schemes the GIA of the proposed future residential elements only will be used).
- All calculations will be rounded to the nearest square metre.
- Apply this Credit Proportion as a reduction to the Affordable obligation.
- Where a VBC calculation results in a part dwelling requirement this will be rounded up to the next whole affordable dwelling, e.g. 1.25 affordable dwellings after VBC has been applied will be rounded to 2 whole affordable dwellings.

8.39 In terms of the current application site, the VBC calculation is as follows:

Existing GIA (sq.m.) = 651

Proposed residential GIA (sq.m) = 932

Existing ÷ Proposed = 0.698

20% Affordable Rate on 16 units = 3.2 units

Reduction = (0.647 x 3.2) = 2.235

**3.2 units – 2.235 units = 0.965 affordable dwellings required**

8.40 With the application of the VBC, therefore, just under one affordable dwelling would be required on this development proposal. The 0.965 figure would be rounded up to 1 as the nearest whole number.

8.41 A single affordable dwelling within the development, above and adjacent to a commercial unit, is not likely to be attractive to a Registered Social Landlord. Normally, for management reasons, RSL's affordable housing stock is grouped and on a single site they would look to take on more than a single dwelling. On that basis, the residual affordable housing requirement of one dwelling can be provided for in the form of a commuted sum to fund the provision of offsite affordable housing in the District. This would need to be secured by S106 legal agreement prior to any planning permission being granted.

8.42 With the application of the Vacant Building Credit, and the residual affordable housing requirement delivered in the form of a commuted towards off-site affordable housing, via a S106 agreement, the proposed development would accord with Local Plan Policy WLP8.2.

#### Flood Risk and Surface Water Drainage

8.43 The site is located within Environment Agency (EA) Flood Zone 3a – this is an area identified as having a high probability of flooding. The application is therefore supported by a site-specific Flood Risk Assessment (FRA).

8.44 Local Plan policy WLP8.24 relates to flood risk and sets out, amongst other things, that:

*“Development proposals should consider flooding from all sources and take in to account climate change. Proposals at risk of flooding (taking in to account impacts from climate change) should only be granted planning permission if it can be demonstrated that:*

- *There are no available sites suitable for the proposed use in areas with a lower probability of flooding;*
- *The development provides sustainability benefits which outweigh flood risk; and*
- *A site specific flood risk assessment has been submitted which demonstrates that the flood risk can be satisfactorily mitigated over the lifetime of the development. This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere including on the natural environment.*

*New residential development on sites not allocated in this Local Plan or a Neighbourhood Plan will not be permitted on sites at risk from flooding.”*

- 8.45 As the proposal is for residential development in flood zone 3a, the EA has been consulted. The EA raise no objection to the proposals as follows:

*“Thank you for your consultation dated 5 June 2020. We have reviewed the application as submitted and have no objection because the site is currently defended and the SMP policy for this area has an aspiration for hold the line.”*

- 8.46 The NPPF seeks to mitigate the risk of flooding by restricting vulnerable new development (such as housing) within areas at risk from flooding. It does this by requiring development proposals in areas at risk from flooding to be subject to a sequential test where it has to be proven there are no suitable areas of land with a lesser risk of flooding and an exception test which identifies sustainability benefits of development and ensures the development is safe for its lifetime. However, these tests are not applicable to the current proposal because it involves the change of use of an existing building. It should also be noted that the consented use for the building is that of a hotel which, in flood risk terms, is a ‘more vulnerable’ development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. The proposed residential use is the same category of vulnerability.
- 8.47 The site-specific FRA recommends a number of measures that can be incorporated into the development proposal to ensure that, irrespective of ‘hold the line’ flood defences in the future, the development can be made safe and account for climate change. Officers recommend a pre-commencement condition be applied to any permission granted, in order to secure the final, precise details of the flood risk mitigation and evacuation measures that are to be incorporated into the development.
- 8.48 The FRA also details strategies for surface water drainage that would be acceptable to the Local Lead Flood Authority.
- 8.49 The proposal is acceptable in accordance with the objectives of WLP8.24 and the NPPF.

#### Ecology and Habitats Regulations

- 8.50 The Habitats Regulations Assessments (HRAs) of the Suffolk Coastal District Council Core Strategy and Development Management Policies Development Plan Document (2011 and 2013) and the Waveney District Council Local Plan (2019) identified that increased levels of residential development would have a Likely Significant Effect (LSE) on Habitats sites (European designated sites) on the Suffolk coast. The LSE is predicted to arise from increased levels of recreational use resulting from residents of new development. This would be an in-combination effect as a result of the total amount of new housing growth in the district.
- 8.51 Following the findings of the Local Plan HRAs and under direction from Natural England, the Local Planning Authorities with residential growth in areas which are likely to impact on Suffolk coast Habitats sites have worked collaboratively to prepare and implement a mitigation strategy to address the identified LSE and prevent cumulative new development resulting in an adverse effect on the integrity of the designated sites. The LPAs involved are East Suffolk Council (formerly Suffolk Coastal District Council and Waveney District Council);

Babergh and Mid Suffolk District Councils and Ipswich Borough Council. This strategy is currently referred to as the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy or "Suffolk Coast RAMS". The strategy identifies that new residential development within 13km of the Habitats sites identified in the Technical Report will contribute to in-combination recreational disturbance impacts. This area is referred to as the Zone of Influence (ZOI).

- 8.52 Officers have carried out a stage 2 Appropriate Assessment under the Conservation of Habitats and Species Regulations (2017) and conclude that, subject to a per-dwelling financial contribution to fund Suffolk Coast RAMS being secured, the proposed development will not have an adverse effect on the integrity of the European sites within the 13km ZOI, from recreational disturbance, when considered 'in combination' with other development. Any recommendation to grant permission/consent is subject to that RAMS contribution being secured before decision. With mitigation secured the proposal would accord with Policy WLP8.34.

## **9. Conclusion**

- 9.1 The application was initially submitted seeking planning permission for twenty-nine flats. The scheme has been significantly amended and reduced in response to officer feedback. The revised scheme for sixteen flats and a café is now supported by Lowestoft Town Council, and all previous objections from statutory consultees have been positively resolved.
- 9.2 The Royal Court Hotel has sat vacant for many years in a highly prominent location within the South Lowestoft Conservation Area and Kirkley District Shopping Centre. The existing flat-roofed additions to the rear, along with the tired and vacant appearance of the building, detract from the character, appearance, and vitality of the area. The proposed development would see the building brought back into a viable use with a ground floor cafe fronting London Road South and well-designed residential accommodation within the existing building and new rear extensions. The remodelling and rear extensions are high-quality contemporary design that will enhance the character and appearance of the Conservation Area. The proposal will bring more residents into the town centre who will then likely spend at local shops and services. The regeneration of a key site in such a prominent location will be a significant public benefit for the town and will make an important positive contribution to the wider work of the South Heritage Action Zone that is about to commence.
- 9.3 Officers consider that the proposed development accords with the Development Plan and represents a sustainable form of development delivering significant public benefits. Accordingly, the application is recommended favourably.

## **10. Recommendation**

- 10.1 Authority to Approve, subject to no new material planning issues being raised prior to 16 October 2020; and subject to a legal agreement being signed to provide a per-dwelling contribution to fund the Suffolk (Coast) RAMS, and a commuted sum to fund off-site affordable housing.

- 10.2 If the S106 Agreement is not signed within six months of the resolution to grant permission, or a revised timescale for such agree in writing with the LPA, then permission be refused due to the impact on the SPA and lack of affordable housing provision.

**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 carried out in accordance with the following approved plans/documents: Drawing Nos. 1854-00-10, -1854-00-11, 1854-00-12, 1854-00-13, 1854-00-14 received 18 August 2020; and Site Location Plan Drawing No. 1726-002, received 31 March 2020.

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

3. No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the approved development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of good design. To ensure that final finish is of a high-quality and will preserve and/or enhance the Conservation Area.

4. No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

These details shall include: any means of enclosure; areas to be provided for the secure, covered and lit cycle storage; parking layouts; the areas and infrastructure to be provided for the manoeuvring and parking of vehicles including electric vehicle charging points and powered two wheeled vehicle provision; hard surfacing materials; bin storage areas; and any other minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise approved by the local planning authority.

Reason: to secure a well-designed functional layout for the external areas of the site that provides for multiple modes of sustainable transport in accordance with Local Plan policies WLP8.29 and WLP8.21.

5. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until an assessment of UXO (unexploded ordnance) risk is undertaken. The assessment must be taken by a competent person and conform with current guidance and best practice.

Reason: In the interest of ensuring construction works can be undertaken safely; a precautionary approach is required.

6. Prior to commencement of development, plans and details shall be provided to show how the recommended Flood Risk Mitigation and Evacuation measures outlined in Chapter 6 of the submitted Flood Risk Assessment (MARCH 2020 REPORT REF: 2484/RE/03-20/01) are to be precisely incorporated into the development. Thereafter the development shall be carried out in accordance with the approved details.

Reason: to ensure the new residential accommodation is resilient to tidal flood risk for the long term accounting for climate change, in accordance with Local Plan policy WLP8.24.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.

8. The ground floor commercial space (as shown on Drawing No. 1854 00 11) shall only be used as a café.

The area shall not be used for any other purpose within use Class E (Commercial, business and service uses) of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 unless expressly permitted in writing by the local planning authority.

Reason: in the interest of the amenity of residents above the café; and to ensure that the ground floor commercial use accords with the policy objectives for the Kirkley District Shopping Centre.

9. The ground floor cafe use hereby permitted shall not be open to customers outside the following times:
  - 07:30 to 18:00 (Mondays to Saturdays)
  - 08:30 to 17:00 (Sundays and Bank Holidays)

Reason: in the interest of the amenity of residential occupants of the building.

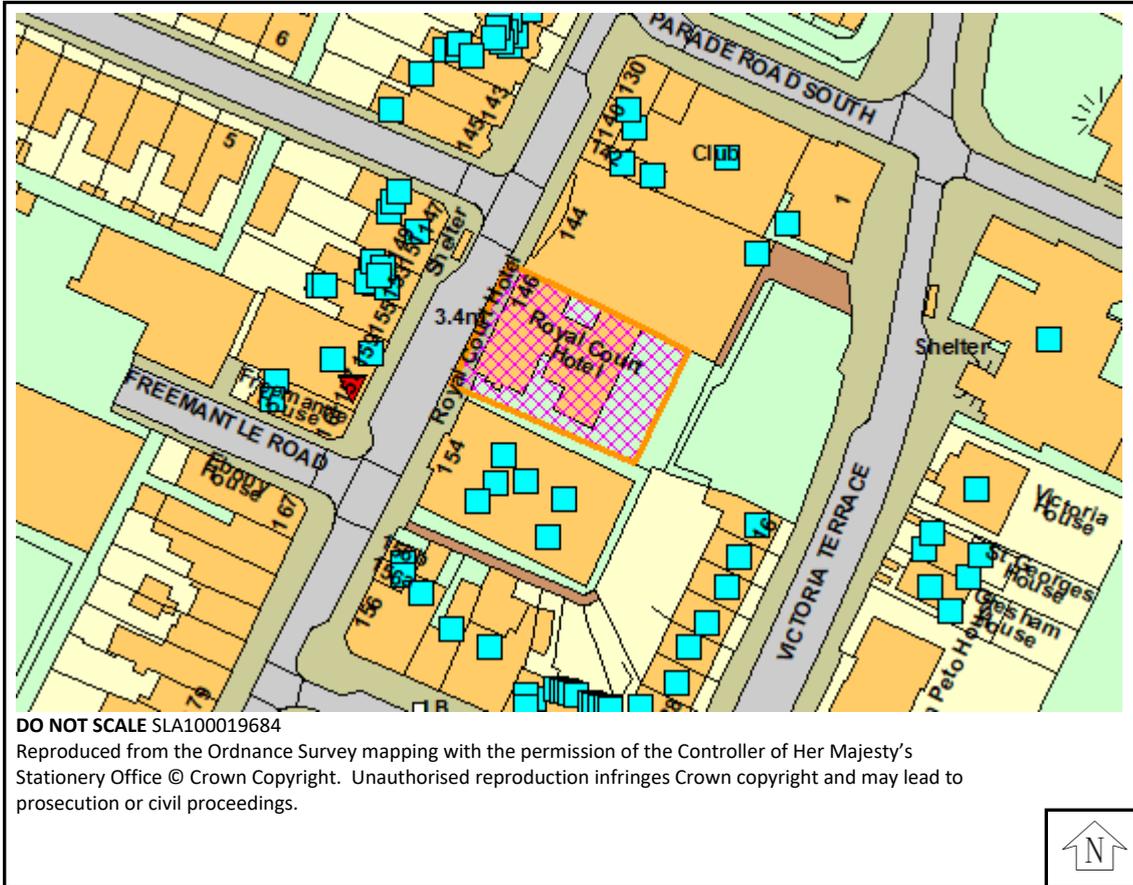
#### **Informatives:**

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/20/1352/FUL on [Public Access](#)

## Map



## Key

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