

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0929-21 **Applicant:** Mr S Walters

Proposal: Change of use of former bank to commercial offices at ground floor and conversion of first floor to self-contained residential apartment

Location: 3 Market Place Donington Spalding

Terminal Date: 3rd November 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
24	The Retail Hierarchy
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 5, 6, 7, 12, 14 and 16 of the National Planning Policy Framework (2021)

- 5 - Delivering a sufficient supply of homes
- 6 - Building a strong, competitive economy
- 7 - Ensuring the vitality of town centres
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	2	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at 3 Market Place Donington for a change of use of a former bank to a commercial offices at ground floor and conversion of the first floor to a self-contained residential apartment. The ground floor would contain a reception, office, kitchen, wc and three storage rooms. The first floor apartment would contain an open plan kitchen / lounge / dining area, wardrobe, bathroom and bedroom. A new first floor rear elevation window would be installed to serve the bedroom. This window will be timber framed with obscure glass. The new front elevation of the building will see an extended canopy and a new timber access door to the apartment. Timber signage is proposed to the front of a building. Finer details of the signage would need to be submitted for scrutiny to the local planning authority.

SITE DESCRIPTION

The proposal site is an existing building within the conservation area of Donington. The surrounding area is characterised by buildings of varying ages and designs in various uses. The site is in Environment Agency Flood Zone 1 and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H04-0938-98

Advertisement - Fascia sign and projecting box sign - Refused - 09 January 1999.

H04-0268-99

Advertisement - Non illuminated fascia sign (individual letters) and one externally illuminated hanging sign - Approved - 18 May 1999.

H04-1707-06

Advertisement - Erection of new signage - Approved - 06 February 2007.

H04-0238-13

Advertisement - Proposed signage - Approved - 20 June 2013.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections - "For this proposal there would be similar traffic as the previous use as a bank. An informal parking space is provided for the residential apartment, and it is considered that the proposals would not result in an unacceptable impact on highway safety."

LCC - Historic Environment Officer

"No further archaeological input required."

SHDC - Environmental Protection Officer

"No comments or objections."

SHDC - Councillor King

Support - "This would enhance that part of the village and get rid of an empty shop that will start to deteriorate very soon."

SHDC - Councillor Walsh

Support - "This will make good use of a currently empty property which will only deteriorate in condition over time if not used."

Member of the public

Support - "This application will be good for the village, the building is in need of renovation."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centres. This section of the policy states:

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

When assessed against the above criteria the following can be observed:

The proposal will help to support Donington in it's role as a service centre, with the additional apartment helping to sustain existing facilities.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size and scale of the building is unaltered. The proposed layout is appropriate for the office as well as the proposed first floor apartment. Proposed amendments are very minor and will not

materially impact the character and appearance of the surrounding area, nor the amenity of neighbouring buildings.

2. The design of the new construction materials is to match that of the existing building and the orientation remains unaltered.

3. Proposed materials of construction are to match that of the existing building and this is considered to benefit the overall appearance of the building.

4. Access and vehicle generation levels are not considered to be materially impacted by this proposal, as the business does not have a dedicated vehicular access and there are no formal parking spaces to serve the building. Although an informal parking arrangement is in place to the rear of the building utilising the rear access path of 4 Market Place. Whilst this does not accord with SELLP Appendix 6, there are other similar first floor flats in the immediate vicinity that have no off street parking provision. There is not considered to be a material difference in the traffic generated by a bank or commercial offices. There is a public car park immediately opposite the application site.

5. The capacity of existing community services and infrastructure will not be materially impacted by this proposal.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion, a rear elevation first floor window will be reinstated, but this will be obscure glazed and when open does not directly overlook any other properties.

7. The site is in Environment Agency Flood Zone 1 and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There are no habitable rooms at ground floor level so there is not a requirement to raise existing floor levels.

8. Whilst the site is located in Donington Conservation Area, there are no listed buildings, or buildings subject to an Article 4 direction in the vicinity. It is considered that the historic environment is enhanced by the reuse and preservation of this currently vacant building.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;

12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The size and scale of the building is unaltered. The proposed layout is appropriate for the office as well as the proposed first floor apartment. Proposed amendments are very minor and will not materially impact the character and appearance of the surrounding area, nor the amenity of neighbouring buildings. A sense of place is not considered to be impacted by this proposal as this application will bring a vacant building back into use without materially altering the visual appearance.
4. The site is within the centre of Donington with easy access to local shops and services, as well as public transport.
5. There is room on site at the rear for refuse and cycle storage. There are no formal parking spaces provided, however there is an informal arrangement with 4 Market Place to allow for use of their access to park one vehicle at the rear of the site. Whilst this does not accord with SELLP Appendix 6 there are other similar first floor flats in the immediate vicinity that have no off street parking provision. There is not considered to be a material difference in the traffic generated by a bank or commercial offices. There is a public car park immediately opposite the application site.
10. Further details of signage to the front of the building would be addressed by planning condition.
11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion, a rear elevation first floor window will be reinstated, but this will be obscure glazed and when open does not directly overlook any other properties.
12. The site is in Environment Agency Flood Zone 1 and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There are no habitable rooms at ground floor level so there is not a requirement to raise existing floor levels.
15. The building is within Donington Conservation Area but is not considered to be a "historic building." This application will improve the overall appearance of the building as well as the character of the surrounding area.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Other Employment Areas and this section states:

"New employment development/businesses or the extension of an existing business outside the above 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. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
 - b. there is no significant adverse impact upon the character and appearance of the area;
 - c. the design is responsive to the local context;
 - d. there will be no significant adverse impact on the local highway network;
 - e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
 - f. proposals maximising opportunities for modal shift away from the private car are demonstrated;
- and

g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

When assessed against the above relevant criteria the following can be observed:

As the building is being reused then there is not a need to assess the proposal against criteria a to g.

This application accords with Policy 7 of the SELLP.

Assessment against SELLP Policy 24 - The Retail Hierarchy

B. District and Local Centres

In the District Centre of Holbeach and the Local Centres of Crowland, Donington, Kirton, Long Sutton and Sutton Bridge, town centre uses will be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm upon the vitality and viability of that centre or any other centre within the hierarchy, particularly with regard to their role for food shopping. The provision of markets and other appropriate initiatives that would enhance the vitality and viability of such centres will be supported.

New development within the Sub-Regional, District and Local Centres will be expected to:

1. be physically integrated and have good pedestrian and cycle links, with the rest of the centre;
2. generate a reasonable level of footfall and be open to the public;
3. contribute to an appropriate balance of uses;
4. achieve an acceptable level of amenity, including provision of refuse and recycling facilities; and
5. achieve an acceptable level of highway access, parking and servicing.

When assessing the proposed ground floor use against the above relevant criteria the following can be observed:

1. The proposed offices are with the centre of Donington and have good pedestrian and cycle links.
2. The proposed offices should generate a reasonable level of footfall and be open to the public.
3. An office use in this location will not lead to an imbalance of uses in Donington town centre.
4. Refuse and recycling facilities can be easily stored to the rear of the building.
5. There is an acceptable level of highway access and servicing. There is ample public parking facilities in the immediate vicinity of the building.

This application satisfactorily accords with SELLP Policy 24.

Assessment against SELLP Policy 29 - The Historic Environment

Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism, education and the local community will be utilised including:

- The historic archaeological and drainage landscape of the Fens;
- The distinctive character of South East Lincolnshire market towns and villages;
- The dominance within the landscape of church towers, spires and historic windmills;

To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The relevant section of this Policy is B - Conservation Areas. This section states:

Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation

Area;

4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

When assessed against the above relevant criteria the following can be observed:

1. The proposal will help retain a building and existing street pattern.
2. Building details that contribute to the character and appearance of the area are retained.
3. There are no features currently on the building, or proposed that are incompatible with Donington Conservation Area.
4. Height, massing, scale, form and materials are unaltered from those of the existing building.
5. The proposal will not impact the townscape, roofscape, skyline and landscape. The proposed external alterations will extend the longevity of the building and are in keeping with the built character.
6. No trees are to be lopped, chopped or felled as a result of this proposal.

This application accords with SELLP Policy 29.

PLANNING BALANCE

It is considered that an office and first floor apartment can be comfortably accommodated within the existing building without materially impacting the character and amenity of the surrounding area. The principle of use in this location is considered to be acceptable as an office use is not uncommon in a town centre location, nor is a first floor apartment above an existing business. This application is considered to accord with Policies 1, 2, 3, 4, 7, 10, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, as well as Sections 5, 6, 7, 12, 14 and 16 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.