



Committee Report

Planning Committee North - 24 May 2024

Application no DC/23/4537/RG3

Location

Battery Green Car Park And
Surrounding Land
Marina Road
Lowestoft
Suffolk
NR32 1HA

Expiry date 20 March 2024

Application type Deemed Council Development

Applicant East Suffolk Council

Parish Lowestoft

Proposal Part demolition of the existing Battery Green car park and northern wing of the Marina Centre building, realignment of Marina road, the erection of a new circulation core in the retained car park area. Change of use of partially retained car park to competitive leisure use New cultural building consisting of single and two storey elements, containing multi use hall, lobby, cafe, studio spaces, plant areas, restaurant and first floor multi use space. Externally providing new soft and hard landscaping with external lighting scheme to create new linkages and new public realm.

Case Officer Andrew Martin

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1. Summary

- 1.1. Planning permission is sought for the partial demolition of existing buildings on the site, specifically the Battery Green car park and the northern wing of the Marina Centre; the realignment of Marina road; the change of use of the retained and refurbished extent of the car park building; and the construction of two new buildings, connected via a covered walkway with a flat, green roof. A new public realm would also be created, comprising a civic square and a central corridor connecting Marina Road to Gordon Road.
- 1.2. Collectively, the various elements of the proposal would create a new cultural quarter for Lowestoft by introducing a range of uses with a focus on cultural facilities and competitive leisure, alongside an ancillary food and drink offering. Overall, the proposal would represent a mixed-use development falling under the Use Class of Sui generis. This aligns with the allocation of the site, under Policy WLP2.7 of the Local Plan, for a comprehensive redevelopment of town centre uses. The cultural quarter proposal represents one part of a wider vision to regenerate Lowestoft with the Council having successfully secured £24.9 million in funding as part of the Towns Fund programme, which will support the delivery of this project along with four others.
- 1.3. The partial demolition of the Battery Green car park was recently the subject of a prior notification application, reference DC/23/4933/DEM, pursuant to Class B, Part 11 of the General Permitted Development (England) Order 2015 (as amended). In determining application DC/23/4933/DEM, it was concluded that the demolition would be permitted development, and prior approval was subsequently required and given.
- 1.4. The application has been amended during the determination period in response to officer and consultee feedback. Notably, the proposals for the arrangement and operation of Marina Road have been revised following concerns raised by the Highway Authority, Suffolk County Council (SCC) Highways. Moreover, details in respect of the hard and soft landscaping, as well as the drainage proposals, have also been amended following recommendations received during the consultation period.
- 1.5. It is considered that the proposed development would be in accordance with the Development Plan, with no material considerations indicating that the application should be determined otherwise. The application is therefore recommended for approval.
- 1.6. The application has been referred to Planning Committee (North) for determination in accordance with the scheme of delegation, as the application is made by East Suffolk Council on land under the Council's ownership.

2. Site Description

- 2.1. The site measures approximately 1.20ha and comprises the multi-storey Battery Green car park, which includes retail uses at ground floor level; a surface level car park adjacent to the Gordon Road roundabout; the Marina Centre; and Marina Road. In terms of its surroundings, residential properties and the Power Park are located to the north; the A47 and the harbour are located to the east; the Marina Theatre is located immediately adjacent to the south; and an existing business and a residential property can be found

adjacent to the western boundary, with a concentration of town centre uses further to the west within the High Street.

3. Proposal

- 3.1. As noted above, the application seeks full planning permission for the regeneration of the site to deliver a new cultural quarter in Lowestoft town centre, in accordance with Policy WLP2.7. To facilitate the new development, part of the existing multi-storey Battery Green car park, in addition to the northern wing of the Marina Centre, would be demolished. Existing ground floor retail units within the car park building would be retained. Moreover, the surface level car park adjacent to the Battery Green roundabout would be retained, albeit in a reduced capacity with part of the current car park to be lost to make space for a pedestrian and cycle connection.
- 3.2. New development would take the form of two new landmark buildings, connected via a covered walkway; the realignment of Marina (Road); a new public realm, in the form of a civic square and a central corridor connecting Marina to Gordon Road; and the refurbishment and change of use of the retained elements of the Battery Green car park and Marina Centre. The two new buildings would provide flexibility to accommodate a range of uses, primarily focussed on event, exhibition, and performance spaces, as well as a restaurant, café, and small-scale studio and retail units. Meanwhile, the retained car park would accommodate competitive leisure uses, with the roof top space proposed to accommodate some activities and uses on a more seasonal basis. The retained Marina Centre is to provide studio spaces for start-ups and cultural/community spaces.
- 3.3. The new public realm would be multi-functional by promoting permeability through the site, creating connections to the High Street and Power Park, whilst also extending the proposed uses and activities into the external spaces. For instance, the civic square would host pop-up events and provide outdoor seating for visitors and customers of the restaurant and café. The realignment of Marina Road forms an integral part of the placemaking enhancement, facilitating the creation of the civic square and creating an environment that encourages dwell time and prioritises pedestrians and cyclists over car users.

4. Planning History

- 4.1. The following planning history is relevant to the application site:
 - DC/78/1098/HIS – Extension to car park. – Approved on 6 September 1978.
 - DC/79/0680/FUL – Construction of retail store, multi storey car park, public lavatories and vehicle turntable. – Approved on 21 November 1979.
 - DC/96/0743/FUL – Change of use to night club/supper club. – Approved on 28 February 1996.
 - DC/97/0347/FUL – Installation of new refrigeration condenser units on roof. – Approved on 4 April 1997.
 - DC/00/0928/FUL – Change of use from offices to residential. – Approved on 22 August 2000.
 - DC/02/0905/FUL – Change of use to form offices on both floors. – Approved on 16 August 2002.

- DC/05/0413/RG3 – Installation of security roller shutters to entrance and exit to include grilles to ground floor windows. – Approved on 26 September 2005.
- DC/07/1296/COU – Part change of use to include A1 and A3 use on ground floor. – Approved on 29 August 2007.
- DC/07/2013/FUL – Sub-division of retail units to 3no. units including renovation of entrance facades. – Approved on 5 February 2008.
- DC/09/0671/FUL – Replacement shop front and installation of new shutter to entrance/exit lobby. – Approved on 10 September 2009.
- DC/09/0672/ADI – Illuminated Advertisement Consent – Provision of 5no. illuminated fascia signs, 1no. non-illuminated fascia sign, 1no. illuminated hanging sign, and 3no. other non-illuminated signs. – Approved on 10 September 2009.
- DC/09/0727/DRC – Discharge of Conditions 3 and 4 of application DC/07/2013/FUL. – Approved on 27 August 2009.
- DC/17/4011/COU – Change of use from part A1, A2 and C3 to all C3 single domestic dwelling. – Approved on 23 November 2017.
- DC/21/2905/FUL – Construction of a single storey rear extension to Office (B1a) at ground floor level and conversion from office (B1a) to a self-contained 2 bed flat (C3) at first floor level together with a roof terrace above the ground floor extension (to serve the flat). – Approved on 7 September 2021.
- DC/23/4249/EIA – EIA Screening Opinion – Redevelopment of Battery Green. – Confirmation provided on 12 January 2024 that EIA is not required.
- DC/23/4933/DEM - Prior Notification Demolition – Existing Battery Green Car Park. – Prior approval required and given on 28 February 2024.

5. Consultees

Consultee	Date consulted	Date reply received
Natural England	22 December 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	22 December 2023	No response
Summary of comments: Initially responded with a holding objection, however, following amendments in response to the concerns raised, it is now understood that SCC Highways consider the development to be acceptable and will be responding accordingly prior to the Planning Committee meeting on 14 May. This will be reported in the Update Sheet circulated to members ahead of the meeting.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	22 December 2023	No response

Summary of comments: No response received.

Consultee	Date consulted	Date reply received
East Suffolk Leisure And Play	22 December 2023	No response

Summary of comments: No response received.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	22 December 2023	18 January 2024

Summary of comments: No objections raised. Response is available via Public Access and is also reflected in the reporting below.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	22 December 2023	16 January 2024

Summary of comments: No objections raised. Response is available via Public Access and is also reflected in the reporting below.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	22 December 2023	17 January 2024

Summary of comments: No objections subject to recommended conditions.

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

Summary of comments: The full response from Environmental Protection can be found on Public Access, however, due to the length of the response, the main issues are summarised within the reporting below. Overall, the latest response from Environmental Protection raised no objections subject to recommended conditions.

Consultee	Date consulted	Date reply received
Waveney Disability Forum	22 December 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	22 December 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Anglian Water	22 December 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	22 December 2023	28 December 2023
Summary of comments: No objections raised.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	22 December 2023	12 January 2024
Summary of comments: No objections raised.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	22 December 2023	No response
Summary of comments: Initially responded with a holding objection, however, following the submission of additional information, it is anticipated that the LLFA will consider the development to be acceptable. If the consultation response is received prior to the Planning Committee meeting on 14 May, the response will be reported in the Update Sheet circulated to members ahead of the meeting.		

Consultee	Date consulted	Date reply received
SCC Cycling Officer	22 December 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Police Design Out Crime Officer	22 December 2023	17 January 2024
Summary of comments: No objections raised, but comments provided in relation to Secure By Design; crime generation; demolition and construction security; car park management; and natural surveillance.		

Consultee	Date consulted	Date reply received
Theatres Trust	12 February 2024	4 March 2024 23 April 2024
<p>Summary of comments: Two responses have been received from the Theatres Trust and they can both be viewed via Public Access. In summary, their principal response concludes that they support the granting of planning permission subject to the retention of the Marina Theatre and the ability of both Marina Theatre and Players Theatre to expand and develop in line with their respective aspirations.</p> <p>The second response received provides no further comments, but reaffirms the initial response summarised above.</p>		

Consultee	Date consulted	Date reply received
SUSTRANS	22 December 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Building Control	22 December 2023	22 December 2023
Summary of comments: No objections raised, but outlined there is continual engagement with the application regarding fire safety; thermal design and energy conservation; access and facilities for people with disabilities; and parking and mechanical service design.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	22 December 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	22 December 2023	No response
Summary of comments: Internal consultee. Comments incorporated into the reporting.		

Consultee	Date consulted	Date reply received
National Highways	22 December 2023	24 April 2024
Summary of comments: No objections subject to conditions.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	22 December 2023	12 January 2024 22 February 2024 16 April 2024
<p>Summary of comments: Three responses have been received from Lowestoft Town Council, all of which can be viewed in full via Public Access. The first response sought clarification on methods to minimise disturbance of kittiwakes during breeding season. Following clarification on this matter, the second response recommended approval of the application.</p> <p>The third, and final, response has been received as follows:</p> <p><i>“The Planning Committee of Lowestoft Town Council considered this application at a meeting on 11 April 2024. It was agreed to restate their recommendation of approval of the application and endorse the consultee comment from the Theatre Trust in relation to the impact of the works on the theatre, requesting that it be considered, particularly the elements relating to toilet provision, and that the applicant does not attempt to use the separately owned and concurrent Marina Theatre Project to compensate for any deficiency in toilet development on their site. Furthermore, it was requested the concerns in the Players Theatre consultee response be taken under advisement by the applicant in considering the wider social and cultural sustainability and that the applicant liaise with the Players Theatre to understand how these concerns might be addressed.</i></p> <p><i>The Town Council has declared a Climate Emergency. To support this declaration, the Planning Committee requests that when recommending approval of a planning application the following measures are taken into account:</i></p>		

- *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, carsharing, 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.*
- *Consideration of biodiversity.”*

6. Third Party Representations

6.1. Four letters of representation have been received neither objecting to nor supporting the planning application. The representations are summarised as follows:

- Supportive of development and investment into the area.
- Loss of parking to Lorem House, including EV charging point.
- Potential for loitering to the front of Lorem House.
- Landscaping proposed does not integrate with the adjacent property.
- Loss of business permit spaces.
- Requested landscaping adjustment to facilitate access to Lorem House parking.
- Queried what impact the part demolition of the Marina Centre would have on the Marina Theatre.
- Welcome the development and creation of an enhance Cultural Quarter within Lowestoft town centre.
- Requested that the Council do more to include existing cultural venues within the development.
- Retained Battery Green building has a brutal look, suggested that a softer, more welcoming appearance be incorporated, with the living, green walls of centre court at Wimbledon given as an example.
- Concern that the part demolition of the Marina Centre could create a wind tunnel, making Marina Road uncomfortable during inclement weather.
- Concern raised regarding the reduction of car parking.
- Suggested a two-tier car park with a green roof.
- Queried parking provision for coaches and buses.
- Queried whether parking capacity has been explored for the nighttime economy.
- Queried how well the modern materials will weather in the long term.
- Proposed cultural community hub would compete with existing cultural offer in the locality, including the Marina Theatre, Players Theatre, New Town Hall, East Point Pavilion, and Post Office.
- Players Theatre should be seen as part of the planned landscaping for the area. Proposal should extend further down Battery Green Road to include the Players Theatre and Merkur Bingo building.
- Queried whether there have been conservations and invitations to existing leisure operators like cinemas and bowling alleys etc.

- Improvement to the town centre should not be at the cost of existing and established facilities, businesses, or venues.

7. Publicity

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

Category	Published	Expiry	Publication
Major Application	12 January 2024	2 February 2024	Lowestoft Journal

Category	Published	Expiry	Publication
Major Application	12 January 2024	2 February 2024	Beccles and Bungay Journal

Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 5 January 2024 Expiry date: 26 January 2024
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8. Planning policy

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

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

WLP1.3 - Infrastructure (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

WLP2.7 - Former Battery Green Car Park (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

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

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

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

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

WLP8.30 - Design of Open Spaces (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.31 - Lifetime Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.34 - 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)

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

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

National Planning Policy Framework 2023 (NPPF)

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

Sustainable Construction Supplementary Planning Document (East Suffolk Council, Adopted April 2022)

East Suffolk Cycling and Walking Strategy (East Suffolk Council, Adopted October 2022)

9. Planning Considerations

Principle of Development

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's Development Plan in the context of this application consists of the East Suffolk Council – Waveney Local Plan (Local Plan), adopted March 2019.
- 9.2. Other material considerations to the determination of the application include the Historic Environment Supplementary Planning Document (2021); the East Suffolk Cycling and Walking Strategy (2022); the Sustainable Construction Supplementary Planning Document (2022); and the NPPF. The Draft Lowestoft Neighbourhood Plan (Regulation 14 Consultation Draft, October 2023) is at an early stage, and therefore its policies are not afforded any weight.
- 9.3. There are major growth and regeneration ambitions for Lowestoft, with Battery Green forming an important component of the future vision for the town. The regeneration of the Battery Green site is addressed as the Cultural Quarter in the Lowestoft Town Centre Masterplan which, whilst not a planning document with any formal planning status, is a comprehensive document that has received significant praise and government backing. This is reflected in the fact that the Council was successful in securing £24.9 million in funding, as part of the Towns Fund programme, to support the delivery of five projects, with a significant proportion of the funding allocated to the delivery of the Cultural Quarter. The existence of funding provides reassurance in terms of the deliverability of the project, however, it should not be seen as a persuasive influence on decision-making.

- 9.4. In terms of the planning status of the site, Policy WLP2.7 – Former Battery Green Car Park allocates the site for a comprehensive redevelopment of town centre uses, including retail and leisure development with the objective of enhancing the vitality and viability of the town centre. The uses referred to within the policy are A1, A2, A3, A4, C1 and D2, but these uses have since been superseded by uses E(a)-(d) [formerly uses A1, A2, A3, and D2]; F.2 [formerly an A1 use], and sui generis [drinking establishments were previously A4, but now fall under sui generis]. As part of the planning application, a mixed-use development comprising Use Classes E, F.1, F.2, and sui generis is proposed, facilitating the following:
- Restaurant.
 - Café.
 - Flexible spaces which can be used for a range of activities (performances, exhibitions, rehearsals, conferences, pop-up and seasonal events, community outreach, hospitality events).
 - Office space for start-ups, freelancers, and creative businesses, such as production, film, and radio, with conference and meeting room facilities.
 - Retail.
 - Informal spaces with opportunities for exhibitions.
 - Competitive leisure, such as urban mini golf, virtual reality experiences, escape rooms, soft play, and indoor climbing.
- 9.5. Overall, the mixed-use nature of the proposal results in a development that would fall under sui generis rather than neatly within a defined use class. It is acknowledged that the proposed development incorporates an element of office use, which deviates from the uses prescribed under WLP2.7. However, the extent of office space proposed represents a very small proportion of the overall development, with the development as a whole seeking to create a new town centre destination for cultural, leisure, and community activities. An element of small-scale/shared office space for start-ups, freelancers, and creative businesses would therefore contribute positively to the mix of uses proposed, providing opportunities for symbiosis between the office spaces and the wider offering of the site. The inclusion of a small proportion of office space would therefore be supported, notwithstanding the minor conflict it would represent with the uses prescribed under Policy WLP2.7.
- 9.6. Moreover, the inclusion of a limited amount of employment development would not result in any significant adverse impact on surrounding land uses in accordance with the requirements of Policy WLP8.13 – New Employment Development. Likewise, the proposed development would not introduce uses which would conflict with PowerPark, the allocated employment development located immediately to the north, as required by Policy WLP2.2 - PowerPark.
- 9.7. The National Planning Policy Framework (NPPF) also provides support for the principle of the proposed development. Specifically, paragraph 90 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. Paragraph 90 also explains that planning policies should seek to retain and enhance existing markets and, where appropriate, re-introduce or create new ones. In addition, paragraph 123 of the NPPF promotes the effective use of land, whilst paragraph 123 *inter alia* promotes and supports the use of previously developed or ‘brownfield’ land.

- 9.8. Some reservations have been raised by local stakeholders during the consultation period with regards to the identity of the project when viewed in its wider context, as there are other emerging developments which will also be providing spaces for cultural and community uses. For instance, the Post Office project will focus on the arts, and the Town Hall regeneration project will provide a heritage hub, café, gallery, and a community event space. There are also two theatres, The Marina Theatre and The Players Theatre, in very close proximity to the site.
- 9.9. In response to the above considerations regarding the relationship between the proposal and the existing offering within the town centre, the applicant has provided some context to the careful consideration which has been given to assimilating the development into the existing town centre. Firstly, the project has been informed by a robust and comprehensive business case, including market engagement. In terms of the need and demand for the Battery Green development, the work undertaken to date has highlighted a shift in consumer patterns with people increasingly choosing to spend disposable income on leisure experiences with this trend expected to continue, with considerable market growth having been forecast.
- 9.10. Market engagement undertaken by the applicant has also identified that there is significant support within the creative sector for a centralised creative and cultural hub in Lowestoft with facilities that encourage a wide range of creative activities. Accordingly, the proposal incorporates large and small flexible spaces, including exhibition and incubation spaces, accessible to a variety of uses and users across the cultural sector. Ultimately, the business case and market engagement informed an occupation strategy that blends leisure, community and cultural, commercial, and food and drink use in a way which would complement and enhance the existing and future town centre offering, rather than competing with it.
- 9.11. The outcome of engagement with existing business and local communities has also been summarised within the submitted Statement of Community Involvement (SCI). It is apparent from the SCI that the applicant has engaged with an extensive number of stakeholders. This includes Ward Members, Lowestoft Town Council, Marina Theatres Trust, and the Players Theatre, all of whom are identified as key stakeholders for ongoing information sharing and engagement to ensure that positive relationships can be maintained. Overall, the SCI highlights that the majority of respondents to the pre-application consultation support the principle of the proposed development.
- 9.12. To conclude, the principle of the proposed development is firmly established through the allocation of the Battery Green site under Policy WLP2.7. Notably, the uses proposed align with the expectations of the site's allocation, with a small proportion of office space targeted at small creative/emerging business considered to be beneficial, not detrimental, to the overall mix of uses. Additionally, it is considered that the proposed development would complement and enhance the existing town centre offering by introducing flexible spaces that meet the needs and demands of a diverse range of uses, businesses, and users. In doing so, one of the main aims of the project is to increase footfall and encourage dwell time within the town centre. The proposed stimulus to the town centre economy, alongside the creation of construction jobs and approximately 74 new full-time jobs during the operation phase, also gains significant support under the NPPF, particularly paragraph 90. Considerable weight is also afforded to the efficient use of previously developed land, in accordance with paragraphs 123 and 124 of the NPPF.

Design/Character and Appearance of the Area

- 9.13. Policy WLP8.29 requires all new developments to achieve a high standard of design that reflects local distinctiveness, including hard and soft landscaping schemes to aid in the integration of new developments into their surroundings. Policy WLP8.30 requires open spaces to be designed and landscaped to a high standard, to enhance the public realm, whilst utilising inclusive design for people of all ages and abilities. Policy WLP8.31 sets out that developments should be designed to support the needs of older people and those with dementia through the creation of environments which are familiar, legible, distinctive, accessible, comfortable, and safe.
- 9.14. Policy WLP2.7 states that re-development of Battery Green should be designed to the highest possible architectural standard, creating a landmark building for the town. The policy also specifies that blank walls should be avoided adjacent to public viewpoints; visual links and connections should be provided to London Road North and Marina Street; and that an active frontage should be provided along Gordon Road.
- 9.15. Paragraph 135 of the NPPF details that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this, developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, it requires that developments establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work, and visit.
- 9.16. The above principles are elaborated upon within the National Design Guide (NDG). Paragraph 1 of the NDG explains that well-designed places influence the quality of our experiences as occupants or users, but also as passers-by and visitors. Paragraph 4 of the NDG establishes that the long-standing, fundamental principles of good design are that it is fit for purpose; durable; and brings delight.
- 9.17. The overall design concept of the site's regeneration is centred around providing new cells of development within an enhanced setting and public realm incorporating green infrastructure and improved connectivity. Sustainability is also embedded into the design of the buildings, with green roofs, recycled materials, and photovoltaics all featured. This works well as a concept, building on the existing site's identity as 'Battery Green'.
- 9.18. As set out in the 'proposal' section above, the proposed development incorporates various elements. In terms of the new build element of the scheme, two distinguishable buildings are proposed linked by a glazed colonnade with timber supports and a green roof. The northernmost building, proposed to accommodate a large, first-floor auditorium, requires elongated elevations. Without careful consideration the design of this building could have resulted in an uninspiring, functional form. However, to ensure that the function of the building would not detract from its appearance, the design rationale applied integrates articulation, through the saw tooth roof profile, and attractive, pale green cladding with a wave like detailing. This sensitive approach to the elevations aids in breaking up the massing of the building, whilst simultaneously providing visual interest.
- 9.19. The proposed building towards the south of the site has a similarly distinctive design with its large, angular, gable-ends; and a dominant, overhanging first-floor. This bold form is coupled with interesting materials and architectural details, including wooden louvres, full-height glazing, and recycled 'plastic' scales cladding, all of which contribute towards the

creation of a landmark building that would be perceptible from key views within the High Street and from Battery Green Road.

- 9.20. With regards to the retained element of the Battery Green car park, a large, glazed frontage, extending half-way up the building, would be introduced. This glazed frontage would bring the activity from inside the internal 'circulation core' seamlessly into the public realm and vice versa, facilitating passive surveillance. On the roof of the building, an illuminated 'beacon', in the form of a polycarbonate box-like structure, is proposed to reflect the brutalist character of the building and increase its prominence when viewed from the immediately surrounding area, thereby acting as a further landmark which will draw people to the site.
- 9.21. Collectively, the new buildings and repurposed car park building represent a high standard of design that ties in with the maritime and industrial history of the site and its surroundings, creating a strong identity for the Cultural Quarter.
- 9.22. Beyond the built form, the proposed development also incorporates a central corridor of new public realm with associated hard and soft landscaping. To the north of the site, towards the Battery Green roundabout, a 'green link' is proposed through the creation of a new path with generous planting buffers on either side. The 'green link' would also feature street furniture, such as 'fishing boat' and 'driftwood' seats, and public art to promote informal dwell-time and play. A further function of the 'green link' is to enhance connectivity to PowerPark to the north of the site.
- 9.23. Moving southwards within the site, the 'green link' connects to an 'upper terrace' which would serve as an important external circulation space, providing for access into and across the site. The 'upper terrace' would act as the interface between Gordon Road and the northernmost landmark building, with the covered colonnade extending into the space to create a clear desire line to the 'civic square' at the southern end of the site. The 'civic square' is linked to the 'upper terrace' by a ramp and stairs that can double-up as seating, creating a flexible space which can be used for informal seating and gathering, external performances, and pop-up events. In keeping with the desire to make the public realm an extension of the internal uses, the proposed restaurant would have outdoor seating, adding to the atmosphere, surveillance, and offer of the civic square, particularly during the warmer months. Soft planting and street furniture are used throughout the 'civic square' and 'upper terrace', with the planting and seating often combined to continue the theme of a green corridor. Additionally, the soft and hard landscaping has been designed to prevent vehicles from entering the public spaces unwarranted.
- 9.24. Central to the above proposals to create landmark buildings and a new attractive, flexible, public realm is the efficient use of the land available. Currently, Marina Road and the Marina Centre extend into the location of the proposed civic square and the southernmost landmark building, meaning that the scheme would not be possible without the partial demolition of the Marina Centre and the realignment of Marina Road. Notably, these two interventions add value beyond enabling the development of the civic square and new buildings, they also provide an opportunity to create a visual connection between the High Street and the revitalised Battery Green, thereby improving wayfinding and legibility. Equally, the proposed arrangement for Marina Road has been designed to promote pedestrians and cyclists over car users.

- 9.25. To conclude on design, the proposed development represents a very high standard of design, culminating in the creation of three landmark buildings on a town centre site which is currently unattractive and underutilised. This conclusion is supported by the Council's Senior Design and Heritage Officer who has commented that 'this is an ambitious, high quality townscape regeneration project that will have a substantial positive impact on the character and appearance of the site and the wider area'.
- 9.26. The proposed development would therefore be compliant with Policies WLP8.29, WLP8.30, and WLP8.31, in addition to the relevant design policies contained within the NPPF.

Heritage

- 9.27. Policy WLP8.37 requires development proposals to conserve or enhance heritage assets and their settings. The adopted Historic Environment SPD provides further guidance on a range of topics including conservation areas, listed buildings, and non-designated heritage assets.
- 9.28. The above policy objectives are consistent with the policies contained in chapter 16 of the NPPF which recognises the importance of heritage assets and the subsequent importance of sustaining and enhancing their significance. Notably, paragraph 203 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, alongside recognising the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality. It concludes by emphasising the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.29. Paragraph 205 of the NPPF indicates that when considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation irrespective of whether any potential harm is considered to be significant or less than significant.
- 9.30. Paragraph 209 of the NPPF sets out that the effects of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In doing so, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.31. The Council also has statutory duties, under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the significance of listed buildings and the desirability of preserving or enhancing the character and appearance of conservation areas.
- 9.32. In terms of the heritage considerations relevant to this application, the site affects the setting of a number of designated and non-designated heritage assets. These are as follows:
- St Margaret's House (Grade II Listed Building)
 - South Lowestoft and Kirkley Conservation Area
 - The Marina Theatre (non-designated heritage asset)
 - The Players Theatre (non-designated heritage asset)

- 9.33. The application is supported by a Heritage Statement which considers the significance of the heritage assets and the impact of the proposal upon them, in accordance with the requirement of paragraph 200 of the NPPF. The Council's Senior Design and Heritage Officer has reviewed the proposed development and agrees with the conclusions of the Heritage Statement, namely that the proposed development would preserve the setting of the nearby heritage assets, whilst also provide some enhancement. Their comments are summarised below, alongside some additional analysis and planning judgement.

St Margaret's House

- 9.34. St Margaret's House is a Grade II Listed Building that was built in 1865 for Rev. Charles Herbert. It is a prominent building located to the north of Gordon Road. St Margaret's House has always been surrounded by urban form, with large retail buildings from the 20th Century already dominating its context. Subsequently, the setting of the listed building is not particularly sensitive to change within the application site and the proposed development would preserve its significance.

South Lowestoft and Kirkley Conservation Area

- 9.35. The site is located between two Conservation Areas, South Lowestoft and Kirkley, and North Lowestoft, but due to distance and intervening built form the proposed development only affects the setting of the South Lowestoft and Kirkley Conservation Area. The response from the Senior Design and Heritage Officer concludes that the regeneration project would 'have a substantial positive impact on the character and appearance of the site and the wider area'. As such, the proposed development would enhance the significance of the setting to the South Lowestoft and Kirkley Conservation Area.

Non-designated heritage assets

- 9.36. There are a number of non-designated heritage assets in the locality, however, only two have been identified as requiring consideration with regards to the heritage impacts of the development. The two relevant non-designated heritage assets are The Marina Theatre and The Players Theatre.
- 9.37. The Marina Theatre is located immediately to the south of the site, with the site making a significant contribution to the setting of the building. Currently, the existing site makes a negative contribution to this setting, whereas the proposed development provides a significant opportunity to enhance the setting of the building. In generating a substantial positive impact on the character and appearance of the site and the wider area, the proposed development has maximised this opportunity and will deliver a considerable improvement to the setting of The Marina Theatre.
- 9.38. The Players Theatre, formerly the Sailors and Fishermen's Bethel, lies further to the south of the site along Battery Green Road, but there is a clear intervisibility when the application site is viewed from the south. As with the conclusion outlined in relation to The Marina Theatre above, the proposed development would result in a significant improvement to the character and appearance of the application site, thereby translating into an enhancement to the setting of The Players Theatre.

Heritage conclusion

- 9.39. To conclude, the proposed development would preserve the setting of the Grade II listed St Margaret's House, whilst enhancing the setting of the South Lowestoft and Kirkley Conservation Area; The Mariners Theatre; and The Players Theatre. The proposed development would therefore comply with Policy WLP8.37, as well as the heritage policies and objectives contained within the NPPF. Overall, significant weight is afforded to the conservation and enhancement of the affected heritage assets.
- 9.40. The local planning authority could therefore grant planning permission without prejudicing its statutory duties under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways Matters

- 9.41. Policy WLP8.21 states that development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services, and facilities. It goes on to explain that, amongst other matters, development will be supported where it is proportionate to the existing transport network; sustainably located; integrated into and enhances the existing cycle and pedestrian network and infrastructure; reduces conflict between all highway users; includes facilities for electric vehicle (EV) charging; and does not cumulatively result in a severe impact on the transport network. The policy also requires parking to be provided in accordance with the Suffolk Guidance for Parking.
- 9.42. The above policy objectives are reflected in paragraphs 108, 111, 114, and 117 of the NPPF. Paragraph 115 of the NPPF is explicit that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.43. The proposed development would be served by two accesses from the A47, one to the retained surface-level car park, and the other to Marina Road. Both access points are existing but would be improved as part of the proposals. An existing access to the Battery Green car park from Gordon Road would be closed-off, with the slip lane to be retained and altered to facilitate a pick-up/drop-off area.
- 9.44. Aside from access, the proposed development seeks to realign Marina Road, providing a direct, level, shared-surface arrangement that aligns with the new public realm design and the desire to prioritise the movements of pedestrians and cyclists over car-users. It had initially been proposed to remove existing loading bays and use lockable, drop-bollards to restrict access into the realigned Marina Road, so that only specific businesses and emergency vehicles could gain access. However, following discussions with the Highway Authority, SCC Highways, the proposal was revised to retain loading bays within the new highway design and remove the proposed bollards. This change was made in order to ensure that suitable loading/unloading and access can be maintained to existing premises within Marina Road and the High Street. The landscaping proposals have also been adjusted so that the adjacent business at Lorem House can continue to utilise land under their ownership to the front of the property for parking without obstruction, however, the use of the land for parking may be subject to separate legal considerations that fall outside of the scope of the planning system to adjudicate. Essentially, the adjustment to the

layout does not override any highway restrictions, and neither does it make the use/overhang of highway land, or land under the Council's ownership, lawful for parking purposes.

- 9.45. At the request of SCC Highways, the existing turning head arrangement within the High Street has also been retained under the revised proposals, alongside an additional turning head towards the western boundary of the site, adjacent to Battery Green Road. It is acknowledged that the maintenance of the existing arrangements (i.e. loading and unloading; and continuation of unrestricted access) would somewhat dilute the intention of the applicant to provide a solely pedestrian and cycle link from Battery Green Road to the High Street, but it is crucial that the proposed development does not give rise to unacceptable highway impacts. Moreover, the new highway still incorporates design measures that would reduce vehicle speeds and calm traffic, such as a narrow carriageway and the strategic use of hard and soft landscaping. It is also understood that the applicant will be seeking a Traffic Regulation Order (TRO) to restrict access to goods vehicles outside of the hours between 10am and 4pm. However, as this TRO would not be necessary to make the development acceptable in planning terms, it is not proposed to secure this by condition.
- 9.46. Two further TROs would though be required to stop-up part of the existing Marina Road, and then facilitate the new alignment of Marina Road. Given these two TROs would be necessary to facilitate and make the development acceptable, they would be secured by planning condition.
- 9.47. In terms of parking, the proposed development would repurpose and partially demolish an existing car park building and consequently it would result in a net loss of parking. The existing surface-level car park to the north of the site would also be reduced in size to enable the enhanced 'green link' between the site and its onward connections to PowerPark to the north. Additionally, nine disabled parking bays would be relocated from Marina Road to off-road parking adjacent to the Marina Centre and within the retained level-surface car park.
- 9.48. Calculating the level of parking recommended by the Suffolk Guidance for Parking is not straightforward in the context of a flexible, mixed-use development. However, in this case only 12 standard car parking spaces can be accommodated within the site, and these spaces are to be made available to business permit holders to account for the loss existing spaces to the front of the Marina Centre. With regards to disabled parking, the layout incorporates 11 spaces, nine of which are to replace the existing spaces to be lost from Marina Road. In addition, five powered two-wheeler (PTW) spaces; 46 external cycle spaces; and one secure internal cycle store for use by employees, would be provided. No EV charging is proposed as part of the development and the applicant has advised that this due to the proposed development only seeking to rearrange the demarcation of spaces within the retained, albeit reduced, surface-level car park, which will predominantly accommodate displaced business permit holder spaces and on-street disabled parking.
- 9.49. The absence of standard car parking to serve the proposed redevelopment would not be in accordance with the recommended standards which, based upon a worst-case scenario, in terms of occupation by the most intense uses sought, ordinarily require a substantial number of spaces. Likewise, the proposed development would only result in the creation of two additional disabled parking bays. PTW parking provision is also significantly below the prescribed standard. However, in urban areas, where there is good provision for

public transport and high-quality infrastructure for walking and cycling, the guidance does permit the relaxation of the prescribed standards. Similarly, paragraph 111 of the NPPF recognises that parking standards should take account of the accessibility of the development, and the availability of and opportunities for public transport. In this instance, the site is located in a town centre location where there are excellent opportunities to maximise the use of sustainable modes of transport, including walking, cycling, and public transport.

- 9.50. Notably, the site is a short walk from Lowestoft Bus Station and the Police Station bus stop, both of which provides regular services to other local and regional centres including Carlton Colville, Beccles, Gorleston, Kessingland, Southwold, Great Yarmouth, Martham, and Norwich. Lowestoft Train Station is also within a 10-minute walk from the site and provides direct links to Norwich and Ipswich, with a number of stops enroute and opportunities for onward connections to other destinations, such as London and the surrounding regions. Moreover, the quantum of cycle parking proposed is considered to be acceptable when having regard to the recommended standards, with the proposed development also providing changing and shower facilities within the new build element for use by staff and users of the buildings.
- 9.51. Additionally, the applicant has provided a Car Park Report which highlights that there are 11 East Suffolk Council owned car parks with reserved capacity within a four-to-13-minute walk from the site. For example, the nearest Council owned car park at Whapload Road is approximately a four-minute walk from the site and provides 62 spaces, of which 18% remained available on the busiest day during the summer peak of July 2023. Outside of the peak tourism period, data from October 2023 indicated that 39 spaces were available on the busiest day, with one Tuesday that month having 100% of capacity available. It is also notable that the intermittency of the various uses mean that they will likely be operating at maximum capacity during different times of the day. The proposed drop-off/pick-up area to the north of the site would also accommodate a proportion of the movements to and from the site, including via taxis and coaches.
- 9.52. Therefore, in light of the site's sustainable location; the provision of cycle parking; the proposed drop-off/pick-up arrangement; and the existing parking provision available in the local area, it is considered that the absence of car parking to serve the proposed development would be acceptable.
- 9.53. Both the Highway Authority (SCC Highways), and National Highways have been consulted on the application. National Highways have responded to the application raising no objections, subject to a condition in relation to the improvements to the accesses off Battery Green Road. The response from SCC Highways to the latest consultation has yet to be received, but as amendments have been made in response to their earlier comments, officers consider there is sufficient certainty that there will be no objections to the revised development, subject to any recommended conditions. This is reflected in the officer recommendation. It has been advised that the SCC Highways response will be received prior to the meeting of Planning Committee North on 14 May, and this response will be reported in the Update Sheet circulated to members the day before the meeting.
- 9.54. To summarise, subject to no objections being raised by SCC Highways, officers consider that proposed development would be acceptable with regards to highway considerations and the requirements of Policy WLP8.21. It would also be in accordance with the relevant policies and objectives contained within the NPPF.

Amenity

- 9.55. Policy WLP8.29 requires new developments to protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers. This objective is reflected under paragraph 135 of the NPPF.
- 9.56. The Council's Environmental Protection Team have reviewed the submission, including the updated Noise Assessment prepared by Adrian James Acoustics, and acknowledge that there are a range of potential environmental impacts that could arise from the demolition and construction phases, as well as the operation phase, particularly noise and odour. Notwithstanding, they consider that these impacts can be suitably mitigated through the use of appropriate conditions. The response from Environmental Protection is comprehensive and can be viewed online via Public Access, but the key points are summarised below.

Noise

- 9.57. Whilst the site is located within Lowestoft Town centre, where there are already a range of existing uses, meaning it is generally less sensitive than areas which are more residential in character, there are still noise sensitive receptors that require consideration. Notably, there are existing residential properties immediately adjacent to the site within Marina Road, and there are also residential properties in relatively close proximity to the north of Gordon Road.
- 9.58. The residential properties in Marina Road would potentially be exposed to noise from external activities within the civic square and roof top, in addition to noise from the events hall and rehearsal rooms. It is recognised that these residential properties are already likely to be exposed to entertainment noise breakout and customer activity associated with the Marina Theatre, with these activities forming part of the established character for the area. Meanwhile, the residential receptors off Gordon Road would be more exposed to noise from the main events hall. Both sets of receptors are considered in the Noise Impact Assessment reports submitted with the application.
- 9.59. Following discussion with the applicant and project team, including their acoustic consultant, the Environmental Protection Team are content that the methodology applied to the noise modelling is appropriate, and therefore accept the conclusions presented in the Noise Impact Assessment. It is also noted that the proposal is to have no use of the events hall and rehearsal spaces after 11pm on any day of the week, and that the modelling undertaken is based on a worst-case scenario with both the main event hall and rehearsal room in use at the same time. As such, subject to conditions restricting the hours of entertainment noise, and the submission of post-construction, pre-use noise validation survey, Environmental Protection have no objections to the use of the proposed buildings.
- 9.60. In terms of the civic square and other external areas, it is anticipated that most of the time these spaces will be used as a thoroughfare and public realm. However, the spaces are quite large in area, and there is proposed flexibility for them to be used for entertainment purposes, albeit not on a regular basis, including amplified music and speech. It is also proposed that, particularly during the summer months, there may be recreational/entertainment uses on the roof of the retained former car park building. This

area would need to be carefully managed as the elevated position would aid noise propagation to potential receptors. Additionally, the external seating area to serve the restaurant has the potential to be noisy during the evening, even during the set-down period after customers have left.

- 9.61. To mitigate against the potential impacts of external noise generating uses, Environmental Protection have recommended two conditions, one restricting the hours of amplified music and speech to any external areas, and the other requiring a Noise Management Plan, covering both internal and external areas, to be developed and submitted for approval. They have also recommended an informative in respect of temporary events notices and premises licensing requirements which will need to be sought in addition to any planning permission granted.
- 9.62. The service yard and mechanical services have also been considered in relation to noise impacts. In terms of the service yard, this is located towards the eastern boundary of the site, adjacent to Battery Green Road, and so is less sensitive in terms of receptors. Even so, given there is potential for some disturbance arising from unrestricted HGV manoeuvring and loading/unloading activities, so a condition is recommended with respect to controlling delivery and collection hours accordingly. For mechanical services, including cooling plant, refrigeration plant, air intakes, and various extract ventilation systems, the proposed development will need to adhere to the local noise requirements. Subsequently, a noise condition is required to ensure further assessment of all mechanical services plant. This would require the cumulative noise rating level requirement to be met at all receptors.

Demolition and construction impacts

- 9.63. Although the demolition and construction phases will be temporary, they have the potential to cause considerable noise, dust, and vibration impacts to receptor locations in the vicinity, both residential and commercial. In addition to recommending close working and proactive communication with neighbouring property occupiers and owners, Environmental Protection have recommended that the application engage a suitable consultant to assist with the work prior to, and during the development of the site, which could include establishing criteria and measuring vibration at key locations in order to protect amenity as far as possible and reduce the likelihood of complaints. It is recommended that conditions be attached to control working hours during the demolition and construction phases, and to require the submission of a Construction and Demolition Plan prior to the commencement of the works.
- 9.64. It is notable that the partial demolition of the Battery Green car park building has already been permitted under prior approval application DC/23/4933/DEM, so a further condition is recommended requiring the demolition of the building to continue to be undertaken in accordance with the details submitted under application DC/23/4933/DEM, to avoid an overlap/duplication of requirements.

Waste management

- 9.65. As the development proposes a restaurant and café, in addition to extensive external areas with an anticipated high footfall, which is likely to include eating and drinking, a condition is recommended to secure a Waste Management Plan. Careful consideration will need to be given to the design of the facilities proposed for waste management, to

prevent problems with pests, including birds. It is noted that the proposed development incorporates two internal bin stores.

Odour

- 9.66. The proposed development incorporates food preparation areas, including a restaurant and café, which are likely to have bespoke extract ventilation for dealing with heat, moisture and odour generated during cooking. Environmental Protection have recommended a condition to ensure that cooking styles and equipment are considered, and risk assessed, so that suitable levels of odour control are implemented for the protection of residential amenity and the amenity of the local area.

Lighting

- 9.67. The application is accompanied by a report prepared by ALH Building Services Design Ltd which outlines a lighting proposal for the scheme, but the document does not provide any indication of the proposed lighting levels at the nearest residential property in Marina, and equally it does not provide detail on the 'illuminated beacon' proposed on the roof of the repurposed Battery Green building. As such, a condition is recommended for the submission and approval of a final lighting scheme.

Amenity conclusion

- 9.68. To conclude, the proposed development would have temporary negative impacts on amenity during the demolition and construction phases, but the recommended conditions in relation to demolition and construction management will mitigate any unacceptable temporary impacts. Even so, it is recognised that there will be temporary harm to the amenity of receptors in close proximity to the site, which needs to be weighed in the overall planning balance. Subject to the conditions recommended by Environmental Protection, it is considered the proposed development would maintain an acceptable relationship with receptors during the occupational phase. The proposed development would therefore comply with the requirement of Policy WLP8.29 to protect the amenity of the wider environment, neighbouring uses, and provide a good standard of amenity for future occupiers, albeit the temporary negative impacts would represent a slight conflict with this objective in the short term. The same applies to paragraph 135 of the NPPF.

Ecology

- 9.69. Policy WLP8.34 establishes that where there is reason to suspect the presence of protected species or habitat, applications should be supported by an ecological survey undertaken by a suitably qualified person.
- 9.70. Paragraph 180 of the NPPF is also explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity.
- 9.71. The application is supported by a Preliminary Ecological Appraisal (PEA); a Bird Survey Report; and a Biodiversity Metric, all prepared by Wilder Ecology, which collectively assess the likely impact of the development on Protected and Priority Habitats and Species, as well as the identification of proportionate mitigation measures, and enhancement

measures for achieving a net gain in biodiversity. The Council's Ecologist has reviewed the submission and responded raising no objections, subject to recommended conditions. Their comments on the main issues relevant to the application are summarised below.

- 9.72. The site is located within 5km of six statutory designated sites, with the closest being Leathes Ham Local Nature Reserve, approximately 1.7km to the west. It is also within 2km of seven County Wildlife Sites (CWSs), the closest of which is the Lowestoft Harbour Kittiwake Colony, approximately 0.3km to the south-east. Moreover, the site is located within the Suffolk Coast RAMS Zone of Influence. Due to the non-residential nature of the proposed development and the separation distances involved, no impacts are likely on any statutory or non-statutory sites. Furthermore, as no residential uses are proposed there are no further HRA considerations to address, and there is no requirement for any financial contribution towards the Suffolk Coast RAMS.
- 9.73. In terms of protected species, priority species, and priority habitats, the submitted documentation identifies that there are habitats within the site that are suitable for bats and nesting birds. It has also been specifically noted that kittiwakes nest on ledges to the front and side elevations of the Marina Theatre, adjacent to the proposed demolition of the Marina Centre. Accordingly, to mitigate against the impacts of the proposed development upon bats and nesting birds, the PEA outlines avoidance and mitigation measures, which the Council's Ecologist consider to be adequate subject to conditions requiring their implementation. In particular, a condition is to be imposed requiring the demolition to take place outside of an extended bird nesting season, in order to capture the slightly longer kittiwake nesting season, or that prior to demolition commencing the site is surveyed for nesting birds by suitably qualified ecologist. This recommended condition is considered adequate to prevent any breach of the relevant legislation relating to nesting birds.
- 9.74. The partial demolition of the Battery Green building has already been considered and permitted under prior approval application DC/23/4933/DEM, with an identical condition attached with regards to the timing of demolition outside of the bird nesting season, unless a survey is undertaken immediately prior to demolition by a suitably qualified ecologist.
- 9.75. The impact of the development on kittiwakes had initially been raised as a concern by Lowestoft Town Council (LTC), however, following a meeting between LTC, officers, and the applicant, at which clarification was provided on the proposed demolition, the objection was removed.
- 9.76. Turning to Biodiversity Net Gain (BNG), the application was received in November 2023, prior to the introduction of the mandatory 10% BNG requirement for major developments on 12 February 2024. Nonetheless, the applicant has submitted a BNG metric demonstrating that there would be net gains in excess of 10% for habitat and hedgerow units as a result of the proposed development. Additionally, the submitted PEA outlines potential ecological enhancements which are to be secured by condition.
- 9.77. The proposed development would therefore comply with Policy WLP8.34. It would also accord with the relevant objectives contained within the NPPF.

Flood Risk and Drainage

- 9.78. Policy WLP8.24 requires development proposals to consider flooding from all sources and take into account climate change. It goes on to explain that developments should use sustainable drainage systems to drain surface water. Sustainable drainage systems (SuDS) should be integrated into the landscaping scheme and green infrastructure, and not detract from the design quality of the scheme.
- 9.79. Paragraph 175 of the NPPF reaffirms the above policy objectives and established that, when considering the SUDS used, regard should be given to the advice received from the lead local flood authority (LLFA).
- 9.80. The application site is located within Flood Zone 1, where the risk of flooding is low. A Drainage Strategy, prepared by Canham Consulting Ltd, has been submitted in support of the planning application. This report outlines that rainwater harvesting systems, green roofs, rain gardens, soft landscaping, permeable paving, and an element of storage tanking will be utilised to ensure that all run-off from the development adequately drained and treated. In terms of foul drainage, the Drainage Strategy states that the development would be connected to the public sewer in agreement with Anglian Water.
- 9.81. The LLFA, at SCC, has been consulted on the application and whilst returning no objections in principle to the proposals, it has been requested that further detail be provided, particularly in relation to the rain gardens, so that the final drainage specification can be appropriately conditioned. The further information requested by the LLFA is being compiled for submission by the applicant, and officers consider there is sufficient certainty that the LLFA will be able to recommend approval of the development subject to conditions. This is reflected in the officer recommendation. It is hoped that the additional information will be submitted and reviewed by the LLFA prior to the meeting of Planning Committee North on 14 May, meaning the response could be reported in the Update Sheet circulated to members the day before the meeting. If not, it is recommended planning permission be granted subject to the satisfactory resolution of the LLFA consultation.
- 9.82. To summarise, subject to the satisfactory resolution of the LLFA consultation, officers consider that proposed development would be acceptable with regards to the requirements of Policy WLP8.24. It would also be in accordance with the relevant policies and objectives contained within the NPPF.

Sustainability

- 9.83. WLP8.28 relates to sustainable construction and requires major developments to demonstrate through a sustainability statement that, where practical, they have incorporated:
- Improved efficiency of heating, cooling, and lighting of buildings by maximising daylight and passive solar gain through the orientation and design of buildings.
 - Sustainable water management measures, such as the use of sustainable urban drainage systems, including green roofs and/or rainwater harvesting systems.
 - Locally sourced and recycled materials.
 - Renewable and low carbon energy generation.
 - Minimising construction water.
 - Accessible and unobtrusive waste management.

- 9.84. This approach to sustainable development is reflected in paragraph 158 of the NPPF which states that the planning system should support the transition to a low carbon future in a changing climate by, amongst other matters, shaping places that contribute towards radical reductions in greenhouse gas emissions; encouraging the re-use of existing resources; and supporting renewable and low carbon energy.
- 9.85. The requirements of Policy WLP8.28 have been satisfactorily addressed through the various details and documents submitted as part of the application, with many of the matters having already been discussed elsewhere in this report. In terms of energy efficiency, the application is supported by a Planning Energy Statement, prepared by ALH Building Services Design Ltd, which outlines how building design, materials, and low-carbon and renewable energy technologies, including Air Source Heat Pumps and photovoltaics, have been integrated to achieve and exceed the relevant requirements of current Building Regulations. A condition is advised requiring the implementation of the measures recommended within the Planning Energy Statement.
- 9.86. The proposed development would therefore comply with Policy WLP8.28. It would also accord with the relevant objectives contained within the NPPF.

Contamination

- 9.87. Paragraph 189 states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 9.88. The application is supported by a Desk Study Report (Phase 1 Land Contamination Report), prepared by Harrison Group Environmental Limited. Environmental Protection have reviewed the report and agree with the conclusions reached and recommendations made. Essentially, owing to the potential risks from ground sources, the site needs to be fully risk assessed and any necessary remediation needs to be carefully designed and validated, to ensure a safe and suitable development. Therefore, Environmental Protection have recommended that the full suite of land contamination conditions be applied to any grant of planning permission. They note that these conditions should be worded to allow for the advance demolition and site clearance phases, so that the site investigation can take place thereafter.
- 9.89. There are no objections to the application on land contamination grounds, subject to the imposition of the conditions recommended by Environmental Protection. The proposed development would subsequently comply with the relevant objectives contained in the NPPF.

Unexploded Ordnance

- 9.90. The application is accompanied by an Unexploded Ordnance (UXO) Threat and Risk Assessment report, prepared by 6 Alpha Associates Ltd. The risk assessment concludes that the risk rating for UXO is high, however, following investigation and the recommended implementation of the proposed mitigation measures, the risk level can be reduced to 'as low as reasonably possible'.

- 9.91. A condition is recommended to secure the recommendations and mitigation measures outlined within the UXO risk assessment, whilst also establishing the mitigation procedures and measures that should be implemented should any previously unidentified UXO be encountered.

Archaeology

- 9.92. Paragraph 200 of the NPPF states that where a proposed development site includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.93. As identified on the Suffolk Historic Environment Record, the site is located within an area of archaeological importance (medieval and early post medieval town core). Subsequently, the application is supported by an Archaeological Desk-Based Assessment, prepared by Oxford Archaeology.
- 9.94. Suffolk County Council Archaeological Service (SCCAS) have reviewed the application and do not consider there would be any significant impact on known archaeological sites or areas with archaeological potential. The SCCAS response concludes that there are no objections to development which does not require any archaeological mitigation. The proposed development would therefore be in accordance with the relevant objectives contained in the NPPF.

CIL

- 9.95. The proposed development is not CIL liable.

10. Conclusion

- 10.1. To conclude, the proposed development would regenerate a previously developed, underutilised, unattractive, allocated site to deliver three landmark buildings, comprising two new buildings and a repurposed car park, as part of a high-quality and comprehensive scheme which would enhance the amenity and cultural offering of the town centre, in addition to introducing a new competitive leisure offering. The mixed-use, flexible nature of the proposed development would ensure that it can meet the need and demand within the locality for a wide variety of users and businesses, whilst also maintaining an acceptable relationship with existing and future land uses in the town centre and surrounding area.
- 10.2. Cumulatively, very substantial benefits would arise from the stimulus to the local economy, including the creation of a new destination that would enhance the vitality and viability of the town centre, as well as the creation of new jobs during the construction and occupation phases; the achievement of a very high standard of design; enhancement to the setting of heritage assets; the re-use of previously developed land in a sustainable location with excellent opportunities for promoting sustainable modes of transport; the achievement of BNG; and the use of sustainable construction and energy efficiency measures.

- 10.3. There are no amenity, highways, ecology, contamination, drainage, or UXO concerns which cannot be mitigated through conditions. Notwithstanding, it is acknowledged that there are currently outstanding consultation responses from SCC Highways and the LLFA, but officers anticipate that these responses will be positive following the submission of additional information. Equally, there would be short-term, temporary harm to the amenity of the locality during the demolition and construction phases which needs to be weighed in the balance.
- 10.4. Overall, the proposed development is considered to accord with the Development Plan as a whole, with the benefits of the scheme clearly and demonstrably outweighing any identified harm. The proposed development would also accord with the objectives contained within the NPPF. It is recommended that planning permission be granted with conditions, subject to the receipt of satisfactory consultation responses from SCC Highways and the LLFA.

11. Recommendation

- 11.1. Authority to approve with conditions subject to the receipt of satisfactory consultation responses from SCC Highways and the LLFA.

12. Conditions

- 12.1. In addition to any conditions subsequently recommended by the Highway Authority, and the LLFA, the following conditions are recommended:

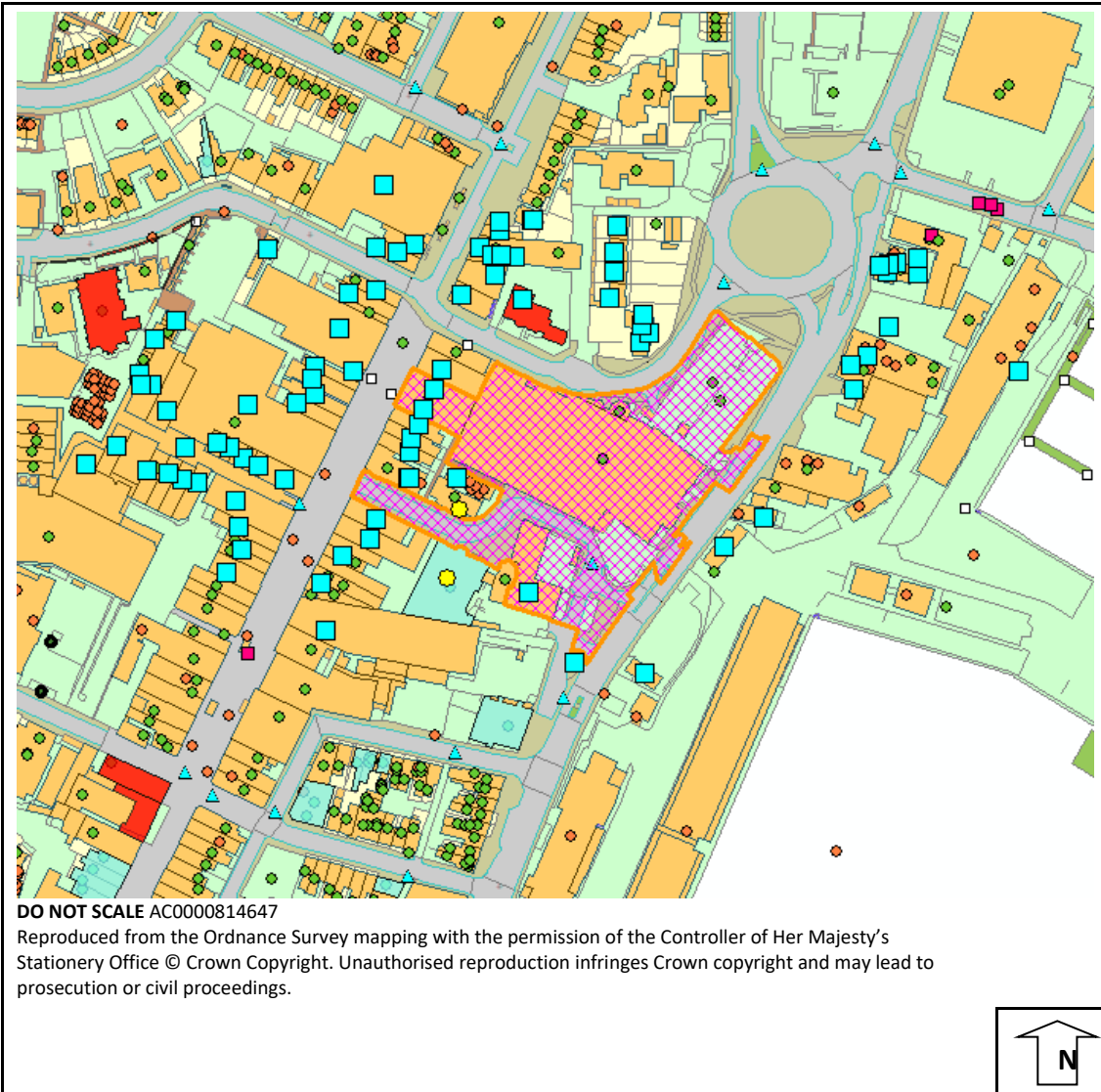
1. Time limit – full permission
2. Compliance with submitted drawings
3. Demolition of Battery Green car park in accordance with application
4. Demolition Management Plan for Marina Centre
5. Construction Management Plan
6. Improvement scheme to A47 as identified on submitted plans
7. Material samples
8. Strategy for Public Art
9. Final hard and soft landscaping scheme
10. Landscape management plan
11. Landscape implementation
12. Advertisement and signage strategy
13. Cycle parking details and implementation
14. Waste management plan
15. UXO
16. Hours of use – use to cease by 11pm
17. No amplified music or other entertainment in outside spaces after 10pm
18. Validation noise assessment
19. Odour and noise risk assessment
20. Site investigation – contamination
21. Site remediation
22. Implementation of remediation
23. Verification of remediation
24. Unexpected contamination
25. Noise management plan

26. External seating to restaurant to cease by 11pm
27. Hours of deliveries and collections
28. Hours of work during demolition and construction phases
29. Implementation of Planning Energy Statement recommendations
30. Final lighting design scheme, including illuminated beacon
31. Lighting design strategy for biodiversity
32. Demolition outside of bird nesting season, unless informed by a survey conducted by a competent ecologist
33. Ecological mitigation measures in accordance with submitted PEA
34. Ecological enhancement strategy





Background information

See application reference DC/23/4537/RG3 on [Public Access](#)

Map



Key

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