

Application Number:	2019/0080/FUL
Site Address:	21-22 Bailgate, Lincoln, Lincolnshire
Target Date:	29th March 2019
Agent Name:	None
Applicant Name:	Mr Matt Gull
Proposal:	Change of use from financial and professional services (use class A2) to restaurant/cafe (use class A3) with ancillary takeaway (use class A5) with associated external alterations

Background - Site Location and Description

Application is for the change of use from financial and professional services (use class A2) to restaurant/cafe (use class A3) with ancillary takeaway (use class A5) and associated external alterations at 21-22 Bailgate. The premises is a two storey end terrace sited on the corner of Bailgate and Westgate formerly occupied by Lloyds TSB at ground level. The building is not listed but is located within the Cathedral and City Centre Conservation Area No 1.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 28th February 2019.

Policies Referred to

- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

To assess the proposal with regard to:

1. Accordance with National and Local Planning Policy
2. Impact on neighbouring uses
3. Impact on visual amenity and the character and appearance of the conservation area
4. Highway Safety

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received
Lincolnshire Police	Comments Received

Public Consultation Responses

Name	Address
Mr Roderick Moore	17 Dorrn Court Stonefield Avenue Lincoln LN2 1QL
Mr Anastasios Anastasiou	169 Burton Road Lincoln Lincolnshire
Ms Emma Melville	23 Turner Street Lincoln Lincolnshire LN1 3JL
Mrs Jane Hill	29 Outer Circle Drive Lincoln Lincolnshire LN2 4JF
Miss Kylie Hinch	8 Waddingworth Grove Lincoln Lincolnshire LN2 2BH
Mr Kypros Andreas	Union Road Lincoln LN1 3BU
Miss Hollie Tysoe	15 Arras Close Lincoln Lincolnshire LN1 3UE
Mr Mark Webster	66 Mons Road Lincoln Lincolnshire

	LN1 3UG
Mr Mike Cancedda	45 West Parade Lincoln Lincolnshire LN1 1PF
Michelle Vincent	55 Westgate Lincoln LN1 3BG
Mr Joe Vincent	3 Gayton Close Lincoln Lincolnshire LN2 2HF

Consideration

The application proposes the change of use from a Bank (Use Class A2) to a Restaurant (Use Class A3) at ground and first floor with ancillary takeaway (Use Class A5) on the ground floor. The application property is the former Lloyds TSB bank at 21-22 Bailgate, a two storey property which has been empty for some time.

Accordance with National and Local Planning Policy

The site is allocated within the Central Mixed Use Area as a Secondary Shopping Frontage within the Central Lincolnshire Local Plan (CLLP).

LP33 of the CLLP outlines the uses considered appropriate within the Central Mixed Use Area. Restaurant/Cafe Use Class A3 and Takeaway A5 uses are considered acceptable in principle within the area provided:-

- a. The development not detracting from the vitality and viability of the Primary Shopping Area as shown on the Policies Map;
- b. The development not resulting in the area in which it is located losing its mixed use character;
- c. Major developments including, or contributing to, a mixture of uses sufficient to add to the overall vitality of the area and to create a purpose and presence extending beyond normal shopping hours. Opportunities to include significant elements of housing should be taken wherever reasonable and possible;
- d. The development not harming the local environment or the amenities which occupiers of nearby properties may reasonably expect to enjoy, such as causing unacceptable levels of disturbance, noise, smell, fumes, dust, grit or other pollution, or reducing daylight, outlook
Or privacy to an unacceptable degree;
- e. The development not resulting in levels of traffic or on-street parking which would cause either road safety or amenity problems; and
- f. Dwelling houses or other homes not being lost to non-residential uses unless:

The level of amenity available in any particular instance is already so poor that continued residential use is not desirable and there is no realistic prospect of the problem(s) being remedied; or

The overall development will maintain or produce a net numerical gain in the number of dwellings on the site.

Within the Central Mixed Use Area:

- g. The Primary Shopping Area as shown on the Policies Map will remain the main focus of "comparison" shopping in Lincoln;
- h. Development will be supported for the following uses at ground floor level in the Primary Shopping Frontages and Secondary Shopping Frontages (both as identified on the policies map):
 - shops and food and drink outlets (A1, A3, A4 & A5);
 - financial and professional services (A2); and
 - other uses to which pedestrians may be expected to visit in the course of a shopping, leisure or tourist trip;

provided that;

- within the Primary Shopping Frontage a minimum of 80% of the frontage remains in use class A1; and
- uses other than those falling within Use Class A1 are not concentrated or located in ways that would undermine the vitality and viability of the shopping frontages or undermine wider pedestrian circulation between the Primary Shopping Area and the Uphill/ Bailgate and the St Marks/ Brayford Pool areas.

The site has a two storey property occupied by Curtis to the south at 20 Bailgate and to the north is the site of St Paul-in-the-Bail. To the rear of the site is St Paul's Lane, direct access to the rear of the property is available from this street. It is proposed that takeaway customers will take access from St Pauls Lane to the rear of the property.

A number of objections have been received to the application. The objections relate mainly to the ancillary takeaway element of the proposal and the subsequent issues arising from the end user of the premises such as parking problems and litter. The application does not identify an end user nor does legislation state that the operator of the premises is required to be identified on submission of the application.

Both A3 and A5 uses are identified as acceptable uses within the central mixed use area, therefore it is considered that the proposal would not be contrary to planning policy. The premises sits on the corner of Bailgate and Westgate, which has a mix of uses in the vicinity. Given the range of uses in the wider area officers are satisfied that the principle of the proposed use, as well as being supported in principle by Policy LP33, would be appropriate to the building and location. It is not considered that the use would detract from the vitality or viability of the primary shopping area or result in the area losing its mixed use character. The first floor of the premises has previously been used as a residential flat, however this has not been in use for some time due to security issues associated with the bank use. Officers are therefore satisfied that the use of the first floor in association with the restaurant would also be acceptable in principle and in accordance with CLLP Policy LP33.

Officers consider that the mix of use as a restaurant and takeaway would add to the offer of food premises within the Bailgate area. In the future if there are concerns regarding the operation of the ancillary nature of the takeaway the matter could be investigated by the

Planning Enforcement Team.

Impact on Neighbouring Uses

Policy LP26 'Design and Amenity' is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. In relation to both construction and life of the development, the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The proposed use is considered acceptable in a central mixed use area and would not give rise to an adverse impact on adjacent uses. Should further alterations to the building be required, such as the installation of an extraction system, this would be the subject of a separate application.

The City Council's Pollution Control Officer has also raised no objection in principle to any of the proposed uses. However, he has noted that the Use classes A3 and A5 are likely to require the installation of kitchen extract systems and these systems can cause significant disturbance when located close to other sensitive development due to both emissions of odour and noise. Therefore, it is recommended that a condition requires a scheme for extraction be submitted for approval prior to the installation of any such system on site. The collection of waste from commercial premises can also cause noise disturbance at nearby residential premises, particularly when undertaken during the noise sensitive hours. It is therefore recommended that waste collections are permitted between 7am and 7pm Monday to Saturday.

Officers would therefore conclude that subject to the proposed conditions being placed on an approval of planning permission the proposal would not cause harm to the local environment or the amenities which neighbouring occupiers may reasonably expect to enjoy, in accordance with Policies LP26 and LP33 of the Central Lincolnshire Local Plan.

Impact on Visual Amenity and the Character and Appearance of the Conservation Area

Policy LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) requires development within, affecting the setting of, or affecting views into or out of, a Conservation Area to preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting.

The application includes a number of minor external alterations which include the replacement of the outbuilding roof, a new window to the rear, removal of the redundant cash machines and replacement with new glazing and the general repair and renovation of the external of the building. All of the external alterations are considered by Officers to be acceptable and an improvement to the existing building. It is therefore considered that the conservation area would be enhanced and preserved and therefore the proposal complies with Central Lincolnshire Local Plan Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

Highway Safety

There is no parking associated with the premises for customers although cars can park on Bailgate to the front of the premises. The site is in a highly accessible location, also benefitting from easy access to public transport and local car parks.

The Lincolnshire County Council as Highway Authority has assessed the application and has raised no objections to the proposal. Therefore based on this advice it is considered that the proposal would not be detrimental to highway safety or traffic capacity.

Application Negotiated either at Pre-Application or During Process of Application

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The change of use would be appropriate for the Central Mixed Use Area, would add to the mixture of uses in the vicinity and subject to conditions would not cause undue harm to neighbouring properties in accordance with Policies LP25, LP26 and LP33 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Application Determined within Target Date

Yes

Recommendation

1. That the petition submitted be received.
2. That the application is granted conditionally.

Proposed Conditions

- Time limit of the permission
- Development in accordance with the approved plans
- Fume Extraction
- Waste collections between 9am and 7pm Monday to Saturday