

# Development Management Delegated Decision Report

B/21/0386



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/21/0386		
<b>Application Type</b>	Full Planning Permission		
<b>Proposal</b>	New single storey extension to enclose fire escape route		
<b>Location</b>	West End Cinema, 32-44 West Street, Boston PE21 8QH		
<b>Applicant</b>	Mr James Collington, Savoy Cinemas Ltd		
<b>Agent</b>	Mr Neil Reynolds, XL Architects LLP		
<b>Received Date:</b>	18-Aug-2021	<b>Consultation Expiry Date:</b>	17-Sep-2021
<b>Valid Date:</b>	20-Aug-2021	<b>Statutory Expiry Date:</b>	15-Oct-2021
<b>Date of Site Visit:</b>	04-Oct-2021	<b>Extension of Time Date:</b>	
<b>Objections received?</b>	None		
<b>5 day notification record:</b>	Not applicable		
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	GRANT Planning Permission		
<b>Report by:</b>	Simon Eldred		
<b>Date:</b>	4 <sup>th</sup> October 2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is located on the southern side of West Street, Boston, and to the east of Paddock Grove. It contains a detached and largely three-storey, flat-roofed, brick building which accommodates a cinema and a gymnasium.

The site is located within Boston's commercial core, and surrounding land and buildings are used as public car parking, private garages, and retail and residential premises. There are a number of listed buildings in the vicinity.

### DETAILS OF PROPOSAL:

It is proposed to erect a single-storey extension at the south-eastern corner of the existing building. The proposed extension will measure approximately 18m x 2.6m in plan, and will stand approximately 4.3m-high. It will be constructed in brickwork to match the existing building, and will have a composite clad roof with trimline gutter in dark grey. It will provide a new, covered internal emergency escape corridor, in replacement of two existing external ramps and stairs.



## **RELEVANT HISTORY:**

B/00/0408 – full planning permission was granted for the change of use of a retail unit and warehouse to a multiplex cinema, and alterations and extensions.

B/02/0036 – advertisement consent was granted for cinema signage.

B/03/0372 – full planning permission was granted for change of use of vacant first floor to restaurant/bar, and second floor to office use.

B/17/0023 – advertisement consent was granted for replacement of signage to West Street and car park.

B/17/0024 – full planning permission was granted for removal of existing cladding and re-clad on West Street and car park elevations.

B/18/0501 – full planning permission was granted for erection of side extension to form covered escape route, and replacement of existing roof plant equipment.

## **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

The **South East Lincolnshire Local Plan 2011-2036** shows the application site as being within Boston's Settlement Boundary and within the Town Centre Boundary. The relevant Policies are:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk;
- Policy 29 – The Historic Environment;
- Policy 30 – Pollution;
- Policy 32 – Community, Health and Well-being; and
- Policy 36 – Vehicle and Cycle Parking.

## **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

### **National Planning Policy Framework (2021)**

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4 – Decision-making;
- Section 8 – Promoting healthy and safe communities;
- Section 9 – Promoting sustainable transport;
- Section 12 – Achieving well-designed places;
- Section 14 – Meeting the challenge of climate change, flooding and coastal change; and
- Section 16 – Conserving and enhancing the historic environment.

## **CONSULTATION RESPONSES:**

Boston Borough Council's Environmental Health department indicates that it has no objections.

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority): identifies that the access and parking arrangements remain unchanged; considers that the proposals will not result in an unacceptable impact on highway safety; and concludes that the proposals are acceptable.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

### **EVALUATION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regard to this application are:

- matters of principle;
- impacts on the character and appearance of the area;
- impacts on neighbours' amenity;
- impacts upon anti-social behaviour;
- impacts on nearby heritage assets;
- flood risk; and
- highway safety/parking provision.

#### ***Principle***

Policy 1 of the Local Plan identifies that, within Boston's Settlement Boundary, development will be permitted that supports its role as a Sub-Regional Centre.

It is considered that a proposal for an extension to an existing cinema meets these requirements of Policy 1.

#### ***Character of the area***

Policy 2 of the Local Plan indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area.

The proposed extension represents a very minor addition to an existing and very large building, which has a utilitarian character. The proposed extension will replace an existing covered lobby and two external ramps/stairs which provide emergency exits. It will have a similarly utilitarian character, and will consist of a covered internal emergency escape corridor, which will have no external windows or doors and will be constructed in materials to match the existing building.

Taking account of the above factors, it is considered that the proposal will: appear entirely in character with the existing building; have no significant harmful impacts upon the character and appearance of the area; and meet these requirements of Policy 2.

#### ***Neighbours' amenity***

Policies 2, 3 and 30 of the Local Plan require the amenity of neighbouring land users to be protected.

The proposed extension represents a very minor addition to an existing and very large building. It is not considered that the extension will materially worsen any existing impacts upon neighbouring land and buildings in terms of over-shadowing, loss of light, or harm to outlook. The proposed extension will have no external windows or doors, and will therefore have no impacts in terms of over-looking or loss of privacy. Lastly, the proposal is likely to reduce noise and other disturbance to neighbouring land users, by preventing anti-social behaviour.

In all, it is considered that the proposal will not harm neighbours' amenity and that it therefore meets the requirements of Policies 2, 3 and 30.

### **Anti-social behaviour**

Policy 3 of the Local Plan seeks new development to secure crime-prevention and community safety. Policy 22 indicates that development will not be permitted unless it discourages crime and disorder, and does not create the fear of crime.

The applicants indicate that the existing external ramps/stairs have become a focus for drug use and other anti-social activity, and intend the proposal to prevent such activities. It is considered that the proposal will meet these requirements of Policies 3 and 32.

### **Heritage assets**

Policy 29 of the Local Plan requires the conservation and, where appropriate, enhancement of the area's heritage assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest. In the context of Section 66 of the Act, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration – 'the first consideration for a decision-maker'. Planning decisions require balanced judgement but, in that exercise, significant weight must be given to the objective of heritage asset conservation, and this statutory duty sits above the policy objectives identified within the earlier section of this report.

Where harm will be caused, there is a necessity to establish the extent of that harm, and consider this within the policy context. In practice, this requires a methodical approach to be followed wherein the relevant assets which could be affected need to be identified, along with their significance. Consideration can then be given to any effects on this significance resulting from the proposals, which may be reduced through mitigation. If harm is identified, it is then required to establish the scale and extent of such harm, before moving on to matters such as the planning balance and weighing the public benefits arising against any identified harm.

Heritage assets affected – There are a number of listed buildings (all Grade II) relatively close to the application site, including 18-30 West Street, 33 and 35 High Street, and 49 to 51a High Street.

Impacts of the proposals on this asset – Although the listed buildings are relatively close to the proposed extension, they are visually separated from it by other buildings, parts of the existing cinema building, walls, and an extensive area of car parking. As a consequence, the extension and the listed buildings cannot be easily seen in the same view from any public vantage point.

Given the above, the very modest scale of the proposed extension, and the fact that it will blend well (in terms of design and materials) with the existing cinema building, it is considered that the proposal will have no negative impacts upon the significance of the listed buildings.

In all, therefore, it is considered that the proposal will not have harmful impacts upon heritage assets, and will meet the requirements of Policy 29 of the Local Plan, Chapter 16 of the NPPF, and the Planning (Listed Buildings and Conservation Areas) Act 1990.

### ***Flood risk***

Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

The application is accompanied by:

- a completed 'Householder and other minor extensions in Flood Zones 2 and 3' form, which indicates that the floor level within the extension will be set no lower than existing levels and that flood proofing of the proposed development has been incorporated where appropriate; and
- an e-mail confirming that:
  - the floor level of the proposed extension will be at 1.2m above outside ground level;
  - the new floor will be solid concrete;
  - no plasterboard will be used;
  - there will be no service entry points; and
  - the only electrics within the proposed extension will be lighting and fire alarm which will be at high level.

It is considered that the proposal will not increase flood risk elsewhere, and will also not be unnecessarily exposed to flood risk. In all, it is considered that the proposal meets the requirements of Policy 4.

### ***Highway safety/parking provision***

Policy 2 of the Local Plan identifies vehicular access as a sustainable development consideration. Policy 36 indicates that all new developments should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6.

The proposed extension:

- will have no impact upon day-to-day access arrangements to the building;
- will not increase the cinema's capacity; and
- will not impact upon the number of parking spaces that are available.

It is therefore considered that it will have no impacts upon highway safety, and it is noted that this is a view shared by the Highway Authority. In all, therefore, it is considered that the proposal meets the requirements of Policies 2 and 36.

### **CONCLUSION:**

It is considered that the proposals:

- are acceptable in principle;
- will not harm the character and appearance of the area;

- will not harm neighbours' amenity to an unacceptable degree;
- will have positive impacts in terms of discouraging anti-social behaviour;
- will have no negative impacts upon the significance of nearby listed buildings;
- are acceptable in flood risk terms;
- will not compromise highway safety; and
- meet the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2011-2036.

### **RECOMMENDATION:**

GRANT Planning Permission subject to the following conditions and reasons:-

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received 18-Aug-2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>• Drawing number XL1142/01 revision P1 – Site Layouts; and</li> <li>• Drawing number XL1142/03 revision P1 – Proposed Layout &amp; Elevation.</li> </ul> <p><b>Reason:</b> To ensure that the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2, 3, 4, 30, 32 and 36 of the South East Lincolnshire Local Plan 2011-2036.</p>

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>
<p><b><u>STATEMENT OF PROACTIVE WORKING:</u></b></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>