

Development Management Delegated Decision Report

B/21/0069



SUMMARY OF APPLICATION				
Application Reference	B/21/0069			
Application Type	Full Planning Permission			
Proposal	Change of use of ground floor from 1No retail unit, restaurant and takeaway to 3No retail units and 1No takeaway unit, including subdivision and alterations to shopfront			
Location	140, West Street, Boston, PE21 8RE			
Applicant	Mr Harry Peng, Best Food UK			
Agent	Mr Steve Turner, steveturnerDESIGN			
Received Date:	19-Feb-2021	Consultation Expiry Date:	23-Mar-2021	
Valid Date:	25-Feb-2021	Statutory Expiry Date:	22-Apr-2021	
Date of Site Visit:	02-Mar-2021	Extension of Time Date:		
Objections received?	No			
5 day notification record: Not applicable				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Full Planning Permission			
Report by:	Grant Fixter			
Date:	19/04/21			



OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises of No.140 West Street which is within the Boston settlement boundary and town centre boundary and comprises a retail unit, restaurant and takeaway. The site is essentially surrounded by development, with a large number of frontage commercial units with varying uses along West Street.

DETAILS OF PROPOSAL:

This submission seeks full planning permission for the change of use of the ground floor from a retail unit, restaurant and takeaway to three retail units and one takeaway unit, including subdivision and alterations to the shopfront. In September 2020, there were changes to the use class order, where a number of uses were revoked and essentially replaced with the new Class E., which is what the proposed uses now fall under.

Full details are shown on the following plans:

- 0217-22 - Location Plan;
- 0217-21 Rev A - Existing Plans and Elevations;
- 0217-21 Rev B - Proposed Plans and Elevations;
- 0217-24 Rev A - HVAC & Extract Plan.

RELEVANT HISTORY:

- B/18/0466 - Application under s73 for variation of condition 2 relating to planning application B/18/0111 to alter the internal layout of proposed flat and store – Approved on 07/03/2019;
- B/18/0465 - S73 for variation of condition 2 relating to planning application B/18/0110 to alter internal layout of proposed residential apartments – Approved on 07/03/2019;
- B/18/0111 - Erection of storage building with first floor residential accommodation – Approved on 14/06/2018;
- B/18/0110 - Change of use of first floor over restaurant to 3 no. residential apartments (Class C3) – Approved on 14/06/2018;
- B/08/0109 - Externally illuminated fascia sign – Approved on 17/04/2018;
- B/06/0505 - Change of use of existing church/community centre (class D1) and shop (class A1) to ground floor restaurant with takeaway (mixed A3/A5) with first floor managers flat, office and store – Approved on 15/11/2006;
- B/06/0059 - Proposed demolition of existing church/community centre and replacement with three shops and five flats – Approved on 16/03/2006;
- B/02/0364 - Replacement ground floor windows – Approved on 13/09/2002.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio;
- Policy 24: The Retail Hierarchy;
- Policy 25: Supporting the Vitality and Viability of Boston and Spalding Town Centres;
- Policy 30: Pollution.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making;
- Section 6: Building a strong, competitive economy;
- Section 7: Ensuring the vitality of town centres;
- Section 11: Making effective use of land;
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

CONSULTATION RESPONSES:

Black Sluice Internal Drainage Board

Did not respond.

Environmental Health

Have no objections.

Lincolnshire County Council

Have no objections and made the following comments:

- The access and parking arrangements remain unchanged;
- The site is located in the town centre and there is good access by sustainable modes, with on street and town centre parking also available;
- A servicing bay is existing at the rear of the site, the change of use from A1 and A3, to A1 and A5 Hot food take away may marginally change the number of trips but safe and suitable access is provided for all and it is not considered that there would be unacceptable impact on highway safety;
- Surface water flood risk would be unaffected by the change of use proposals.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The key considerations in regards to this application are:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on amenity;
- Impact on highway safety and parking;
- Flood risk.

Principle of development

Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed.

Policy 24 of the SELLP states the town centre of Boston will be the locational focus for town centre uses and that planning permission will be granted for residential development, retail, food and drink outlets, financial and professional services, leisure and tourist-related uses.

Policy 25 of the SELLP indicates town centres will be the primary destinations for retail and other appropriate uses.

Boston is identified as a Sub Regional Centre in the SELLP, with Inset Map 1 – Boston showing the site to be within the settlement boundary. The SELLP indicates that Sub Regional Centres should be the main focus of appropriate development and growth. Policy 24 confirms the proposed retail and food uses are appropriate uses within the Town Centre.

The site is within the settlement boundary and town centre boundary of Boston, with the proposed uses being in accordance with those outlined in Policy 24 and 25. Subject to meeting other relevant policy considerations, the principle of development is acceptable.

Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposal seeks change of use for 3 frontage retail units and a takeaway unit to the rear of the building. It has already been established the proposed uses are in accordance with Policies 1, 24 and 25 of the SELLP, so the form of development is in keeping with the character of the area.

Turning to the appearance of the proposal, the site is not located within the Boston Conservation Area and there are no Listed Buildings that would be impacted by this proposal.

From review of the plans, on the north elevation there appears to be no changes to the first floor fenestration, with changes limited to the ground floor fenestration and signage zones. The existing provision of signage spanning over proposed units 1 and 2 will be split so each unit has their own signage, whilst unit 3 will retain its own signage zone. No specific details of the advertising to be placed on this elevation have been submitted and will need permission through an Advertisement Consent.

The proposed changes to the ground floor fenestration are deemed acceptable as there are a variety of windows/ doors to shop frontages along West Street and these will not detrimentally detract from the character of the area.

The proposed changes to the frontage elevation will not detract from the host building or the character of the area.

No changes are proposed to the south elevation, whilst a new door, window and signage zone are proposed on the east elevation. The changes will not detract from the host building or the character of the area. No specific details of the advertising to be placed on this elevation have been submitted and will need permission through an Advertisement Consent.

The proposal, therefore, complies with policies 2 and 3 of the SELLP in respect of the character of the area.

Impact on amenity

SELLP Policies 2, 3 and 30 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

The proposed uses of the site are in keeping with those along West Street and are, therefore, unlikely to impact neighbouring land uses.

The once concern would be hours of opening. This was raised with the agent who confirmed at present there are no agreed tenants for the three retail units so hours of use are not known. Retail use, however, is unlikely to lead to detrimental impacts on amenity as the hours will likely be those typically associated with retail. The agent did confirm hours for the takeaway use of 5pm to 10pm Tuesday – Sunday and closed on Mondays. This was the use deemed most appropriate to secure hours of operation for and those proposed are deemed acceptable and will be secured through a planning condition.

The proposal, therefore, complies with policies 2, 3 and 30 of the SELLP in respect of amenity.

Impact on highway safety and parking

The proposal is for uses which are seen along West Street and are commonly seen within the town centre boundary. LCC Highways have confirmed they have no concerns on highway safety or parking grounds and surface water would not be impacted by the proposed change of use.

The proposal is, therefore, acceptable on highway safety and parking grounds.

Flood risk

Policy 4 of the SELLP states a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, that it is essential infrastructure in FZ3a & FZ3b, it is highly vulnerable development in FZ2 or is more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk. Where supported by a site specific flood specific risk assessment a criteria will need to be adhered to.

The application site is within Flood Zone 3 and a Flood Risk Assessment forms part of this submission. As per Table 2 of the PPG, the change of use would not lead to an increase in vulnerability and LCC have confirmed there would be no increase in surface water risk/ flooding.

On those grounds, it is considered the works would not increase the flood risk to future occupiers or the surrounding area.

CONCLUSION:

The proposal is for the change of use from a retail unit, restaurant and takeaway to form 3 retail units and one takeaway unit with subdivisions and external alterations to the shopfront. The proposed uses are in accordance with those outlined appropriate for town centre locations and there will be no detriment to the character and amenity of the area.

The proposal, therefore, complies with both local and national policy. Accordingly, it is recommended to grant planning permission subject to conditions.

RECOMMENDATION:

GRANT Full Planning Permission subject to the following condition(s) and reason:-

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
The development hereby permitted shall be begun before the expiration of four years from the date of this permission.			
Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory			

Purchase Act 2004.
<p>The development hereby permitted shall be carried out in strict accordance with the application received on 18/02/2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> ▪ 0217-22 - Location Plan; ▪ 0217-21 Rev B - Proposed Plans and Elevations; ▪ 0217-24 Rev A - HVAC & Extract Plan; ▪ Flood Risk Assessment. <p>Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).</p>
<p>The takeaway unit as shown on 'Drawing 0217-21 Rev B - Proposed Plans and Elevations' shall not be open to the public except between the hours of 17:00 to 22:00 Tuesday to Sunday.</p> <p>Reason: In the interests of the amenity of the area in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.</p>

<p>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</p> <p>Other than signage zones, no specific details of the advertising to be placed on the elevations have been submitted and these will need permission through an Advertisement Consent, including any window vinyl's.</p>
<p><u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>