

Application Number:	2021/0235/FUL
Site Address:	5 Silver Street, Lincoln, Lincolnshire
Target Date:	13th August 2021
Agent Name:	None
Applicant Name:	Mr Javaid Qureshi
Proposal:	Change of use from Betting Shop (Sui Generis) to Hot Food Takeaway (Sui Generis).

Background - Site Location and Description

Planning permission is sought to change the use of the ground floor of the property from a betting shop to a hot food takeaway.

The property is located on the south side of Silver Street, a three-storey building with a shop front at the ground floor. Further shop units are located to both sides in Lincolns Primary Shopping Area.

The site is located within the Conservation Area No.1 - Cathedral and City Centre.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on various dates.

Policies Referred to

- National Planning Policy Framework
- Policy LP33 Primary shopping Area and Central Mixed-Use Area
- Policy LP25 The Historic Environment

Issues

- Principle of Development
- Visual Amenity
- Impact on Neighbours
- Technical Considerations

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received

Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Monks Road Neighbourhood Initiative	No Response Received

Public Consultation Responses

Name	Address
Mr Thomas Barden	44 Gresham Street Lincoln Lincolnshire LN1 1PZ
Mr Alex Chapman	Apartment 3 6 Alfred Street Lincoln LN5 7RJ
Mr Lukas Kuranda	58 Hibaldstow Road Lincoln Lincolnshire LN6 3PX
Mr Alex Chapman	Apartment 3 6 Alfred Street Lincoln Lincolnshire LN5 7RJ
Mr Neville King	60 Cambrai Close Lincoln Lincolnshire LN1 3UL
Ms Ashton Hinton	8 John O Gaunt House Gaunt Street Lincoln Lincolnshire LN5 7PN
Mr Dominic O'Malley	5 Silver Street Lincoln Lincolnshire LN2 1HH
Alex Ford	Boole Technology Centre Lincoln LN6 7DJ
Mr Gareth Long	Broadoak Road Erith DA8 3BE
Ms Eleanor Goodman	44 Gresham Street Lincoln Lincolnshire LN1 1PZ
Mr Konrad Stepien	37 Monks Road Lincoln Lincolnshire LN2 5HN
Mr Matthew Cummins	23 Cromwell Street Lincoln Lincolnshire LN2 5LP

Consideration

Principle of the Use

Policy LP33 of the Central Lincolnshire Local Plan sets out the uses which will be supported in principle in the Central Mixed-Use Area. The policy sets out that Food and Drink Outlets, including A5 (Hot food Takeaway) as an appropriate use.

The use classes order was amended in September 2020 and Hot Food Takeaways are now classed as a sui generis use. However, the policies of the Local Plan are still relevant, and it is considered that for the purposes of determining the application the policy can still be used to ascertain the appropriateness of a takeaway use in this location.

The change in use should not detract from the vitality and viability of the Primary Shopping Area. It should not result in the area in which it is located losing its mixed-use character and it should not harm the local environment or the amenities which occupiers of nearby properties may reasonably expect to enjoy.

Visual Impacts

5 Silver Street is located within the Cathedral and City Conservation Area. As such, Policy LP25 of the Local Plan is relevant. It states, "Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting".

The proposal would not result in any physical changes to the existing front elevation, and any such changes would require planning permission, as would any future changes to the adverts on the unit.

Impacts on Neighbours

A number of objections have been received from owners and occupiers of nearby premises. The reasons for objections principally relate to the impacts from fume extraction and waste storage. The information originally submitted with the application was inadequate, as such additional information was requested by the City's' Environmental Health Officer.

A summary of the proposals for the extract system are now as follows:

- Baffle filter in extract hood (to remove grease)
- Bag filter (to remove fine particulates)
- Carbon filter (to remove odours)
- Fan inlet silencer
- Fan
- Fan outlet silencer
- High velocity cowl located above the eaves of the building

Provided that all these are installed in accordance with the details provided and are sized accordingly, the Environmental Health Officer has no objections to the proposals, given the nature of the surrounding area.

With regards to the waste storage issues on site, the application suggests there is sufficient storage space outside. As such, it would be necessary to require a condition be attached to the consent, if granted, requiring that details of the waste storage proposals are submitted prior to the use commencing.

These details would ensure the application is in accordance with LP33_as the proposal would not harm the local environment or the amenities which occupiers of nearby properties may reasonably expect to enjoy.

Highways

The Highways Authority has raised no objections.

Conclusion

The proposed use is considered to be an acceptable use in this location as set out in the Local Plan. This is subject to certain criteria being met to ensure that the proposal would have no adverse impact on the amenity currently enjoyed by existing neighbours. The applicants have submitted satisfactory information to evidence that such impacts have been considered and addressed.

Application Determined within Target Date

Yes, with an extension of time.

Recommendation

That the application is granted conditionally

Conditions

- Development carried out within 3 years
- Development carried out in accordance with the submitted plans
- Details for the storage and management of waste.
- Extract system installed in accordance with details and not to be changed without the written consent of the LPA