

Planning, Heritage, Design and Access Statement

To support an application for a change of use from Solicitors Office (Class E) to mixed office/residential at 11 Market Place, Spalding, PE11 1SP

September 2021

This Planning, Heritage, Design and Access Statement has been prepared on behalf AS&S Property Investments Ltd by Simon Machen MRTPI of Barmach Ltd

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1.0 Introduction

This statement supports planning and listed building consent applications for a change of use from a vacant Solicitors Office (Class E) to mixed office/residential use at 11 Market Place, Spalding. It describes the site, its planning history, and the proposed scheme before setting out the key planning issues, assessing these against both local and national planning policies.

This statement is supported by and should be read in conjunction with the following technical reports:

- Flood Risk Assessment prepared by Ellingham Consulting
- Viability/Vacant Building Credit Report prepared by EMW Law

2.0 Site Description

The application site comprises a mid-terrace property located on Market Place in Spalding town centre as shown in Figure 1 below. Market Place, which is pedestrianised, lies within the designated Primary Shopping area for Spalding and is also designated as Primary Shopping Frontage.

Figure 1 – Site location



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

'Mid C19. 4 storeys in brick with stone dressings. 3 windows, cornices on carved brackets, round-arched heads, bands at cills. 2nd floor has 2 windows with triangular and 1 with segmental pediment, segmental-headed windows with keystones. 1st floor windows similar, but with segmental pediments. Modern shop front. In similar style to No 12 (q.v.). Nos 11, 12 and 14 form a group'

The building is currently vacant but was last occupied by Calthrops Solicitors.

The building is four storeys high at the front with significant two storey elements to the rear. Vehicle access is from Drapers Place to the south. It has a car park to the rear with 16 marked out parking spaces. The site is shown in Figure 2 below.

Figure 2 – Site photographs



Front of the building on Market Place



Rear of the main building

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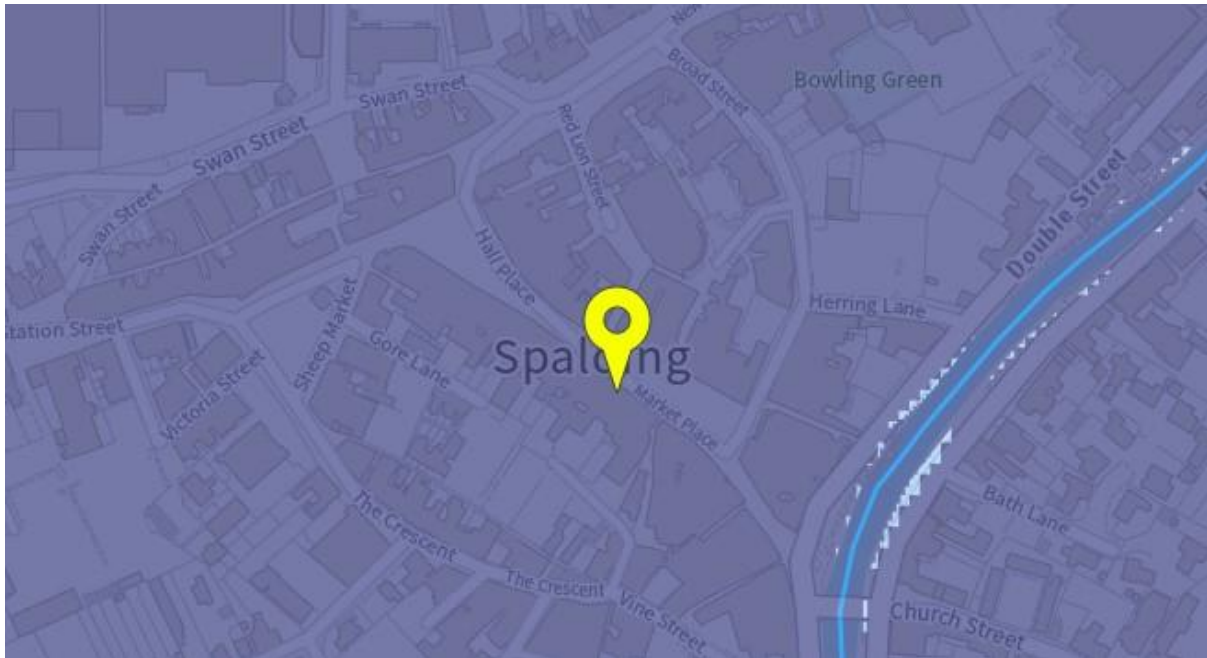


Rear two storey elements of the building and parking area

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The site and the surrounding area is located in Flood Zone 3 as shown in Figure 3 below.

Figure 3- Environment Agency flood zone map extract



3.0 Relevant Planning History

A search of the Council's web site does not show any previous planning applications for the site.

4.0 The Proposal

This application seeks planning permission for a change of use from a Solicitors Office now falling within use Class E to mixed Class E/residential use.

The commercial element would be located on the ground floor fronting Market Place. The remainder of the building would be converted to three 2 bedrooms flats and 9 one bed roomed flats.

As with the existing building, vehicle access will continue to be from Drapers Place and the existing parking spaces utilised. It is proposed that four spaces would be used for the office element and one space allocated per flat. Cycle parking will be located in the existing building and 20 cycle parking spaces are proposed.

The proposed building layout is shown in Figure 4 below. Only minor internal alterations are proposed to facilitate the conversion to residential use, these are highlighted in red on the proposed plans. No external alterations are proposed. A separate application for Listed Building Consent will be submitted for these works.

Figure 4-Proposed site layout plan





5.0 Planning policy and key planning issues

This application raises a number of planning and technical issues that fall to be assessed against local and national planning policy. The key issues can be summarised as:

- The principle of development
- Heritage impacts
- Layout and design including residential amenity
- Flood risk
- Access and parking

Planning Policy Context

National planning policy is established primarily through the **National Planning Policy Framework (NPPF)**. This sets out Government's clear presumption in favour of sustainable development.

Local Plan policy is set out in the **South East Lincolnshire Local Plan 2011-2026 (adopted March 2019)**. The plan was prepared jointly by Boston Borough Council, South Holland District Council and Lincolnshire County Council. The application site lies within the administrative area of South Holland District Council.

Minerals and Waste policy is determined by Lincolnshire County Council and set out in the **Minerals and Waste Core Strategy and Development Management Policies Plan** adopted in June 2016. Alongside policies for assessing the suitability of new minerals and waste development the plan also designates mineral safeguarding areas to protect future mineral use. Spalding does not fall within any safeguarding areas.

Spalding is not designated as a neighbourhood area.

The principle of development

The development raises a number of matters relating to the principle of development namely:

- loss of a non-designed employment use/impact upon a primary retail frontage
- principle of residential development
- affordable housing provision.

These are considered in turn.

Loss of a non-designated employment use/impact upon a primary retail frontage

Policy 7 Improving South East Lincolnshire's Employment Land Portfolio seeks to ensure that sufficient employment land remains available within the local plan area. Amongst other matters it sets out that conversion and redevelopment of or changes of use from non-allocated employment sites to non-employment uses will be considered on their merits taking account of any impact upon employment growth and opportunities in the area, whether the site is unviable for employment use and whether the site has been marketed for at least 12 months.

Policy 26: Primary Shopping Frontages sets out that subject to Permitted Development Rights (or any successor,) ground floor A1 units in the Primary Shopping Frontages should be retained predominantly for retail use unless it can be demonstrated that the loss of an A1 unit, by change of use or redevelopment will make a positive contribution to the vitality and viability of the Primary Shopping Frontage. Proposals should not result in the loss of A1 floor space or frontage of a scale that undermines the retail function of the frontage. The policy allows upper floors to be effectively used, including the possibility of independent use, where appropriate.

The application site does not lie within a designated employment area but does fall within the designated Primary Shopping area for Spalding and is also designated as Primary Shopping Frontage. The building was last occupied by Calthrops Solicitors and therefore now falls within use Class E.

Whilst Policy 26 seeks to ensure that primary shopping frontages are retained mainly within retail use, the application site was a non-retail use under the previous occupation. Furthermore Policy 26 pre-dates the change to the Use Class Order, introduced by Government to ensure greater flexibility within the High Street. As an unrestricted Class E use, a range of alternative uses falling outside of A1 are now permitted. Notwithstanding this it is proposed to retain a commercial use on the ground floor of the building thereby ensuring that an active frontage is retained. The change of the remainder of the building to residential use will also contribute to the vitality and viability of the town centre as a whole as it will increase the number of people living within it and reliant upon it for goods and services. It will also bring a Listed building back into active use, thereby helping to preserve the building and the character and appearance of the Spalding Conservation Area.

Policy 7 seeks to ensure that South East Lincolnshire retains sufficient land for employment use. As has already been set out, the application site now benefits from permitted development rights under Class E allowing it to move between different uses. As well as introducing Class E, Government has also introduced prior approval process for office to residential conversions (Town and Country Planning (General Permitted Development) Order, Part 3 Class O refers). As a Listed building, planning permission is required in this instance for such a change of use, but Government's intention regarding the acceptability of the principle of such a change is now clearly established. Furthermore, the current Covid 19 pandemic has fundamentally changed the demand for office space both in terms of the amount of space required and the kind of office accommodation which occupiers are seeking. In this

context the application site is unlikely to be attractive. Notwithstanding this, given the scale of the site it is not considered that this proposal puts at risk the overall delivery of employment space within the plan area.

Residential development

NPPF Paragraph 69 sets out that small and medium sites can make an important contribution to meeting housing requirements in an area. It also supports the development of windfall sites through local plan policies and decisions whilst **Paragraph 119** requires that decisions should promote an effective use of land in meeting the need for homes.

Policy SP1 Spatial Strategy sets out the overall spatial strategy for the Local Plan area and seeks to direct new development to the sub regional centres of Spalding and Boston in the first instance. **Policy 10: Meeting Assessed Housing Requirements** set out that provision will be made for a net increase of at least 19,425 dwellings in South East Lincolnshire. This equates to a requirement for 11,681 new dwellings with South Holland or 467 per annum. **Policy 11: Distribution of New Housing** reinforces the spatial strategy setting out that provision will be made (through site allocations) for 5510 new dwellings will be delivered in Spalding.

The Local Plan clearly seeks to direct new housing development to Spalding as one of the sub regional centres within the plan area. It also sets out a requirement for 467 new homes per annum. As such, the principle of residential development is considered to be acceptable. Whilst not allocated, as a small-scale site its redevelopment will clearly help meet local housing need, as recognised within the NPPF. The site is also in a highly sustainable location, thereby helping to support local shops and services.

Affordable housing provision

Policy 18: Affordable Housing sets out the affordable housing requirements for South East Lincolnshire. In South Holland there is a requirement for some 282 new affordable dwellings per annum, equating to about 60% of the overall annual housing need. The affordable housing need will be sought on market housing sites of 11 or more dwellings (or residential developments with an internal floor area of 1,000sqm or more with a requirement. In South Holland there will be a requirement for 25% of new dwellings to be affordable. It goes on to set out that the proportion of affordable housing which can be provided on market housing sites may vary according to the site-specific considerations such as viability, other infrastructure requirements and the type of affordable housing need to be met.

The application proposes 12 new flats and is therefore over the affordable housing threshold set out in Policy 18. However, the application is accompanied by a Viability/Vacant Building Credit report which demonstrates that in accordance with Government planning policy an affordable housing contribution should not be sought.

Summary

The application is located within Spalding town centre, one of the sub regional centres in the plan area and is therefore an appropriate location for new residential development. The scheme will help meet housing need and support the local economy. It will also bring a Listed building back into active use.

Changes to the Use Class Order and the introduction of the prior approval process signal Government's clear intention to introduce more flexibility into the planning system to allow it to respond to change

demands including for retail and office space, a situation which has been exacerbated by the Covid 19 pandemic. As such the principle of development is considered to be acceptable in the instance.

Heritage Impacts

As set out above, the application building is Grade II Listed and located within the Spalding Conservation Area.

As such, there is a requirement to pay special attention to the desirability of preserving or enhancing the character and appearance of the area in accordance with **Section 72 (1) of the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990**.

Considerable weight and importance is given to the avoidance of harm to conservation areas and their setting. The presumption against the avoidance of harm is a statutory one and can only be outweighed if there are material considerations strong enough to do so.

The **NPPF** requires local authorities to consider the impact of development upon heritage assets and to weigh up whether harm would be caused. **Paragraph 195** sets out that development which would lead to substantial harm should be refused apart from in exceptional circumstances whilst **Paragraph 196** sets out that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

Policy 29: The Historic Environment sets out that development proposals should conserve and enhance the character and appearance of designated and non-designated heritage assets. Proposals to change the use of a Listed building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that they are in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed building or its setting. 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.

The Spalding Conservation Area covers the commercial 'heart' of the town centre and most of the historic settlement which straddles both sides of the River Welland and later Victorian residential development on the Pinchbeck Road. The conservation area was designated in 1970 and extended in 1975. It was one of the earliest conservation areas to be designated and contains a Grade I Listed Church, 29 Grade II* Listed Buildings and 28 Grade II Listed Buildings. The extent of the conservation area is shown in Figure 5 below. Figure 6 shows the application site and adjacent Listed buildings.

The **Spalding Conservation Area Appraisal 2007** identifies four distinct character areas within the conservation area boundary including the historic commercial centre. This is based around three interlinked open historical areas; Hall Place, the Sheep Market and Market Place, where the application site is located.

The essential characteristics of Market Place are identified as follows:

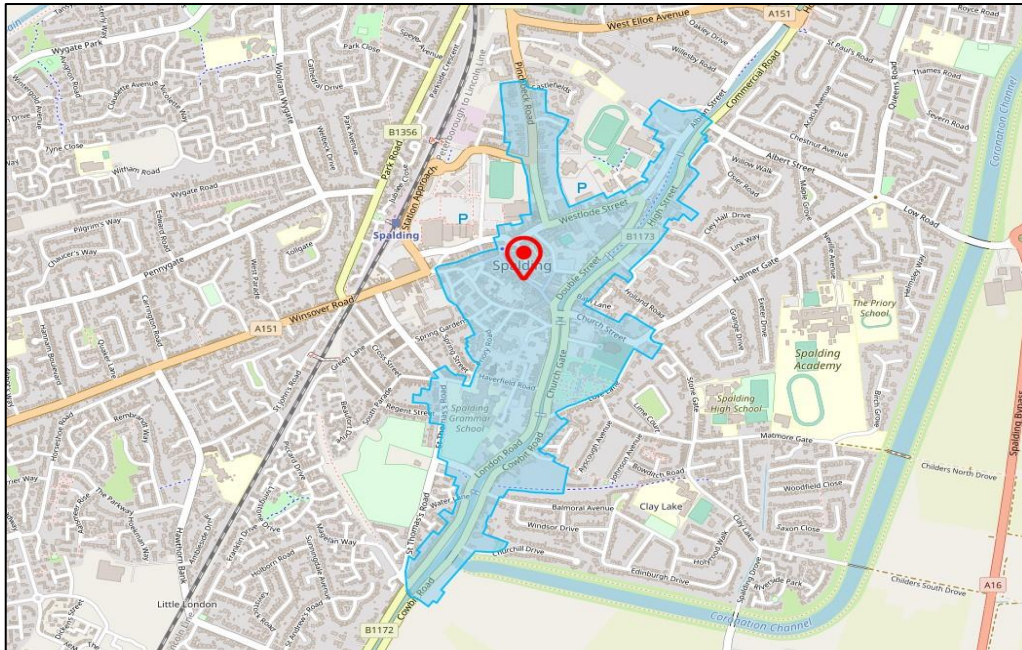
- A large open square enclosed by tall, impressive buildings, mainly three or even four storeys in height.
- There are small groups of listed buildings around Market Place of varying ages and designs including Georgian frontages and some high-quality Victorian buildings.
- Narrow streets leading away from Market Place (Red Lion Street and Broad Street)

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- Glimpsed views to the spires of St Marys and St Nicolas along the length of Hall Place and Market Place.

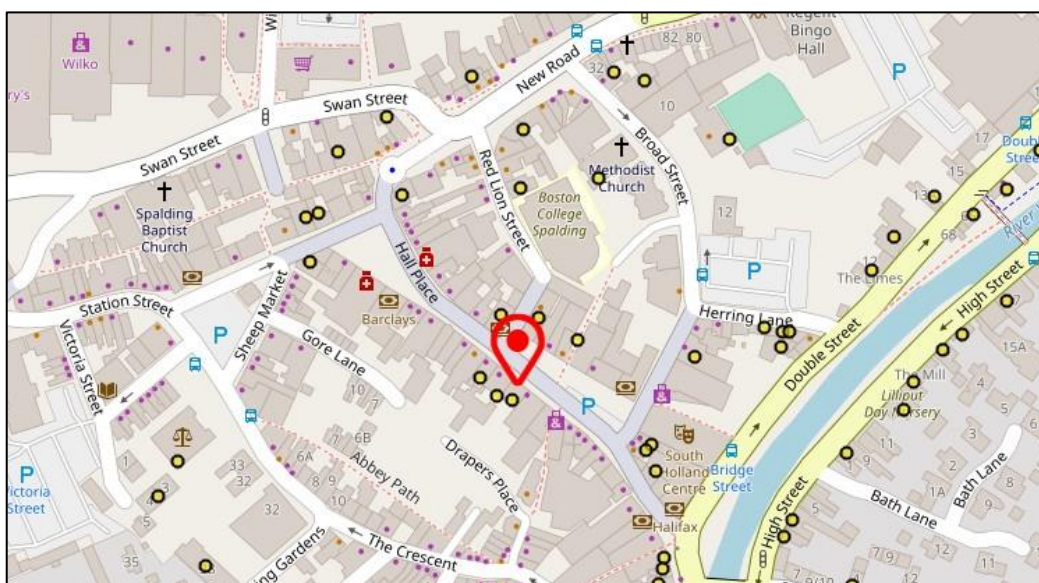
The appraisal recognises that Market Place has been an area of change with several historic buildings lost and replaced over the 20th century. It acknowledges, however, that most of the replacement buildings have been built with care and consideration, emulating the lost buildings meaning they do not detract from the character of Market Place.

Figure 5- The Spalding Conservation Area



Source- Lincolnshire Heritage Explore

Figure 6- Listed Buildings adjacent to the application site.



Source- Lincolnshire Heritage Explorer

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It is considered that the application proposal would have a positive impact upon the conservation area, both preserving and enhancing it, by bringing a large and currently vacant Listed building back into active use.

No external alterations are required to facilitate the conversion to residential use. A commercial use will be retained on the ground floor front Market Place itself. As such there would be no change to the features of the building located within the listing description set out in section 1.

The conversion can also be accommodated with minimal internal alterations as shown on the plans in Figure 4. The building has been altered internally as shown in the photographs in Figure 7 below, and there are few internal features of historic interest.

Figure 7- Existing site internal site photographs





It is therefore considered that any harm resulting from the works would be at the very low end of less than substantial harm and outweighed by the benefit of bring this Listed building back into active use.

As such the proposal is considered to comply with the Planning and Listed Building Act, the NPPF and Policy 29.

Design and layout including residential amenity

Paragraph 130 of the NPPF sets out that development should be visually attractive incorporating good architecture and layout, including appropriate and effective use of landscaping that is sympathetic to local character and history. **Paragraph 185** seeks to ensure that development is appropriate for its location and that health and living conditions are protected where necessary by mitigation.

Policy 2: Development Management is an overarching policy which sets out that development will be permitted provided that sustainable development considerations are met, specifically in relation to size, scale, layout, density, impact upon amenity, trees, character and appearance of the area, relationship to existing development and lands uses, quality of design, use of sustainable resources, access and vehicle generational levels, capacity of existing services and infrastructure, sustainable drainage and flood risk, impact upon the natural and historic environment and loss of sand and gravel resources.

Policy 3 Design of New Development seeks to ensure that new development creates distinctive places through the use of high quality and inclusive designs/layouts and appropriate building materials, maximising opportunities to improve the character and quality of an area. It then sets out a number of specific considerations.

Policy 17: Providing a Mix of Housing sets out that new housing should seek to meet the long-term needs of the Plan area in order to maintain and provide mixed, inclusive and sustainable communities. Family homes of two or three bedrooms are in highest demand for both the market and affordable housing sectors and one-bedroom homes are also required to meet affordable needs.

Policy 31: Climate Change and Renewable and Low Carbon Energy sets out that all development proposals will be required to demonstrate that the consequences of current climate change have been addressed, minimised and mitigated.

As set out under Section 4 above, the application proposes three two-bedroom and 9 one-bedroom flats thereby proving a mix of house types whilst making efficient use of the existing building. The building is in a highly sustainable location and the redevelopment can be accommodated without further extension to the building and with little internal alteration. No external alternations are required to the front of building adjoining Market Place. Re-use of the existing building will also minimise the carbon footprint of the development.

The flats are all considered to be of a sufficient size to provide the occupiers with adequate living space and have been 'stacked' internally to minimise the potential for noise disturbance.

Adequate provision can be made within the layout for refuse storage and collection. 20 cycle parking spaces will also be provided.

The scheme is therefore considered to be appropriate within the context of the NPPF and Policies 2,3, 17 and 31.

Flood risk

Paragraph 159 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in an area it should be made safe for its lifetime without increasing flood risk elsewhere. **Paragraph 167** sets out the requirements for the sequential and exceptions test.

Policy 4 Approach to Flood Risk sets out that development proposals within an area at risk of flooding (flood zones 2 and 3 or at risk at risk during a breach or overtopping scenario as shown on the flood hazard and depth maps in the Strategic Flood Risk Assessment) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. the sequential test is passed). This is not required for changes of use (except for a caravan, camping or chalet site or to a mobile homes or park home site) and where the application is supported by a Site-Specific Flood Risk Assessment which should assess the risks to the site, demonstrate flood risk elsewhere will not be increased and set out any necessary mitigation measures. The policy goes on to state that change of use of existing buildings will be supported providing they do not pose an increase in risk to people. Change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported.

As shown in Figure 3 above, the application site is located within Flood Zone 3. A large part of the district of South Holland lies within Flood Zones 2 and 3. As such the **South East Lincolnshire Strategic Flood Risk Assessment** (2017) provides further detailed analysis of the flood risk across the region in respect of both fluvial and tidal impacts.

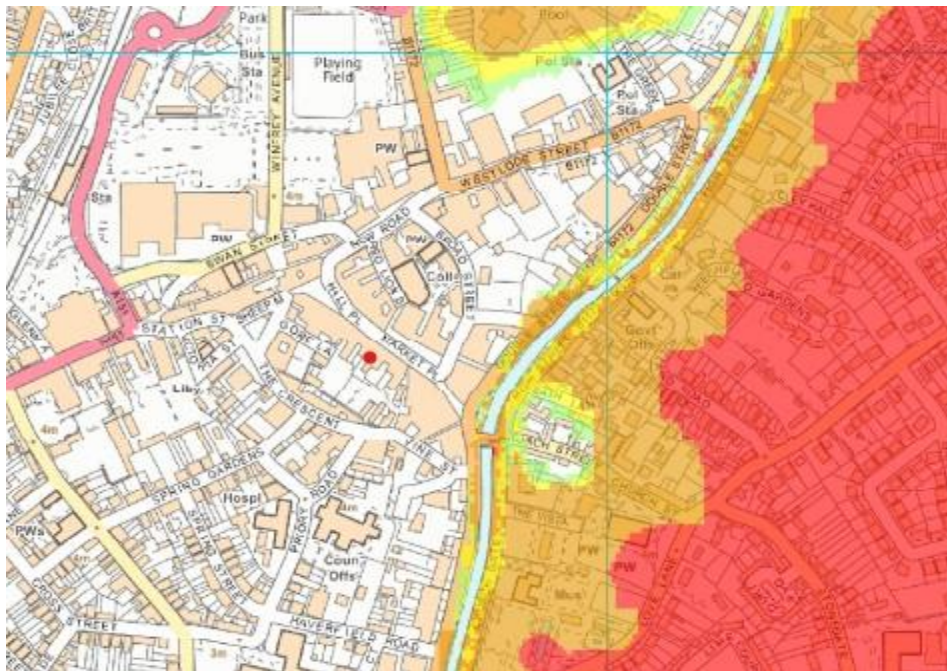
The application proposes a change of use. There is no requirement either within the NPPF or through Policy 4 to undertake a sequential test for a change of use application except where it relates to specific types of development which the application does not fall within.

Paragraph 48 of the **Planning Practice Guidance on Flood Risk and Coastal Change** sets out that if a change of use results in an alteration to the vulnerability classification of the development, then the application will need to show in their flood risk assessment that future users will not be placed in danger from flood hazards throughout its lifetime.

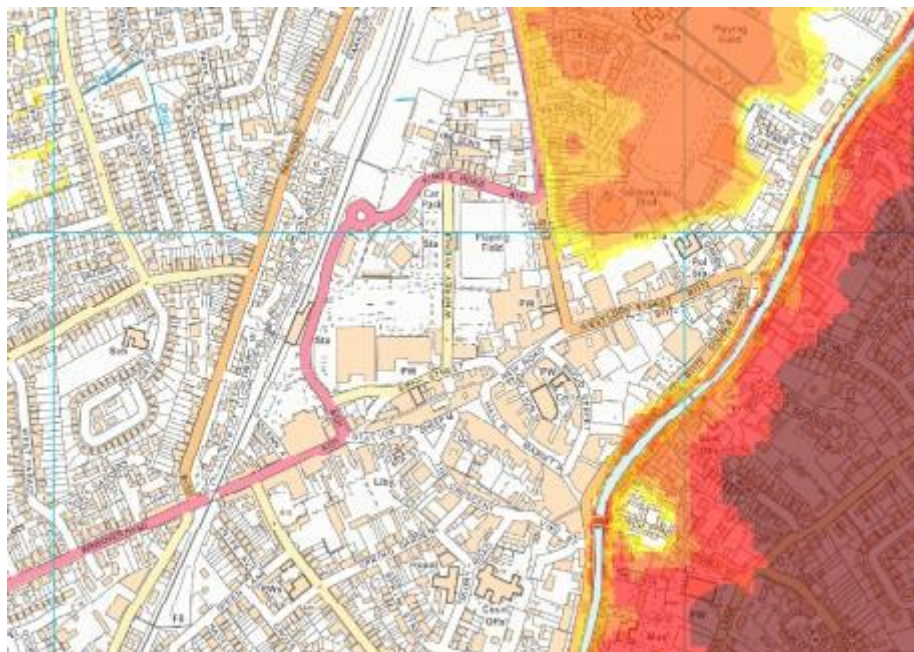
The application is therefore supported by a **Site-Specific Flood Risk Assessment prepared by Ellingham Consulting Ltd**. This has reviewed the potential flooding sources for the site along with the hazard and depth maps produced as part of the Strategic Flood Risk Assessment. These maps indicate that Market Place is not within an area which is at risk from either fluvial or tidal breaches in 2115, as shown in Figure 8 below. In light of this no site-specific flood risk measures are required and the Council has confirmed that ground floor flats are acceptable in principle.

The Flood Risk Assessment concludes that the overall flood risk is considered to be low. Notwithstanding this, future occupants will be made aware of the risk of flooding, including the standard of the existing defences and it will be recommended they register with the Floodline Direct Warnings Service to receive any future flood warnings

Figure 8- Extract from the residual flood hazard/depth maps 2011



Hazard Map



Depth Map

The development is therefore considered to be acceptable in accordance with the provisions the NPPF and Policy 4.

Access and parking

Paragraph 111 of the NPPF identifies transport related criteria which should be considered in deciding planning applications including the promotion of sustainable transport, safe and suitable access.

Paragraph 112 sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Policy 2: Development Management considers the impact of development on access and traffic generation. **Policy 31: Climate Change and Renewable and Low Carbon Energy** seeks to reduce the need to travel through locational decisions and, where appropriate, providing a mix of uses.

Policy 36: Vehicle and Cycle Parking sets out that new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities unless a high quality-design can demonstrate that a lower standard of provision would be acceptable.

The building has 16 parking spaces as shown in Figure 9 below. It is proposed to allocate 4 of these to the ground floor commercial use and one per flat.

Figure 9- Proposed parking space layout



Whilst the provision for the new flats would be below the standard in the Local Plan (2 spaces for dwellings with up to 3 bedrooms) the majority of the apartments would be one bed and the site is in

a highly sustainable location within the town centre with good public transport links. As such the parking provision is considered to be suitable for the proposed use.

As set out above, 20 cycle parking spaces would also be created.

As such the scheme is considered to comply with Policies 2, 11 and 36 adopted Local Plan and the provisions of the NPPF.

6.0 Conclusion

The Local Plan seeks to direct new development to Spalding as one the sub-regional centres within the plan area. It is therefore an appropriate location for new development. Whilst not allocated for housing, both the National Planning Policy Framework and the Local Plan recognise the importance of windfall sites in meeting housing need.

The building was last occupied by Calthrops Solicitors and therefore now falls within use Class E. Whilst the Local Plan seeks to ensure that primary shopping frontages are retained primarily within retail use, the application site was already a non-retail use under its previous occupation.

Notwithstanding this it is proposed to retain a commercial use on the ground floor of the building thereby ensuring that an active frontage is retained. The change of the remainder of the building to residential use will also contribute to the vitality and viability of the town centre as a whole as it will increase the number of people living within it and reliant upon it for goods and services. It will also bring a Listed building back into active use, thereby helping to preserve the building and the character and appearance of the Spalding Conservation Area.

The conversion of the building to residential use can be accommodated without causing harm to the fabric of this Listed building, which has been extensively altered internally.

Although the proposed car parking provision would be below the standards set out in the Local Plan, the site is in a highly sustainable location within the city centre and there are clear benefits arising from its conversion.

Whilst the site lies within Flood Zone 3 the detailed hazard and depth maps show that Market Place is not within an area which is at risk from either fluvial or tidal breaches in 2115. As such the site is not at any unacceptable risk of flooding.

In accordance with the NPPF, planning permission should be granted for this proposal as there are no adverse impacts which would outweigh the benefits of the scheme.