

Officers Report
Planning Application No: 147177
And
Listed Building Consent No: 147178

PROPOSAL: Planning application to install a traditional Victorian awning.
And
Listed Building Consent to install a traditional Victorian awning.

LOCATION: 5-7 Market Place Gainsborough Lincolnshire DN21 2BP
WARD: Gainsborough South West
WARD MEMBER(S): Cllr T V Young and Cllr J S McGhee
APPLICANT NAME: Ms Claire Hill- West Lindsey District Council

TARGET DECISION DATE: 26/12/2023 (Extension of time agreed until 5 January 2024)
DEVELOPMENT TYPE: Minor - all others and Listed Building - Alter/Extend
CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission and listed building consent with conditions

The applications are referred to the planning committee for determination in line with the Council's constitution as West Lindsey District Council is the applicant.

Site Description: The application site is a grade II listed building within the Town Centre Market Place (Primary shopping Area) of Gainsborough. The building has retail on the ground floor and flats above. It is adjacent the pedestrian areas of the Market Place with other retail and business uses in all directions. The site is within the Gainsborough Town Conservation Area and in the setting of several listed buildings.

The Proposal: The applications seek full planning permission and listed building consent for the installation of a traditional Victorian retractable awning to the front elevation of the ground floor shop unit. The fabric part of the awning will be an Admiral Blue colour (RKS170) and will retract into a box affixed to the front elevation. It will measure 5.4m in width and will project out 2m. Following initial comments from the Highways Authority an amended plan was received on 08/12/23. This now shows the head clearance of the awning to be 2.2m above ground level.

Relevant history:

146998- Listed building consent for temporary propping to rear section of roof, replacement or repair of rotten structural timbers and inclusion of new supporting precast

concrete pad stone and joist hanger, installation of reinforcement bars at north-east corner, installation of new restraint straps to brick wall and header plate for rafters, temporary removal of existing roof tiles and re-laying following repair, and removal of existing render to north elevation (high level) and re-rendering following strapping and stabilising of gable wall. GC 29/08/2023.

143879 - Request for confirmation of compliance with conditions 3-12 inclusive of Listed Building Consent 142759 granted 17th June 2021 – 13/12/22 - Condition discharged

143856 - Request for confirmation of compliance with conditions 3-12 inclusive of planning permission 142758 granted 17 June 2021 – 13/12/22 - Condition discharged

142759 - Listed building consent for change of use of first - third floor from offices to 3no. residential apartments, removal of existing and installation of timber shop front, installation of gate, removal of pantiles and installation of slate roof, removal of escape door, facade repair including brick replacement, mortar repair and stone cill replacement, structural works tying in west facade with floor, sash window repair and refurbishment and associated internal and external repairs and refurbishment – 17/06/21 – Granted time limit plus conditions

142758 - Planning application for change of use of first - third floor from offices to 3no. residential apartments, removal of existing and installation of timber shop front, installation of gate, removal of pantiles and installation of slate roof, removal of escape door, facade repair including brick replacement, mortar repair and stone cill replacement, structural works tying in west facade with floor, sash window repair and refurbishment and associated internal and external repairs and refurbishment – 17/06/21 – Granted time limit plus conditions

97/P/0229 Consent to internally alter existing building - 14/05/97 - Approved

W33/1146/89 Change the use of shop to office (Class A2 of the Town and Country Planning (Use Classes Order) 1987) - 7/12/89 - Approved

Representations- In Summary. Full versions of the comments received can be viewed on the Councils website, using the following links:

147177- <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=147177&nb=1>

147178- <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?docid=147178>

Chairman/Ward member(s): No representations received to date.

Gainsborough Town Council: No comments to make.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority:

11/12/2023- No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application. Recommends two informatives.

27/11/2023- Additional information required. Head clearance for the awning will need to be a minimum of 2.2m from ground level. Can the applicant update the design accordingly.

Historic England: In our view you do not need to notify us of this application under the relevant statutory provisions.

WLDC Conservation Officer: Verbal- No objections to the proposed awning.

Archaeology: No representations received to date.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023); the Gainsborough Town Neighbourhood Plan (made 2021); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2023 (CLLP)***

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S37: Gainsborough Town Centre and Primary Shopping Area

Policy NS41: City and Town Centre Frontages

Policy S47: Accessibility and Transport

Policy S53: Design and Amenity

Policy S57: The Historic Environment

<https://www.n-kesteven.gov.uk/central-lincolnshire>

- ***Gainsborough Town Neighbourhood Plan (NP)***

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/gainsborough-town-neighbourhood-plan>

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is within a Minerals Safeguarding Area, Minerals or Waste site / area and Policy M11 applies.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

- ***National Planning Policy Framework (NPPF)***

https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in December 2023.

- ***National Planning Practice Guidance***

<https://www.gov.uk/government/collections/planning-practice-guidance>

- ***National Design Guide (2019)***

<https://www.gov.uk/government/publications/national-design-guide>

- ***National Design Code (2021)***

<https://www.gov.uk/government/publications/national-model-design-code>

Other Relevant Legislation

- Statutory Duties contained within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990- The 'Act'.

<https://www.legislation.gov.uk/ukpga/1990/9/contents>

Main issues

- Principle of Development;
- Impact on host Listed Building and Gainsborough Conservation Area;
- Other Matters.

Assessment:

Principle of Development

The application site is located within Gainsborough Town Centre. Gainsborough is defined as a 'Main Town' within Policy S1 of the CLLP. The works comprise of external alterations to the existing building, the main considerations in this case are the impacts on the host building, a Grade II Listed Building, as well as the nearby designated heritage assets comprising of other nearby listed buildings and the Gainsborough Town Centre Conservation Area.

Section 16 (2) of the Planning (Listed Building and Conservation Area) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Impact on host Listed Building and Gainsborough Conservation Area

Policy S53 states that; *All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.*

Policy NS41 states that; *Proposals for new frontages or **alterations to existing frontages** within an identified centre will be permitted provided the proposal:*

- a. is of a high quality design and is sympathetic in scale, proportion and appearance to the building of which it forms part, and to the character of the surrounding street scene; and*
- b. protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area; and*
- c. is designed to allow equal access for all users.*

With regard to Listed Buildings Policy S57 of the CLLP states that; *Permission 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 the proposal is in the interest of the building's*

conservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Policy NPP18 of the NP states that; *Development proposals for the renovation of buildings and shopfronts in the Town Centre that reinforce its historic character and comply with West Lindsey District Council's shopfront improvement scheme will be supported.*

The statutory duties contained within Sections 66 and 72 the 'Act' place a legislative requirement on the Local Planning Authority to pay 'special regard' to the desirability of preserving the setting of listed buildings. With regard to conservation areas, Section 72 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The applications seek full planning permission and listed building consent for the installation of a traditional Victorian retractable awning to the front elevation of the ground floor shop unit. The fabric part of the awning will in an Admiral Blue colour (RKS170) and will retract into a box affixed to the front elevation. It will measure 5.4 metres in width and will project out 2 metres. The awning would be of a traditional appearance, design and colour that will match the existing shop frontage. The Councils Conservation Officer has verbally confirmed that they have no objections to the proposals.

Overall, it is considered that the special historic interest of the host Listed building would be preserved and would therefore accord to the statutory duty contained within Section 16 of the 'Act'. The proposals would also help to enhance the Gainsborough Town Centre Conservation Area and street scene of the Market Place in accordance with the policies contained within the Development Plan and the Statutory duties within Sections 66 and 72 of the 'Act'.

Other Matters

Highways- The highways authority have been consulted on the proposals. Their initial comments requested that the head clearance for the awning need to be at least 2.2 metres above ground level. Amended plans were received on 08/12/23, which now shows a clearance of 2.2 metres. The Highways Authority at Lincolnshire County Council have subsequently confirmed that they now have no objections to the proposals subject to two informatives to be added to the decision in the event that permission is granted. Overall, the proposals would not have a harmful impact upon on highway safety.

Drainage- Drainage from the awning will utilise the existing drainage systems at the site.

Residential Amenity- The proposals, given that they comprise of minor external works to an existing building, would not impact upon the amenity of any neighbouring residential occupiers.

Minerals Safeguarding Area- The proposals comprise of external works to an existing building and its frontage, it is not considered that safeguarding considerations within policy M11 of the Lincolnshire Minerals and Waste Local Plan are engaged in this case.

Planning application conclusion

The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S53: Design and Amenity, Policy S57: The Historic Environment of the Central Lincolnshire Local Plan, the policies within the Gainsborough Town Neighbourhood Plan, Policy M11 of the Core Strategy and the Statutory duties contained within Sections 66 and 72 of the 'Act' in the first instance along with the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment it is considered that the proposed awning would respect the host Grade II Listed building as well as the wider Market Place. The proposals would preserve the setting of the nearby listed buildings and conservation area. No unacceptable harm has been identified with regard to the impacts upon residential amenity, highways or drainage nor would the proposal impact upon the minerals safeguarding area. The application is recommended for approval subject to conditions.

Listed Building Consent conclusion

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In light of this assessment, the proposal is considered as preserving the desirability of the Listed Building and its setting. Furthermore, the proposed development will preserve the desirability of the special architectural features or historic interest it possesses. The consent is therefore recommended for approval, subject to conditions.

RECOMMENDATION- Grant planning permission and listed building consent with conditions

Recommended Conditions- Planning Permission 147177

Conditions stating the time by which the development must be commenced:

1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

- Site Location Plan received 31/10/2023;
- Project Specification drawing 02 Rev B received 08/12/2023;
- Side Elevation and Cross Section Drawing 04 Rev B received 08/12/2023;
- Proposed Front Elevation Drawing 03 Rev B received 08/12/2023;
- Product Specifications- Box Details Drawing 05 Rev B received 08/12/2023;
- Fixing Specification Drawing no. 06 Rev B received 08/12/2023.

The works shall be carried out in accordance with the details and material information shown on the approved plans, and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

Conditions which apply or relate to matters which are to be observed following completion of the development:

None.

Notes to the Applicant

None.

Recommended Conditions- Listed Building Consent 147178

Conditions stating the time by which the development must be commenced:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

- Site Location Plan received 31/10/2023;
- Project Specification drawing 02 Rev B received 08/12/2023;
- Side Elevation and Cross Section Drawing 04 Rev B received 08/12/2023;
- Proposed Front Elevation Drawing 03 Rev B received 08/12/2023;
- Product Specifications- Box Details Drawing 05 Rev B received 08/12/2023;
- Fixing Specification Drawing no. 06 Rev B received 08/12/2023.

The works shall be carried out in accordance with the details and material information shown on the approved plans, and in any other approved documents forming part of the application.

Reason: To ensure the work proceeds in accordance with the approved plans in accordance with section 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conditions which apply or relate to matters which are to be observed following completion of the development:

None.

Notes to the Applicant

Highways

Oversailing License Section 177- Please contact Lincolnshire County Council Local Highways Team on 01522 782070 to obtain an oversailing license for the proposed awning over the footway, under Section 177 of Highways Act 1980.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the

Highway Authority's website via the following link: Traffic Management -

<https://www.lincolnshire.gov.uk/traffic-management>

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report