



Committee Report

Planning Committee North - 14 December 2021

Application no DC/21/4450/FUL

Location

The Mission Hall
St Georges Road
Lowestoft
Suffolk
NR33 0JP

Expiry date 24 November 2021

Application type Full Application

Applicant Coastal Properties (EA) Ltd

Parish Lowestoft

Proposal Conversion of Mission Hall into dwelling and construction of new dwelling

Case Officer Matthew Gee
07901 517856

matthew.gee@eastsoffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the conversion of the existing Mission Hall into a single dwelling, and the construction of a two-storey dwelling to the south-west, with a parking area in between. The Mission Hall has been designated as an Asset of Community Value (ACV); however, the property has been marketed and passed through the moratorium period. This period allows the nominating group to prepare and submit a bid to the owner to purchase the asset (the 'right to bid'), it is however understood that no bid was made. It is therefore deemed unlikely that the building will be brought back into community use when the ACV designation and period of marketing has not seen a community group come forward with a bid for the property.
- 1.2. However, the wording of policy WLP8.22 (Built Community Services and Facilities) states: *"Proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value will not be permitted."* The proposal is, therefore, a technical departure from that policy and brought direct to Planning Committee (North) for determination. For the reasons set out in this report, officers consider there are clear

material reasons to depart from that policy and grant planning permission for the proposed development.

- 1.3. The overall design of both the new build dwelling and conversion dwelling is seemed to relate well to the mixed character of the area, and the proposal would not adversely impact on the amenity of neighbouring residents. Furthermore, the proposal is considered to have no adverse impacts on highway safety in the area, and that view is reinforced by the position of Suffolk County Council Highways Authority. The proposal is considered to have overcome the concerns around highway safety and poor layout design that the previous application (DC/21/1035/FUL) was refused on. Therefore, whilst there is a technical departure from policy in regard to the change of use of an ACV, the proposal provides a long-term use for a historic building and provides two additional dwellings into the housing stock. To prevent a change of use purely on the ACV designation, despite that designation in this case not leading to a community/nominating group making a bid on the property, would only serve to unnecessarily prevent development and potentially blight the property. The aim of the ACV designation is to offer that 'right to bid', should the property be put up for sale; as that has happened, and the moratorium period passed, it is considered that an appropriately designed change of use scheme can be consented. Therefore, it is recommended that planning permission be granted.
- 1.4. The Town Council have recommended approval of the application, and no objections have been received from any consultees. However, the proposal is a departure from the wording of policy WLP8.22 and, therefore, the application is brought direct to Planning Committee (North) for determination

2. Site description

- 2.1. The site is located within the settlement boundary for Lowestoft, and comprises the former Friends Mission Hall, and an area of grass land used for parking for the hall to the south-west. The site fronts St Georges Road to the south, and there are residential dwellings to the north, east, and west.
- 2.2. St Georges Road is primarily residential, but the wider area sees a mix of residential and commercial uses.
- 2.3. The site is not in a conservation area or within any other Local Plan defined area, aside from the defined settlement boundary.

3. Proposal

- 3.1. Planning permission is sought for the conversion of the existing Mission Hall into a single dwelling, and the construction of a two-storey dwelling to the south-west, with parking between.
- 3.2. Each property will have a rear garden accessed from the dwelling, as well as parking for two on-site parking spaces for each dwelling. Bin Storage and cycle storage is present at the rear of the site within the defined curtilages. On collection day, bins would likely be presented adjacent the vehicle access – it appears that bins could be sited within the curtilage, adjacent the low frontage wall, without impeding the highway/footway.

- 3.3. The application has been amended during the course of the consideration period to reduce the overall height of the front wall to 600mm to conform to highways visibility requirements.

4. Consultations/comments

- 4.1. In total three letters of representation have been received over the consultation period for this application, these comprise of:
- 4.2. Two Letters of objection, raising the following key points (inter alia):
- No objections to conversion of the hall
 - Loss of light
 - Loss of privacy
 - Increased noise pollution
 - Drainage concerns
 - Impact on parking and traffic
 - Impact on protected species
 - Bungalow would be more ideal
- 4.3. One Letter of representation neither supporting nor objecting raising the following key points:
- Lack of detailed design consideration
 - Loss of sunlight, moonlight and starry skies
 - Loss of privacy
 - Lack of Construction Site Management Plan

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	1 October 2021	21 October 2021
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 19 October 2021. It was agreed to recommend approval of the application.		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	1 October 2021	22 October 2021
Summary of comments: No objections subject to conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	1 October 2021	11 October 2021
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	1 October 2021	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	1 October 2021	19 October 2021
Summary of comments: No objections subject to standard contamination conditions		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	1 October 2021	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	1 October 2021	No response
Summary of comments: No comments received		

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 7 October 2021

Expiry date: 28 October 2021

6. Planning policy

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

WLP8.22 - Built Community Services and Facilities (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

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

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

National Planning Policy Framework 2021 (NPPF)

- 6.1. Under section 38(6) of the Planning and Compulsory Purchase Act (2004), all planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies are listed above, and the NPPF is a key material consideration in the decision-taking process.

7. Planning considerations

Site History

- 7.1. In September 2021 permission was refused under DC/21/1035/FUL, for the erection of a single dwelling and conversion of the existing mission hall into two dwellings. Permission was refused as the proposal was considered to represent a low-quality design outcome for the site because of the contrived parking and manoeuvring area. Furthermore, the poor layout design meant that residents in a unit had no direct access onto their private amenity space, and the awkward parking layout would have likely resulted in its underutilisation, which could have led to additional on street parking in an area that already suffers from high levels of it. The proposal was therefore considered to fail to meet the design quality requirements of local policies WLP8.29 and WLP8.33 and the NPPFs requirement for high quality design outcomes. This new application responds to that decision with a significantly amended scheme and a much improved layout and overall design outcome.

Principle of Development and Asset of Community Value Designation

- 7.2. The site is located within the settlement boundary for Lowestoft, and therefore the general principle for new housing is favourable, subject to its consideration of other local and national planning policy.
- 7.3. The hall was successfully registered as an Asset of Community Value (ACV) on 19th August 2020, whilst the property was for sale, and the period of Moratorium ended on 19th February 2021. It is understood that no successful bids for the property were received from a community interest group during that period.
- 7.4. The Government has published a non-statutory advice note for Local Authorities on the Community Right to Bid (as provided for in the Localism Act and the Assets of Community

Value Regulations 2012) and this advice note explains what the 'Moratorium' period is, as follows:

"9.1 The moratorium requirements, as set out in section 95 of the Act, apply only to relevant disposals. "Relevant disposal" is defined in section 96. It means a transfer of the freehold or grant or assignment of a qualifying lease which gives vacant possession of the buildings and other land in question. However they will not apply to all relevant disposals, as some types of relevant disposal are exempt. These exemptions are partly in the Act and partly in the Regulations; the full combined list is set out in Annex A below. The moratorium provisions apply only to disposals, so for example if a building listed as an asset of community value is to be demolished without being sold, the moratorium rules in section 95 do not apply.

9.2 An owner of a listed site may not make a relevant disposal of their asset during the 6 week interim moratorium period (unless it falls within one of the exemptions or is to a community interest group). This interim moratorium runs from the date the local authority receives notification from the owner of their intention to dispose of their listed asset

9.3 Once the local authority has been notified of the intent to dispose, they are required to update the list to show the owner's intention to dispose and to give the interim and full moratorium end dates, and the end date of the protected period. The nominating community group must be informed. The local authority must also publicise all of these matters in the neighbourhood of the asset in question. It is for the local authority to determine how they do this.

9.4 During the interim moratorium period a community interest group may request in writing to be treated as a potential bidder for the asset; this will bring the full moratorium period into force. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. A community interest group must have one or more of the following structures:

- (a) A charity*
- (b) A community interest company*
- (c) A company limited by guarantee that is non profit distributing*
- (d) An industrial and provident society that is non profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when the relevant provisions come into force)*

9.5 Once a local community interest group makes a written request to the local authority during the interim moratorium period to be treated as a potential bidder, the owner may not dispose of their asset during the full 6 month moratorium (except as permitted). The local authority must as soon as practicable let the owner know that this request has been received (section 98 of the Act).

9.6 There is one type of disposal that may be made during a moratorium. An owner may sell during the interim or full moratorium period to a local community interest group – i.e. one which either did, or would have been eligible to, trigger the full moratorium."

- 7.5. Policy WLP8.22 sets out the policy approach to Community Services and Facilities, with the policy stating that proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value will not be permitted. However, officers note that the Moratorium period for a community interest group to exclusively bid for the property has passed, and therefore the ACV designation is no longer felt to be of significant weight in the decision-taking process. The purpose of the ACV designation is not to prevent any change of use or re-development; rather, it is to ensure that a community interest group has the 'right to bid' on an asset. Where that opportunity has been presented but no community interest group or nominating body has come forward in response to notification of the owners intention to dispose of their listed asset, officers consider that the policy requirement of WLP8.22 to prevent any change of use or re-development is likely counterproductive to the future of the building, particularly (as is the case here) where the building is of some heritage value and beneficial re-use is important for its conservation. The proposed conversion of the existing hall would safeguard the historic building, subject to sensitive conversion, and whilst there is a lack of community facilities such as halls in the immediate vicinity, the wider area and town of Lowestoft does have facilities and as such the loss of this particular hall is not considered to adversely impact on the community in any significant way that would be contrary to the aims of the Local Plan.
- 7.6. For these reasons, whilst acknowledging the conflict with the wording of WLP8.22, officers consider that the ACV designation has served its purpose to offer a community interest group a right to bid, and that now that has passed, a residential conversion scheme, in principle, could therefore be supported where all other matters, such as design and residential amenity etc. were addressed. Therefore, the principle of change of use and re-development is considered to be acceptable.

Design

- 7.7. Policy WLP8.29 sets out development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should: demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness; and respond to local context and the form of surrounding buildings in relation.
- 7.8. Policy WLP8.33 also sets out the council's approach to urban infilling, stating that housing development on garden and other urban infill sites will be supported where they satisfy the following criteria:
- The scale, design and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development.
 - Attractive, useable and proportionately sized amenity spaces and adequate parking and turning spaces are provided for the proposed and existing dwellings.
 - The proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment.
 - The living conditions of proposed and existing properties are not unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development.

- Safe access is provided which does not generate significant harm to the character or amenity of the area.
- Safeguard protected trees.

- 7.9. The Friends Mission Hall is noted as having some historic importance to the local area, and its retention is welcomed. It is understood that the original interior of the building has largely been lost, but the exterior provides an attractive addition to the street, and its retention and conversion is welcomed. The proposed conversion of the hall proposes limited alterations to the exterior of the building with historic value. The proposal includes removal of rear extensions, and the addition of a door in place of one of the windows on the side elevation. These alterations are not considered to adversely impact on the appearance of the building and would seek to preserve its historic character, although a condition would be required to protect the exterior including retention of the existing windows and doors, and exterior stone plaques.
- 7.10. The proposed new dwelling is of traditional form, being two storeys with a dual-pitched roof which faces the highway, similar to that of many dwellings in the area. The proposed material choices will be a departure from the existing vernacular in the street scene; however, whilst the street is mainly made of Victorian terrace dwellings, there is a mixture of more modern infill development in the wider context. Therefore, given the traditional form and scale of the proposed new build dwelling, the proposal would not appear at odds with the generalised character or appearance of the street scene, and would be an acceptable new addition to that context.
- 7.11. The site will be laid out with the existing hall converted to a single dwelling with a centralised parking and access area to the south-west with a proposed new build two storey dwelling on the opposite side of the parking area. This centralised parking area for the two dwellings is a good functional arrangement that is much improved on the previously refused scheme. The overall layout is also much improved, with each dwelling have direct access onto a moderate sized garden, inclusive of functional requirements such as bin and cycle storage.
- 7.12. The overall design of the scheme is considered to be acceptable in accordance with WLP8.29 and WLP8.33.

Residential Amenity

- 7.13. Both policies WLP8.29 and WLP8.33 require that the living conditions of proposed and existing properties are not unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development. The neighbouring dwelling to the west (no.54) has no windows that face the application site, and the proposed dwelling will not extend any significant amount past no.54. As such whilst some limited loss of light to their rear garden may occur, it is not considered to be significant, and the rooms of that dwelling would likely be unaffected.
- 7.14. In addition, whilst dwellings are in close proximity in this locale, in terms of back-to-back distances, it is not considered that the proposed dwelling would introduce significant overlooking to areas which are not already overlooked, and the back-to-back separation of approximately 20m, and the angle of neighbouring development to the north-west, means that it is not considered that unacceptable overlooking into neighbouring properties would

occur. The proposed dwelling does contain two side elevation windows which have the potential to overlook neighbouring property, and therefore it is considered necessary to impose a condition that these be obscure glazed. Finally, the conversion of the hall is not considered to result in any additional amenity impact to neighbouring residents, subject to suitable screening around the rear gardens where the existing extensions are to be removed.

- 7.15. The proposed dwellings provide a suitable size rear amenity space for residents and are not significantly overlooked in comparison to what would be expected in a built up area such as this. It is therefore considered that the proposal provides a good level of amenity outcome for future residents of both properties. In these ways the scheme accords with WLP8.29 and WLP8.33.

Highways and Sustainable Transport

- 7.16. The proposal includes a central parking area between the Mission Hall and the proposed new build and will provide two on-site parking spaces for each dwelling. This meets the minimum number set out within the Suffolk County Council guidance on parking for three bedroom dwellings, and as such it is not considered that the proposal would place additional pressure on on-street parking in the area. Furthermore, whilst the proposal involves an increase in the size of the existing access point, it would not result in a significant reduction in the space available for on-street parking, and therefore would not adversely impact on highway safety. Suffolk County Highways have reviewed the application submitted, and subject to the imposition of conditions and reduction in height of the front wall to 600mm they raise no objections. There are thus no highways grounds to refuse permission. The site is sustainably located and ideal for residential development in this regard.

Habitats Mitigation – RAMS

- 7.17. The site is located within 13km of the nearest European Protected Site, and therefore consideration needs to be given to the impact of new housing on these sites. In this instance a financial contribution for each dwelling has been made to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This is considered to acceptably mitigate against the impact on these protected sites in accordance with WLP8.34.

8. Conclusion

- 8.1. In conclusion, the proposal would result in a minor technical departure from the wording of policy WLP8.22 as it involves the conversion and re-development of an existing facility registered as an asset of community value. However, as no bids have been placed during the Moratorium period, and as the proposal safeguards a historic building, it is not considered that this departure from WLP8.22 would make the scheme contrary from the Local Plan as a whole. In addition, the detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework. For these reasons, officers consider there are clear grounds to depart from WLP8.22 and grant planning permission, subject to the conditions detailed in section 10 of this report.

9. Recommendation

9.1. Approve subject to conditions in section ten, below.

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 all respects strictly in accordance with:
 - Site Location, Block Plan and Existing Plans, 2671.20.2A, received 24/09/2021
 - Proposed Plans, 2671.20.3F, received 22/11/2021for 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. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. 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 a report of an intrusive site investigation (in accordance with 11.11 of the submitted AFHA Phase 1 report (CJW/20.184/Phase1) has been submitted to, and approved in writing by, the local planning authority. The report must contain:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, BS10175:2011+A2:2017 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. If a remediation method statement (RMS) is required following the site investigation, 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 a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
 - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
 - proposed remediation objectives and remediation criteria; and
 - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Prior to any occupation or use of the approved development the RMS approved under condition 6 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - evidence that the RMS approved under condition 6 has been carried out competently, effectively and in its entirety; and
 - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no hedge, fence wall or other means of frontage enclosure shall exceed 0.6 metres in height above the level of the carriageway of the adjacent highway in the frontage area of the site.

Reason: In order to maintain intervisibility between highway users in the interests of highway safety.

10. The use shall not commence until the area(s) within the site shown on drawing no. 2671.20.3D for the purposes of loading, unloading, manoeuvring and parking of vehicles and secure cycle storage have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

11. The first floor hall and bathroom windows on the proposed side elevations shall be glazed with opaque glass and shall be retained in that condition, unless otherwise approved in writing by the Local Planning Authority.

Reason: To preserve the amenity of adjacent property.

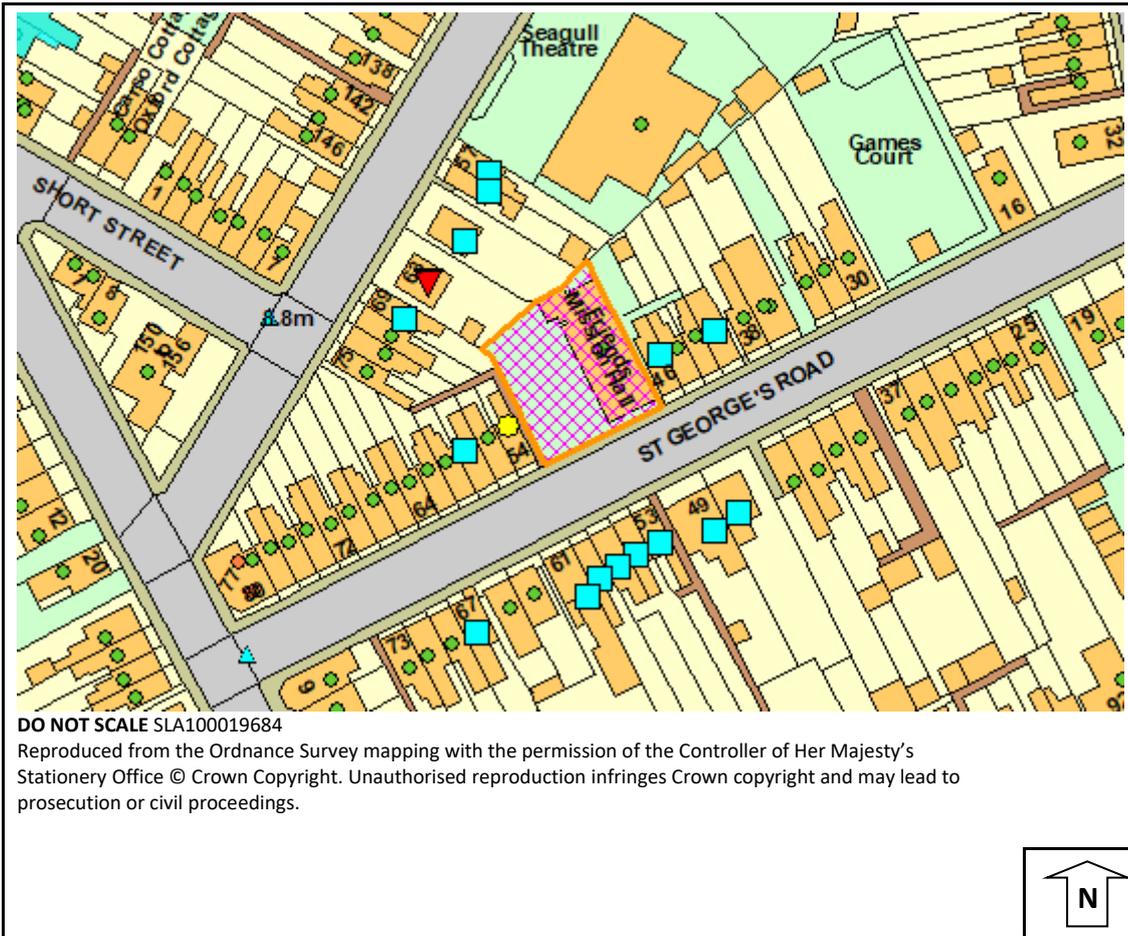
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the existing windows, doors and stone plaques on the front and side elevations of the building shall be retained .

Reason: To protect the special historical interest of the building

Background Papers

See application reference DC/21/4450/FUL on [Public Access](#)

Map



Key

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