

# BOSTON BOROUGH COUNCIL

## Planning Committee – 15 January 2018

Reference No: B/18/0394

Expiry Date: 09-Nov-2018

Extension of Time: 18-Jan-2019

Application Type: Full Planning Permission

Proposal: Resubmission of B/18/0192 for the erection of single storey building to form veterinary practice (Class D1), car park area and associated works

Site: Plot 6, Endeavour Park, Boardsides, Boston, PE21 7TR

Applicant: Mr D Feldmar

Agent: Mr Josh Caley, JC Architectural Consultant

Ward: Wyberton

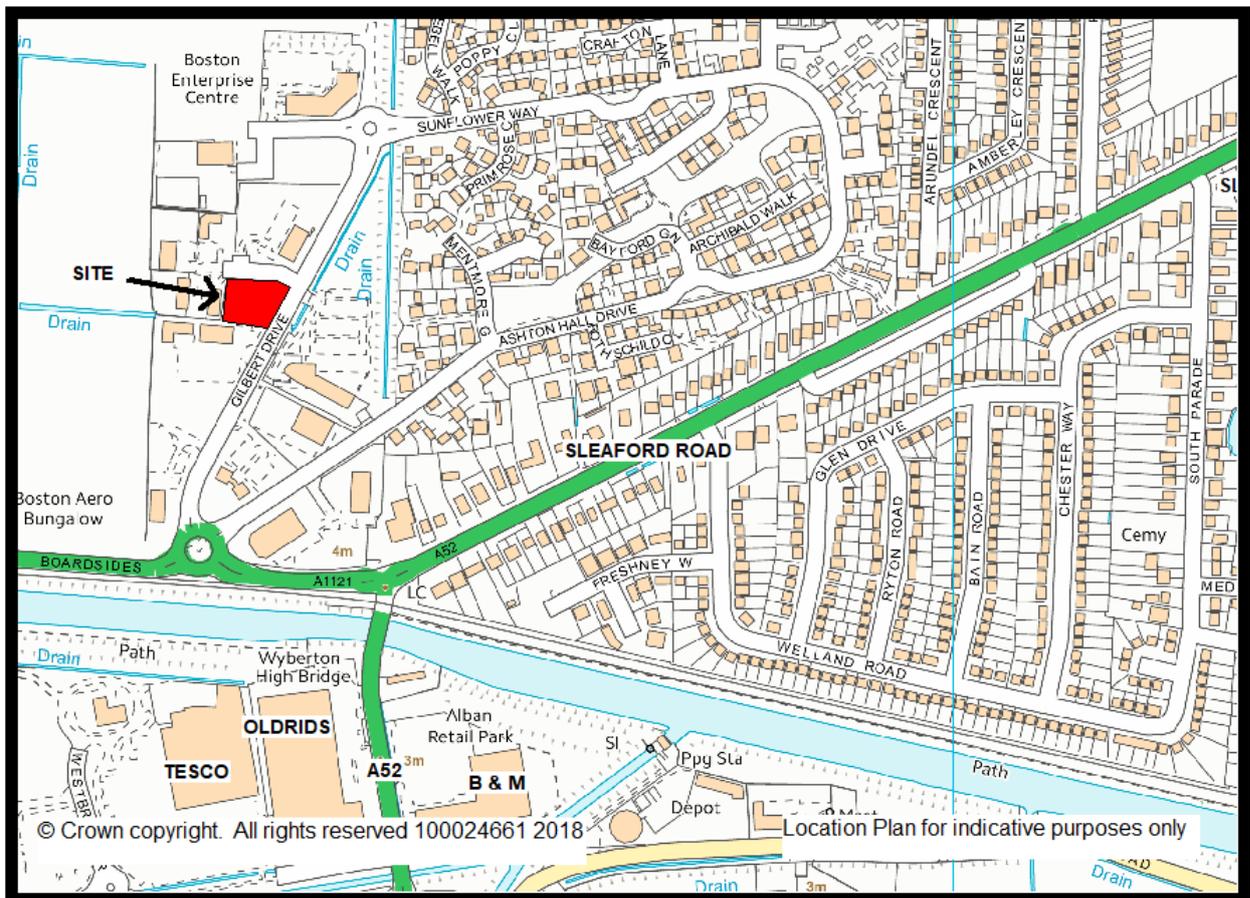
Parish: Wyberton Parish Council

Case Officer: Lisa Hughes

Third Party Reps: None

Link to Planning Record: [B/18/0394](#)

**Recommendation: GRANT**



## **1.0 Reason for Report**

- 1.1 This application is presented to Planning Committee as it is a departure from both the Adopted and Emerging Local Plans.

## **2.0 Application Site and Proposal**

- 2.1 The site is within a business park on the outskirts of the west of Boston. The piece of land has not been developed following designation as a proposed business park. Surrounding the site are other plots which have been developed comprising a mix of single and two storey buildings.
- 2.2 The application seeks full planning permission for a single storey building measuring approximately 26.95 x 17.28 metres. The roof would be pitched with the roof over the northern half of the building's elevation having a higher ridge than the south. The accommodation would provide 4 consulting rooms, kennels, x-ray, dental and other ancillary areas associated with a veterinary surgery.
- 2.3 The building would be finished in vertical timber cladding, metal sheeting for the roof and grey uPVC windows and doors.

## **3.0 Relevant History**

- 3.1 B/18/0192/FULL - Erection of single storey building to form veterinary practice (Class D1), car park area, and associated works – Refused for the following reason:

The proposal is for a veterinary surgery falling within use Class D1 of the Town and Country Planning (Use Class Order) 1987. Boston Borough Local Plan 1999, Policy ED3 supports proposals for B1 use or hotels/recreational facilities within this location. The proposal therefore fails to comply with this requirement. Policy BO001 of the South East Lincolnshire Local Plan, whilst very limited weight may be attributed to this Policy at this stage, also supports proposals in this location for B1 use. The National Planning Policy Framework 2018 requires policies to be flexible enough to accommodate needs not anticipated in the plan. However, no information has been submitted with the application to justify a proposal for a non B1 use on this site. The proposal therefore fails to comply with the National Planning Policy Framework 2018 and Policy ED3 of the Boston Borough Local Plan 1999.

## **4.0 Relevant Policy**

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

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (adopted 1999). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.2 The land is designated for employment use.

4.3 The saved Policies within Boston Borough Local Plan of relevance to this application are as follows:

- Policy G1 Amenity
- Policy G3 Surface Water and Foul Water Drainage
- Policy G6 Vehicular and Pedestrian Access
- Policy ED3 Development of the Business Park

#### 4.4 **South East Lincolnshire Local Plan 2011-2036**

The Policies within the draft South East Lincolnshire Local Plan of relevance to this application are as follows:

- Policy 2 – Development Management
- Policy 8 – Prestige Employment Sites
- Policy 36 – Vehicle and Cycle Parking

#### 4.5 **National Planning Policy Framework**

- Section 6 – Building a strong, competitive economy
- Section 12 – Achieving well-designed places

### **5.0 Representations**

5.1 As a result of publicity, no representations have been received.

### **6.0 Consultations**

6.1 Wyberton Parish Council has no objections

6.2 County Highways Authority has requested informatives are attached

6.3 Lead Local Flood Authority has no objection

6.4 Environmental Agency has no objection subject to a condition.

6.5 Black Sluice Internal Drainage Board do not object but note that the accompanying documentation refers to surface water disposal within both soakaways and piped water course.

## **7.0 Planning Issues and Discussions**

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

- Design of the building and its impact on the character of the area;
- Possible noise impacts;
- Principle of the use; and
- Flood Risk.

### **Background**

7.2 The previous application was refused due to the lack of information demonstrating why a B1 use, in accordance with both Adopted and Emerging Planning Policy, could not be provided on the site. As a result, marketing information has been submitted with this application.

### **Design of the building and its Impact Upon the Character of the Area**

7.3 The building would be sited towards the rear of the plot and between approximately 2.55 and 3 metres away from its nearest neighbour's boundary. Other surrounding buildings are also in commercial use (offices) and therefore impact in terms of amenity is less significant than for residential properties. Notwithstanding this, the distances are considered acceptable, particularly as this is a single storey building. The proposed materials are different to a number of other buildings in the locality, however, there is not a design code within this area and the mixture will bring variety and interest to this part of the business park.

### **Possible noise impacts**

7.4 The building includes kennels that would be likely to result in some possible noise impacts. However, there are no residential properties nearby which might be affected by dogs, for example, barking at night. In view of this, it is not considered that mitigation is required. Operating hours are detailed within the application form and are indicated to be Monday to Friday 8:30am and 6:00pm. Due to its location, it is not considered that these hours would harm amenity currently enjoyed and could be conditioned on an approval.

### **Principle of the use**

7.5 Notwithstanding the above considerations, Policy ED3 of the Boston Borough Plan 1999 requires proposals within the business park to fall within Class B1 or for recreational/hotel facilities. A veterinary surgery does not fall within any of these criteria being a D1 use. Furthermore, Policy 8 of the South East Lincolnshire Local Plan 2011-2036 also supports developments within B1 use. The proposal would result in economic growth to this part of Boston, which is supported by the NPPF. This application has been submitted with marketing information identifying the site has been marketed since July 2015 until May 2018.

During this time, a number of packs (approximately 170) have been sent out to interested parties. However, this does not appear to have resulted in interest of the site for a policy compliant development. The marketing also details that an amended approach was taken to this plot in 2018 so that it was promoted as an individual site rather than as a part of the whole Endeavour Park development. Whilst there is no defined time within either the Adopted or Emerging Policy for marketing to take place (times of economic lows might require a longer marketing period than when the economy is buoyant), the marketing undertaken, length of time, number of packs issued etc. all appear to be appropriate for this site. It is therefore considered that planning permission, on this occasion, should not be withheld although not comprising a B1 use. The proposal would also provide jobs for up to 8 part-time staff which would have some benefit towards the economy.

- 7.6 Parking is proposed to the front of the site with a total of 29 spaces of which 2 are disability spaces. The number of spaces is appropriate and would not result in detriment to highway safety. Lincolnshire Highways has assessed the proposal and has no objections but has recommend two informatives are attached which are acceptable.

### **Flood Risk**

- 7.7 A Flood Risk Assessment (FRA) has been submitted which has been assessed by the Environment Agency, and subject to a condition requiring compliance with the FRA, specifying floor levels and siting of electrical points, no objection is raised.

### **8.0 Summary and Conclusion**

- 8.1 The proposal would result in a development on a site that would not be policy compliant. However, marketing information has been submitted which shows the site (as well as the wider Endeavour Park) has been proactively marketed for almost 3-years. No interest in a B1 use has been demonstrated. As a result, whilst the previous application was refused, this additional information overcomes the previous reason for refusal.
- 8.2 All other matters are as previously submitted which were considered acceptable. The design. layout of the building and location of parking would reflect the character of the area and maintain amenity currently enjoyed by neighbours. Any noise associated with animals is likely to be minimal and due to its location would not affect residential occupiers. Overall, the proposal is considered acceptable.

## 9.0 **Recommendation**

9.1 It is recommended that Committee grant planning permission subject to the following conditions:

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the application received 14-Sep-2018 and in accordance with the associated plans referenced:

- 1/2 Site Location Plan
- 0139/18/01 – Floor Plans and Elevations

**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 Boston Borough Local Plan 1999.

3. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment dated May 2018, incorporating the following mitigation measures:

- Finished floor levels to be set no lower than 2.2mAOD
- All electrical sockets to be a minimum of 450mm above the finished floor level

The mitigation measures shall be fully implemented prior to occupation and be maintained for the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework 2018.

4. The development hereby permitted shall be open to the public Monday to Friday between the hours of 08:30 and 18:00 only and at no other time.

**Reason:** To protect the amenities of the occupants of neighbouring residential properties and in accordance with Saved Policy G1 of Boston Borough Local Plan 1999.

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

## Informatives

1. The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.
3. Your attention is drawn to the contents of the letter from Black Sluice Internal Drainage Board dated 19 October 2018 and enclosed with this decision letter.

**Lisa Hughes**  
**Growth Manager**