

# Development Management Delegated Decision Report

B/22/0031



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/22/0031		
<b>Application Type</b>	Listed Building Consent		
<b>Proposal</b>	Listed Building Consent for Proposed change of use from hair and beauty salon to hot food takeaway (Class Sui Generis) including internal alterations		
<b>Location</b>	Royal Sports & Fashion, 27 High Street, Boston PE21 8SH		
<b>Applicant</b>	Mr Mehmet Bahadir		
<b>Agent</b>	Mr Adrian Fox, AF Architecture		
<b>Received Date:</b>	02-Feb-2022	<b>Consultation Expiry Date:</b>	28-Feb-2022
<b>Valid Date:</b>	02-Feb-2022	<b>Statutory Expiry Date:</b>	<b>30-Mar-2022</b>
<b>Date of Site Visit:</b>	12-May-2022	<b>Extension of Time Date:</b>	<b>20-May-2022</b>
<b>Objections received?</b>	None		
5 day notification record: Not applicable			
	<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>
<b>Recommendation</b>	GRANT Listed Building Consent		
<b>Report by:</b>	Simon Eldred		
<b>Date:</b>	16 <sup>th</sup> May 2022		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

27 High Street, Boston is located at the corner of West Street and High Street, and is Grade II listed. The list description reads:

*“House now shop. Early C19, altered C20. Red/brown brick in English bond, hipped slate roof. EXTERIOR: 3 storeys, 2-bay main front, 3-bay side front. Later C19 recessed shop front with external cast-iron columns and angled corner entrance with half-glazed door. To 1st and 2nd floors 9-pane glazing bar sashes, with splayed stucco cambered lintels. In the side front a tall central semi-circular-headed stair window. Ogee gutter with lion's head masks. INTERIOR: not inspected.”*



## **DETAILS OF PROPOSAL:**

Listed Building Consent is sought for alterations to the building required to facilitate the change of use of its ground-floor from a hair and beauty salon to a hot food takeaway. These alterations involve:

- externally, the installation of a new ventilation flue adjacent to the building's western elevation, which will terminate at ridge level; and
- internally, the removal of a non-original stud-wall and the installation of: new kitchen appliances; a new ventilation grill and associated ducting; a food preparation area; a hand-wash sink; and new electrical points and lighting.

## **RELEVANT HISTORY:**

- B/14/0335 and B/14/0336 – Listed Building Consent and Full Planning Permission were granted on 24<sup>th</sup> and 14<sup>th</sup> November 2014 for the separation of the flat from the shop, the installation of an external stairway, 2 new external doors, and blocking up 2 windows.
- B/16/0034 and B/16/0035 – Listed Building Consent and Full Planning Permission were granted on 31<sup>st</sup> March 2016 for change of use from hairdresser to mixed use hair and beauty, external decoration, and the erection of 3 internal stud walls.
- B/17/0338 – Full Planning Permission was granted for the change of use of the upper floor from residential to a short-term Bed and Breakfast.

## **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, the Town Centre Boundary and the Conservation Area. A Cycle Route is shown passing to its east. The policies of relevance to this proposal are:

- Policy 2 – Development Management;
- Policy 3 – Design of New Development; and
- Policy 29 – The Historic Environment.

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

**The Planning (Listed Buildings and Conservation Areas) Act 1990**

**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 12 – Achieving well-designed places; and
- Section 16 – Conserving and enhancing the historic environment.

## **CONSULTATION RESPONSES:**

Heritage Lincolnshire initially asked for clarification re. the decoration of the shopfront – colour scheme, signage, etc. Following clarification from the agent that the colour-scheme would remain unchanged and that any signage would be the subject of a subsequent application, Heritage Lincolnshire indicated that *“it appears from the Design and Access Statement provided that there is little, or no visible historic fabric remaining and as such in principle the proposed future works are unlikely to affect the significance of this designated historic asset. I note within the statement and plans, that there is a suspended ceiling, above which the intention is to run duct ventilation for the grill. Without any information evidencing there are no historic features above the suspended ceiling, a condition should be applied to this consent to provide for their preservation/recording should they be discovered at the time works commence. ... Should this condition be applied to account for potential hidden historic features, we consider that the application will not be detrimental to the special architectural interest of 27 High Street ...”*

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

No third party representations have been received.

### **EVALUATION:**

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or any features of special architectural or historic interest it possesses (Section 16).

This statutory duty sits above the policy objectives identified within the earlier section of this report. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Beyond this, where harm would 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 will 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***

27 High Street, Boston is a Grade II listed building. The list description reads:

*“House now shop. Early C19, altered C20. Red/brown brick in English bond, hipped slate roof. EXTERIOR: 3 storeys, 2-bay main front, 3-bay side front. Later C19 recessed shop front with external cast-iron columns and angled corner entrance with half-glazed door. To 1st and 2nd floors 9-pane glazing bar sashes, with splayed stucco cambered lintels. In the side front a tall central semi-circular-headed stair window. Ogee gutter with lion's head masks. INTERIOR: not inspected.”*

#### ***Impacts of the proposals on this asset***

Externally, the proposed works involve the installation of a new ventilation flue adjacent to the building's western elevation. The proposed flue will be visible from West Street, and, as such, it is considered that it will have an impact on the Listed Building's appearance. However, views of the building's western elevation are largely obscured by a parapet wall and this (together with the fact that the building has a commercial character and the elevation already accommodates a rainwater downpipe) means that it is not considered that the impacts of the proposed works will lead to 'substantial' harm – rather, it is considered that impacts will be 'less than substantial' (in the terminology used in the NPPF). Indeed, bearing in mind the above factors, it is considered that the impacts would be at the lower end of the spectrum of 'less than substantial harm'. In such circumstances, the provisions of the NPPF indicate that the *"harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

The installation of the ventilation flue is required to ensure that the proposed change of use will not have adverse impacts (in terms of odour) upon residential uses on the building's upper floors (see application B/22/0030), i.e. it will enable the building's on-going viable use. It is considered that securing a viable use for the building will provide public benefit that will be sufficient to outweigh the very minor harm to the Listed Building's special interest that will be caused by this element of the proposals.

Internally, the proposed works involve:

- the removal of a 55cm length of stud-wall. This wall is a recent addition to the building, and it is considered that its removal will have no adverse impacts upon the listed building's special interest – a view shared by Heritage Lincolnshire; and
- the installation of new kitchen appliances, a new ventilation grill and associated ducting, a food preparation area, a hand-wash sink, and new electrical points and lighting. The list description does not highlight any internal features, and Heritage Lincolnshire identifies that little or no historic fabric remains visible internally. Subject to the attachment of a condition to protect any hidden historic features, it is considered that these works will have no adverse impacts upon the listed building's special interest.

Therefore, subject to safeguarding conditions, Heritage Lincolnshire have no objections to the proposal. The development therefore accords with the policies set out in the South East Lincolnshire Local Plan (2011-2036) and The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **CONCLUSION:**

It is considered that (subject to a condition) the proposed internal works will cause no harm to the listed building's special interest. Whilst the installation of a new external ventilation flue will cause some harm to the listed building's special interest, it is considered that these impacts will be at the lower end of the spectrum of 'less than substantial harm'. On balance, it is considered that this harm is outweighed by the fact that the proposals will help to secure a viable use for the building. Consequently, it is considered appropriate for Listed Building Consent to be granted in accordance with the policies set out in the South East Lincolnshire Local Plan (2011-2036) and The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **RECOMMENDATION:**

GRANT Listed Building Consent subject to the following conditions and reasons:-

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1.	<p>The works must be begun not later than the expiry of four years beginning with the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
2.	<p>The works hereby permitted shall be carried out in strict accordance with the application received 02-Feb-2022 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"><li>• Drawing No: 22/207/Ex-01 revision A (Existing Plans and Proposed Floor Plan Layout); and</li><li>• Drawing No: 22/207/Ex-02 (Existing and Proposed Elevations/Sections).</li></ul> <p><b>Reason:</b> To ensure the works are undertaken in accordance with the approved details and to accord with Policies 3 and 29 of the South East Lincolnshire Local Plan (2011-2036).</p>
3.	<p>If, during the works, any hidden historic features are revealed they shall be retained in situ. Works shall be halted in the relevant area of the building and the local planning authority shall be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed. Particular regard must be given to the area above the suspended ceiling.</p> <p><b>Reason:</b> To ensure the preservation of any features of special architectural or historic interest the listed building possesses, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011- 2036).</p>

## **INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE**

### **STATEMENT OF PROACTIVE WORKING:**

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.