

# BOSTON BOROUGH COUNCIL

## Planning Committee - Weekly Planning List

Reference No: B/23/0052

Expiry Date: 30-May-2023  
Extension of Time:

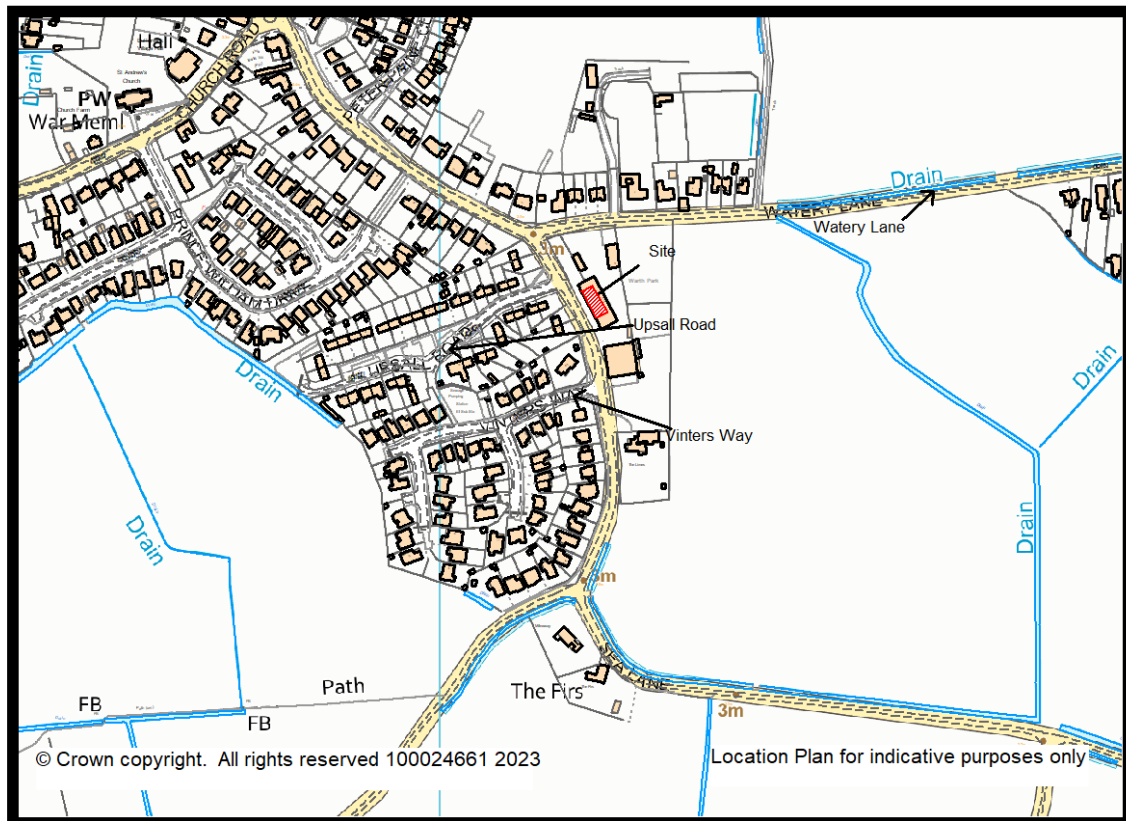
Application Type: Full Planning Permission  
Proposal: Change of use from B2 to Sui Generis (Auction House)  
Site: Warth Park, Unit 4, Sea Lane, Butterwick, Boston PE22 0EY

Applicant: Mr David Smith, Pilgrim Auctions  
Agent:

Ward: Coastal Parish: Butterwick Parish Council

Case Officer: Emma Turvey Third Party Reps: 1

**Recommendation: Approve subject to Conditions**



## **1.0 Reason for Report**

1.1 This application was called in to planning committee by the former ward member, Councillor Welbourn, for the following reasons:

- Policy 30 – impact of noise on the residents located to the west of the application site; and
- Policy 36 – Concerns regarding parking and highway safety.

## **2.0 Application Site and Proposal**

2.1 The application site is unit No.4 of Warth Park, Sea Lane, Butterwick. It consists of a small section of an existing building on the western boundary of the site and an area for car parking to the north of the site which will provide access onto Watery Lane.

2.2 There are residential properties within the immediate proximity of the site along the surrounding highway network. Unit 3 forms part of the same building and is a vehicle repair and MOT test centre and a parcel of land to the north is currently used for the storage of caravans.

2.3 The current use class of the site (unit 4) is B2 and it is proposed to change the use of unit 4 to Sui Generis to provide an Auction House. This application is solely for change of use and no internal or external building works are proposed. The proposed hours of opening are 8:00 to 18:00 Monday to Saturday and closed on Sunday and Bank Holidays, this includes for collections and deliveries.

## **3.0 Relevant History**

3.1 B/18/0506 - Application for retrospective planning permission for the change of use from part of existing premises from Class B2 (General industry) to Class B8 (Storage and distribution for caravans, containers and vehicles) and change of use from agricultural land to class B8 (Storage and distribution for caravans, containers and vehicles). Refused.

3.2 B/20/0119 - Change of use of land from General Industry (Class B2) to Storage and Distribution (Class B8) for the storage of caravans. (Retrospective application). Granted.

## **4.0 Relevant Policy**

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

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk;
- Policy 7: Improving SE Lincolnshire's Employment Land Portfolio;
- Policy 30: Pollution; and
- Policy 36: Vehicle and Cycle Parking.

### **National Planning Policy Framework**

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supplies of homes; and
- Section 6: Building a strong, competitive economy.

## **5.0 Representations**

- 5.1 As a result of publicity one representation has been received from: No.36 Sea Lane, Butterwick.
- 5.2 The objections and comments can be summarised as follows:
- An increase in traffic and dangerous parking which has led to issues with driveways being blocked and vehicles being parked on the road directly opposite, forcing other road users to drive close to their driveway.
  - Noise levels. The use of a microphone with a speaker is being heard inside the house and noise levels from the public attending the auction is a concern with regular use of bad language.
  - Deliveries are being accepted 7 days a week.

## **6.0 Consultations**

- 6.1 Butterwick Parish Council: have concerns regarding the current parking issues at the site which has led to local resident's driveways' being blocked and pavements adjacent to the site being inaccessible. With this in mind the parish council have requested that conditions are attached to any permission which restricts parking areas and the opening hours for the auction be restricted as stipulated in the submitted application.
- 6.2 Environmental Health: have no objections to the proposal and as this unit has been used for a number of commercial operations over the years, the use of auction house should not be any more intrusive to neighbours than the previous uses. It has been requested that a condition is attached to formalise the working hours and confirm that 8:00am – 6:00pm Monday to Saturday and at no time on a Sunday or Bank Holidays, this includes deliveries and collections to and from the site.
- 6.3 Lincolnshire County Council Highways/SuDS: have recommended the application be approved subject to conditions:

“This proposal is for the erection of a detached garage and workshop which will utilise an existing access from Watery Lane which serves the current use. Provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear. Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. Whilst it is possible that the auction house may result in more parking demand than there spaces, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

That said, the existing vehicle access crossing is not appropriate as it is just partially a grass verge and therefore needs to be made up to the County Councils specification within the extent of the public highway appropriate for its proposed use.”

- 6.4 Witham Fourth Internal Drainage Board: had no comments to make.

## **7.0 Planning Issues and Discussions**

- 7.1 The key planning issues in the determination of this application are:
- Principle of development
  - Highway safety and parking
  - Appearance and amenity
  - Other matters

### **Principle of development**

- 7.2 The application seeks a change of use from B2 to Sui Generis. The site itself consists of eight units, which are a mixture of B2 and B8 uses. The two closest to the proposal include a caravan storage area, vehicle repair and MOT station.
- 7.3 The site lies within the settlement boundary for Butterwick and is identified as a minor service centre. The site forms part of a larger parcel of land that is allocated for housing in the SELLP (But002). The building that is subject to the change of use application was existing at the time the site was included in the allocation for housing. As this proposal is for a change of use of an existing building and doesn't include any alterations or extensions, it is considered that the proposal would not materially change the status of the allocation or prevent future development of the site in accordance with the Local Plan.
- 7.4 SELLP Policy 7 states that new employment development/businesses or the extension of an existing business outside of allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings.
- 7.5 The use of the application site as an auction house is considered acceptable in principle as the proposal would be located within a settlement boundary and re-use an existing commercial building within an existing group of commercial uses. As such, the principle of development is deemed acceptable in accordance with Policy 1 and 7 subject to the other relevant policy considerations being met.

### **Highway safety and parking**

- 7.6 SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.
- 7.7 Although there is existing access gates to the site, the access appears unused for some time. The proposal includes bringing this access point off Watery Lane back into use and proposes a car parking area for up to 15 vehicles on the north-east corner of the site.
- 7.8 The application site as existing currently provides 3 off-street parking spaces. As part of the proposal to change the use of the unit, the creation of the new access and car park will reduce the highway issues that have been previously caused by people attending the auctions, parking along Sea Lane.
- 7.9 The Highways Authority have no objections to the site, subject to a condition to improve the condition of the access and informatives.
- 7.10 It is therefore considered that the proposed use is in general accordance with SELLP Policy 2 in respect of effect on access, parking and highway safety.

### **Appearance and amenity**

- 7.11 SELLP Policies 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.
- 7.12 This application is for the change of use of the building only and does not include any internal or external alterations. The site is located in a mixed area of residential and

commercial uses and includes other commercial units including a vehicle repair and MOT station and caravan storage.

- 7.13 The proposal also includes a new access and car park for the use of the auction house. The car park will hold up to 15 vehicles and will be accessed via Watery Lane, on the north east corner of the site. This will alleviate the issues raised as an increased amount of parking will be contained within the site.
- 7.14 The application form states the opening hours are to be 0800 – 1800 Monday to Saturday and at no time on a Sunday or Bank Holiday's. This time restriction also includes collections and delivery's to the site. Environmental Health have commented on the application, finding the stated hours acceptable and asked that they be secured by condition.
- 7.15 Concerns were raised by a resident of Sea Lane with regards to the noise levels and highway issues. It is considered that the creation of an on-site car park and the restriction to the opening hours will ensure the proposed use will have a minimal adverse impact on the occupiers of the neighbouring properties and the proposal as a whole will not adversely impact the character of the area in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.

### **Other Matters**

- 7.16 The site is in flood zone 3 and the existing and proposed use are classed as less vulnerable uses, as set out in the planning practice guidance flood risk vulnerability classification table.
- 7.17 As the proposal is for a change of use it is not required to pass the sequential test. However, in accordance with the NPPF and Policy 4 of the SELLP 2019 the proposal is required to submit a Flood Risk Assessment.
- 7.18 Information has been submitted with the application that confirms the proposal is for a change of use only, and that no physical alternations, internally or externally will be undertaken. It is therefore considered that the proposal would be safe from flooding and no further mitigation is required.

### **8.0 Summary and Conclusion**

- 8.1 The principle of development is considered acceptable in accordance with Policy 1 and 7 of the South East Lincolnshire Local Plan 2019.
- 8.2 It is considered that the proposal will not have harmful impacts upon highway safety.
- 8.3 Given the existing commercial use of the building and through the imposition of a planning condition to ensure the hours of opening are restricted for the site, the impact on amenity is not considered to be detrimental.
- 8.4 Therefore, subject to conditions, it is considered that the proposal is in accordance with Policies 1, 2, 3, 7 and 30 of the South East Lincolnshire Local Plan (2019) and is recommended for approval.

### **9.0 Recommendation**

- 9.1 It is recommended that Committee approve this application subject to the conditions stated below.

1	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans;</p> <ul style="list-style-type: none"> <li>▪ Drawing No. RFW/050123/01 Location Plan</li> <li>▪ Drawing No. RFW/050123/01 Butterwick Block Plan</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, 7 and 30 of the South East Lincolnshire Local Plan, 2019.</p>
2	<p>The use hereby permitted shall not be open to customers or for collections or deliveries, except between the hours of 8:00 to 18:00 Monday to Saturday and at no times on a Sunday or bank holidays.</p> <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.</p>
3	<p>Within 3 months of the date of this permission, details of improvements to the existing vehicle access crossing to Watery Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be implemented within 3 months of the details being approved and retained in perpetuity.</p> <p><b>Reason:</b> In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.</p>

#### Informatives

1. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>