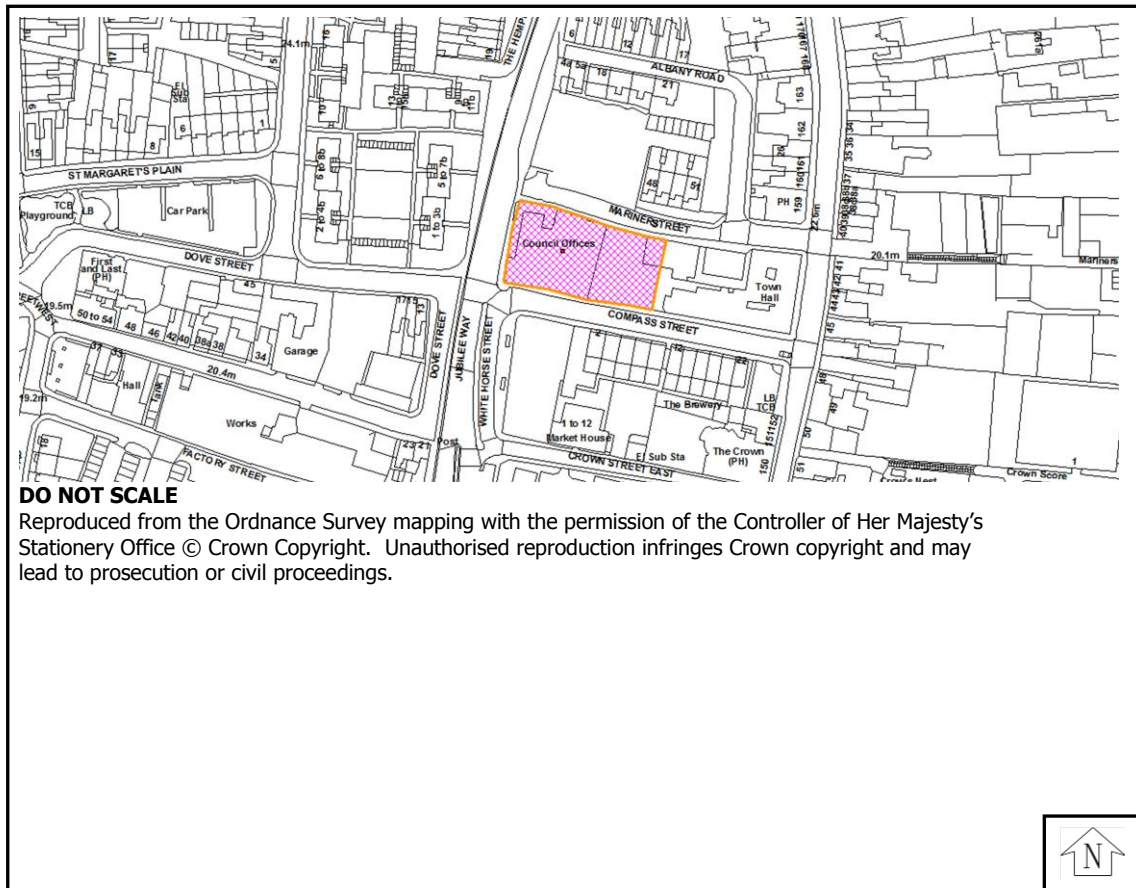


PLANNING COMMITTEE – 11 OCTOBER 2016**APPLICATION NO DC/16/3752/RG3****LOCATION**Former Council Offices
Mariners Street
Lowestoft
Suffolk

EXPIRY DATE 3 November 2016.
APPLICATION TYPE Full
APPLICANT Waveney District Council

PARISH**PROPOSAL**

Change of Use from B1 office and ancillary car parking to allow the construction and operation of an A3 restaurant with ancillary A5 takeaway incorporating retention of part of Coopers Building within boundary treatment.

**1 SUMMARY**

- 1.1 At its meeting on 24th August 2016 the Planning Committee resolved to refuse planning permission for a restaurant and drive-thru take away on the site. This application is a resubmission showing an amended design which seeks to respond to the reasons for the

refusal. The site is owned by the Council and therefore the application is referred to Committee for determination.

- 1.2 The application proposes a restaurant and drive-thru take-away on Council owned land to the rear of the Town Hall. The site forms part of a larger area that is allocated for redevelopment under Policy LOW 3. Some new affordable housing has already been built in the area and this application now provides an opportunity to realise some of the commercial elements of LOW 3.
- 1.3 The Town Hall is a listed building and the site is adjacent to the North Lowestoft Conservation Area. This amended proposal would see the retention of part of the Coopers building, a non-designated heritage asset. Detailed consideration has been given to the impact the proposal would have on these heritage assets, as required by the NPPF.
- 1.4 The proposal will attract people back to the area for the first time since the Council offices were vacated, this will bring back some vibrancy to the area and potentially bring spin off benefits to local businesses along the High Street. There are currently no other proposals for the former Town Hall site and it is considered that to leave the site vacant for a further potentially indefinite period would not be in the best interests of the site or the area generally. Redevelopment of the site could encourage proposals for the conversion/re-use of the Town Hall to come forward.
- 1.5 Having regard to all the issues it is considered that this revised scheme satisfactorily addresses the reasons for refusing the original application. Accordingly it is recommended that the application is approved.

2 SITE DESCRIPTION

- 2.1 The site is situated between Mariners Street to the north, Compass Street to the south and the A12 Jubilee Way to the west. Immediately to the east is the Town Hall, a Grade II listed building located on the High Street. The Town Hall is located within the North Lowestoft Conservation Area, the boundary of which runs to the immediate west (rear of the Town Hall). Consequently the application site and buildings located on it are outside the Conservation Area boundary. The Town Hall and associated structures are currently vacant.
- 2.2 Within the site is a number of former office buildings associated with the Town Hall. Adjacent to the Town Hall are single and two storied flat roofed prefabricated office buildings dating from the 1970's. In the south western part of the site to the corner of Compass Street and Jubilee Way is a two storey building dating from 1873 known as the Cooper's Building. There is another two storey building fronting Mariners Street of mid to late nineteenth century date that was likely used in conjunction with the Coopers building. Both buildings were converted to offices when single and two storey office buildings were constructed around them in the 1980's.
- 2.3 The site covers an area of approximately 0.21ha and is located near the northern end of the High Street, the most historic part of the town. The High Street alone has 36 grade II listed buildings, one grade II* listed building and 23 locally listed buildings. Along the High Street there is a wide range of traditional, independent retail shops.
- 2.4 To the south of the site is a block of 12 no. flats at Market House on Crown Street and a terrace of 11 recently build houses on Compass Street. At the western end of Compass

Street 8 no. terraced houses are currently under construction. To the north is a terrace of 4 no houses on Mariners Street and the former Council car park.

3 PROPOSAL

3.1 The proposed development is an A3 restaurant with ancillary A5 take-away to be occupied by Burger King and includes the following works:

- The construction of a single storey 'drive-thru' restaurant of approximately 175sqm gross floor area, with an internal area of approximately 75sqm for customers and service, and 100sqm for back of house functions including service yard. The proposed restaurant has seating for 50 customers and contains 3 no. customer order points.
- Provision of pedestrian access from Mariners Street and Compass Street; and provision of vehicular access in a one-way system with vehicles entering from Compass Street and exiting to Mariners Street.
- 20 no. car parking spaces, inclusive of 2 no. disabled car parking spaces, 2 no. for staff and 2 no. pre pay waiting bays as well as standing for 7 no. bicycles.
- Erection of traffic control signage & height restrictor.
- Landscaping proposals including hard and soft landscaping and boundary treatments
- Lighting proposals including standard lights illuminating the site and car park
- Building mounted and free standing signage.

3.2 With regards to hard and soft landscaping the following is proposed:

- The northern, western and southern boundaries of the site will be planted with low maintenance ornamental shrubbery, with added medium height evergreen hedge to the northern and southern boundaries
- Fastigate trees are proposed along the northern and southern boundary
- A 2m high buff coloured brick wall at the northern corner and flanking a railing on a brickwork plinth in two separate sections along the western boundary of the site facing the A12. The walls are proposed to be capped with a moulded coping stone feature reflecting similar detailing in the Town Hall façade. The railing will have regulation spaced rods and ball finials and painted gloss black.
- Recessed walls are proposed on the northern corner of the site facing the A12 to receive advertising on three panels.
- Partial retention of the façade of the Coopers building in the southern corner

3.3 The materials proposed for the walls of the restaurant include red and buff brick slips and rendered panels. The face of the canopy at the takeaway window is metallic silver and there is a red ribbed metal band with LED lighting under the roofline. Windows and doors are proposed in satin black grey with glass.

3.4 Access for vehicles to the restaurant will be via a one way system with traffic entering on Compass Street and exiting Mariners Street. From the A12 Jubilee Way, only traffic heading south will be able to enter the site. Junction improvements are proposed so that traffic heading north on Jubilee Way is prevented from entering the site. If heading north on the A12, traffic must travel past the restaurant and turn right at the roundabout some 320m distance to re-enter the A12 heading south again in order to come to the site. There would be no access to the site by vehicle from High Street as Compass Street is a one way street.

- 3.5 The proposed restaurant / takeaway building is a single storey building with a flat roof and is proposed to be open from 7 a.m. to 11 p.m. seven days a week. The application states that as up to 25 full-time equivalent jobs could be provided.
- 3.6 In addition to the submitted plans the planning application is supported by the following documents:
- Planning and Design and Access Statement
 - Heritage and Context Appraisal
 - Transport Statement
 - Sound Assessment
 - Archaeological Evaluation Written Scheme of Investigation
 - Landscape Management and Maintenance Plan
- 3.7 It should be noted that two applications for advertisement consent have also been submitted (DC/16/2787/RG3 and (DC/16/3355/RG3) and are included for consideration on the Agenda for this meeting.

4 CONSULTATIONS/COMMENTS

- 4.1 **Neighbour Consultation/representations:** 22 neighbouring properties were notified of the application.

At the time of writing 1 representation had been received objecting to the application on the following grounds:

- Noise
- Traffic queuing on the A12
- Highway and pedestrian safety
- Affect on property prices
- Anti-social behaviour
- Inappropriate location close to residential properties
- Loss of light
- parking

- 4.2 **Suffolk County Council Highways:** Notice is hereby given that the County Council as Highway Authority recommends that any permission which the Planning Authority may give should include the conditions shown below:

- 4.3 Condition: The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 15-12-24/03 Rev P3 and made available for use prior to any other part of the development taking place. Thereafter the access shall be retained in the specified form.

- 4.4 Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

- 4.5 Condition: The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 15-12-24/04 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

4.7 Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 15-12-24-03 Rev P3 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

4.8 Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4.9 NOTE:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

4.10 **Suffolk County Council Archaeology:** The site lies in the historic core of Lowestoft defined as an area of archaeological interest and importance in the County Historic Environment Record (LWT 040). The site appears to form a block of land set out in the early street plan. Archaeological evaluation has been undertaken of part of the site (proposed Unit 1), which has revealed layers of built up soils on the site. No archaeological features were recorded in the evaluation, although an intact soil layer which is potentially early was recorded at the base of the sequence. Given the nature of the site to the south, which revealed pits and material culture relating to late medieval Lowestoft, there is potential for features on the site which may be impacted upon by excavations associated with demolition and by construction groundworks.

- There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important below-ground heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), a planning condition to secure the record and advance understanding of the significance of any heritage asset before it is damaged or destroyed would be appropriate.

4.11 In this case, the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment

- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

2. No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

4.12 **INFORMATIVE:**

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

In this case, for Unit 1 archaeological monitoring of any below ground work associated with demolition/construction would be appropriate, with any recording of buildings as appropriate.

For the area of Unit 2, archaeological evaluation is likely to be required in the first instance to provide information on the depth and potential complexity of deposits. I would be happy to consider plans and geotechnical information further as appropriate.

I would be pleased to offer guidance on the archaeological work required. Please see our website for further information on procedures and costs:

<http://www.suffolk.gov.uk/libraries-and-culture/culture-and-heritage/archaeology/>

- 4.13 **Suffolk County Council Lighting Engineer:** Were consulted on 9th September 2016.

- 4.14 **Suffolk County Council Fire and Rescue Service:** No objection; - General comments.

4.15 **WDC Environmental Health Officer: Contaminated Land:** There does not appear to be any information concerning the investigation or assessment of the site in regards to contamination. While use as an office would not be considered to be potentially contaminative what has the site been used for previously? In addition, as the site has been previously developed, there will almost certainly be made ground present – particularly under the car park areas. Made ground is inherently associated with contamination including asbestos, heavy metals, PAHs and TPHs. Such contamination could have an impact on the proposed end use (particularly services such as the water supply), demolition / construction workers; nearby residents and the wider environment. It would be best if the site was subject to competent assessment prior to development commencing. This work, together with any remediation and validation that is subsequently required, could be secured using the model conditions:

- "Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

- 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- **Implementation of Approved Remediation Scheme**
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- **Reporting of Unexpected Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3."

4.16 Alternatively, as the site and proposed end use are relatively low risk, it could be appropriate to permit development but require that the site is inspected following clearance by a competent person and that any suspected contamination encountered during demolition / construction is reported. These works could be secured using conditions such as:

- **“Condition 1:**
Following site clearance and demolition, but prior to development, the site will be inspected by a competent person (as defined by the NPPF) for the presence of contamination. Prior to the commencement of development the results of the inspection must be submitted in writing to, and approved by, the local planning authority.
- **Condition 2:**
In the event that contamination is found or suspected at any time when carrying out the approved development, including the inspection required under condition 1, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.
- Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved

remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.”

4.17 **WDC Environmental Health Officer: Noise:**

- Noise during the construction phase

Assessment has been undertaken in relation to the potential construction impacts in accordance with BS5228 and these indicate that significant impacts will occur at some stage to all receivers during the construction of the development. This means that ‘best practicable means’ should be employed to reduce and control noise levels according to BS5228 and ensure that the noise impacts are managed appropriately. The report recommends that a Control of Pollution Act Section 61 Agreement is put in place to ensure that the potential noise effects are minimised. This could be made a condition of the planning consent, and that a Section 61 Agreement is obtained before construction work commences.

- All construction activities should take place between 07.30 – 18.00 Monday to Friday and Saturdays between 07.30 –13.00 and at no other times unless written approval is obtained from the local Planning Officer.

4.18 The cumulative impact of noise from the building services plant

- Noise from building services plant has been assessed and a condition should be used to limit the noise impact from this source at the nearest noise sensitive receptors. It has previously agreed that the combined noise level of all plant in operation at Units 1 and Unit 2 shall achieve a minimum of 10dB below the existing background noise (expressed as L_{A90} dB) at the receivers.

Suggested noise limits for a condition:

- Cumulative noise levels from all building services plant associated with Unit 1 should not exceed a value of 35dB L_{Aeq} at 10m from the nearest façade of Unit 1. The nearest receptors are the residential premises in Compass Street.
- Cumulative noise levels from all building services plant associated with Unit 2 should not exceed a value of 37dB L_{Aeq} at 10m from the nearest façade of Unit 2. The nearest receptors are the rear of the residential premises in Albany Road.
- A time limit will have to be put on the use of all plant associated with the Units 1 and 2 and this could be a condition with a restriction that plant can be operated only between 07.00 – 23.00, otherwise additional representational noise measurements will need to be taken and more onerous targets set. This condition is required because refrigeration plant may operate 24/7, but the consultant was unable to factor this into his assessment because no information was available.

4.19 User (people noise) noise from the development

- User noise from the development is difficult to quantify and probably difficult to control, as the area is likely to become a meeting place late in the evening and in the early morning hours. Appropriate signage may have some impact, but realistically the area will be busier and noisier. It might be appropriate to have a condition that requires Burger King to submit

a noise management plan and this to be agreed in writing with the planning officer before trading commences.

4.20 'The Drive Through' noise

- The Drive Through element of Unit 1 will incorporate an internal and external speaker system to be used for the relay of order information. The document 'Burger King Framework Document CgMs Generic ', outlines the specification for this system, which it states incorporates the latest technologies to minimise noise. I have not had the opportunity to examine the detail of the specification, but I suggest that the limits are conditioned as follows:
- Noise levels from speaker systems associated with Unit 1 should not exceed a value of 30dB $L_{Aeq, 5 mins}$ at 10m from the nearest façade of Unit 1.
- Noise levels from all speakers systems associated with Unit 2 should not exceed a value of 32dB $L_{Aeq, 5mins}$ at 10m from the nearest façade of unit 2.
- The noise levels are set lower because of the characteristic of the noise is intermittent. It is reasonable to assume that there is a possibility that a similar speaker operation may be installed at Unit and hence the condition to control noise emissions from Unit 2.

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4.21 HGV Deliveries

- There is a possibility that deliveries may take place outside of the normal operational times, so that it would be reasonable to apply some restrictions. Deliveries to the units shall not occur between 19.00 – 0800 hours at any time, Monday to Saturday with no deliveries on Sundays or Bank Holidays.
- Measures to mitigate noise from delivery activities can also be documented and included in the Noise Management Plan.

4.22 Control of odour impact

- Cooking of meat and high fat content foods at the Burger King premises will require that odour abatement is provided and that an appropriate detailed design specification of the kitchen exhaust system shall be submitted to secure the approval in writing of the Local Planning Officer before trading begins at Unit 1.
- It might be a good idea to apply a similar condition at Unit 2, just in case a similar type of business occupies the Unit.

4.23 **Suffolk Wildlife Trust:** Were consulted on 9th September 2016

4.24 **Anglian Water:** Were consulted on 9th September 2016

4.25 **Essex and Suffolk Water:** No objection.

4.26 **Highways England:** No objection.

4.27 **Suffolk Preservation Society:** Thank you for your letter dated 9 September seeking the views of the Society on the recently submitted amendments to this scheme which retain the lower part of Coopers Warehouse on the Compass Street and Jubilee Way boundary.

- This letter should be read in conjunction with our previous letter dated 16 August 2016 which considered other aspects of the proposal for this site. Whilst we acknowledge the token gesture to conserve an important element of the historic environment, we consider this proposal demonstrates a superficial approach to heritage management that represents a sad lack of understanding. Heritage is more than a collection of random elements and the pick and mix approach to conservation inherent to the application is both ill informed and depressingly regressive.
- The removal of the roof, rear and gable elevation, first floor of the building as well as the internal walls generates both structural and maintenance liabilities which will need careful attention. It is unclear as to how the remnants of Coopers will be treated as there is a complete lack of detail in the application, for example the partial retention of two outer walls will presumably require buttressing. There is also a strong likelihood that the resulting space created behind the wall will attract litter and be a target of anti social behaviour.
- Furthermore, we consider the attempts to “harmonise” the restaurant with adjoining heritage assets by the use of red brick cladding and rusticated render to reflect the Town Hall and Coopers, respectively, is misguided in the extreme. In our view, it will not minimise the harmful impact of the development upon the setting of the adjoining heritage assets but appear incongruous. A more successful approach would be to use planting and high quality landscaping to create a sense of place that would be attractive and pleasing.
- We strongly urge the local planning authority to reconsider this ill conceived approach to Coopers and call for a more realistic approach by recognising the merits of the buildings and retaining it in a sustainable new use together with high quality landscaping to enhance the setting of the listed town hall.

4.28 **Victorian Society:** Were consulted on 9th September 2016

PUBLICITY

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

Category	Published	Expiry	Publication
Adjacent to Listed Building	16.09.2016	06.10.2016	Beccles and Bungay Journal
Adjacent to Listed Building	16.09.2016	06.10.2016	Lowestoft Journal

SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Adjacent to Listed Building. Date posted 09.09.2016 Expiry date 29.09.2016
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5 PLANNING POLICY

5.1 The National Planning Policy Framework (NPPF) was published in March 2012. At the heart of the NPPF is a presumption in favour of sustainable development (para. 14). The

NPPF makes clear that for decision taking, the presumption means approving development proposals that accord with the development plan without delay. In particular the NPPF, at paragraph 17, encourages the effective use of land by reusing land that has been previously developed (brownfield land).

- 5.2 Section 12 of the NPPF addresses conserving and enhancing the historic environment. In particular paragraph 132 states that great weight should be given to the conservation of designated heritage assets. Any harm or loss should require clear and convincing justification. Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.3 The **Core Strategy** was adopted in January 2009. **Policy CS01** states that Lowestoft is the main town in the District where it is envisaged approximately 70 to 80% of the housing growth and 70 to 80% of the additional 5000 jobs are to be created, with the majority of this growth on previously developed land. **Policy CS02** requires high quality and sustainable design. In particular proposals should reflect local character and distinctiveness and protect historic character. **Policy CS10** identifies Lowestoft as the major town centre in the district, and the preferred location for retail, leisure and office uses in the hierarchy of settlements. **Policy CS17** expects development proposals to conserve or enhance the character and setting of conservation areas.
- 5.4 The **Development Management Policies** were adopted in 2011. **Policy DM02** sets down Design Principles for new development, in particular proposals should be sympathetic to the character of a site and the quality of the built environment. **Policy DM30** seeks to protect and enhance the historic environment.
- 5.5 The **Site Specific Allocations Document** was adopted in 2011. **Policy LOW 3** allocates the Town Hall, Council Offices and car parks at Mariners Street and Compass Street for mixed use including student accommodation, offices/studio/creative industries, live-work units (approx. 9 units) and housing (7 units).

PLANNING CONSIDERATIONS

UPDATE FROM THE MEETING HELD ON 24TH AUGUST 2016

- 6.1 A previous application for a similar proposal was refused by this Committee at the meeting on 24th August 2016 (DC/16/2784/RG3). At the same meeting an application for the proposed signage was deferred (DC/16/2787/RG3) and an application seeking prior approval to demolish buildings on the site was approved (DC/16/2733/DEM). Demolition of the buildings has commenced.
- 6.2 Separate applications on this agenda consider the deferred application for the proposed illuminated signage for the proposed restaurant/take away (DC/16/2787/RG3) and a further application for a totem sign (DC/16/3355/RG3).
- 6.3 The previous Committee report for the proposed restaurant/take away (DC/16/2784/RG3) is attached in **Appendix 1**. The application was refused on the following grounds:

“The site is adjacent to both Lowestoft Town Hall, a Grade II listed building, and the Lowestoft North Conservation area. Policy CS02 of the adopted Core Strategy (January 2009) requires all development proposals to demonstrate high quality design that positively improves the character, appearance and environmental qualities of an area and Policy CS17 states that proposals are expected to conserve or enhance the character and setting

of the Lowestoft North Conservation Area. Policy DM30 of the adopted Development Management Policies (January 2011) states that development proposals should protect the architectural or historic interest including the setting of listed buildings and their settings through high quality sensitive design. The design of the proposed building is not considered appropriate or of sufficiently high enough quality in terms of the elevational details to respect the sensitive location of the site within the setting of the Town Hall. It is therefore considered that the proposal would be contrary to the aims of policies CS02, CS17 and DM30. Furthermore it is considered that the harm to the setting of the Town Hall is not outweighed by the public benefit, contrary to paragraph 134 of the National Planning Policy Framework.”

Revised Proposals

- 6.4 This revised application seeks to address the reasons for refusing the original scheme.
- 6.5 From the refusal reason it is apparent that the Committee’s primary concern was that the design of the proposed building did not appropriately respect the sensitive location of the site within the setting of the listed Town Hall.
- 6.6 The main changes made in this revised scheme can be summarised as follows:
- Use of red and buff coloured brick to match those of the Town Hall
 - Use of render with V grooves to match the Coopers building render
 - Partial retention of the walls of the Coopers building
 - Raised parapet to screen roof mounted plant
 - 2 dedicated pre-pay waiting bays within the car park
- 6.7 Visualisations from the architects will be presented at the meeting showing the context of the proposals to their surroundings and specific relationship with the Town Hall.
- 6.8 It is clear that in seeking to address the Committee’s concerns the proposed revisions are designed to be a heritage improvement. The revised proposal carries forward the colours textures and design details from the façade of the Town Hall and the Coopers building. These features include the red and buff coloured bricks from the Town Hall and the render detail from the Coopers Building wall on the southwest corner of the site. The proposal is therefore making a clear acknowledgement of and reference to the designated and non-designated heritage assets adjacent to the site. As such it is considered that the revised exterior finishes and colours are more sympathetic to the immediate surroundings of the Town Hall, the Conservation Area and the Coopers building.
- 6.9 The proposed raised parapet effectively screens roof mounted plant that in the previous scheme would have been visible and unsightly. Nevertheless the proposed building remains a low single storey building that sits quietly and unobtrusively in the setting of the listed Town Hall, as such the proposals assimilate well to their setting. It is considered that the much improved materials and finishes significantly improve the appearance of the building. It is further noted that the materials now proposed are of a considerably higher standard than those used on a ‘standard’ Burger King restaurant.
- 6.10 The Coopers building in the south west corner of the site is a non-designated heritage asset. In the previous scheme it was intended to demolish the building and prior approval for its demolition was granted at the meeting on 24th August 2016 (DC/16/2733DEM). Notwithstanding this approval the other main change in this revised application is that it is now proposed to retain the rendered (bottom section) of the southern and western walls, facing Compass Street and the A12 respectively. Retention of part of the Coopers building walls seeks to respond directly to the previous objections to the loss of the building.

- 6.11 It is proposed that the walls would be capped in special canted brick and special concrete capping replicating the detailing of the town hall capping. The walls are proposed to be painted a grey colour with the existing historic wording traced in black lettering and plain LED lighting is proposed to cast light over the wording. The existing door and frame to the A12 is proposed to be retained and the doorway to Compass Street infilled with metal railings to allow views through.
- 6.12 It is considered that retention of part of the Coopers building is an important and significant enhancement of the original scheme as retaining these walls will partially preserve this non-designated heritage asset. The Design and Conservation Officer considers the retention of parts of the outer walls of the Coopers building to be a modest enhancement of the earlier scheme which, if carefully detailed, could provide a partial reminder of the historic character that existed on the site. Retention of the walls will also contribute to the sense of enclosure that is such an important indicator of the historic character of this part of the town. The Design and Conservation Officer also considers that this remnant could be further enhanced by the inclusion of an interpretation board replacing the door opening on the Compass Street elevation.
- 6.13 Therefore, in terms of townscape impact and preservation and enhancement of historic elements the proposal to partially retain the Coopers building walls is considered to be integral to the success of the scheme proposals overall. Full details of the method of retaining the walls, including the colour and treatment of the lettering, should be agreed to ensure the work is carried out in a satisfactory manner. Such details can be secured by condition if the application is approved.
- 6.14 Given that this report considers only the proposed changes to the scheme it is considered that there has been no change to the other considerations that are set down in the attached report in Appendix 1, including impact on residential amenity, heritage considerations (other than partial retention of a non-designated heritage asset) and the benefits of the scheme. These aspects were not referred to within the refusal of planning permission and are taken to be acceptable.

7 CONCLUSION

- 7.1 This application seeks to address the reasons for refusing the previous scheme by improving the external materials and finishes on the building and retaining part of the Coopers building, a non-designated heritage asset. It is considered that these proposed revisions are a significant improvement to the original proposal that will ensure the proposed building relates much better to its sensitive surroundings within the setting of the Town Hall, a grade II listed building and close to the conservation area. Furthermore the partial retention of the Coopers building walls will retain and preserve historic elements of site that otherwise would be lost. Retention of these walls is supported and welcomed, giving a direct reference and context to the redesigned restaurant. Therefore it is considered that the revisions that have been made are sufficient to overcome the previous reasons for refusal. Accordingly the application is recommended for approval.

8 RECOMMENDATION

- 8.1 That authority be granted to officers to grant permission, subject to:
1. Receipt of outstanding consultation responses and any additional conditions arising therefrom.
- And the following 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 not be brought into use until it has been completed in all respects strictly in accordance with Drawing Nos. 02 Rev P4, 03 Rev P3, 04 rev P3, A3/200 Rev A and E01 Rev P2 received 9th September 2016 and Drawing No. 06 Rev P2 received 20th September 2016, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. Prior to the erection of the building details and samples of all external materials and finishes shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 15-12-24/03 Rev P3 and made available for use prior to any other part of the development taking place. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

5. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 15-12-24/04 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.

6. The use shall not commence until the area(s) within the site shown on Drawing No. 15-12-24-03 Rev P3 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

7. Following site clearance and demolition, but prior to development, the site will be inspected by a competent person (as defined by the NPPF) for the presence of contamination. Prior to the commencement of development the results of the inspection must be submitted in writing to, and approved by, the local planning authority.

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

8. In the event that contamination is found or suspected at any time when carrying out the approved development, including the inspection required under condition 7, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

9. Full details of hard and soft landscaping for the site shall be submitted to and approved in writing by the local planning authority. The hard and soft landscaping scheme shall be implemented in accordance with the approved details prior to the building first becoming operational. Any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

Reason: to ensure that the appearance of the development is satisfactory

10. Within 12 months of the use hereby permitted ceasing the building shall be removed from the site and the land restored, in accordance with a Restoration Method Statement to be submitted and approved in writing by the Local Planning Authority. The Restoration Method Statement shall be submitted within 6 months of the use ceasing.

Reason: In order to reinstate the land in the interests of amenity.

11. Cumulative noise levels from all building services plant associated with the restaurant/take-away 1 should not exceed a value of 35dB L_{Aeq} at 10m from the nearest façade of Unit 1. The nearest receptors are the residential premises in Compass Street.

Reason: In the interests of residential amenity.

12. All building services plant shall only operate between the hours of 07.00 – 23.00 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

13. Deliveries to the restaurant/take-away shall not occur between 19.00 – 0800 hours at any time, Monday to Saturday with no deliveries on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

14. Prior to the use hereby permitted becoming operational a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall be implemented entirely in accordance with the approved details throughout the operation of the building.

Reason: In the interests of residential amenity.

15. Noise levels from speaker systems associated with the restaurant/take-away shall not exceed a value of 30dB LAeq. 5 mins at 10m from the nearest façade of the restaurant/take-away.

Reason: In the interests of residential amenity.

16. Prior to the use hereby permitted becoming operational a detailed design specification of the kitchen exhaust system shall be submitted and approved in writing by the local planning authority. Only the approved specification shall be installed and shall be operated in accordance with the approved details.

Reason: In the interests of residential amenity.

17. Within 3 months of the commencement of the use hereby permitted a scheme for the illumination of principal features on the Town Hall shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the scheme being approved it shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the site.

18. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide details of:

19.

- proposed hours of work
 - proposed piling methods
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding and acoustic screens
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for the recycling/disposing of waste resulting from construction works
- The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of amenity and to ensure a safe development.

20. The value of illumination, at ground level, must be no greater than 1 lux at the highway boundary.

Reason: In the interest of highway safety and residential amenity.

21. No working below ground level shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

22. No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 20 and the provision made for analysis, publication and dissemination of results and archive deposition.

23. Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

24. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before work on the retained walls of the Coopers building is begun. The work shall be carried out in accordance with such approved details:

- Full materials specification, including the colour of the walls and treatment of the lettering;
- all construction details;
- all lighting details;
- treatment of door and window openings
- interpretation board details

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

BACKGROUND INFORMATION:

See application ref: DC/16/3752/RG3 at

www.waveney.gov.uk/publicaccess

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