

## **Committee Report**

**Item No: 3**

**Reference:** DC/18/03381

**Case Officer:** Andrew Thornton

**Ward:** Stowmarket Central

**Ward Member/s:** Cllr Lesley Mayes, Cllr Paul Ekpenyong

---

## **RECOMMENDATION – APPROVE PLANNING PERMISSION WITH CONDITIONS**

---

### **Description of Development**

Planning Application. Change of Use from A2 (Professional and Financial Services) to Mixed Uses (incorporating A3 (Food and Drink), A4 (Drinking establishment) and D2 (Assembly and Leisure)).

### **Location**

11 Market Place, Stowmarket, Suffolk, IP14 1YY

**Parish:** Stowmarket

**Expiry Date:** 28/09/2018

**Application Type:** FUL – Full Planning Permission

**Development Type:** Full Planning Permission – Change of use

**Applicant:** Mid Suffolk District Council

---

## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

---

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

The applicant is Mid Suffolk District Council.

### **Details of Previous Committee / Resolutions and any member site visit**

None

---

## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

---

### **Summary of Policies**

HB01 - Protection of historic buildings.

HB03 - Conversion and alterations to historic buildings.

H005 - Preserving historic buildings through alternative uses.

HB08 - Safeguarding the character of conservation areas.

PR10 - Principal shopping areas for Stowmarket, Eye, Needham Market and Debenham

S07 - Provision of local shops

CS12 - Retail Provision

SAAP – Stowmarket Area Action Plan  
SAAP Policy 5.1 General Retail Policies for all of the Stowmarket Area Action Plan  
SAAP Policy 5.2 Principal Shopping Area (Primary and Secondary Shopping Frontages)  
SAAP Policy 5.4 Complementary Uses  
SAAP Policy 5.7 Guidelines and Principles  
SB02 - Development appropriate to its setting  
SDA04 - Sustainable development  
NPPF - National Planning Policy Framework

### **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**

##### **Stowmarket Town Council**

No objection raised

##### **Economic Development Officer**

Support the application and recommend approval.

##### **Land Contamination Officer**

No Objections

##### **Heritage Team**

The Heritage Team considers that the proposal would cause no harm to a designated heritage asset because no works are proposed. Any works proposed would require a further application.

##### **SCC - Highways**

The current proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council does not wish to restrict the grant of permission.

##### **Suffolk Fire and Rescue**

No new fire hydrants are required on this application.

##### **Water Officer**

Recommends a sprinkler system is fitted and that the building meets fire regulations.

##### **Environmental Control**

---

Noise: Important to separate consideration of *public* nuisance (as per the licensing regime) from possible loss of residential amenity. Therefore, necessary to impose conditions of hours of use – those applied for (06:00 – 01:00 weekdays, 06:00 - 02:30 weekends) are acceptable.

OFFICER'S COMMENT – It is suggested that this matter be left to discharge of condition (see below)

Separate condition to control the hours at which amplified music/speech may be played is strongly recommended.

Prior to the commencement of the development a scheme for sound-proofing the building shall be submitted to the Local Planning Authority for approval in writing. Only the approved scheme shall be implemented and shall be retained thereafter.

Odours: Condition required regarding any extract ventilation etc.

OFFICER'S COMMENT – These works would also require Listed Building Consent.

## **B: Representations**

None

---

## **PART THREE – ASSESSMENT OF APPLICATION**

---

### **1.0 The Site and Surroundings**

- 1.1 The site is a grade 2 listed building located on the High Street within the boundaries of Stowmarket and within its conservation area. It is within close proximity to a number of grade 2 listed buildings of various uses. The site was formerly a bank and has been left unused since 2017 when the branch was closed down as part of a programme of national bank closures.
- 1.2 The premises occupies a position in the centre of a row of banks that make up the eastern side of the town's Market Place. The building is Listed Grade II and lies within the town centre conservation area. For the purposes of planning, this part of the street is also designated as being within the Principal Shopping Area, and within the defined Primary Shopping Frontage.

### **2.0 The Proposal**

- 2.1 This application is submitted by Mid Suffolk District Council following the Cabinet direction set out in report "MCa/18/07 - Asset Investment Fund (Strategic Property Acquisition Stowmarket)." Cabinet approved the recommendations of this report on 4<sup>th</sup> April 2018: "To enable the Council to secure a strategic property and site within Stowmarket as an investment opportunity, and to assist economic growth within the District."
- 2.2 The proposal is described as *Change of Use from A2 (Professional and Financial Services) to Mixed Uses (incorporating A3 (Food and Drink), A4 (Drinking establishment) and D2 (Assembly and Leisure)*. No works are proposed.
- 2.3 It is envisaged that the whole of the premises is to be used to complement the cultural attraction that is the John Peel Centre, broadening its tourism, entertainment, leisure, refreshment and dining facilities. The application is speculative as no operator has been identified at this stage, and so the specific mix of uses cannot be established at this time. Accordingly, for the avoidance of doubt the planning permission is sought to enable any level of use within the proposed use classes, anywhere within the building. The proposal does not, therefore, include floorplans indicating the split of proposed uses.
- 2.4 As no changes are proposed to the building fabric as part of this application, nor any demolition or construction proposed, there is no requirement for Listed Building Consent.

### **3.0 The Principle Of Development**

- 3.1. The principle of the proposal is considered in accordance with the policies above as well as The National Planning Policy Framework (NPPF) which was issued in July 2018. At the heart of the NPPF is a presumption in favour of sustainable development.
- 3.2 Policy CS12 of the Mid Suffolk Core Strategy (2008) states: *“The Council will support the appropriate new retail, commercial and service development in order to strengthen the existing use and accessibility by public transport to retain and enhance the vitality and viability of Mid Suffolk town centres. Support will be given to proposals and activities that protect, provide for, retain or enhance existing, town centre community and cultural assets.”*
- 3.3 The proposal is supported by the Stowmarket Area Action Plan policies as is summarised below:
- SAAP Policy 5.1 permits proposals that enhances the day and night time (evening) economy, and contribute to the mix of uses that make a vibrant town centre.
  - SAAP Policy 5.2 supports mixed use
  - SAAP Policy 5.4 permits some A4 use in the Primary Shopping Frontage
- 3.4 It is envisaged that the building will have some linkage, formal or otherwise, with the John Peel Centre for Creative Arts, which is immediately adjacent to it. The John Peel Centre is a non-profit community organisation and is a major tourist attraction in the town. It is hoped that visitors to it will also use the facilities provided at the application site.
- 3.5 The John Peel Centre is currently open in to the early hours (serving refreshment up to 3am). Whilst the application site has been granted a licence which does not extend to this time, it is envisaged that it will benefit from this evening/night economy.
- 3.6 In broad terms of land-use, there is not a policy which seeks to retain A2 uses (rather, the aim is to avoid the loss of an A1 use – which this is not). By way of background, the supporting documents to the application indicate that the immediate group of 17 buildings which enclose the Market Place comprises 7 x A1 uses, 9 x A2 and 1 x A3. This shows a healthy mix of uses, without a major food or drink bias, but with banks, building societies and financial institutions very much in evidence. Therefore, the loss of a bank is not considered injurious to the well-being of this part of Stowmarket town centre, whilst the creation of a new leisure/food and drink use can be seen as a boon to its vitality and viability.
- 3.7 By way of background, it is also worth noting that a change of use to D2 or A3 would not require Planning permission, but simply Prior Approval (whereby the Council would only be able to decline the use if it were held to undermine the function of the town centre – this argument could not be sustained).
- 3.8 SAAP Policy 5.4 “Complementary Uses” does indicate that A4 uses will generally only be permitted on *secondary* frontages (whilst this is a *primary* frontage), however, it does allow an A4 use can be accepted *“where this can be justified by evidence to demonstrate that the proposed development will not conflict with or compromise the objectives of SAAP Policies 5.1, 5.2 and 5.3, and other policies of the development plan.”*

- 3.9 Policy 5.7 Part 5 supports development proposals that contribute to the evening economy. The proposed change of use clearly contributes to this.
- 3.10 Given the over-arching aims of Mid Suffolk's local policies, the boost to tourism and the beneficial use of a listed building (see below), the principle of the proposal at hand can be supported.

#### **4.0 Design And Layout**

- 4.1 The proposal does not include any works to the building, relating only to the proposed change of use. No layout drawings have been provided as the applicant is not yet sure of the potential end user(s).
- 4.2 To keep control of this, it is proposed by your Officers that such matters be dealt with by discharge of condition, where Heritage and Environmental Control Officers will be consulted to avoid any negative effects.

#### **5.0 Site Access Parking and Highway Safety Considerations**

- 5.1 The application site does not include access or parking, however given the location of the site within the principal shopping area, well served by public transport and public car parks, it is not considered that the proposal is unacceptable in this regard.
- 5.2 The site has no rear access for servicing so would be accessed from the Market Place. Whilst there would likely be an increased servicing requirement for A3, A4 and D2 uses compared to the current A2 use this is similar to other businesses in the town centre and can be controlled by means of condition to ensure that the impact is not unacceptable.

#### **6.0 Heritage Issues**

- 6.1. The duty imposed by s.66(1) of the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset (South Lakeland DC v Secretary of State for the Environment [1992] 2 AC 141). A finding of harm, even less than substantial harm or negligible harm, to the listed building and/or setting of a listed building is a consideration to which the decision-maker must give "considerable importance and weight" (Bath Society v Secretary of State for the Environment [1991] 1 W.L.R. 1303).
- 6.2 Chapter 16 of the NPPF relates to the determination of planning applications which affect the significance of heritage assets. In Paragraph 200, in particular, is apposite: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and, within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably". As the proposal is making use of a currently disused building in a conservation area it is considered to be bringing positive development to that Conservation Area.
- 6.3 This approach is echoed in Local Plan Policies. Mid Suffolk Local Plan policy SDA04 states that the Local Planning Authority will encourage a sustainable approach to development, which will allow for the retention and re-use of existing buildings and structures of historic or architectural interest in accordance with policies HB1 and HB3 of the Mid Suffolk Local Plan (1998). As the proposal is for the change of use of a currently disused Grade 2 listed building to allow it to be reused the proposal is considered in accordance with the policy.

- 6.4 Your Heritage Officer is of the view that the development does not cause any harm to the heritage asset. As no harm has been identified the proposal is considered acceptable.
- 6.5. The proposed change of use is, due to its location on the High Street, not considered out of character with the surrounding restaurants, hot/cold food takeaways, cafés and various types of shops which also occupy the High Street. As a result, the proposed change of use is not considered to result in harm to the character of the Conservation Area.

#### **7.0 Impact on Residential Amenity**

- 7.1. The proposed conversion would not have a negative impact on any neighbour amenity, as the proposal is located on a busy High Street where the use is not out of character and will not have an impact on any residential properties.
- 7.2 It is also worth re-iterating, that the neighbouring John Peel Centre is licensed to host entertainment and serve alcohol until 02:00, and refreshments until 03:00 seven days a week; whilst the application site has a licence which allows all of these activities to cease no later than 01:30. A condition to agree opening hours is further proposed to ensure the impact of opening is appropriately controlled.
- 7.3 Whilst a specific set of hours has been proposed by the applicant and endorsed by your Environmental Control Officers, it is suggested that this matter be left to discharge of condition (in consultation with your Environmental Control Officers) in order to allow for greater flexibility and to avoid possible repeated Section 73 (Variation of Condition) Planning applications if small changes are sought.

#### **8.0 Planning Obligations/CIL**

- 8.1 No Planning obligations are required to make the scheme acceptable.
- 8.2. The development is not liable for CIL as no floorspace is being created.

#### **9.0 Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

- 9.1 The development will lead to financial benefits including additional Council Tax payments and additional benefits given that the applicant is Mid Suffolk District Council. However, these considerations are not held to be material to the recommendation made on this application, nor its decision.

---

## **PART FOUR – CONCLUSION**

---

#### **10.0 Planning Balance and Conclusion**

- 10.1 The proposed development is considered to constitute an opportunity to add to the leisure offering in Stowmarket, linking in with the legacy of the John Peel Centre and contributing positively to the evening and night-time economy.
- 10.2 The proposal is not held to cause any harm to residential amenity and it represents a beneficial use of a heritage asset.

10.3 Recommendation is to grant full planning permission.

**RECOMMENDATION**

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to grant planning permission, subject to conditions including:

- Standard time limit
- Approved Plans
- Hours of opening including deliveries to be agreed by condition
- Details of floorspace for proposed uses to be agreed by condition
- Hours in which amplified music/speech is permitted
- Sound-proofing measures to be agreed
- Details of extract ventilation etc.