



## Committee Report

Planning Committee - 19 December 2019

Application no DC/19/3406/FUL

**Location**

303 London Road South  
Lowestoft  
Suffolk  
NR33 0DX

**Expiry date** 24 October 2019  
**Application type** Full Application  
**Applicant** Mr & Mrs Alex & Claudia Costello

**Parish** Lowestoft

**Proposal** Change of use from cafe to gallery and treatment room. To remove dangerous and unsightly concrete façade and install railings to front at first floor, reinstate former front door, demolish modern C20 single storey rear element, reconfigure layout and increase courtyard.

**Case Officer** Melanie Pieterman  
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### 1. Summary

- 1.1. The submitted application seeks a change of use from a cafe to an art gallery/studio and a holistic treatment room to the rear, with additional works to remove the dangerous and unsightly concrete façade and for the installation of railings to the front at first floor level; reinstatement of the former front door; demolition of a modern C20 single storey rear element; and reconfiguration of the layout and increase the courtyard area.
- 1.2. The application is considered to be a departure from policy, and it is therefore brought direct to committee members for determination.
- 1.3. There have been no objections received in relation to the proposed change of use and associated alterations. It represents an acceptable use within a commercial area and is recommended for approval.

## 2. Site description

- 2.1. The property subject to this application is located on the western side of London Road South, close to the junction with Carlton Road to the south. London Road South is a historic shopping area and the building is located within a Local Shopping Centre and the South Lowestoft Conservation Area as designated in the East Suffolk (Waveney) Local Plan, which was adopted in March 2019. Furthermore, the property is within the newly granted High Streets (London Road) Heritage Action Zone (HAZ), which seeks to improve the area via conservation led economic regeneration. However, this particular scheme is still in its infancy with the 'HAZ' only being granted consent in September 2019, with grant funding unlikely to be available until late 2020/early 2021.
- 2.2. The property forms part of a terrace curving around the corner to include part of Carlton Road on the western side of the road and dates from the late Victorian period which has been historically used for retail/commercial purposes. The ground floor shop/commercial area was formerly used as a cafe however this has been vacant for some time with the cafe having been closed since 2012.

## 3. Proposal

- 3.1. The application seeks planning permission for the change of use from a cafe to an art gallery/showroom and treatment room. Other works include the removal of the dangerous and unsightly concrete façade and install railings to front at first floor; reinstatement of the former front door; demolition of the modern C20 single storey rear element; to reconfigure the layout; and increase the courtyard to rear.

## 4. Consultations/comments

- 4.1. No third-party comments or representations received.

### Consultees

#### Lowestoft Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	2 September 2019	10 September 2019
Summary of comments: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 10 September 2019. It was agreed to recommend approval of the application.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area; Departure	6 September 2019	08 January 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area; Departure	6 September 2019	08 January 2020	Lowestoft Journal

## Site notices

General Site Notice  
Reason for site notice: Conservation Area  
Date posted: 3 September 2019  
Expiry date: 24 September 2019

## 6. Planning policy

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

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

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

## 7. Planning considerations

### Planning Considerations - Principle of Development

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where, in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2. Policy WLP8.29 states that 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.
- 7.3. In the view of officers, the proposed development would not have a significant impact on the area, and it is suggested that the removal of the concrete at first floor level and its replacement with railings is more appropriate to the age and setting of the property. It will offer a visual benefit and conservation gain by improving the external appearance of the building.
- 7.4. The removal of the modern single storey rear element will have a very limited impact on any public views from the access road to the rear of the property, which is not heavily used and there will be little impact on the amenities of nearby residents generated by the removal of this structure.
- 7.5. Therefore, officers are satisfied that the development is compliant with policy WLP8.29.

- 7.6. Policy WLP8.20 relates to Local Shopping Centres and states that, within Local Shopping Centres, limited retail, leisure, community service and facilities and office development will be permitted where it is of a proportionate scale to provide essential services to the surrounding area. The proposed change of use from a café to an artist's gallery/sales, with a secondary therapy room to the rear is not strictly in accordance with WLP8.20. However, it is considered compliant with regards to the sales element of the gallery being considered an A1 (shops) use, with the workshop and therapy room being more like a D1 (non-residential institution) use. The predominant proposed use remains the sales and gallery/display area.
- 7.7. Nevertheless, the proposed use would bring a previously empty shop unit back into use in an area that has suffered from commercial and social deprivation, and the alternative use of buildings for such purposes is becoming more prevalent with the arts becoming increasingly important in social and economic regeneration. Whilst the policy states that within Local Shopping Centres proposals for change of use of ground floor premises from use classes A1 (retail), A2 (financial and professional), A3 (restaurants and cafés), A4 (drinking establishments) and A5 (hot food takeaways) to uses other than retail, community, leisure and offices will not be permitted, the use as an artist's studio with a large proportion as retail element is sufficient to contribute to the vitality and viability of the town centre and should be supported, in principle.

#### Planning Considerations - Visual Amenity, street scene and landscape

- 7.8. Policy WLP8.37 relates to the Historic Environment and proposals for development should seek to conserve or enhance Heritage Assets and their settings. As already stated above in consideration of WLP8.29, the property is located within a designated Conservation Area, however the works proposed, such as re-opening the original doorway and removal of the concrete and replacement with railings will have a positive impact on the area and will bring an empty property back into use. Overall the proposal would improve the visual appearance of the building and its immediate setting, therefore enhancing the appearance of the conservation area, in accordance with the heritage objectives of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990, Part II (Conservation Areas).
- 7.9. The proposed alterations to the rear will have a limited view from the public domain as they are only viewable from an access road and as such the impact would be limited. The works to the front are considered an improvement and of positive benefit to the visual amenities, street scene and landscape by virtue of re-opening the original doorway and removing the unsafe and unsightly concrete element and replacing this with more decorative iron railings.
- 7.10. The proposal is therefore considered compliant in this regard with policy WLP8.29 Design of the Local Plan.

#### Planning Considerations - Residential Amenity

- 7.11. The area is of a mixed commercial use with residential above in the traditional form; however, given the type and scale of work subject to this application it will have a low

impact on the amenities of nearby residents by virtue of location, orientation, boundaries and other buildings. There is a residential flat on the upper floors already and the gallery and holistic treatment room are not considered uses that would generate such harms to the general amenities of existing and future residents. The proposal accords with the amenity objectives of WLP8.29 of the Local Plan.

#### Planning Considerations - Highway Safety and Parking Provision

- 7.12. No change is caused to parking arrangements and no extra demand likely created. There is a space to the rear of the building, and this will be retained and there is on-street parking available for visitors. The site is sustainably located where customers can walk to the site. The proposal is therefore considered compliant in this regard with policy WLP8.29 (Design) of the Local Plan.

#### Other Matters

- 7.13. The proposed change of use will have no impact on current surface or foul water drainage, and it will not increase flood risk elsewhere as the application predominantly relates to internal alterations with the exception of the railings and associated works.
- 7.14. There are no biodiversity or geodiversity issues that require consideration due to the nature of the proposal. No RAMS payments are required in relation to this application as the triggers are not met.
- 7.15. There are no trees or hedgerows that would be affected by the proposed development.

### **8. Conclusion**

- 8.1. For the reasons given above, officers are satisfied that the proposed development is acceptable and will bring a town centre unit into use, enhancing the vitality and viability of that area. The proposal represents a planning gain in terms of appearance of the building within the conservation area. Whilst there is some minor conflict with policy WLP8.20, it is considered that the benefits outweigh that conflict. Planning permission should be granted.

### **9. Recommendation**

- 9.1. Approve with Conditions

### **10. Conditions:**

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with plans numbered AB1 -06.08.2019, AB2 - 06.08.2019, AB3 -06.08.2019 and AB4 - 06.08.2019 received 30 august 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials to be used in the development hereby permitted shall match those used in the existing building or as otherwise unless annotated on the application form and/or drawing hereby approved.

Reason: To ensure the satisfactory external appearance of the development.

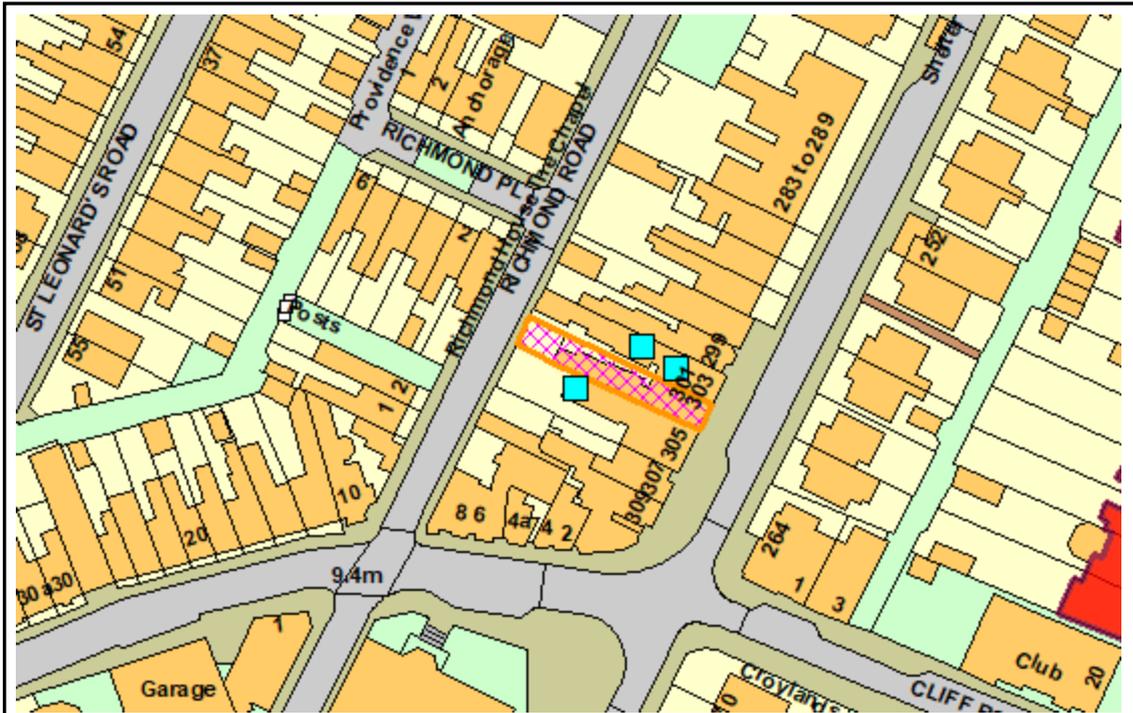
#### **Informatives:**

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

#### **Background information**

See application reference DC/19/3406/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PX100YQX06000>

# Map



DO NOT SCALE SLA100019684

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## Key



Notified, no comments received



Objection



Representation



Support