

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0717-22 **Applicant:** M J L Welding & Fabrication Ltd.

Proposal: Creation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials

Location: 14 Market Place Spalding

Terminal Date: 4th November 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
26	Primary Shopping Frontages
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	1	0
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This listed building application proposes the formation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials.

The application has been revised since submission to submit a significant amount of information and justification that was not included within the original submission. Photographic recording of the property has also been submitted.

A full schedule of works has been submitted.

Site Description

The application site comprises a mid-terrace property located on Market Place in Spalding town centre and within the Spalding conservation area. Market Place, which is largely pedestrianised, lies within the designated Primary Shopping area for Spalding and is also designated as Primary Shopping Frontage.

The site is currently vacant and is in the process of renovation of the ground floor for commercial reuse. The building has previously been fire damaged and internally there is no plaster on walls or original features in evidence on the upper floors, except for a handful of windows. The building is three storeys high at the front with significant two storey elements to the rear and an enclosed basement. Access to the upper floors is gained from a separate door on to Market Place and could also be gained from Drapers Place to the south.

The building, which is located within the Spalding Conservation Area, is Grade II Listed. The listing description describes it as:

"Early-mid C19. 3 storeys in painted brick with rusticated quoins. Blocking course on carved brackets and dentil cornice. 2 windows in shouldered surrounds with pediments to 1st floor and small balconies on brackets to top floor. Band between storeys. 1st floor has 2 windows with modillion pediments and shouldered surrounds. Modern shop front.

The property is adjacent to a number of similarly Grade II listed buildings; 12 Market Place, as well as the Lloyds Bank, Red Lion Hotel, White Hart and the Natwest Bank are all listed to a Grade II level and within very close visual range. The area in general is characterised by a mix of commercial properties and is the main shopping area of the Spalding Conservation Area.

History

H16-0716-22. FULL. Creation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials.
UNDETERMINED.

Consultation Responses

Spalding & District Civic Society

We also note the proposals to block the left hand rear windows. Whilst it is clear that there has been internal alteration, we would hope that the applicant will seek to incorporate any original window openings into the design where these have now become apparent as part of the works being undertaken. We urge that all rear windows are to a design as near as possible to that would have been the case when the building was originally built. Some of the windows are clearly much more recent additions and appear out of keeping with others in the building. Considered replacement using traditional materials to designs sympathetic with the age of the building would most likely be the best outcome for the building.

We note the applicant's statement of justification for the use of UPVC windows at the rear of the building. The accessibility issue is noted, and whilst we would not wish the approval of the use of UPVC windows on a grade II listed building in this application to set any kind of precedent, we do feel that the accessibility issue described would justify their use on this occasion.

SHDC Conservation Officer

Following the submission of the latest document intended to justify the proposal to install UPVC windows to the rear elevation of this listed building, I write to confirm that I am satisfied with the justification provided and therefore wish to raise no objection to the principle of their installation on the rear elevation of this property.

It should, however, be made clear that under normal circumstances, such a proposal would be absolutely unacceptable and that it is only due to access difficulties and land ownership arrangements that are totally unique to this specific site that it can, in this single instance, be justified in the interest of maintenance. It remains an expectation that all other windows and external accoutrements featured on the building should utilize traditional, heritage-appropriate materials.

I would also recommend that the applicant should be required to utilize high-quality wood-effect UPVC windows and that to ensure that this is the case, should the application be approved, it be accompanied with Condition MD13, requiring the submission and approval in writing of details of external windows prior to installation.

LCC Historic Environment Officer

No archaeological input required.

Planning Considerations

The main issues in this case relate to listed building matters. This report is also to be read in conjunction with H16-0716-22, referred to above.

Impact upon the listed building

The response of the SHDC Conservation Officer is set out above.

The proposals would bring back in to use a substantial part of this listed building, which internally is in a very poor state of repair and would ensure the use and retention of this heritage asset. The layout changes and works would not impact negatively upon the internal fabric of this building, given its poor state of repair and the lack of original features that are evident in the building.

The application has been revised and augmented to accommodate the need to minimise the loss or alteration of the historic form and fabric of the building and to justify in particular the replacement window works. The justification statement has been submitted to support the application proposals to install UPVC windows to the rear of this property, which would not normally be an acceptable form of intervention to a listed building of this type, nor in general within the conservation area.

The submitted justification is to put forward a clear and unique case that there would be justification

and reasons as to why this application seeks permission to replace the existing timber windows to two different styles of quality conservation grade UPVC windows. The statement clarifies that that applying for UPVC windows in this Grade II Listed Building in this location is solely a one off due to the position of the windows within the building. Reasons of Practicality, Health and Safety, Deterioration, Design, Street Scene, Sustainability, Thermal Insulation, Condensation and the proposals to use a specific manufacturer (Roseview Windows) have been cited in relation to this specific building and location and have been considered in turn by the Local Planning Authority.

Following the submission of the latest document intended to justify the proposal to install UPVC windows to the rear elevation of this listed building, officers are satisfied with the justification provided and therefore have no objection to the principle of their installation on the rear elevation of this property.

Under normal circumstances, such a proposal would be absolutely unacceptable and that it is only due to access difficulties and land ownership arrangements that are totally unique to this specific site that it can, in this single instance, be justified in the interest of maintenance. It remains an expectation that all other windows and external accoutrements featured on the building should utilise traditional, heritage-appropriate materials.

In accordance with the response of the Conservation Officer, it is recommended that the applicant should be required to utilise high-quality wood-effect UPVC windows and that to ensure that this is the case, should the application be approved, it be accompanied with Condition MD13, requiring the submission and approval in writing of details of external windows prior to installation.

With regard to the impact on this part of the Spalding Conservation Area, it is considered that bringing this building back in to use would have a positive impact on the character, appearance and vitality of this part of the conservation area.

Other matters

This report is to be read in conjunction with the planning application proposal H16-0716-22.

Conclusion

Approve, with conditions and informatives.

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.