

# Development Management Delegated Decision Report

B/22/0521



SUMMARY OF APPLICATION				
<b>Application Reference</b>	B/22/0521			
<b>Application Type</b>	Listed Building Consent			
<b>Proposal</b>	Listed Building Consent for refurbishment of the timber shopfront and facade works			
<b>Location</b>	RSPCA, 18 Market Place, Boston, PE21 6EH			
<b>Applicant</b>	Mr J Ling			
<b>Agent</b>	Mr Jonathan Capek, Scorer Hawkins Architects Ltd			
<b>Received Date:</b>	19-Dec-2022	<b>Consultation / Publicity Expiry Date:</b>	17-Feb-2023	
<b>Valid Date:</b>	23-Jan-2023	<b>Statutory Expiry Date:</b>	20-Mar-2023	
<b>Date of Site Visit:</b>	27-Jan-2023	<b>Extension of Time Date:</b>	22-May-2023	
<b>Objections received?</b>	None			
<b>5 day notification record:</b>				
	<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	Approve with Conditions			
<b>Report by:</b>	Megan Epton			
<b>Date:</b>	17-May-2023			

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is located within the Market Place in Boston town centre and is a commercial premises of 2no. storeys. It is adjacent to other commercial properties and an area of public car parking within the Market Place. The building is Grade II Listed, within proximity of other Listed buildings and located within the Boston Conservation Area.

### DETAILS OF PROPOSAL:



Listed Building Consent is sought for a number of alterations to the shop front and building's façade and works to the dormer window and external services.

### **RECENT RELEVANT HISTORY:**

- B/11/0304- **FULL** – Fish pedicure salon and ancillary fitness room - **APPROVED**.
- B/22/0520- **FULL** for refurbishment of the timber shopfront and facade works- **ONGOING**.

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

#### **South East Lincolnshire Local Plan (2019)**

The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

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

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

#### **National Planning Practice Guidance (PPG)**

#### **Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990**

### **CONSULTATION RESPONSES:**

Heritage Lincolnshire were consulted on the application and provided a number of comments relating to specific details, which have been taken on board and changes have been made to the proposals, resulting in a proposal supported by Heritage Lincolnshire.

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

A third party response was received from the shop tenants with concerns relating to the impact upon trade during any approved renovation works- these have been noted, but whilst these are appreciated, the vast majority of concerns are not material planning matters and should be taken up with the owner of the building.

### **EVALUATION:**

The key planning issues in the determination of this application is the effect on the Listed Building, setting of other Listed Buildings and Boston Conservation Area.

The National Planning Policy Framework provides the overarching guidance for development and identifies a conservation area and a listed building as designated heritage assets. It is the Local Planning Authority's duty to ensure that through careful decision making, development should maintain and manage change in a way that sustains, and where appropriate, enhances its significance.

SELLP Policy 29 states that development proposals will conserve and enhance the character and appearance of heritage assets. Proposals which extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

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.

### **Impact on the Heritage Assets**

There are several heritage assets which are potentially affected by this proposal:

- The building itself - a Grade II Listed Building (List Entry Number: 1388930);
- No.'s '16 Market Place', '19 Market Place' and '20 Market Place' which are all Grade II Listed Buildings; and
- Other Listed Buildings are also within close proximity to the site, given that it is in the centre of the Boston Conservation Area.

### **Impact of the Proposals on These Assets**

The site is set back from the public highway but still very prominent within the street scene and forms a significant part of the Boston Conservation Area, in the designated Primary Shopping Area of Boston.

The proposals are linked directly to the Boston Townscape Heritage Project, and are proposed to rejuvenate the building and reinstate it to avoid any further damage to the property caused by existing maintenance issues.

Whilst the building is not in a significantly poor state, reinstatement works are considered necessary and the full proposals of this application are thought to protect the architectural heritage and structure of the building, and ensure the continued use of the building (ultimately providing a positive community benefit).

It is considered that the impact on this heritage asset that may result from this development will be 'less than substantial' and the works to be undertaken will bring about a pleasant change for the listed building, better revealing its significance as a designated heritage asset, and also the wider significance of the conservation area, without causing any detrimental impact upon other surrounding assets.

It is considered that this proposal is acceptable in accordance with SELLP Policies 2, 3 and 29 and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is a view shared with Heritage Lincolnshire who have assisted the applicant throughout the process to a positive design outcome.

### **CONCLUSION:**

It is considered that the proposals will have no harmful impacts upon the special interest of the listed building, 18 Market Place, Boston, or the setting of other Listed buildings or the Boston Conservation Area. And therefore, in these circumstances, it is considered appropriate for Listed Building Consent to be granted in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019, Sections 4, 12 and 16 of the NPPF (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **RECOMMENDATION :**

Approve with Conditions

<b>CONDITIONS / REASONS</b>			
Pre-commencement conditions?	No	Agreed with applicant/agent - Date:	
1	<p>The development hereby permitted shall be begun before the expiration of three 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 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"> <li>▪ 2437-OS Site Location Plan &amp; Block Plan;</li> <li>▪ 2438-PP01 Rev C – Proposed Front Elevation; and</li> <li>▪ 2438-PP02 Rev D– Proposed Detailed Front Elevation, Ground Floor Plan and Section.</li> </ul>		

	<p><b>Reason:</b> 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 29 of the South East Lincolnshire Local Plan 2019.</p>
3	<p>Prior to the commencement of any works (other than maintenance) to the roof, dormer cheeks and dormer window, details of the works proposed, including any replacement roof materials, joinery repairs or replacement and metal works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained thereafter.</p> <p><b>Reason:</b> In the interests of the appearance and character of the development and the visual amenity of the area, including Boston Conservation Area in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan, 2019.</p>
4	<p>Prior to the commencement of any works (other than maintenance) to the rainwater goods, details of the works proposed, including any replacement rainwater goods, materials or fixings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained thereafter.</p> <p><b>Reason:</b> In the interests of the appearance and character of the development and the visual amenity of the area, including Boston Conservation Area in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan, 2019.</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.