



Committee Report

Planning Committee North - 12 January 2021

Application no DC/20/4744/FUL

Location

141 St Peter's Street
Lowestoft
Suffolk
NR32 1UB

Expiry date 24 January 2021

Application type Full Application

Applicant East Suffolk Council

Parish Lowestoft

Proposal Change of use from residential dwelling (C3) to HMO (Sui generis)

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1. Summary

- 1.1 This application seeks full planning permission for the change of use of 141 St Peters Street from a C3 (dwellinghouse) to a Sui Generis use - House in Multiple Occupation (HMO).
- 1.2 The application is brought direct to the Planning Committee (North) for determination because East Suffolk Council is both the landowner and applicant and therefore falls outside the scope of the delegation afforded to the Head of Planning and Coastal Management in the Councils Constitution.
- 1.3 Officers are seeking authority to approve the application and grant planning permission subject to conditions.

Case for Development

- 1.4 The key Local Plan Policy (WLP8.4) test for a new HMO is whether there are 'exceptional circumstances' to justify such a conversion, as opposed to self-contained flats. The proposed

development will allow East Suffolk's Housing Team to accommodate some of the ten current rough sleepers who require this specialist, supported accommodation.

- 1.5 Officers therefore consider that the principle of this HMO use carries significant public benefit and represents a clear exceptional case - in WLP8.4 terms - where an HMO can be approved in order to provide much needed support accommodation for vulnerable people.
- 1.6 Policy WLP8.4 also seeks to address detailed matters of design, highways safety and amenity impact - which are also relevant to other Local Plan policies such as WLP8.21 (Sustainable Transport) and WLP8.29 (Design). The proposal accords with these policies and represents a sustainable form of development in accordance with the Local Plan.

2. Site description

- 2.1 The application site (No.141) is located to the south side of St Peter's Street, Lowestoft. The immediate setting of the site is predominantly residential in character but St Peter's Street, more broadly, is a mixed-use area with a variety of local shops and services to the west of the site.
- 2.2 No.141 is a three-storey building in the middle of a terrace with an existing lawful use as a C3 (dwellinghouse). The site is an irregular shape - broadly triangular in the north fronting St Peter's Street (where the application building is located), and then narrowing to a long rectangular strip of rear garden/yard that extends to the south. At the southern end of the rear yard is a single storey garage building.
- 2.3 To the west and south of the application site is residential development at Raglan Street, the rear gardens of which are served by a service access off of Reeve Street, which also serves the rear of the terrace within which No.141 is located. To the southeast are the rear gardens of residential properties which front onto Reeve Street.
- 2.4 The application site is located centrally within Lowestoft and the high street to the east is within comfortable walking distance.

3. Proposal

- 3.1 The proposed development is a change of use to a 7-bedroom HMO. The use of a building as a large HMO falls outside of a specific use class and is therefore classed as 'Sui Generis'.
- 3.2 The existing floorspace covers three storeys. The proposed block plan gives a clear picture of the number of rooms, facilities and ancillary office space. The proposal would locate communal and staff facilities, along with one en-suite bedroom, at ground floor. The six further en-suite bedrooms would be distributed evenly across the upper floors.
- 3.3 Within the rear of the application site, the proposal is to re-purpose the existing garage building to provide secured/covered cycle storage with six Sheffield bars (to accommodate up to ten bicycles). This garage door is to be blocked up and the area accessed via a secure personnel gate. To the north side of this, within the site, is allocated space for the storage of waste/recycling bins. A walkway would be provided within this re-purposed garage so

that bins could then be wheeled through for placement on the service access off Reeve Street for collection.

4. Consultations/comments

4.1 No third-party representations received.

5. Consultees

Lowestoft Town Council

| Consultee | Date consulted | Date reply received |
|--|-----------------|---------------------|
| Lowestoft Town Council | 4 December 2020 | 18 December 2020 |
| <p><i>The Town Council's Planning and Environment Committee considered this application at a meeting on 15 December 2020. It was agreed to recommend approval of the application.</i></p> <p><i>Town Council has declared a Climate Emergency. To support this declaration, the Planning and Environment Committee requests that when recommending approval of a planning application the following measures are taken into account:</i></p> <p><i>Consideration of biodiversity • Support for new or improved renewable energy. • Support for alternatives to car use e.g. walking, cycling and public transport, and encourage efficient car use, including through appropriate car parking provision, car sharing, differential car-parking charges, and the use of electric cars. • Encouragement for the management of land for nature and an increase in tree cover. • Resistance of the use of natural open space for development and encourage reuse of brownfield sites. • Support homes which are energy efficient, nature friendly and located close to public transport and amenities.</i></p> | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|--|-----------------|---------------------|
| Suffolk County - Highways Department | 4 December 2020 | No response |
| <p>Summary of comments: Awaiting consultation response; to be reported via update sheet.</p> | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|---|-----------------|---------------------|
| Environmental Protection (Internal) | 4 December 2020 | 15 December 2020 |
| <p>Summary of comments: Standard condition recommended re. unexpected ground contamination.</p> | | |

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Suffolk Fire and Rescue Service | N/A | 8 December 2020 |
| Summary of comments: Standard informative advice about fire safety requirements for building regulations purposes. | | |

6. Site notices

General Site Notice

Reason for site notice: Change of Use

Date posted: 10 December 2020

Expiry date: 4 January 2021

7. Planning policy

National Planning Policy Framework (NPPF) 2019

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

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

WLP8.29 - Design (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-making.

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 As the application site is already in a residential use and located within the largest urban settlement in the District, the principle of development is acceptable in terms of the Local Plan spatial strategy.

8.4 The key policy test for this application is WLP8.4 (Conversion of Properties to Flats). Supplementing this policy are Local Plan Policies Maps which identify, amongst other things, flat saturation zones.

8.5 WLP8.4 sets out 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.

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.

Exceptional circumstances will need to be demonstrated for the conversion to Houses in Multiple Occupation or bedsits, as opposes to self-contained flats, to be permitted."

8.6 The application site is not within a flat saturation zone. Relative to the application site, the closest identified flat saturation zone is approximately one mile to the south, at Denmark Road.

8.7 In terms of the flat saturation figure for St Peter's Street, there is no evidence to suggest the saturation figure is near or above the 20% limit identified in WLP8.4. Officers have surveyed the length of St Peter's Street to appraise the mix of uses and it is clear from even a casual assessment of the Street that there is not a saturation of multiple occupancy buildings. Most residential properties between the Rotterdam Road/St Peter's Street roundabout, in the west, and the application site, in the east, are two-storey single occupancy dwellings. The site context is also important as assessing whether there is a flat saturation issue is not just about solely the Street where the property is located. In this particular case, Reeve Street and Raglan Street are both very close to No.141, and these residential areas are again comprised of primarily two-storey, terraced, single occupancy dwellings. As one heads further east, toward the St Peter's Street/A47 roundabout, there are more flats and multiple occupancy buildings, but in the context of the entirety of St Peter's Street - and the residential context to the south of the site - there is no issue with flat/multiple occupancy saturation in this area.

8.8 No.141 is a large building comprising extensive floorspace. Arguably, this extent of accommodation goes beyond what would be required even for a large family home. It is a property of this larger size that is envisaged, by policy WLP8.4, to be broadly suitable for multiple occupancy uses.

- 8.9 The key test for a new HMO use is whether there are 'exceptional circumstances' to justify such a conversion, as opposed to self-contained flats, and this goes to the heart of the principle of development. Officers consider this to be a clear case where exceptional circumstances are evident, which is to be explained in below.
- 8.10 On 24 May 2020, The Ministry of Housing, Communities and Local Government (MHCLG) announced that £161m of funding (£30m of which was available as revenue to support capital bids) was being made available to deliver 3,300 units of long term, move-on accommodation through its Next Steps Accommodation Programme (NSAP). This is part of the Government's Covid-19 response and aims to ensure that rough sleepers brought into emergency accommodation in response to COVID-19 do not return to sleeping rough. East Suffolk Council's Housing Team have successfully bid for funding through Homes England and MHCLG to provide a seven-bed unit of supported housing in Lowestoft (this application proposal). The current level of demand clearly indicates the need for medium to high level support units of accommodation. The proposed development will allow East Suffolk's Housing Team to accommodate some of the ten current rough sleepers who require this specialist, supported accommodation. Those accommodated within the proposed development would benefit from a move on process, and support from the Housing Team.
- 8.11 Officers therefore consider that the principle of this HMO use carries significant public benefit and represents a clear exceptional case - in WLP8.4 terms - where a HMO is appropriate in order to provide much needed support accommodation for vulnerable people.
- 8.12 Policy WLP8.4 also seeks to address matters of parking, amenity areas, refuse bin storage and sound insulation. These matters are also relevant to other Local Plan policies such as WLP8.21 (Sustainable Transport) and WLP8.29 (Design).

Parking and Highways Matters

- 8.13 At the time of drafting this report, Officers have yet to receive a formal consultation response from Suffolk County Council Highways Authority (SCCHA). This consultation response will be considered, when received, and reported to Members via the update sheet. However, it rests with the Local Planning Authority to come to a final decision on highways matters with any planning application, and therefore officers can advise Members on these matters in the context of the relevant policy considerations - WLP8.21 and paragraph 109 of the NPPF.
- 8.14 The existing dwelling only has a single parking space to the rear of the site, although being within a small garage it is unclear how useable that parking space really is. On-road parking is restricted at Reeve Street and St Peter's Street, but there is available on-road parking at Raglan Street. More importantly, the central location of the site means that all services and amenities for day-to-day living are accessible by foot or on bicycle. There is a bus stop directly north on Boston Road and then also a short distance to the west along St Peter's Street. The railway station is approximately one mile south of the site.
- 8.15 Within the rear of the application site, the proposal is to re-purpose the existing garage building to provide secured/covered cycle storage with six Sheffield bars (to accommodate up to ten bicycles). This garage door is to be blocked up and the area accessed via a secure personnel gate. To the north side of this, within the site, is an allocated space for the

storage of waste/recycling bins. A walkway would be provided within this re-purposed garage so that bins could then be wheeled through for placement on the service access off Reeve Street for collection. There would be no car parking spaces provided.

- 8.16 It is possible that SCCHA may raise concerns with the scheme because there is no car parking provided on-site. However, officers do not have concerns with this for several reasons: (a) the site is sustainably located where travel for both residents and support staff is not reliant on private car; (b) the proposal provides ample secure/covered cycle storage which will promote this more environmentally friendly mode of transport; and (c) the accommodation is designed to house rough sleepers, thus it is clear that these residents will not own their own vehicle. The accommodation will be managed by on-site staff but, given the location of the site, their travel to place of work is not reliant on private car. In any case, there is on-street parking available at Raglan Street.
- 8.17 When considering planning applications, NPPF paragraph 109 provides clear guidance that:
- "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 8.18 It is the view of officers that there are no highways grounds to refuse the application, and the scheme accords with the objectives of WLP8.21.

Residential Amenity

- 8.19 In terms of impacts on the local residential environment, there are no physical works to the exterior of the main building and thus no direct impacts from physical development. The re-purposing of the garage will only be for cycle storage so will have no material impact on nearby properties. Matters of bin presentation and storage have been addressed in the considerations above.
- 8.20 Members should note that the character or type of individual who may live at the property is not a material consideration; it is for the Committee to consider whether the use of the building/land is acceptable, giving the appropriate weight to the benefit of providing supported accommodation for those with medium to high support needs. There is nothing inherent to the proposed use that raises concerns of crime or anti-social behaviour. At the time of writing this report, no third-party representations of objection have been received.
- 8.21 The proposed block plan gives a clear picture of the number of rooms, facilities and ancillary office space. All seven bedrooms would be en-suite, spacious rooms with good access to daylight/sunlight. The ground floor communal area, kitchen and rear garden will provide good shared facilities for residents. The ground floor plan provides an area of office space, cupboard storage and W.C. facilities for management staff.
- 8.22 In terms of sound insulation, the detailed drawings show the position of insulation (sound walls) where the building adjoins adjacent properties. This is sufficient for planning purposes and the detail will be subject of separate control under the Building Regulations.
- 8.23 In terms of management, there is a clear process in place where Orwell Housing will provide the management, care, and support. Orwell Housing is also the largest provider of care and

support in Suffolk, so considered to be experienced with managing this type of accommodation so that it can co-exist with surrounding residential uses. Given the particular benefits arising from this form of bespoke accommodation, it is considered appropriate to grant a planning permission solely for the benefit of the applicant (East Suffolk Council) – i.e. a personal permission - rather than it running with the land as a generic HMO permission. This is a lawful approach, in planning terms, and should give comfort to Members that the proper management of this HMO use can be secured in perpetuity.

- 8.24 Therefore, for the reasons given, the scheme is considered to accord with Policies WLP8.29 (Design) and WLP8.4, in terms of residential amenity and functional design.

Other Matters

- 8.25 The Council's Head of Environmental Health has recommended that a condition be attached to any grant of planning permission to deal with the discovery of unexpected contamination. Given that the site is already in a residential use, this condition would not be reasonable and therefore officers do not recommend it be applied, because it would fail the conditions tests as set out in the NPPF.

9. Conclusion

- 9.1 The key Local Plan Policy (WLP8.4) test for a new HMO is whether there are 'exceptional circumstances' to justify such a conversion, as opposed to self-contained flats. The proposed development will allow East Suffolk Council's Housing Team to accommodate some of the ten current rough sleepers who require this specialist, supported accommodation.
- 9.2 Officers therefore consider that the principle of this HMO use carries significant public benefit and represents a clear exceptional case - in WLP8.4 terms - where a HMO can be approved in order to provide much needed support accommodation for vulnerable people.
- 9.3 Policy WLP8.4 also seeks to address detailed matters of design, highways safety, and amenity impact - which are also relevant to other Local Plan policies such as WLP8.21 (Sustainable Transport) and WLP8.29 (Design). The proposal accords with these policies and, in the round, represents a sustainable form of development in accordance with the Local Plan.

10. Recommendation

- 10.1 Authority to Approve, subject to no new material planning issues being raised (prior to the end of the consultation period - 05 January 2021) that have not already been considered within this report.

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. This permission shall endure solely for the benefit of the applicant 'East Suffolk Council' and not for the benefit of the land.

Reason: Having regard to the special circumstances put forward by the applicant and the bespoke accommodation to be provided and managed.

3. The development shall be carried out strictly in accordance with Drawing No. 2684.20.2E, received 18 December 2020.

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

4. Prior to the approved use commencing, the areas within the site for the storage of waste/recycling bins and bicycles (as shown on Drawing No. 2684.20.2E) shall be provided in full and made available for use. Thereafter those areas shall be retained for only those purposes unless otherwise approved in writing by the Local Planning Authority.

Reason: to secure key elements of the layout at an early stage of the development, in the interest of residential amenity and good design.

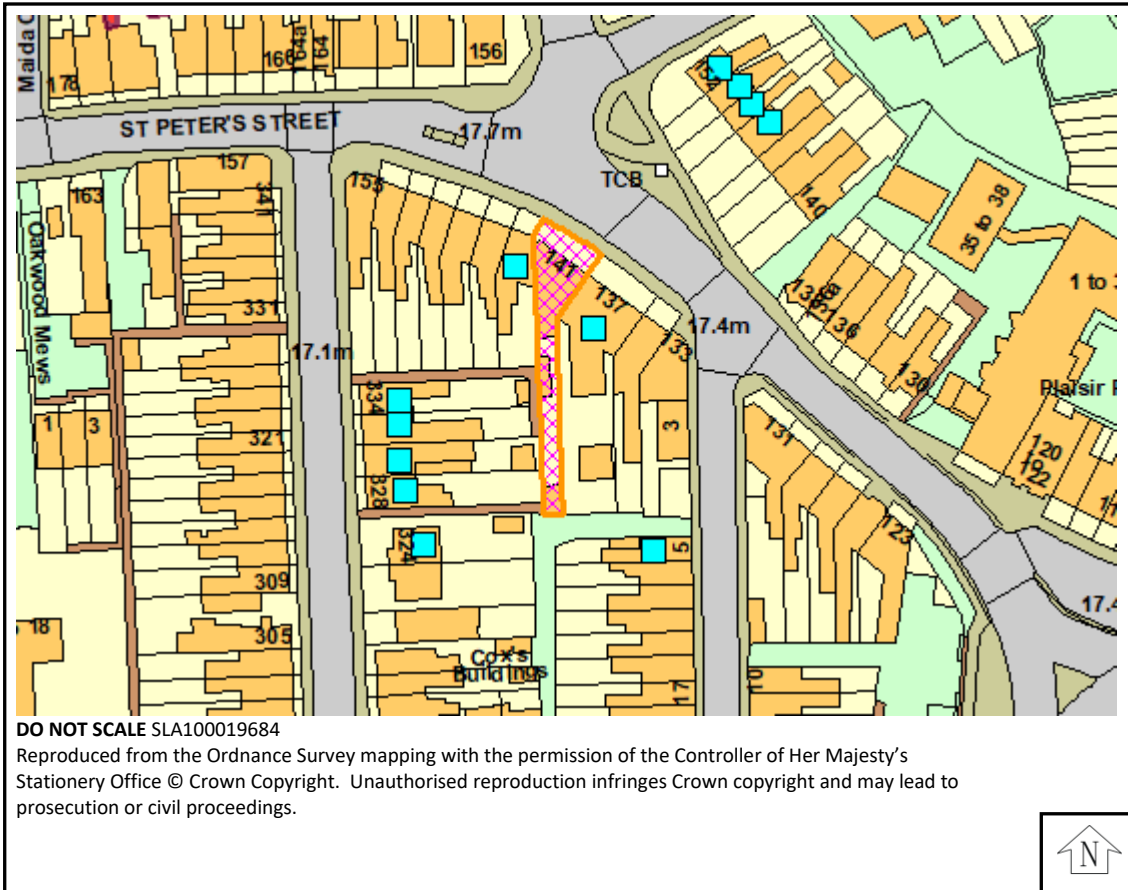
Informatives:

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/20/4744/FUL on [Public Access](#)

Map



Key

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