

# Development Management Delegated Decision Report

B/22/0129



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/22/0129		
<b>Application Type</b>	Full Planning Permission		
<b>Proposal</b>	Application for a change of use (works already started/completed) from a social club to a public house (Sui Generis)		
<b>Location</b>	Arbor Club, 10, South Street, Boston PE21 6HE		
<b>Applicant</b>	Mrs Claudia Torres		
<b>Agent</b>			
<b>Received Date:</b>	25-Mar-2022	<b>Consultation Expiry Date:</b>	05-May-2022
<b>Valid Date:</b>	01-Apr-2022	<b>Statutory Expiry Date:</b>	<b>27-May-2022</b>
<b>Date of Site Visit:</b>	18-May-2022	<b>Extension of Time Date:</b>	Not applicable
<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 Planning Permission		
<b>Report by:</b>	Simon Eldred		
<b>Date:</b>	18 <sup>th</sup> May 2022		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

10 South Street is located on the eastern side of South Street, within the town's commercial core. The street is busy with both vehicles and pedestrians, and nearby buildings are in use as restaurants, public houses, retail premises, offices, and dwellings.

10 South Street itself is a three-storey building providing a shop unit on the ground floor and a social club on the upper floors (accessed via a ground-floor doorway in the building's front elevation). It:

- is Grade II\* listed;
- is located within the Boston Conservation Area; and



- forms part of the setting to a number of listed buildings, including the Customs House and The Ship Tavern (both of which it physically adjoins), 6 and 8 Pilgrim House, 2 and 4 Shodriars Hall, 14 and 16 South Street, 18 South Street, and Pilgrim Mansions.

### **DETAILS OF PROPOSAL:**

Full planning permission is sought for the change of use of the building's ground-floor stairwell and first and second floors from a social club to a public house. The change of use will involve no alterations to the building's exterior, and internal changes will involve only painting and cleaning. The applicant clarified that no historic stonework will be painted, and that *"the walls that will be painted are the stairway walls, the main area and the 2<sup>nd</sup> floor room"*.

### **RELEVANT HISTORY:**

No recent, relevant history.

### **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, the Primary Shopping Area, and the Conservation Area. A Cycle Route is shown passing to its west. The policies of relevance to this proposal are:

- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk;
- Policy 24 – The Retail Hierarchy;
- Policy 29 – The Historic Environment;
- Policy 30 – Pollution; and
- Policy 36 – Vehicle and Cycle Parking.

### **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 4 – Decision-making;
- Section 7 – Ensuring the vitality of town centres;
- 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 to the application.

Lincolnshire Police indicates that it has no objections to this application.

Heritage Lincolnshire identifies that the building is Grade II\* listed *“primarily for the survival of medieval historic fabric of a Dominican Friary, with much of the rest of the building dating to the late 19<sup>th</sup> or early 20<sup>th</sup> century. In the information provided and through subsequent emails from the applicant, it is understood that there will be no interventions within the building. Work internally will be limited to repainting existing painted areas and there will be no works to decorate the historic stonework for which the building has received its high grading. Externally, no work, or decoration is proposed as stated in the information provided and subsequent communications. On the basis that there will be next-to-no intervention or alteration to historic fabric, we consider there will be no heritage impact caused by this application.”*

## **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 upon heritage assets;
- impacts upon neighbouring land users;
- impacts upon the character and appearance of the area;
- parking; and
- flood risk.

## **Principle of Development**

The site is within the development boundary for Boston and comprises the change of use of an existing social club into a public house. Policy 1 of the South East Lincolnshire Local Plan (2011-2036) accepts such developments in principle, subject to the site specific impacts discussed below. Furthermore, Policy 24 of the Local Plan identifies that Boston Town Centre will be the locational focus for the development of town centre uses, where planning permission will be granted for food and drink outlets. It is considered that the proposal accords with these requirements of Policy 24.

## **Impacts upon Heritage assets**

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 its setting or any features of special architectural or historic interest it possesses (Section 16); and
- pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (Section 72).

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.

It is considered that a number of heritage assets are potentially affected. Firstly, 10 South Street is a Grade II\* Listed Building. Secondly, 10 South Street is located within the Boston Conservation Area. Lastly, it forms part of the setting to a number of Grade II and II\* Listed Buildings, including the Customs House and The Ship Tavern (both of which it physically adjoins), 6 and 8 Pilgrim House, 2 and 4 Shodriars Hall, 14 and 16 South Street, 18 South Street, and Pilgrim Mansions.

The proposal involves no external alterations and, as such, it is considered that it will have no impact on the character and appearance of the Conservation Area nor the settings of the nearby Listed Buildings. Furthermore, it is considered that neither the change of use itself nor the proposed internal works (painting and cleaning) will have any harmful impacts upon the special interest of 10 South Street, a view that is shared by Heritage Lincolnshire.

### **Neighbouring land users**

Policies 2, 3 and 30 of the Local Plan require neighbours' amenity to be protected.

Neighbouring premises are:

- the ground-floor of 10 South Street is in use as a shop-unit (currently occupied by Linx Flooring);
- Custom House (which adjoins 10 South Street) is occupied by a physiotherapist's office, a pilates studio, and the office of a door supplier (Doras Hardware);
- The Ship Tavern (which adjoins 10 South Street) is a public house; and
- Pilgrim House (approximately 1.5m to the north of 10 South Street) appears to be used as apartments.

Of these neighbouring users, only Pilgrim House's apartments appear to be potentially sensitive to adverse amenity impacts (e.g. from noise, smells, or impacts from comings-

and-goings) as a consequence of the proposed change of use. However, such impacts are not expected to be experienced to an unacceptable degree because:

- 10 South Street does not directly adjoin Pilgrim House;
- the area is already busy and a focus for 'night-time economy' activities; and
- the proposed change of use (from social club to public house) is not expected to increase noise, smells, or comings-and-goings.

The Borough Council's Environmental Health department raises no concerns and, in all, it is considered that the proposal will have no unacceptably severe impacts upon neighbours' amenity, and that it therefore meets these requirements of Policies 2, 3 and 30.

### **Character and appearance 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.

10 South Street is located in the town's commercial core, where uses are mixed, with restaurants, public houses, retail premises, offices, and dwellings. In this context, it is considered that the proposed use of the building's upper floors as a public house will not be alien or out-of-character. Furthermore, the proposal involves no alterations to the building's external appearance.

Consequently, it is considered that the proposal will have no harmful impacts upon the character or appearance of the area, and that it therefore meets these requirements of Policy 2.

### **Parking**

Policy 36 and Appendix 6 of the Local Plan require all developments to provide appropriate vehicle and cycle parking, and identify that drinking establishments should provide 1 car parking space per 3m<sup>2</sup> of drinking area.

The proposals include no provision for vehicle parking. On-street parking is not permitted on South Street, but there are significant nearby opportunities for: on-street parking in the Market Place; and off-street parking at the Custom House Quay public car park, on the opposite side of South Street.

Paragraph 107 of the NPPF states that *"local parking standards ... should take into account: the accessibility of the development, the type, mix and use of development; the availability of and opportunities for public transport ..."* In this case:

- the site is accessible by bus;
- many visits will also be made on foot or by bicycle (given that the site is in a sustainable location and that a designated cycle route passes the site); and
- the proposal involves a change of use from a social club to a public house – uses which are likely attract similar numbers of patrons, who are also likely to make similar choices about their mode of transport.

It is noted that the Highway Authority has expressed no unease concerning parking provision, and it is not considered that the lack of off-street parking provision is a cause for concern. It is not expected that the proposal will generate on-street parking at a level that would be detrimental to highway safety or the amenities of the occupants of nearby residential properties in accordance with Policy 36.

## **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. In particular, the Policy indicates that the *“change of use of existing buildings will be supported providing they do not pose an increase in risk to people”*, and the Flood risk and coastal change section of the NPPG indicates that *“a change of use may involve an increase in flood risk if the vulnerability classification of the development is changed.”*

The application is accompanied by a Flood Risk Assessment which identifies potential sources of flooding and the severity of flood risks and indicates that:

- the proposed change of use makes no changes to the building that would increase flood risk elsewhere; and
- the property will be registered with the Environment Agency’s Floodline Warning Direct Service.

The proposal predominantly affects only the upper floors of the building and the proposed change of use is from one ‘more vulnerable’ use to another (as defined in ‘Table 2: Flood risk vulnerability classification’ as set out in the NPPG). Consequently, it is considered that the proposal meets these requirements of Policy 4.

## **CONCLUSION:**

The above assessment identifies that the proposal complies with Local Plan policies in relation to impacts upon heritage assets, neighbours’ amenity, flood risk, and impacts upon the character and appearance of the area. Whilst, the proposal does not comply with requirements relating to parking provision, it is not envisaged that the proposal will generate on-street parking at a level that would be detrimental to highway safety or the amenities of the occupants of nearby residential properties.

In overall terms, it is considered that the proposed change of use accords with the Local Plan, and that it is therefore appropriate to grant full planning permission.

## **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 25-Mar-2022 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>▪ Site Location Plan – Received 25<sup>th</sup> March 2022</li> <li>▪ Proposed and Existing Ground and First Floor Plan – Received 1<sup>st</sup> April 2022</li> <li>▪ Proposed and Existing Second Floor Plan – Received 1<sup>st</sup> April 2022</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, 24, 29, 30 and 36 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></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>	
<p>The applicant is advised that should there be any works as a result of satisfying Building Control, then Listed Building Consent may be required. This may include various internal and external alterations. Please contact the Local Planning Authority for further information.</p>	