

**BOSTON BOROUGH COUNCIL****Planning Committee - 10 January 2017**

Reference No: B/16/0382

Expiry Date: 14-Nov-2016

Application Type: Full Planning Permission

Proposal: Change of use of first and second floors from offices (Class B1) to 8 No. dwellings (Class C3)

Site: 36 - 39 Market Place, Boston, Lincolnshire, PE21 6NH

Applicant: Mes Commercial Ltd

Ward: Trinity

Parish: Boston Town Area Committee

Case Officer: John Taylor

Third Party Reps: None received

**Recommendation: GRANT****1.0 Reason for Report**

1.1 The application is presented to Planning Committee at the request of Councillor Sue Ransome with concerns raised over the affect that the proposal would have on the wider area of the town centre.

**2.0 Application Site and Proposal**

2.1 The proposal relates to the first and second floors of no's 36-39 Market Place, Boston. The buildings form part of the Exchange Building that is a Grade II\* structure situated in the heart of Boston town centre and within Boston Conservation Area.

2.2 The exchange building forms part of the south-western enclosure to the Market Place and contributes significantly to the historic quality and interest within this area.

2.3 The site is also located in the General Business Area (GBA) and in an area of known archaeological interest.

- 2.4 The use of the ground floor of the buildings include retail, restaurant/takeaway use and a betting shop and the upper floors have been used as offices and a training and education centre. The upper floors are now vacant.
- 2.5 This proposal seeks full planning permission for the change of use of the first and second floor of the Exchange Building (36-39) to create eight residential units. An application for the accompanying listed building consent appears elsewhere on this agenda.

### **3.0 Relevant History**

- 3.1 There has been a succession of applications and approvals for alterations/ changes of use and signage. None are particularly relevant to this application other than to demonstrate that there have been many approved alterations and changes.

### **4.0 Relevant Policy**

#### **Boston Borough Adopted Local Plan**

- 4.1 The following policies of the Adopted Plan are considered to be of relevance to this proposal:
- G1: Amenity
  - H8: Creation of extra residential accommodation in existing premises
  - RTC8: Town Centre Land Uses

#### **National Planning Policy Framework (2012)**

- 4.2 The NPPF encourages good design (Part 7) and sustainable forms of development and, given that part of the building is Grade II listed and within the Boston Conservation Area, Para 131 of the NPPF states: 'In determining planning applications, Local Planning Authorities should take into account;
- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
  - The desirability of new development making a positive contribution to local character and distinctiveness.'
- 4.3 Para 132 'When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting....'

- 4.4 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities when considering to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 4.5 In addition, section 72 of the Act places a general duty on a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **5.0 Representations**

- 5.1 No representations have been received.

## **6.0 Consultations**

- 6.1 Lincolnshire County Council (Highways and SUDS) – No objections.
- 6.2 Historic England – Determine in accordance with local and national guidance.
- 6.3 Consultant Architect – Originally objected to scheme; however, following the receipt of amended plans and justification no objections are raised subject to conditions being attached.

## **7.0 Planning Issues and Discussions**

- 7.1 The key issues in the determination of this application are;
- The principle of converting the upper floors into residential accommodation
  - The impact on neighbour's amenity
  - The impact on the listed building and the conservation area

### **The principle of converting the upper floors to residential**

- 7.2 Access to the upper floors of the Exchange Building is via a doorway at the building's frontage leading to a modern staircase that provides access to both the first and second floor. The outlook of the front windows faces onto Market Place and the rear windows have an outlook onto the River Witham.
- 7.3 The proposal seeks to create 2 x two bed flats and 2 x one bed flats on the first floor with the layout repeated on the second floor resulting in a total of 8 individual flats. The two bed flats are to be located at the front of the building and the one bedroom units facing onto the River Witham.
- 7.4 There have been a number of office based uses for the upper floors but these are currently vacant and the conversion of underused upper floor space is normally supported.

7.5 Commentary to adopted Plan Policy RTC8 states that;

'The vitality of a town centre can be greatly enhanced by the presence of a rich variety of different uses, attracting visitors both during the day and in the evening. The presence of residential accommodation, especially on upper floors where it does not interrupt commercial frontages, can add to the liveliness and economic viability of the area. However, non retail uses will not be allowed to disrupt or threaten the cohesion, viability or character of existing shopping frontages. For the purposes of this policy non-retail uses shall include: cafes, restaurants, takeaway food shops and amusement arcades, in addition to offices and non-commercial uses.'

7.6 Normally the conversion of upper floors within town centre locations is to be welcomed as it makes efficient use of often underused upper floor areas. As this proposal will not threaten or hinder the retail element of the ground floor the principle of converting the upper floors to create eight flats is considered acceptable subject to all other matters being acceptable.

#### **The impact of the proposal on neighbour's amenity**

7.7 The ground floor of the Exchange Building is divided up into four units that are used for a variety of uses normally found within a town centre. The proposed flats for the first and second floors are located within the heart of the Boston town centre and thus future occupiers will expect the location to have a level of vibrancy and vitality that a town centre environment often brings. It is highly unlikely that the existing uses of these buildings at ground floor level would cause significant harm to future occupiers of the flats and existing neighbouring occupiers are also likely to be unaffected by introducing a residential use to the first and second floor.

7.8 Having regard to the site's location it is considered that the amenity of occupiers of neighbouring businesses will not be unduly harmed and future occupiers of the flats will have a level of amenity that will provide good living conditions for the type of accommodation proposed within this scheme. No further concerns are raised.

#### **The impact on the listed building and the conservation area**

7.9 The internal layout of the building, in particular the first floor, has four large rooms to the front and two rooms to the rear. These rooms have been adapted for office use but a number of historic features remain. These include panelled doors and linings and plastered ceilings with plain moulded plaster cornices. The proposal will involve the subdivision of these rooms to form the bedrooms, kitchens and bathrooms.

7.10 Concerns had been raised by the Council's Consultant Architect that the subdivision of these rooms may result in the internal historic character of the building being lost. These concerns also highlight that the section drawings could be considered as indicative only as they state that existing features will be kept 'where practical' or 'left in situ behind new infill elements, preserving the existing condition.'

7.11 The applicant goes on to state:

- The subject building is currently empty and does little to contribute to the conservation area or broader town centre. The proposed scheme is a realistic approach to safeguarding the first and second floors to this important building by promoting a more economically viable use for the building. The upper residential accommodation provides sustainable dwellings in a town centre location adding vitality and viability which would improve and enhance the listed building, the conservation area and Boston Town Centre.
- When considering the impact of this proposed development on this designated heritage asset great weight has been given to the asset's conservation. Externally there will be no appreciable change to the existing fabric, allowing the buildings prominent role within the historic town centre to remain. Internally the proposed adjustments to the existing fabric are balanced against the character of the remaining solitary historic elements which have greatly reduced the character of the building. The elements which have survived will remain as described above with the intention of being preserved within a viable scheme, securing the heritage assets future consistent with its long term conservation and enhancing the local character and distinctiveness.

7.12 Following the receipt of the amended plans and further justification/clarification the Consultant Architect was reconsulted on the scheme. The Consultant does not now object to the proposed scheme subject to conditions being attached to any forthcoming approval.

## **8.0 Summary and Conclusion**

8.1 The proposal offers eight residential units dispersed on the first and second floor of a listed building. The centrally located site is in a highly sustainable area and the use of the upper floors for residential accommodation is generally accepted within town centre locations as it makes efficient use of upper floor space for much needed residential accommodation.

8.2 Alterations to the listed building appear to have respected the internal features and historic fabric of the building satisfy the conservation tests and the allowance of this proposal will protect the long term future of this heritage asset.

## **9.0 Recommendation**

It is recommended that Committee GRANT the application subject to the following schedule of conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in strict accordance with the application received 19 September 2016 and in accordance with the associated plans referenced:

- Ref: J1626(08)01 'Site Location Plan' (1/9)
- Ref: J1626(08)04 Rev A 'Existing Floor Plans – Fabric to be Removed' (4A/9)
- Ref: J1626(08)06 Rev A 'Proposed Floor Plans and Roof Plan' (6A/9)
- Ref: J1626(08)07 'Proposed Elevations' (7/9)
- Ref: J1626(08)08 Rev A 'Proposed Sections' (8A/9)
- Ref: J1626(08)09 'Proposed Service Strategy' (9/9)

And with the details received by email on 24 November 2016 at 15.55.

**Reason:** To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with saved Policy G1 of the Adopted Plan.

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Paul Edwards**  
**Development Control Manager**