

Development Management Delegated Decision Report

B/22/0128



SUMMARY OF APPLICATION			
Application Reference	B/22/0128		
Application Type	Full Planning Permission		
Proposal	Proposed Chill Store		
Location	63 West Street, Boston, PE21 8QN		
Applicant	Mr D O'Connell		
Agent	G R Merchants Ltd		
Received Date:	23-Mar-2022	Consultation Expiry Date:	24-Apr-2022
Valid Date:	29-Mar-2022	Statutory Expiry Date:	24-May-2022
Date of Site Visit:	01-Apr-2022	Extension of Time Date:	---
Objections received?	N/A		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Planning Permission		
Report by:	Emma Dennis		
Date:	10 th May 2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of an end terrace which currently comprises as a takeaway unit on the ground floor and a flat on the first floor. No.63 is located on the northern side of West Street which is within the Boston settlement boundary and town centre boundary. To the rear is a small car park area which serves No's 57-63 and also a café located behind No.65, with a path leading to West Street between the two.

DETAILS OF PROPOSAL:

It is proposed to erect a chill store at the rear of No.63. It will measure 2.5m by 1.5m and 2.3m high and will be constructed of white powder coated insulation panels. The only access to the chill store is internal, via an existing staff room. It is intended to have this temporary chill store on site for up to two years.

RELEVANT HISTORY:

B/21/0063 – Change of use from shop to takeaway (Sui Generis)
Granted – 22/04/2021



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 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 30: Pollution;

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 14: Meeting the challenge of climate change, flooding and coastal change.

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) do not wish to object as the proposed chill store would not be expected to have an unacceptable impact upon highway safety.

Environmental Health does not object but has requested that a condition be added to the permission to restrict the level of noise this proposal will create to ensure the amenity of neighbouring residential properties is protected.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The key planning issues in the determination of this application are:

- Impact on the character and appearance of the area
- Impact on amenity
- Flood Risk and drainage

Impact on the character and appearance of the area

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments 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 to erect an extension to the rear of the site to use as a chill store for use in conjunction with the takeaway business located at No.63 West Street. The rear boundary of the application site consists of a boundary wall which is approximately 3.5m high. The wall also runs all along the northern boundary of No's 51-70 West Street and provides a screen in which this proposed chill store will be relatively unseen from the St Georges Road elevation.

There is a public footpath which runs in between the application site and No.65 West Street, however due to the proposed building being set in against the existing rear elevation of the main building it is not considered that it will look out of place against the backdrop of the main building and will not have a negative impact upon the character or appearance of the area.

The application site is not listed or within a conservation area, nor is it within the setting of a listed building or conservation area.

To conclude it is considered that this proposal is in accordance with SELLP policies 2 and 3.

Impact on amenity

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

Paragraph 130 of the NPPF (2021) seeks, amongst other things, to create places that are safe, inclusive and accessible. Furthermore, it advocates the promotion of health and well-being, with a high standard of amenity for existing and future users. Crime and disorder, and the fear of crime, should not undermine the quality of life or community cohesion and resilience.

The application site is in an area where various commercial uses dominates the ground floor level with flats located on some of the above floors. The development for a temporary chill store is considered to be minor due to its small size and scale and the submission indicates the proposal will create a maximum noise level externally of 60dB(A), however, as it was not clear as to what/where this level relates to, Environmental Health have requested a condition be attached to the permission in which the noise from any fixed plant at the development shall not exceed 40dB. This is deemed necessary to condition to ensure surrounding amenity is protected.

No letters of objection have been received regarding this application.

In respect of the impact on the occupiers of nearby dwellings, the proposal is considered to accord with SELLP Policies 2, 3 and 30.

Flood risk and drainage

Policy 4 of the SELLP 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 flood risk statement which confirms that the proposed development is a minor

extension in which the proposals are consistent with the Environment Agency's advice for minor extensions.

It is considered that the proposals meet the requirements of SELLP Policy 4.

CONCLUSION:

To conclude this proposal is considered to be an acceptable form of development that accords with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan 2011-2036 and Sections 4 and 14 of the NPPF (2021).

RECOMMENDATION:

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

CONDITIONS / REASONS	
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>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plan(s):</p> <ul style="list-style-type: none"> ▪ 02B Existing and Proposed Floor Plans, Elevations and Flood Risk Assessment <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan 2011-2036, and guidance contained in the National Planning Policy Framework (2021).</p>
3	<p>The noise from any fixed plant at the development shall not exceed a 'rating level' of LAeq (15min) 40dB as defined by BS4142:2014 when measured 3.5m from the facade of any residential property. Sound level measurements shall be undertaken in accordance with the main procedural requirements of BS7445:2003, parts 1-3.</p> <p>Reason: This is to ensure the amenity of neighbouring residential properties is protected in accordance with Policies 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
<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 2021 in order to seek to secure sustainable</p>

development that improves the economic, social and environmental conditions of the Borough.