

Development Management Delegated Decision Report

B/22/0132



SUMMARY OF APPLICATION			
Application Reference	B/22/0132		
Application Type	Full Planning Permission		
Proposal	Single storey open canopy to rear elevation with led lighting		
Location	27-29 West Street, Boston PE21 8QN		
Applicant	Mr Suayp Dogan		
Agent	ADA GROUP		
Received Date:	28-Mar-2022	Consultation Expiry Date:	22-Apr-2022
Valid Date:	29-Mar-2022	Statutory Expiry Date:	24-May-2022
Date of Site Visit:	01-Apr-2022	Extension of Time Date:	27-May-2022
Objections received?	N/R		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Planning Permission		
Report by:	Emma Dennis		
Date:	05 th April 2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site occupies the rear of 27-29 West Street and consists of a former furniture shop turned into a bar and nightclub. The site is located within the settlement limits of Boston and approximately 150 metres southwest of the town centre.

The rear section of the building consists of an entrance door and a footpath leading to Lawrence Lane and Rosegarth Street and is adjacent to a public car park.

DETAILS OF PROPOSAL:

An application for full planning permission has been submitted for an aluminium framed canopy to be erected above the entrance door to the building. The canopy measures 13m wide and 2.5m high and will protrude out from the building by 3m and feature LED lights, the lights will be attached to the apex of the canopy frame.



RELEVANT HISTORY:

B/19/0203 Change of use of ground floor from Class A1 (furniture shop) to Class A3 (restaurant) with installation of extraction flue and change of opening-closing hours.
Granted - 10/12/2019

B/19/0325 Advertisement consent for 6 internally illuminated fascia signs to front and rear.
Granted – 06/12/2019

B/19/0511 Change of use of first floor to nightclub (Use Class Sui Generis), and second floor to a bar (Class A4) with associated pergola extension.
Granted – 02/09/2020

B/19/0511/CD1 Application to have details relating to condition 5 (Pergola) attached to permission B/19/0511.
Approved – 19/11/2020

B/22/0032 Installation of new shopfront and shutter (work already started/completed)
Granted – 21/04/2022

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 9: Promoting a strong visitor economy;
- Policy 24: The Retail Hierarchy; and
- Policy 25: Supporting the vitality and viability of Boston and Spalding Town Centres.

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 6: Building a strong, competitive economy;
- Section 7: Ensuring the vitality of town centres;
- Section 12: Achieving well-designed places; and
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Environmental Health have no objections to this proposal as the LED lights will be attached to the apex of the canopy frame only and they will be a fixed light that will be directed downwards, not flashing.

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) have concluded that as the proposal is for a single storey open canopy to the rear elevation with led lighting which will be located on private land and it does not have an impact on the Public Highway or Surface Water Flood Risk and therefore do not wish to object to this planning application.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

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

- Principle of development
- Design of the proposal and impact on the character and appearance of the area
- Impact on residential amenity
- Flood risk

Principle of development

SELLP Policy 9 identifies that bars and restaurants are one of a number of uses that are likely to offer benefits to local communities and SELLP Policy 24 states that food and drink outlets should be granted in such a town centre location. SELLP Policy 25 is also concerned with supporting uses that contribute to the vitality and viability of the town centre.

The site is located within the Boston settlement area and is located relatively close to the town centre. The building that forms part of this application for a proposed canopy to the rear entrance door is located in an area where many different commercial premises are present. The use of the building as a bar and nightclub is already established, and would continue to benefit the vitality and viability of the town centre. The canopy would help continue to do this by providing useable outdoor space for customers. Therefore, it is considered that the proposed development would be consistent with the aims of the town centre policies and the principle of the development is considered to be acceptable and would be the most appropriate location for such a development. This would accord with policies 1, 9, 24 and 35 of the South East Lincolnshire Local Plan (2011-2036).

Design of the proposal and impact on the character and appearance of the area

Policy 2 of the Local Plan states that a proposal 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 states that 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.

Paragraph 130 of the NPPF (2021) states that developments should add to the overall quality of the area, not just for the short-term but over the lifetime of the development. It should be visually attractive and be sympathetic to local character with a high standard of amenity for future existing and future occupiers. Paragraph 134 advocates that, where a development is of a poor design that fails to take the opportunities available to improve the character and quality of an area, planning permission should be refused.

This application is for an open canopy attached to the rear elevation of 27-29 West Street which would extend approximately 3m out from the rear elevation, be approximately 2.5m high and span nearly the whole width of the rear elevation of the building. It will be constructed of a black aluminium frame and attached around the entrance to the building with LED lights lighting the apex of the canopy frame. This area of Boston is not within a Conservation Area nor affects the setting of a Conservation Area and includes a variety of uses. It is considered that this proposed canopy is a relatively minor development, given the size and scale of the building it is to be attached to and will not have a negative impact upon the character and appearance of the area taken as a whole and is therefore acceptable.

To conclude, it is not considered that this proposed canopy would have an unacceptable impact on the character and appearance of the building or surrounding area and is therefore in accordance with SELLP policies 2 and 3.

Impact on residential 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.

The site is located in a predominantly commercial area, however No.25 West Street includes a flat on the first floor which adjoins the application site. Due to the location of the proposed canopy on the rear of the application site and the proposed lighting being low level, it is not considered that this proposal will have a significantly adverse impact to the amenity of the occupiers of No.25 West Street.

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

Flood risk

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. This application is for an exterior canopy only and does not include any residential accommodation. A Flood Risk Assessment has been submitted which confirms that although the site is in Flood Zone 3, the actual risk of flooding from any Environment Agency watercourse is low. The proposed canopy is to be fixed externally to the rear elevation and would not cause any loss of floodplain capacity. The works would not increase runoff or increase the possibility of flooding within the locality.

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, 9, 24 and 25 of the South East Lincolnshire Local Plan 2011-2036 and Sections 4, 7, 12 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"> ▪ WS-2303-EPFPE Existing & Proposed Elevations ▪ WS-2403-PBP Proposed Block Plan ▪ WS-2903 Front, Roof & Side Elevations of Canopy <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 and 4 of the South East Lincolnshire Local Plan (2011-2036), and guidance contained in the National Planning Policy Framework (2021).</p>
3	<p>Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, external lighting on the site shall be installed in accordance with the lighting scheme (received 4th April by Selcuk Baskan). No other lighting shall be installed on the site unless a scheme including details of: (i) its position and height on the site; (ii) its spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights, has been submitted to and approved in writing by the Local Planning Authority prior to its installation.</p> <p>Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
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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.