

BOSTON BOROUGH COUNCIL

Planning Committee – 26 July 2022

Reference No: B/22/0223

Expiry Date: 20-Jul-2022
Extension of Time: 02-08-2022

Application Type: Advertisement Consent

Proposal: Advertisement consent for 2no illuminated fascia signs and 1no externally illuminated projecting sign

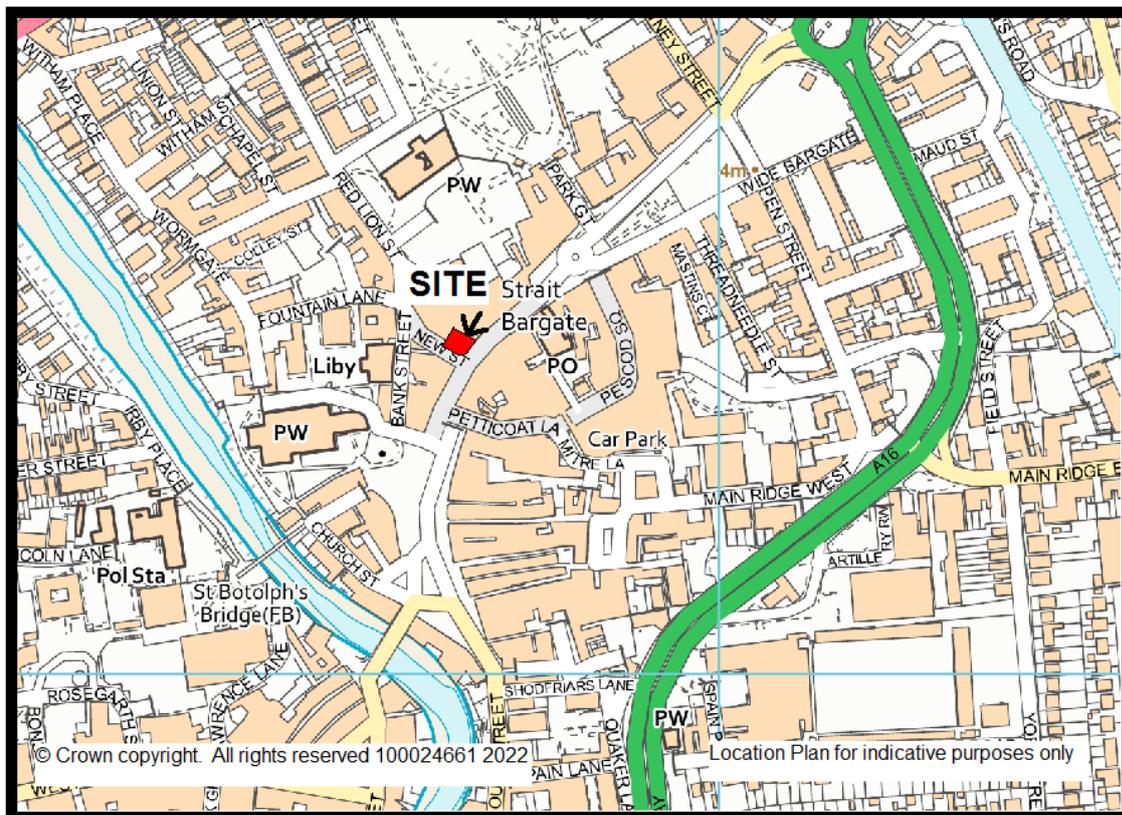
Site: 14-16, Strait Bargate, Boston, PE21 6LW

Applicant: Merkur Slots UK Ltd
Agent: Mr Rogers Rogers, Planning Potential Ltd.

Ward: Witham Parish: Boston Town Area Committee

Case Officer: Lewis Humphreys Third Party Reps: 27

Recommendation: Delegate to Assistant Director – Planning to conclude



1.0 Reason for Report

1.1 This application is presented to the Planning Committee following a call-in request from the ward member, Cllr. Hastie for the following reasons:

- Straight Bargate due its historical/ heritage value and the close location to the stump I feel it's inappropriate for a gaming establishment to be located there.
- Due to 2 other Gaming establishment being located round the corner I feel a 3rd being located so close in such an area as Straight Bargate needs to be discussed by the committee.
- Due to level of the objections regarding this from local residents I feel that it should be called in over its external appearance and the effect it will have on the local area.
- The noise disturbance created by the proposed establishment
- Its location on a pedestrian/ bus route
- Policy 25 and policy 32 of the local plan.

It should be noted that many of the aforementioned points are not relevant to an Advertisement Consent application; and are more closely aligned to the Change of Use application. Given this link, both applications are reported to Committee.

2.0 Application Site and Proposal

- 2.1 The application site is a currently vacant unit situated on the corner of Strait Bargate and New Street. The site is within the town centre and Boston Conservation Area and is within the primary shopping area and part of the primary shopping frontage as defined on Map 1 of the Local Plan. The site is in Flood Zone 3.
- 2.2 The application relates to the ground floor of the building only, accessed through a door at the centre of the property. A first and second floor are accessed via a separate entrance on New Lane. The site has been vacant since December 2016 when it was last occupied by Clarks.
- 2.3 The proposal seeks advertisement consent for two fascia signs, stretching the length of the frontage from New Street around to Strait Bargate. These Fascia signs include external illumination over the 'Merkur Slots' lettering. A further projecting sign is proposed at the northern end of the Strait Bargate frontage that would be internally illuminated.

3.0 Relevant History

- 3.1 B/22/0222 – Change of use from a former Class E use to an Adult Gaming Centre (Sui Generis) – Not yet determined
- 3.2 B/17/0390 – Application to remove the lantern light and in-fill the roof via timber joist and single ply roof system and install a section of flat roof over the light well. Replace three windows to the first floor with double glazed, u-PVC framed window units – Approved 06/12/2017
- 3.3 B/17/0381 – Change of Use from shop (Class A1) to a coffee shop comprising (A1 and A3 uses) – Approved 07/11/2017 but not implemented

4.0 Relevant Policy

South East Lincolnshire Local Plan

- Policy 2 – Development Management
- Policy 26 – Primary Shopping Frontages
- Policy 29 – The Historic Environment

National Planning Policy Framework

The National Planning Policy Framework is a material consideration, or particular note are:

- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

5.0 Representations

5.1 As a result of publicity 26 representations have been received from addresses across the Borough and surrounding parishes

5.2 The objections and comments can be summarised below, please note not all comments received may be material planning considerations or relevant considerations in an application for advertisement consent.

- Shouldn't allow signage that promotes/advertises gambling
- Heritage would not be enhanced or tourism encouraged by the proposal
- This is a special building in the heart of the town centre and needs a sympathetic regeneration
- Would impact on the Stump, Guildhall and Market Place, 3 uses within a square mile of these is excessive
- It is a stunningly beautiful Art Deco building and part of the heritage of Boston Town and does not deserve to be visually abused by proposed promotional signage
- Is this the image Boston wants to give locals and visitors
- Does not improve town centre
- Would undermine culture and history of Boston
- Proposed use would degrade centre of Boston
- Boston is a dump and this would make it worse
- Boston is a quiet traditional market town not Vegas
- More shops needed, not gaming centres
- Need more retail variety or cafes and other uses
- Site is opposite Boston's department store and amongst charity shops and cafes, give consideration to the longer term issues of granting this
- Already existing uses on Strait Bargate to cater for need
- We should be discouraging gambling and not encourage addictive behaviour
- Gambling leads to anti-social behaviour, crime and suicide
- Boston already has most crime in Lincolnshire and this make that worse
- This could bring additional policing issues
- How will this use benefit the town
- Area has issues with poverty, low wages and deprivation this will encourage people into more debt

- Use may contribute to exploiting some vulnerable individuals and encourage them into gambling
- Morally wrong to introduce this during a cost of living crisis
- Council has a moral duty to its residents
- Concerns about impacts if use is open 24 hours and the impacts on crime and anti-social behaviour at night
- Already existing gambling uses and betting shops have gaming machines is more needed
- Similar application was refused at a neighbouring council

6.0 Consultations

6.1 Lincolnshire County Council Highways and SuDS – Does not wish to restrict the grant of permission

6.2 Witham Fourth IDB – No comments

6.3 Environmental Health – No objections

6.4 Heritage Lincolnshire – 14-16 Strait Bargate, whilst having had modern alteration, forms a positive part of the Boston Town Centre Conservation Area. The inter-war detailing and layout make a positive and conspicuous contribution to the character of the commercial core and as such any proposals should seek to preserve and ideally enhance this character. The property should be classed as non-designated heritage asset due to the retention of character and the impact the former shop has on the streetscape

Signage – Whilst the proposed signage fits within the existing fascia panel, it fails to consider the special interest of the property or the wider area. The proposals for an aluminium dip-coated sign with, thick 40mm applied UPVC lettering and trough lights are a generic and standard approach which totally fails to consider the special interest of the property. Signage should consider the character of the property and the wider area and ensure that it is in keeping with host property. This signage is generic and would likely to be used on any property.

In summary I feel that the proposals fail to consider the special interest of the building, as a positive building within the conservation area. The signage and potential impact on the active frontage will result in a generic and defensive character that would have a negative impact on the building and the wider conservation area.

7.0 Planning Issues and Discussions

7.1 The application is for advertisement consent, paragraph 136 of the National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. This repeats the limitations set out in Section 3 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.

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

- Impact on visual amenity and the historic environment

Impact on visual amenity and the historic environment

- 7.3 Amenity is not exhaustively defined in the regulations but includes aural and visual amenity. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary or offensive to public morals. Section 3 (4) goes on to state that unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.
- 7.4 The proposal is for 2 externally illuminated fascia signs and an externally illuminated projecting sign. The projecting sign would be located at the northern most end of the Strait Bargate frontage and a fascia would be above the full length of the frontage on Strait Bargate and New Street. The fascia's would be aluminium, sit within the existing fascia panel, and would have 40mm thick lettering and logos applied to the fascia. LED trough lighting would be affixed above the lettering on each fascia. The proposed projecting sign would be fixed, internally illuminated with LEDs and would be aluminium framed with a logo on the display.
- 7.5 Heritage Lincolnshire have raised concerns that the signage does not respond to the special interest of the building or the wider conservation area. They identify that this harm arises from the generic character of the signage and fails to consider the character of the building and its setting.
- 7.6 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 gives a statutory duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Section 72 gives a duty for "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" when determining planning applications that affect a conservation area. Section 16 of the NPPF and Policy 29 of the Plan give great weight to a heritage assets conservation.
- 7.7 The Boston Conservation Area Management Plan 2012-2020 identifies prominent, visually intrusive and inappropriate signage as a risk to the significance of Boston Conservation Area and the Boston Conservation Area Appraisal 2016 identifies the site as a distinctive building from the 1930s that makes a positive contribution to the significance of the conservation area. The needs/opportunities for this part of the conservation area are also identified in the appraisal. These include the continued enhancement of streets and improvement of signage.
- 7.8 It must be noted that within the area are an eclectic mix of signs, reflecting the uses contained within buildings, the nature of the use (local or national chains), and the age/period when the sign was installed. This is not uncommon within many town centres. Taking all of the above into account it is considered that the current approach does cause some harm to the character of the conservation area arising from the prominence of the lettering and logos to be used on the fascia sign. That harm would be limited within the wider context of the Conservation Area but is still an identified harm. Paragraph 202 of the NPPF states that where there is less than substantial harm, as is the case here, this should be weighed against the public

benefits of the proposal. In this case, as the proposal is only for the advertisements, there are no public benefits arising from the signage and as such the current proposals are contrary to that paragraph, and Policy 29 of the Local Plan

- 7.9 There are on-going negotiations with the applicant to provide alternative designs for the signage. Should these be received in time, Members will be updated via the supplementary agenda. However in general terms Officers consider that it should be possible to achieve an appropriate solution through dialogue; if this cannot be achieved, Officers would seek to refuse the application. Hence the proposed delegation that is subject of this recommendation.
- 7.10 A large number of objections received on this application were related to the associated application for the change of use B/22/0222. Several objections also made reference to the impacts of advertisements in related to gambling. However, as described above it is not appropriate to consider the content of the signage as part of this determination.

8.0 Summary and Conclusion

- 8.1 The proposed signage as is currently presented is considered to cause harm to the significance of Boston Conservation Area and as such is contrary to Policy 29 of the Local Plan. There are on-going negotiations with the applicant to address these concerns and to agree a suitable scheme should any amendments be submitted that change overcome these issues, Members will be informed via the supplementary agenda. However, if this cannot be achieved, Officers seek delegated authority to conclude the application, either as a refusal (if left as current) to approve an alternative scheme which is acceptable in terms of the impact on the Conservation Area. Typically advertisement consent applications would be a matter determined under delegation and as such, there is no reason such an approach would not be appropriate in this instance.

9.0 Recommendation

- 9.1 It is recommended that Committee delegate authority for the determination of this application to the Assistant Director – Planning for determination following continued negotiations on the design in regards to its impact on the Conservation Area.