

Development Management Delegated Decision Report

B/23/0224



SUMMARY OF APPLICATION				
Application Reference	B/23/0224			
Application Type	Full Planning Permission			
Proposal	Erection of additional storeys to provide Class E(g)(i) office space and Class E(b) restaurant/bar space and the change of use of ground floor retail space to provide a residential entrance as well as operational development to the Dolphin Lane entrance			
Location	The Former Scala Theatre, Pump Square, Boston PE21 6EU			
Applicant	Dr Rami Youssif			
Agent	Mr Iain Downer, Class Q Ltd			
Received Date:	04-Jul-2023	Consultation / Publicity Expiry Date:	21-Aug-2023	
Valid Date:	12-Jul-2023	Statutory Expiry Date:	06-Sep-2023	
Date of Site Visit:	31-Jul-2023 15-Aug-2023	Extension of Time Date:	05-Apr-2024	
Objections received?	No			
5 day notification record:	N/A			
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve with Conditions			
Report by:	Lewis Humphreys			
Date:	22/03/24			

OFFICER REPORT



SITE AND SURROUNDINGS:

The site is a former theatre situated between Market Place and Silver Street. The building was last used as part of the shop floor and storage area for a retail store that fronted onto Market Place. The site also includes a building that fronts on to Dolphin Lane to the south that has a physical connection with the main building. These buildings were last in a single use together.

A yard lies around the immediate north and east of the building, with access created on to a short section of road south of Mitre Lane. A further access to this yard is via Market Place and this yard also appears to serve the building to the north.

DETAILS OF PROPOSAL:

The site currently has planning permission for the change of use and conversion of the main building to provide a total of 18 flats across the upper and lower ground floors and the first floor with access to these via a yard and from Mitre Lane.

This proposal seeks planning permission to increase the height of the building and add a second storey to provide office space. Additionally, a smaller third floor would be created to provide a bar/restaurant space with the majority of the roof retained to provide an outdoor terrace to serve this.

The proposal also includes alterations to the Dolphin Lane frontage to add access to the flats via Dolphin Lane and would provide access to the office and bar space through a separate entrance. This would also include building above the rear of the Dolphin Lane frontage to provide a lift shaft and stair case to serve the second and third floor.

The ground and first floor are identified on the revised plans as serving a commercial use. This use is existing and does not need permission. Access to the lift shaft and upper commercial uses are through this space.

The proposal has been amended following comments from Heritage Lincolnshire to revise the shape and form of the third floor and revise the Dolphin Lane frontage. An updated noise assessment has been provided following comments from Environmental Health.

RELEVANT HISTORY:

B/22/0488 - Application under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the proposed change of use from Commercial, Business and Services (Use Class E) to Dwellinghouses (Use Class C3) - approved

B/22/0214 - Application for Prior Notification under Schedule 2, Part 3, Class MA for the Change of Use of Commercial Premises (Class E) to Dwelling houses (Class C) – Approved

B/22/0077 - Application under s73 for the variation of condition 2 (Plans) to make changes to the position of the windows and amend the access of planning permission B/21/0451 (Provision of windows and a new building access) – Approved and new access implemented

B/21/0451 – Provision of windows and a new building access – Approved

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 1 – Spatial Strategy
- Policy 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 24 – The Retail Hierarchy
- Policy 25 – Supporting the Vitality and Viability of Boston and Spalding Town Centres
- Policy 29 – The Historic Environment
- Policy 30 – Pollution

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2023)

At the heart of the 2023 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 and beautiful places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 66 - General duty as respects listed buildings in exercise of planning functions
- Section 72 - General duty as respects conservation areas in exercise of planning functions

CONSULTATION RESPONSES:

BBC Environmental Health – Initial response requested clarity on submitted noise report, following submission of a revised report the following comment was received:

The noise assessment (Ref: Technical Report: R9615-2 Rev 0, dated 31 March 2023) identifies impacts of noise from a nearby late-night venue on the proposed dwellings and noise associated with the proposed bar affecting new and existing dwellings. The report makes a number of recommendations to prevent loss of amenity from noise, such as glazing and ventilation specifications for the proposed development, sound insulation criteria for the floor separating the bar from residential properties below and provision of a

solid barrier to the full outer perimeter of the outside area. We would request that these recommendations be conditioned as part of any approval. As detailed in the noise assessment a noise management plan for the bar and outdoor space will be required. The bar and outside space should not begin to trade until written approval of the noise management plan has been obtained from the LPA. The applicant has suggested opening times for the bar as 10am – 11pm with closure of the outdoor space from 10pm daily, we find these acceptable and we would request they are conditioned as part of any approval.

LCC Highways/SUDS – No objection – The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.

Witham 4th IDB – No comments

Anglian Water – Boston Water Recycling Centre will have capacity for the foul water flows. The sewerage systems at present have capacity for flows and recommend informative notes in relation to connecting to these systems. Surface water hierarchy hasn't been followed and SuDS would be the preferred mechanism for disposal and recommend a condition for the submission of a surface water drainage strategy.

Environment Agency – Acceptable subject to condition securing development in accordance with FRA.

Heritage Lincolnshire Conservation – Revised comments were received on amended proposals during the design process of the revision. The flat roof of the third floor is more in-keeping and sympathetic to the conservation area. The zinc cladding is easily readable as a modern extension. The revised proposals for the Dolphin Lane shopfront are acceptable, is any detail proposed for the pilasters/stalrisers or are they proposed to be plain?

- Initial comments raised regarding the impacts of raising the height of the building on the setting of listed buildings and the conservation area. Concerns also raised regarding the design of the proposed frontage on Dolphin Lane.

Heritage Lincolnshire Archaeology - The recommendations in relation to this proposal are for a programme of building recording, prior to any alteration to the fabric of the structures. The programme of work should make provision for further recording of historic fabric and elements of the structure that may be revealed during the proposed alterations.

Historic England – Seek the views of specialist conservation and archaeological advisers

THIRD PARTY REPRESENTATIONS RECEIVED:

Two letters of representation have been received from addresses within the borough raising the following points:

- Swifts are declining and nesting sites are lost in refurbished buildings, swift bricks should be incorporated in the proposal. There is a small swift colony in the area still
- One entrance opens on to a car park between Silver Street and Market Place that is owned by Poundland, has permission been given by them for this entrance?

EVALUATION:

The key issues in the consideration of this proposal are:

- The principle of the town centre uses in this location
- The impacts on heritage assets
- The impacts on neighbour amenity, and the amenity of future occupants
- Other matters

The principle of the town centre uses in this location

The proposal is specifically for the increase in height of the building to allow for a second floor office space and a third floor bar/restaurant with roof terrace. The proposed plans include the floor plans for 18 flats across an upper and lower ground floor, and a first floor. These flats do not form part of the proposals currently under consideration and are permitted development following grant of prior approvals B/22/0214 and B/22/0488.

The site lies within the defined town centre for Boston as shown on Inset Map 1 of the Local Plan. Policy 1 of the Local Plan sets out the spatial strategy and identifies Boston as a Sub-Regional Centre, permitting development within its boundaries that supports that role.

Policy 24 of the Local Plan states that the town centres will be the locational focus of town centre uses and planning permission will be granted for, among other things food and drink outlets and financial and professional services. The Policy goes on to define these as use classes A1-A5, B1, D1 and D2. Some of these classes have been substantially changed as a result of amendments to the Use Classes Order and many broadly fall within the new Class E. Notwithstanding those changes, it is clear the policy is broadly supportive of the proposed uses.

Policy 25 supports the vitality and viability of Boston Town Centre and promotes appropriate opportunities to support and extend the offer of the town centre through:

1. Supporting the redevelopment of land within the town centre boundary that can provide for retail and other town centre uses in accordance with the sequential test;
2. Enhancing existing sites and ensuring changes to premises have regard to the significance of heritage assets and the special interests of the Conservation Areas and their settings;
3. Enhancing the public realm through improvements to public spaces, accessibility and signage;
4. Promoting town centre events;
5. Providing interpretation and promotional information;
6. Supporting proposals that seek to maintain the viability and attractiveness of the weekly markets;
7. Encouraging opportunities to support temporary uses in vacant premises in the primary shopping areas

As the site is within the town centre no retail sequential test is necessary. The impacts on the significance of heritage assets will be discussed below. As the proposals relate primarily to new permanent occupation of a vacant building and the site is predominantly

set back from the street scene, it is considered points 3-7 are not applicable to this proposal.

Policy 26 relates to the primary shopping frontages, while the site is within a defined primary shopping area, it does not have a defined primary shopping frontage. The site was previously connected to, and served as floorspace to a unit on Market Place, which is within that frontage. While the proposals as a whole see the loss of ground floor retail space to residential, this occurs as a result of permitted development rights and is not a consideration for this application.

The ground floor of the Dolphin Lane frontage is identified as commercial, it was last in use as retail, as a secondary entrance to a store front on Market Place in conjunction with the main former theatre building. This has been severed from that Market Place frontage but could be changed to any Class E use without planning permission. Access to the upper floors is through the ground floor of this use and it is unlikely that this would be used for a distinct or separate use. Nonetheless should such a use occur then it would not need permission and nevertheless would be acceptable in principle if it did.

While the form of development is unusual, insofar as commercial uses are sited at the top of the building with residential underneath and there would be no significant ground floor frontage beyond access to Dolphin Lane, the proposals align with Policies 24, 25 and 26 as far as they apply to this proposal.

The principle of development is therefore acceptable.

Impact on heritage assets

The site is within the defined Boston Conservation Area and sits within the setting of several Listed Buildings. Notably, the Grade I St Botolph's Church, and the Grade II 15 Market Place, 16 Market Place, 36-38 and 38A Dolphin Lane, 1 and 2 Pump Square and 3 and 4 Pump Square.

Special attention must be given to the desirability of preserving or enhancing the appearance and character of the conservation area and the setting of listed buildings under Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy 29 of the Local Plan and Section 16 of the NPPF seek to preserve or enhance the significance of designated heritage assets.

The impacts of the proposals can be considered in two distinct manners. Firstly there are those impacts arising from the works to the shopfront on Dolphin Lane, which impacts upon the Conservation Area in this area. And secondly there are the impacts arising from the raising of the height of the existing theatre building and to provide the lift shaft, which impacts more broadly upon the Conservation Area, the setting of surrounding listed buildings, and may impact upon views of the 'Stump' of St Botolph's Church.

With the revisions, the proposals retain more of a shop front approach than the original design. This would provide a recessed doorway and shop window style opening that would open on to modest commercial space on the ground and first floor, the staircase and lift access to the upper floors to serve the commercial proposals would be at the rear of that building. A second access would be created within the facing brickwork, next to and

secondary in appearance to the commercial entrance, to provide access to the lower ground floor of the residential block in the main building.

Details are required in connection with the pilasters, the doors and windows, the bricks, and the lights but subject to this the impacts of this element are considered to be acceptable.

The increase in height to provide the office and bar/restaurant space has the potential to have a greater impact. Initial concerns were raised regarding the potential for impacts in views from within Market Place of the proposals over the top of buildings on the market place frontage and views of the stump from Main Ridge West and Mitre Lane and Silver Street.

An updated Heritage Statement has been submitted that includes a view assessment. This statement identifies the significance of the former theatre itself as well as the significance of the affected assets. It identifies the Market Place, Dolphins Lane area of the Conservation Area and the Grade I St Botolph's Church as High Significance with the existing Dolphin Lane frontage and remaining features of the theatre as being of Low Significance.

The impact assessment within that document is based on the designs as they were at the time of submission and does not include the subsequent revisions to the Dolphin Lane frontage or the roof on the proposed third floor.

Nonetheless, the conclusions of that report in connection with the view assessment and the impact on the setting of the church can be accepted. These identify the extensions for the office space are sympathetic to the existing building and the third floor would be visible in only limited views from the Market Place and Main Ridge West. The greatest visibility of the site would be on Mitre Lane and from the entrance to the yard immediately east of the building. These may interfere with some views of the stump but would not completely obscure, as demonstrated in images 1, 7 and 8 of the view assessment.

The revised design of the third floor proposes a flat roof element instead of the curved roof originally proposed. This would be clad in a zinc material that would emphasise it as a modern extension. Following these revisions, Heritage Lincolnshire have confirmed they are in support of the proposal.

Overall, it is considered the proposal would have a neutral impact on the significance of the conservation area and the settings of the affected Listed Buildings and the statutory duty and Policy 29 of the Local Plan would be complied with.

Comments from Archaeological advisors have recommended a condition securing a historic building record due to internal features within the former theatre and its former use. However, that seeks to record elements that are primarily impacted by the conversions to provide housing which have permission under previous prior approval consents and not the elements that are the subject of this application. Imposing such a condition on this application would therefore not accord with the 6 tests set out within Section 4 of the NPPF as it would not be related to this development or be reasonable.

The impacts on neighbour amenity, including the amenity of future occupants

The proposal includes a bar/restaurant at third floor, with a large roof terrace open to patrons of that bar. The site is within the town centre, with other uses nearby, including on Dolphin Lane. There are residences with the immediate vicinity, notably those proposed within this building, as well as at first floor above nearby commercial properties.

The application has been accompanied by a noise assessment, that makes recommendations for the performance rating of windows for habitable rooms but these measures are primarily addressed as part of the previous permissions for the residential units. Noise from the proposed bar and roof terrace would primarily be managed through a noise management plan and proposed opening hours. An example noise management plan is attached as an appendix to that document and a final version shall be secured by condition.

The report also recommends sound proofing between the bar and dwellings, however, this report was based on an earlier scheme that included additional flats on the second floor and not the currently proposed office scheme. A condition to secure adequate sound proofing above the first floor residences is therefore required to ensure there is not a harmful impact of the office space on the residential use below.

The proposal would involve an increase in height of the building, which has the potential to impact on adjacent properties and windows and result in overshadowing. No particular concerns have been identified by any nearby residents but it is nonetheless necessary to identify these impacts.

The site is in a town centre location. To the immediate north of the site is poundstretcher and in particular its storage area. This is a large building with no windows and would not be adversely impacted by the scheme. To the north east is a single storey building in use as a community centre, at its closest the building is only 12m from the building at its closest point and it sits along the access to the yard in Mitre Lane. The site is already large and dominates the open yard the community centre backs on to, while the increase in height may exacerbate this, it is not likely to be unduly harmful.

The biggest impact is likely to be on the rear of properties on Market Place and some properties along Dolphin Lane. These properties are primarily commercial properties, with very few having segregated addresses indicating a separate first floor residence. The notable ones that do are, 20-22 Dolphin Lane, 12A Dolphin Lane, The Flat at 8 Dolphin Lane. Those are all to the south, in very close proximity to the building, and lower than it currently. The proposal will increase the mass of the building and may have some adverse impacts arising from that but these are unlikely to be significant.

Other matters

Anglian Water have confirmed there is sufficient capacity within the foul water system and at the waterwater treatment centre for the foul water flows. They have raised concerns regarding the proposed surface water disposal into the main sewer. They have indicated they consider that the hierarchy has not been followed and should be followed for a redevelopment, with a preference for SuDS. However, the scheme involves an increase in height only, it would not result in an increase in floor area, and the red line and site area is drawn around the building. It is noted that there is very limited scope for alternative measures and that the proposals would not increase the surface water run-off in to the

sewer system. The condition requested by Anglian Water is not considered to be reasonable.

The application has been accompanied by a flood risk assessment dated 2021 and for a previous iteration of the scheme that was not submitted. Notwithstanding that, the content of that in terms of the risks to site remains applicable. The scheme retains an existing ground floor use on Dolphin Lane and the remainder of the proposal is above the estimated flood depths. The risks arising from the scheme are not any worse than the current risks to the site. The EA have recommended a condition but this primarily relates to the flats and preventing habitable accommodation across the lower ground floor. This does not relate to this proposal and therefore it would not be appropriate to apply such a condition here.

The proposal does not include any parking, however, is for main town centre uses accessed off the pedestrianised Dolphin Lane. There is considered to be adequate parking within the centre more broadly and no parking would be needed. Furthermore, LCC as Highways Authority have raised no concerns. A resident has raised concerns about rights of access for the residential element to access courtyard. This scheme does not include that access and furthermore seeks to provide an alternative access to that development via Dolphin Lane, to the extent that these matters are material to this proposal, they are considered to be acceptable.

Policies 28 and 31 of the Local Plan seek to enhance biodiversity. The proposals are exempt from mandatory biodiversity net gain, as it both predates the introduction of this and does not result in the loss of any habitat. Nonetheless, the policy position requires a gain in biodiversity outside of that 10% habitat gain. In this case, a condition securing the provision of bat or bird boxes, including swifts as highlighted by a local resident, are considered to be sufficient.

CONCLUSION:

The proposal is for the raising of the roof of the former Scala Theatre building to provide an office space at second floor level and a smaller third floor bar/restaurant with a roof terrace. The proposal also includes renovations to the Dolphin Lane shopfront and provision of access through that frontage to the proposed new floors and a separate access to residential units previously approved within the former theatre. These new uses are main town centre uses within a town centre location and the scheme is acceptable in principle in accordance with Policies 1, 24 and 25 of the Local Plan.

The proposed design is considered to be in keeping with the existing building and wider conservation area subject to several details that can be secured by condition. The proposal is considered to have a neutral impact upon the setting of nearby listed buildings and the improvements to the shopfront on Dolphin Lane represent a minor enhancement to the significance of the Conservation Area. The proposal accords with Policy 29 of the Local Plan and the statutory duties to preserve and enhance the significance of heritage assets.

The proposals have been accompanied by a noise assessment and the proposals would provide adequate noise mitigation subject to a management plan for the bar and securing opening hours. The proposal is considered to be acceptable in terms of flood risk, drainage, parking, and biodiversity.

The proposal may have some detrimental impacts on the amenity of surrounding buildings through its mass, notably the local community centre building to the north east and first floor uses along Dolphin Lane. That harm is not considered to reach a level contrary to Policy 2 or 3 of the Local Plan. In any event should that harm be contrary to policy it is not considered it would outweigh the benefits of the scheme and the proposal would still comply with the development plan as a whole.

It is therefore recommended the application be approved, subject to conditions.

RECOMMENDATION: Approve with Conditions

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	<p>The development hereby permitted must be begun not later than the expiration of three years beginning with 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 only be undertaken in accordance with the following approved plans;</p> <ul style="list-style-type: none"> • Drawing No. 003 (Proposed Site and Location Plan) • Drawing No. 010 Rev E (Proposed Ground and Upper Ground Floor) • Drawing No. 011 Rev C (Proposed First and Second Floor) • Drawing No. 012 Rev C (Proposed Roof Level) • Drawing No. 020 Rev C (Proposed North and South Elevation) • Drawing No. 021 Rev C (Proposed East and West Elevation) • Drawing No. 022 Rev D (Proposed Dolphin Lane Shopfront) <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 and 3 of the South East Lincolnshire Local Plan (2019).</p>
Conditions which apply during the course of and following completion of the development:	
3	<p>Prior to installation on site, details of the windows and doors to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, cill and lintel detailing, and means of opening. The window and doors shall be installed in accordance with the approved details and thereafter maintained.</p> <p>Reason : 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 installation of the new shopfront window, details of the proposed stallriser panels, pilasters and any corbel, surround or other detailing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.</p> <p>Reason: 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>
5	<p>Prior to their first use on site, details of the materials to be used in the external construction of the proposal shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:</p> <ul style="list-style-type: none"> • Details of the brick, brick bond and mortar to be used where needed on the Dolphin Lane frontage • Details of the brick and brick bond to be used in the development other than the above • Details and finish of the zinc cladding • Details of the proposed roof materials • Details of the proposed parapet wall <p>The development shall proceed only in accordance with the agreed details.</p> <p>Reason : 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>
6	<p>The development shall be completed in accordance with the Noise Assessment completed by 24 Acoustics and dated 31st March 2023. Notwithstanding the details within that document, the sound proofing standards detailed within section 5.15 shall be applied to the floor construction between the first and second floors.</p> <p>Reason: In the interests of protecting the residential amenity of occupants of flats and to account for differences between scheme at the time of the noise assessment and the submitted scheme. This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.</p>
7	<p>Prior to the bar/restaurant use hereby permitted first being brought into use a noise management plan for that use and its associated outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The use shall only operate in accordance with the approved plan thereafter.</p> <p>Reason: In the interests of protecting the amenity of nearby residences. This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.</p>
8	<p>Prior to being installed on site, details of any plant and machinery and, where necessary, details of any sound-insulating enclosure shall be submitted to and approved in writing by the Local Planning Authority. The plant and machinery shall be installed in accordance with the approved details and thereafter retained.</p>

	Reason: In the interests of protecting the amenity of nearby residences. This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.
9	<p>Prior to the second floor or roof level first being brought into use, details showing the arrangements for bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangement shall be implemented prior to the occupation of the building and retained thereafter.</p> <p>Reason: In the interested of amenity in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.</p>
10	<p>Prior to works to provide the second floor and roof level, details of measures to enhance biodiversity on the site shall be submitted to and agreed in writing by the Local Planning Authority. Measures to improve biodiversity should, where appropriate, include:</p> <ul style="list-style-type: none"> ▪ Planting a range of native trees, shrubs and flowers ▪ Installation of swift bricks, bird or bat boxes <p>The details approved shall be implemented prior to occupation of the development and shall be maintained thereafter.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.</p>
11	<p>Prior to its installation, details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed as approved and there shall be no external illumination other than that so approved.</p> <p>Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.</p>
12	<p>The bar/restaurant use hereby permitted shall not be open to customers except between the hours of 10.00-23.00 daily and the roof terrace shall not be accessible to customers except between the hours of 10.00-22.00 daily.</p> <p>Reason: In the interests of the amenity of local resident in accordance with Policies 2, 3 and 30 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 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Anglian Water

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements