

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 04 September 2019

**(Author:** Greg Watkinson - Planning Conservation Officer)

**Purpose:** To consider Planning Application H04-0641-19

**Application Number:** H04-0641-19

**Date Received:** 26 June 2019

**Application Type:** FULL

**Description:** Renovation and alteration to retail/residential premises

**Location:** 15-16 Market Place Donington Spalding

**Applicant:** Mr H Bingham

**Agent:** Cooper Architectural Design

**Ward:** Donington, Quadring and  
Gosberton

**Ward Councillors:** Cllr H J W Bingham  
Cllr S C Walsh  
Cllr J L King

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H04-0641-19>

### 1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a District Councillor.

### 2.0 PROPOSAL

2.1 The proposal is for the renovation and alteration to a residential/retail premises. The works to include fitting of new timber and UPVC windows and removal of existing rear windows to be replaced with 'Conservation Style' roof lights. Additionally, the current doorway to be sealed, and a new entranceway placed to the rear of the property which proposes to re-use the current door.

2.2 Alterations to the interior of the property include the removal of the interior chimney breast, removal of some 1st floor interior walls to create an open plan kitchen / living room and the repair of the staircase.

2.3 The retail space to be re-plastered and the false ceiling and wall linings to be removed

### 3.0 SITE DESCRIPTION

3.1 15-16 Market Place is a 19th Century terraced property featuring a characterful arched access from front to rear of the property. The property is terraced to the west with the Grade II listed building, 14 Market Street.

3.2 Additionally, it is within eyeshot of several further nearby grade II listed buildings. The site holds a prominent street frontage position at the centre of Donington, on the north side of the Market

Place - a key location in the Donington Conservation area.

## **4.0 RELEVANT PLANNING POLICIES**

### **4.1 The Development Plan**

#### **4.2 South East Lincolnshire Local Plan, March 2019**

Policy 1 - Spatial Strategy  
Policy 2 - Development Management  
Policy 3 - Design of New Development  
Policy 24 - The Retail Hierarchy  
Policy 26 - Primary Shopping frontages  
Policy 29 - The Historic Environment

4.3 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **4.4 National Guidance**

#### **4.5 National Planning Policy Framework (NPPF), 2019**

4. Decision Making  
7. Ensuring the Vitality of Town Centres  
12. Achieving Well-Designed Places  
16. Conserving and Enhancing the Historic Environment

#### **4.6 Planning Practice Guidance (PPG)**

## **5.0 RELEVANT PLANNING HISTORY**

5.1 None.

## **6.0 REPRESENTATIONS**

### **6.1 Ward Councillor**

6.2 Cllr J King - The proposed works are sympathetic to the Donington Conservation Area.

## **7.0 CONSIDERATIONS**

### **7.1 Planning Considerations**

#### **7.2 Design and Layout**

7.3 The proposed works would impact upon the external design by re-introducing period style sash windows to the front elevation, the replacement of the side-entrance visible through the arched access-way with a 900 x 450 U.P.V.C window and the removal of both of the rear 1st floor windows, to be replaced with two 'Conservation Style' roof windows in the roof immediately above the original window positions.

7.4 The layout of the interior will change with the creation of an upstairs open plan kitchen / living room.

## 7.5 Heritage Impact

7.6 The property sits within the Donington Conservation Area in the prominent Market Place part of the village. Additionally, it is adjoined at its West side to the Grade II listed building, 14 Market Place and is within close proximity to 2 further grade II listed buildings, those being 1a 'St Hellier' Market Place and 18 Market Place.

7.7 The proposed works to the exterior of the building are largely in-keeping with the original style of the property and the Conservation area. The replacement windows on the 1st floor frontage are proposed to be vertical sliding sash style windows (which are replacing the current timber top light style windows) and are therefore more original to the design of the property and consistent with the Conservation Area than the windows they propose to replace. The roof windows avoid significant impact upon the Conservation Area by being to the rear of the property, meaning they are not visible from the street.

7.8 The proposed internal alterations include no intensive or intrusive works to the western walls of the property which is shared with the Grade II listed building, 14 Market Street.

7.9 For the above reasons, the proposals sufficiently avoid impacting significantly upon either the Donington Conservation Area, or the nearby Grade II listed buildings, including the adjoining, 14 Market Street and actually enhance the qualities of the Donington Conservation Area

## 7.10 Retail Impact

7.11 The ground floor of the property is designated as retail use. It is not proposed that this changes and the proposals do not include any diminishment of the size or significance of that retail space.

## 7.12 Residential Amenity

7.13 Whilst the proposed new rear roof windows will be in a position to overlook the neighbouring properties' back gardens, this is no change to the current arrangement as the property is terraced and the roof windows will be replacing two conventional windows at the rear of the property which are similarly positioned to overlook neighbouring properties.

## 7.14 Vehicle Parking

7.15 The property has vehicle parking to the rear which is accessible via the arched access-way. This is not proposed to change.

## 7.16 **Additional Considerations**

### 7.17 Public Sector Equality Duty

7.18 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.

7.19 The protected characteristics are age, disability, gender reassignment, pregnancy and

maternity, race, religion or belief, sex and sexual orientation.

7.20 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.

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

## 7.22 Human Rights

7.23 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).

7.24 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.

## 8.0 RECOMMENDATIONS

8.1 Grant planning permission subject to the conditions listed in Section 9.0 of this report.

## 9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
Application Form  
DRw 1902-01  
DRw 1902-02  
DRw 1902-03

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

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Background papers:- Planning Application Working File

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### Lead Contact Officer

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**Appendices attached to this report:**

Appendix A            Plan A

# MapThat Scale Print Title

