



## Committee Report

Planning Committee North – 22 February 2021

Application no DC/20/3279/FUL

**Location**

64 London Road North  
Lowestoft  
Suffolk  
NR32 1ET

**Expiry date** 20 October 2020

**Application type** Full Application

**Applicant** Mr Gary Schwartz

**Parish** Lowestoft

**Proposal** Change of use of part of ground floor from commercial unit to 1-bed residential flat with erection of single storey infill rear extension following the demolition of part of single storey rear extension and removal of external stairs at rear.

**Case Officer** Matthew Gee  
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### 1. Summary

- 1.1. Planning permission is sought for the change of use of part of the ground floor of 64 London Road North from a commercial use to a one-bedroom residential flat. The proposal also includes associated building works comprising the erection of a single storey infill rear extension, following the demolition of part of single storey rear extension and removal of external stairs at rear.
- 1.2. The proposal is considered to be compliant with Local Plan policy WLP8.19 and would not adversely impact on the viability and vitality of the town centre. In addition, the flood risk to the new dwelling created can be properly mitigated, and the proposal would not result in adverse amenity impacts. Therefore, the proposal is considered to represent a sustainable form of development, compliant with local and national planning policy. Approval is recommended.

- 1.3. The application was referred to the Planning Committee (North) by referral panel on the 08 December 2020, to enable matters around deliveries and the internal layout to be considered.

## 2. Site description

- 2.1. The site is located within the Settlement Boundary, Town Centre and Conservation Area for Lowestoft. The site comprises of a three-storey building, mid terraced, with a retail use at ground floor (formerly The Money Shop), and storage space at the first and second floors. The site fronts London Road North (main shopping area) to the west; Grove Road to the east; the former Palmers Department store to the north; and retail unit to the south.
- 2.2. Part of the site is located within Flood Zone 2 of the Environment Agency (EA) modelling, and the site is at risk from future flooding as a result of climate change, as modelled in the Councils Strategic Flood Risk Assessment (SFRA).
- 2.3. Planning history
- DC/20/1353/FUL - Change of use of 1st & 2nd floors from storage to 4 self contained flats (2 X 2-bed and 2 X studios) with new entrance from London Road North – Granted 29/05/2020
  - DC/10/0266/COU - Change of Use from A1 retail to A2 financial and professional services – Granted 09/04/2020
  - DC/07/0367/FUL - Modifications to previously approved single-storey, rear extension - Granted 20/03/2007
  - DC/04/1404/FUL - Single storey rear extension – Granted 19/10/2004

## 3. Proposal

- 3.1. Planning permission is sought for the change of use of 62.3sqm of ground floor from A2 to one-bed residential flat, with 58.9sqm retained for the remaining part of the A2 unit.
- 3.2. The proposal also includes the demolition of part of an existing single storey rear extension, and the erection of a single storey infill rear extension, between two existing flat roof extensions to provide an additional 6sqm.

## 4. Consultations/comments

- 4.1. No third-party letters of representation have been received.

### Consultees

#### Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	28 August 2020	9 September 2020
Comments:		

*The Town Council's Planning and Environment Committee considered this application at a meeting on 8 September 2020. It was agreed to recommend refusal of the application. The flood risk document supporting this application did not cover flooding of the ground floor despite this building being located in the flood risk zone. The application is contrary to WLP8.24 and should not be granted without further information being provided.*

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Highways	21 December 2020	4 January 2021
Summary of comments: No objections subject to conditions		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	28 August 2020	No response
Summary of comments: Internal planning consultee; heritage matters covered in planning considerations section of this report.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	11 September 2020	2 October 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	11 September 2020	2 October 2020	Lowestoft Journal

## 6. Planning policy

6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

6.2 The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed below:

WLP1.2 - Settlement Boundaries  
WLP8.19 - Vitality and Viability of Town Centres  
WLP8.24 - Flood Risk  
WLP8.29 - Design  
WLP8.34 - Biodiversity and Geodiversity  
WLP8.39 - Conservation Areas

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

## **7. Planning considerations**

### Principle of Development

- 7.1. The site is located within the Town Centre Boundary and is within a Primary Shopping Frontage. Policy WLP8.19 sets out that within Primary Shopping Frontages, proposals to change the use of ground floor premises from use classes A1 retail or A3 cafés and restaurants to other uses will only be permitted in a set number of instances.
- 7.2. The premises were previously the 'The Money Shop' which formally fell within class A2 of the use class order, and therefore it is not expressly covered by policy WLP8.19. The proposal would provide a benefit in regard to the sustainable location and potential added spending within the town centre. The proposal also complies with national policy around mixed use development and bring more residential use in the town centres to promote economic benefits. However, these need to be weighed against the potential loss of commercial floor space, in this instance it is not considered that the use of the rear of the site would result in a significant impact on the viability or vitality of the street scene as the shop front and unit onto the London Road North would still be retained, with access to the property from the rear along Grove Road. The agent has also confirmed that deliveries can take place through the front of the store as occurs in a number of instances in the immediate area.
- 7.3. The site is located within a highly sustainable location close to amenities and a number of public transport links. SCC Highways have reviewed the proposal and raised no objections to the proposal subject to conditions ensuring the cycle and bin storage areas are brought into use prior to first occupation.

### Conservation Area

- 7.4. The site is located within the Conservation Area, and therefore policy WLP8.39 sets out that proposed development should preserve or enhance the character and appearance of the area. The proposal seeks to remove an existing single storey flat roof store and construct a small infill extension between two existing rear extensions. The proposed alterations are not considered to adversely impact on the character of the building and given the existing screening at the rear it will not be highly visible from the public realm. As such it is considered to preserve the character and appearance of the Conservation Area.
- 7.5. The site is located within the setting of two nearby Listed Building of the former post office officer and Natwest Bank, situated approximately 3m south-west from the application site. This application does not seek to make any external alterations to the front elevation, with

the only external alterations taking place at the rear which is not considered to be within the direct setting of the Listed Building. It is therefore considered that the proposal would have no additional impacts on the setting of the Listed Building.

- 7.6. Therefore, given the above considerations the proposal is considered to represent a less than substantial impact to the heritage assets of the Conservation Area and nearby Listed Building. Paragraph 196 of the National Policy Planning Framework, sets out that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” In this instance the public benefits arising through the creation of a much need single bedroom property, in a highly sustainable location, and the added benefits of potential increased public spending within the tow centre are considered to outweigh this low level impact.

### Flood Risk

- 7.7. Policy WLP8.24 sets out the council’s approach to flood risk from new development and identifies that development proposals should consider flooding from all sources taking into account climate change. Paragraph 160 and 163 of the NPPF also sets out similar assessment for proposals at potential risk of flooding. Proposals at risk of flooding should demonstrate a number of points including that; The development provides sustainability benefits which outweigh flood risk; and that a site-specific flood risk assessment has been submitted which demonstrates that the flood risk can be satisfactorily mitigated over the lifetime of the development.
- 7.8. The site is located within the EA flood zone 2, and the site is noted as being within a 1:200 year even when climate change is considered, with a potential 'risk to some'. As the application is for change of use of an existing building there is no local or national requirement for a sequential or exception test to be undertaken.
- 7.9. The applicant has submitted a Flood Risk Assessment that details that the site is at low risk, and provides mitigating measures, such as the occupiers signing up to flood alerts, and that in a worst-case scenario safe egress can be reached at first and second floor. Furthermore, the SFRA identifies that flood water levels would be relatively low in the area during a 1:200-year flooding even, with the area at the Grove Road being outside of any flood risk around 50m north east from the site. Flood risk will also be reduced once flood defences works in Lowestoft are undertaken. Therefore, in this instance the risk to health is considered to be limited, and the proposal would provide affordable accommodation in a very sustainable location which are considered to outweigh the low potential risk.
- 7.10. Paragraph 163 of the NPPF also seeks to ensure that planning application do not increase flood risk elsewhere. The proposal involves the removal of one extension and erection of a similar sized infill extension. It is not considered that this would result in an increased risk of flooding elsewhere. The site specific flood risk assessment, concludes that the proposal would not result in increased flooding in other locations.

### Amenity

- 7.11. Policy WLP8.29 sets out that proposed development should not result in an adverse impact on the amenity of neighbouring residents. The proposed infill extension is located in a

courtyard area at the rear of the property. It is not considered that the proposed extension would result in any loss of light to neighbouring properties, neither would the change of use adversely increase noise in the area.

- 7.12. Policy WLP8.29 also seeks to ensure that a good level of amenity is provided for future occupiers of the property. The proposal provides a minimal shared external space for occupiers of this proposed flat and the four previously approved on the first and second floors. However, it is also noted that the site is located in close proximity of a number of outside public places including the beach and is also in close proximity of the Bus and train stations. Furthermore, the proposed flat is located at the rear of the site on a not particularly busy road and is not considered that the future occupiers would be adversely impacted by excessive noise level in the area. The proposal is therefore considered compliant with policy WLP8.29.

#### Ecology – Recreational Impact on Designated Habitats Sites

- 7.13. The Habitats Regulations Assessments (HRAs) of the Suffolk Coastal District Council Core Strategy and Development Management Policies Development Plan Document (2011 and 2013) and the Waveney District Council Local Plan (2019) identified that increased levels of residential development would have a Likely Significant Effect (LSE) on Habitats sites (European designated sites) on the Suffolk coast. The LSE is predicted to arise from increased levels of recreational use resulting from residents of new development. This would be an in-combination effect as a result of the total amount of new housing growth in the district.
- 7.14. Following the findings of the Local Plan HRAs and under direction from Natural England, the Local Planning Authorities with residential growth in areas which are likely to impact on Suffolk coast Habitats sites have worked collaboratively to prepare and implement a mitigation strategy to address the identified LSE and prevent cumulative new development resulting in an adverse effect on the integrity of the designated sites. The LPAs involved are East Suffolk Council (formerly Suffolk Coastal District Council and Waveney District Council); Babergh and Mid Suffolk District Councils and Ipswich Borough Council. This strategy is currently referred to as the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy or “Suffolk Coast RAMS”.
- 7.15. The site is located within 13km of the nearest European Protected Site at the Benacre to Easton Bavents SPA and Benacre to Easton Bavents Lagoons (SAC). Therefore, the in combination effect of new residential development on these sites needs to be considered inline with the Suffolk Coast RAMS. In this instance the applicant has agreed to make the relevant financial contribution to the RAMS project and therefore the potential impact of the proposed residential development is considered to be mitigated.

#### Other matters

- 7.16. The site provides external space for bin and cycle storage for the proposed and previously approved accommodation at first and second floors. These are located at the rear along the southern boundary of the site and provide space for 10 domestic waste bins, and 5 cycles. Including the four previously approved flats at first and second floors, this equates to the provision of 2 bin storage spaces and 1 cycle space per flat. This is considered to be sufficient for a 1 bedroom flat given the close proximity of other public transport links. In

addition, SCC Highways consider that the level of onsite cycle storage is acceptable and have raised no objections to the proposal.

## **8. Conclusion**

- 8.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

## **9. Recommendation**

- 9.1. It is recommended that planning permission be granted subject to 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:
  - Site Location Plan, AUG/GS/20-001, received 26/08/2020,
  - Existing & Proposed Ground Floor Plan, AUG/GS/20-003, received 26/08/2020,
  - Existing & Proposed roof Plan, AUG/GS/20-004, received 26/08/2020,
  - Existing & Proposed rear elevation, AUG/GS/20-005, received 26/08/2020,
  - Existing & Proposed rear elevation, AUG/GS/20-006, received 26/08/2020,
  - Proposed Section A-A, AUG/GS/20-008, received 26/08/2020,
  - Design and Access Statement, AUG/GS/20-DAS, received 26/08/2020,
  - Flood Risk Assessment, QFRA 1675 Rev 1.1, received 30/11/2020;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 development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by UK Flood Risk, referenced QFRA 1675 Rev 1.1 and dated 30/11/2020

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

4. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

5. All new external joinery shall be of painted timber.

Reason: In order to safeguard the special architectural or historic interest of the building.

6. The use shall not commence until the area(s) within the site on dwg. no. AUG/GS/20-003 for the purposes of secure cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To promote sustainable transport choices

7. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number AGUJ/GS/20-003 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

#### **Informative:**

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.
2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsuffolk.gov.uk](mailto:CIL@eastsuffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

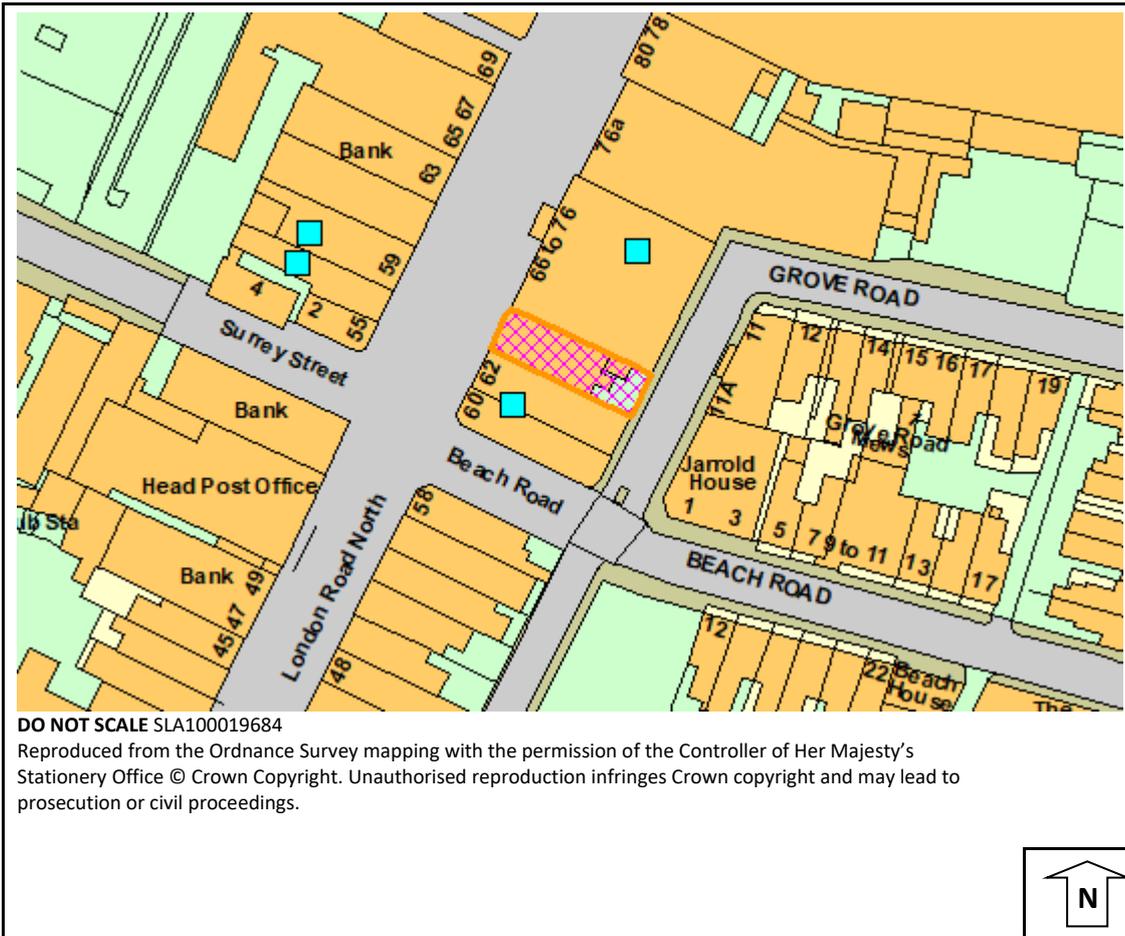
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

## **Background Papers**

See application reference DC/20/3279/FUL on [Public Access](#)

# Map



## Key

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