

Committee Report

Item No: 7B

Reference: DC/23/00996

Case Officer: Nikita Mossman

Ward: St Peter's.

Ward Member/s: Cllr Paul Ekpenyong.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Installation of 2no shopfront door sets and associated paving to frontage to Unit 1B.

Location

Unit 1B, Gipping Way, Stowmarket, IP14 1RA

Expiry Date: 26/04/2023

Application Type: FUL - Full Planning Application

Development Type: Minor Retail distribution & servicing

Applicant: Babergh and Mid Suffolk District Councils

Agent: Mr Mark Payne

Parish: Stowmarket

Site Area: 10 square metres

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The application site is owned by Mid Suffolk District Council.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Adopted Development Plan for Mid Suffolk District Council comprises the Mid Suffolk Core Strategy Focused Review (2012), the Mid Suffolk Core Strategy (2008) and the Mid Suffolk Local Plan (1998), specifically the live list of 'saved policies' (2007). The following are considered the most relevant to the determination of this proposal.

CLASSIFICATION: Official

NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance

Adopted Mid Suffolk Core Strategy (2008)
CS05 - Mid Suffolk's Environment

Adopted Mid Suffolk Core Strategy Focused Review (2012)
FC01 - Presumption in Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development

Adopted Mid Suffolk Local Plan (1998)
GP01 - Design and layout of development
HB08 - Safeguarding the character of conservation areas.
H16 - Protecting existing residential amenity.
S08 - Shop front design
SB02 - Development appropriate to its setting
T11 - Facilities for pedestrians and cyclists
T12 - Designing for people with disabilities.

Stowmarket Area Action Plan (2013)
Policy 4.1 - Presumption in Favour of Sustainable Development
Policy 5.1 - General Retail Policies for all of the Stowmarket Area Action Plan
Policy 5.2 - Secondary Shopping Frontages
Policy 9.5 - Historic Environment

Emerging Joint Local Plan Modifications (2023)
LP09 - Supporting a Prosperous Economy
LP11 - Retail and Town Centres
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP28 - Services and Facilities Within the Community

The Councils have commenced consultation (starting 16th March 2023) on their Joint Local Plan (JLP) modifications. During the emergence of the JLP policies were afforded limited weight in the decision making process, at the present time due to the continued emergence of the policies through this consultation, these policies are afforded some added weight in the decision-making process.

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area, falling instead within the Stowmarket Area Action Plan as detailed above.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

[Click here to view Consultee Comments online](#)

Town/Parish Council (Appendix 3)

Stowmarket Town Council

No comments received.

County Council Responses (Appendix 4)

SCC Highways

No objection, subject to informative.

Internal Consultee Responses (Appendix 5)

Heritage Team

No objection; the proposal will not be detrimental to the character and appearance of the Stowmarket Conservation Area.

Economic Development

Support application; it seeks to improve the access to the premises which should be helpful in attracting future occupiers.

Environmental Health (Noise/Odour/Light/Smoke)

No objection.

B: Representations

At the time of writing this report no letters/emails/online comments have been received. A verbal update shall be provided, as necessary.

PLANNING HISTORY

REF: 1539/16	Erection of four advertisements; one internally illuminated totem sign (sign 3), one internally illuminated advert to south-west elevation (sign 1) and 2 no. non-illuminated adverts (sign 4 to the north-west elevation and sign 5 to the north-east elevation).	DECISION: SPL 15.09.2016
REF: 2032/13	Retention of installation of new fascia signage.	DECISION: GTD 04.09.2013
REF: 1407/13	Two signs located on the buildings South-East and South-West elevations	DECISION: WFI 06.08.2013
REF: 2155/12	Erection of 2no. fascia signs and retention of 1no. wall mounted sign.	DECISION: GTD 20.08.2012
REF: 2313/11	Retention of illuminated advertising signage at southeast, northeast and southwest elevations of store and free standing double sided totem sign at junction between Gipping Way and Union Street	DECISION: WDN 20.09.2011

REF: 4107/08	Retention of 3 advertisements; a high level fascia sign on the north-east elevation; a post sign at the entrance to Gipping Way, and; an altered (reduced in height) pole sign fronting the car park.	DECISION: REF 06.02.2009
REF: 1781/05	Illuminated company logos	DECISION: WDN 21.10.2005
REF: 0819/05/	Two illuminated signs on food store, two free standing illuminated pole signs.	DECISION: REF 06.06.2005
REF: 1298/02	Demolition of existing derelict waterworks filter building and construction of new food retail store. part demolition of existing/vacant building and refurbishment of remainder to form new commercial unit (a1/a2/b1 use) unit. part demolition of existing co-op general store and refurbishment of remainder to form small new shops. associated external works, parking, landscaping and general infrastructure for the above.	DECISION: REF 19.12.2002
REF: 0490/99/	ERECTION OF NON FOOD RETAIL OUTLET WITH ASSOCIATED CAR PARKING, SERVICING AND LANDSCAPING	DECISION: GTD 15.03.2002
REF: 0003/04/CAC	DEMOLITION OF THE FILTER BUILDING	DECISION: GTD 05.11.2004
REF: 0415/02/	Demolition of existing derelict waterworks building and construction of a new food retail store. Part demolition of existing derelict/vacant buildings and refurbishment of remainder to form new commercial (A1/A2/B1 use) unit. Part demolition of existing co-op general store and refurbishment of remainder to form new small shops. Provision of associated external works.	DECISION: REF 31.10.2002
<u>Unit 1 Planning History (Papa Johns)</u>		
REF: DC/19/04869	Part change of use of A1 unit to Gym including alterations to entrance door	DECISION: GTD 12.12.2019
REF: DC/22/04313	Subdivision and part change of use of unit (former vacant Poundland Class E(a) retail unit) to a hot food takeaway (Sui Generis) including new glazed frontage, creation of	DECISION: GTD 28.10.2022

side access, extraction flue system and 3No
Condenser Units.

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site is located within the northern part of Stowmarket Town Centre and is accessed via Union Street West. The site is currently an unlet commercial space. The plot was sub-divided with Unit 1 being occupied by PureGym and Unit 1A being occupied by Papa Johns. Gipping Way bounds the site to its east, Union Street Long Stay Car Park to the north, and commercial uses are located to the south and west of the site, beyond the car park.
- 1.2 The site is located in the Stowmarket Conservation Area. The building is not listed. There are many Grade II and Grade II* listed buildings nearby with a Grade I listed church nearby also.
- 1.3 The site is located within Flood Zone 1 and is not vulnerable to pluvial or fluvial flooding.

2.0 The Proposal

- 2.1 The proposal seeks planning permission for the installation of 2no shopfront door sets and associated paving to the frontage of Unit 1B.
- 2.2 The door sets are proposed to be on the front elevation and measure 3.167m by 2.708m. This comprises of 3no. smaller windows on the top of the door set and 2no. larger window panels and a door below. There is space to the top of the door sets that allows for the business logo of any future occupier.
- 2.3 Unit 1B also wraps behind the Papa Johns premises. There is also space for a logo on the section that is to the rear of Papa Johns.
- 2.4 The proposal also includes the reprofiling of the paving to frontage of Unit 1B to allow for safer and improved pedestrian access and accessibility.

3.0 The Principle of Development

- 3.1 As a full application for the installation of 2No. shopfront door sets and associated paving to frontage to Unit 1B, the application is assessed under Local Plan policies GP1, S8, HB8 and Core Strategy Policies CS5, FC1, FC1.1 and the NPPF.
- 3.2 Key considerations will be the design of the proposed door sets, landscape and heritage considerations and the residential amenity of any neighbouring properties. Policies GP1, S8 and LP09 are most relevant in this case.
- 3.3 Local Plan Policy GP1 states (inter alia):
*“Proposals should maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development;
- materials and finishes should be traditional, or compatible with traditional materials and finishes and should respect local architectural styles where appropriate...”*

- 3.4 Local Plan Policy S8 states “*proposals for the introduction, replacement or alteration of shop fronts should be in scale with the building in which they are set and be sympathetic in nature and appearance to the character of the building and its surroundings. Within conservation areas special attention should be given to the design, colour, materials and detailing of proposed shop fronts.*”
- 3.5 Emerging JLP Policy LP09 states (inter alia):
“*Proposals for employment use must: a. Be sensitive to the surroundings, including any residential and other amenity, landscape and heritage assets; b. Demonstrates a high standard of design...*”
- 3.6 Subject to compliance with the details of these policies the proposal is considered acceptable in principle.

4.0 Design and Layout

- 4.1 Section 12 of the NPPF requires inter alia that local planning authorities seek to promote and reinforce local distinctiveness as well as design. Paragraph 130 of the NPPF states that decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, and function well and add to the overall quality of the area.
- 4.2 Policy GP1 calls for proposals to, amongst other matters, maintain and enhance the character and appearance of their surroundings, materials and finishes should be traditional, or compatible with traditional materials and finishes and should respect local architectural styles where appropriate.
- 4.3 The proposal would create new door sets into existing brick work panels and associated paving to frontage to Unit 1B to meet the new door thresholds. This would match the shop front designs of the businesses on either side of the site. It is considered that the addition of these door sets will improve the viability of the unit and be attractive to future occupiers.
- 4.4 The proposed materials are black powder coated aluminium for the door frames and thermally efficient double glazed door sets. The doors are proposed to be wide leaf with the option for assisted power opening devices. This is to match the neighbouring Papa John’s shop front design. In light of all of this the proposal is therefore considered acceptable.
- 4.5 To conclude, the proposal would not erode the character of the area, nor reduce the amenity of the area by means of appearance, traffic generation, nuisance or safety and accords with policies GP1, S8 and LP09.

5.0 Heritage Issues

- 5.1 The duty imposed by s.72(1) of the Listed Buildings Act 1990 imposes a strong presumption against the grant of planning permission which causes harm to a designated heritage asset. It requires the decision-maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Where the proposed development would impact the significance of a designated heritage asset, the decision-maker must also give great weight to the asset’s conservation [paragraph 199 of the NPPF].
- 5.2 Local Plan policy HB8 and emerging JLP policy LP19 place priority in protecting the character and appearance of conservation areas and the district planning authority will expect new building, alterations or other forms of development to conserve or enhance their surroundings.

5.3 The site is within the Stowmarket Conservation Area. The Council's Heritage Team were consulted on this application and consider that there will not be a detrimental impact to the character and appearance of the Conservation Area. Therefore, no harm would arise from the proposal, it therefore accords with the Development Plan and is acceptable.

6.0 Impact on Residential Amenity

- 6.1 With regard to Mid-Suffolk Local Plan Policy H16, it is crucial that development does not detrimentally affect residential amenity.
- 6.2 It is considered that this proposal does not give rise to any concerns of loss of neighbour amenity by reason of the positioning of the proposed door sets. It would face the existing car park which would not result in detrimental harm to neighbouring amenity in terms of overlooking and privacy issues.

7.0 Site Access, Parking and Highway Safety Considerations

- 7.1 The adjustment to the paving is to create a level access which is achieved by lifting and relaying the existing paving slabs to produce a gentle slope. The slope will be 1:21. If this is not done, it will cause uneven steps from the existing paving to the doors which could be a hazard to any potential customers. SCC Highways were consulted and they raise no objections.

PART FOUR – CONCLUSION

8.0 Planning Balance and Conclusion

- 8.1 Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.
- 8.2 The basket of policies identified hold full weight, of specific importance and relevance are Core Strategy Policy CS5, policies FC1 and FC1.1 of the Focussed Review and Local Plan policies GP1, HB8, S8, SB2. The emerging JLP policies are afforded some weight but are not yet the Development Plan. The policies relevant are LP09, LP11, LP19, LP23 and LP28. The Stowmarket Area Action Plan policies which are relevant also hold full weight. The policies that are relevant are policies 4.1, 5.1, 5.2 and 9.1. The proposal is considered acceptable with no adverse impacts to the character of the surrounding area, residential amenity, heritage, highways safety or flood risk.
- 8.3 There are no design concerns, the character and appearance of the Conservation Area would be maintained, and the Highways Authority are satisfied. The proposal offers no residential amenity concerns sufficient to warrant the refusal of the application. The proposal would allow for the plot to be suitable for renting by a business.
- 8.4 The application accords with relevant development plan policies and national planning guidance and permission should be granted.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to GRANT planning permission, including the imposition of relevant conditions and informative as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)

And the following informative notes as summarised and those as may be deemed necessary:

- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles