

# Development Management Delegated Decision Report

B/23/0417



SUMMARY OF APPLICATION				
<b>Application Reference</b>	B/23/0417			
<b>Application Type</b>	Full Planning Permission			
<b>Proposal</b>	Application for a Partial Change of Use from a 1 bedroom/warehouse to a private party/drinking establishment (use already implemented)			
<b>Location</b>	Pool shed rear of Marsh Farm Cottage Frampton Roads, Frampton, Boston PE20 1AY			
<b>Applicant</b>	Mr Neil Wright			
<b>Agent</b>				
<b>Received Date:</b>	28-Nov-2023	<b>Consultation / Publicity Expiry Date:</b>	15-Jan-2024	
<b>Valid Date:</b>	06-Dec-2023	<b>Statutory Expiry Date:</b>	31-Jan-2024	
<b>Date of Site Visit:</b>	22-Dec-2023	<b>Extension of Time Date:</b>		
<b>Objections received?</b>	No			
<b>5 day notification record:</b>	n/a			
	<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>	Lauren Birkwood			
<b>Date:</b>	16-Jan-2024			

## OFFICER REPORT



## **SITE AND SURROUNDINGS:**

The building is a large former storage building/warehouse located on Frampton Road in the parish of Frampton. The warehouse measures approximately 18 metres by 18 metres. Within the curtilage of the building is an outdoor swimming pool with outdoor seating area and bar. The pool measures approximately 7 metres by 13 metres.

To the west of the site lies residential properties named Cravens Cottage and Honeysuckle Cottage, and to the east lies Marsh Farm. To the north and south is open countryside.

## **DETAILS OF PROPOSAL:**

The proposal is for retrospective planning permission for partial change of use from a 1 bedroom/warehouse to a private party/drinking establishment.

## **RELEVANT HISTORY:**

B/23/0089 - Application for Lawful Development Certificate to confirm that the existing use of the land shown edged red on the plan for private parties, including outdoor swimming pool, pool house, bar, seating area and clubhouse within the existing barn is lawful. Refused 09-Oct-2023.

## **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 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio
- Policy 28: The Natural Environment
- Policy 30: Pollution
- Policy 31: Climate Change and Renewable and Low Carbon Energy
- Policy 36: Vehicle and Cycle Parking

## **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 6: Building a strong, competitive economy
- Section 12: Achieving well-designed and beautiful places
- Section 14: Meeting the challenge of climate change, flooding and coastal change

- Section 15: Conserving and enhancing the natural environment

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

### **CONSULTATION RESPONSES:**

Environment Agency – No comments.

Council's Environmental Health Officer – No comments.

Lincolnshire County Council Highways/SUDs Officer – No objections.

Frampton Parish Council – no representations received.

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

No representations received.

### **EVALUATION:**

The planning material considerations area:

- Principle of Development
- Impact on Character of the Area
- Impact on Residential Amenity
- Highways and Parking
- Drainage and Flood Risk

### **Principle of Development**

The proposed site is located in the open countryside, and located a considerable distance away from Frampton. Policy 1 of the Local Plan identifies that, in the Countryside, development will be permitted that is necessary to such a location and/or when it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. However, as this is a retrospective application, the business is well established, on the applicants land and it is considered that the use could not reasonably be located elsewhere in the area.

Policy 7 of the South East Lincolnshire Local Plan states new businesses outside allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land. The building was originally a one bedroom flat and warehouse, and therefore the development is acceptable as it is re-using an existing building. As long as the proposal meets the further criteria set out in Policy 7, as set out in the report below, it is considered the development is acceptable in principle. It is also considered that the proposal has no significant adverse impact upon the viability of delivering any allocated employment site.

### **Impact on Character of the Area**

SELLP Policy 2 states that proposals requiring planning permission for development 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 and the relationship to existing development and land uses as well as the quality of its design and its orientation. SELLP Policy 3 states that all development proposals will create a sense of place by; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposal is for retrospective planning permission to change the use of a one bedroom flat and warehouse into a private party/drinking establishment. There have been no alterations or extensions to the premises and therefore the impact on the character and appearance of the building and wider area is minimal.

On this basis, the proposal is acceptable and accords with Policies 2, 3 and 7 of the South East Lincolnshire Local Plan 2019.

### **Impact on Residential Amenity**

Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 requires an assessment on the impact on neighbouring land properties and users. No neighbouring representations were received.

To the west of the site lies residential properties named Cravens Cottage and Honeysuckle Cottage, and to the east lies Marsh Farm. To the north is open countryside. The business is relatively central within the site, and is located a sufficient distance away from neighbouring properties, ensuring issues in terms of noise and disturbance is minimal.

The Council's Environmental Health Officer has reviewed the application and has no comments. The applicant has provided opening hours of the establishment, which are considered acceptable. A condition is recommended to secure these opening hours.

On this basis, the proposal is acceptable and accords with Policies 2, 3 and 7 of the South East Lincolnshire Local Plan 2019 in terms of residential amenity.

### **Highways and Parking**

The proposal is accessed via an existing track off Frampton Roads. There is sufficient turning space within the site to ensure there is no unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network. The Lincolnshire County Council Highways/SUDs Officer has reviewed the information provided by the applicant, and they have no objections.

The applicant has also confirmed within the submitted application form that there is a number of car parking spaces available for visitors. This accords with the requirements set out in Appendix 6 of the South East Lincolnshire Local Plan 2019.

On this basis, it is considered that the proposal accords with Policies 2, 3 and 7 of the South East Lincolnshire Local Plan 2019.

### **Drainage and Flood Risk**

The site is within a flood risk area on the Environment Agency Flood Maps and the Council's Strategic Flood Risk Assessment. The applicant has provided a Flood Risk

Assessment which confirms that there are no physical changes to the building. Furthermore, the drawings provided show that there is no ground floor sleeping accommodation. On this basis, it is considered that the change of use of the building into a private/drinking establishment is acceptable. The Environment Agency have confirmed they have no comments.

In terms of drainage, the drainage arrangements of the building have remained unchanged. The Lincolnshire County Councils Highways/SUDs Officer has confirmed the proposal does not have an impact on surface water flood risk.

On this basis, the development accords with Policy 4 of the South East Lincolnshire Local Plan 2019.

### **CONCLUSION:**

The proposal is for retrospective planning permission for the change of use of a one bedroom flat and warehouse into a private party/drinking establishment. The proposal is acceptable in terms of location in accordance with Policies 1 and 7 of the Local Plan. The proposal does not impact on the character of the area, and the relationship with neighbours is considered to be reasonable and matters such as highways, parking, drainage and flood risk are acceptable.

Subject to conditions, the proposed development accords with Policies 1, 2, 3, 4, 7, 28 and 36 of the South East Lincolnshire Local Plan 2019 and the NPPF 2023. It is therefore recommended for approval.

### **RECOMMENDATION:**

#### **Approve with Conditions**

<b>CONDITIONS / REASONS</b>			
Pre-commencement conditions?	No	Agreed with applicant/agent - Date:	
1	<p>The development is approved in accordance with the application form received 28<sup>th</sup> November 2023 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>- 1978-102 OS Location Plan/Block Plan</li> <li>- 1978-100 Rev A Existing and Proposed Ground Floor Layout</li> </ul> <p><b>Reason:</b> For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the South East Lincolnshire Local Plan 2019 and the National Planning Policy Framework 2023.</p>		
2	<p>The use hereby permitted shall not be open to customers except between the hours of:</p> <p>Wednesday and Thursday – 11:00am until 10:00pm  Friday and Saturday – 11:00am until 02:00am  Sundays and Bank Holidays – 11:00am until 10:00pm</p>		

<b>Reason:</b> 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.
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<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>
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<u>STATEMENT OF PROACTIVE WORKING:</u>
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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.
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