

Officers Report

Planning Application No: 137063

Listed Building Consent application: 137064

PLANNING APPLICATION PROPOSAL: Planning application for internal works to include the refurbishment of the ground floor shop and refurbishment of the residential accommodation on the 1st and 2nd floors to provide 2no. apartments. Also replacement windows, new roof and alterations to existing outbuilding to form bin store.

LISTED BUILDING CONSENT PROPOSAL: Listed building consent for internal works to include the refurbishment of the ground floor shop and refurbishment of the residential accommodation on the 1st and 2nd floors to provide 2no. apartments. Also replacement windows, new roof and alterations to existing outbuilding to form bin store.

LOCATION: 25 Market Street Gainsborough, DN21 2BE

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs J Rainsforth and Cllr T Young

APPLICANT NAME: Market Street Renewal Ltd

TARGET DECISION DATE: 08/03/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Joanne Sizer & Russell Clarkson

RECOMMENDED DECISION:

- (1) To grant planning permission, subject to conditions.
- (2) To grant Listed Building Consent, where revised drawings have been submitted to demonstrate the appropriate retention of the historic fabric of the building.

Description:

The application site is located within Gainsborough Town Centre and Gainsborough Britannia Conservation Area. It also sits within Gainsborough Town Centre and the primary shopping area. It hosts a Grade II listed building which is described in listing as:

C18 origin. 3 storeys in brick with steep pantile roof with dentil eaves cornice. 3 windows, painted brick voussoirs, wood cases, hung sashes with glazing bars. Brick band between storeys. Late C19 shop front. Nos 25 to 39 (odd) form a group, Nos 27 and 39 being of local interest.

The property has most recently been used as a shop (use class A1) at ground floor and residential accommodation above. It is surrounded by other commercial premises some of which are also grade II and II* listed.

This application seeks planning permission for change of use to ground floor shop (use class A1) with two flats (use class C3) above. External works will include the installation of a new shopfront.

Separate Listed Building Consent is being applied for the enabling works, internally and externally, for the change of use.

Relevant history:

Application site:

W33/LB/1/80 – Renovation of outhouse – LBC – 07/02/80

W33/A/9/83 – Erect box sign – A – 04/05/83

W33/4B/7/78 – Re-roof 18/07/78

On adjacent sites:

135750 - Planning application for demolition of former Sun Inn hotel and 37 Market Street, construction of hotel (use class C1) and restaurant (use class A3); alterations to and demolition of rear part of 27 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses at ground floor; alterations to and demolition of rear part of 29 Market Street; alterations to 35 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses; alterations to 3,7,11 and 5,9,13 North Street and demolition of outbuilding to rear; works to expand and reconfigure car park; landscaping, access and associated works – GC – 24/07/17

135751 - Listed building consent for demolition of 37 Market Street, alterations to and partial demolition of 29 Market Street and works of alteration to 35 Market Street – GC – 24/07/17

Representations:

Chairman/Ward member(s): None received

Parish/Town Council/Meeting: Gainsborough Town Council is fully supportive of these applications. They are pleased to see that efforts being made to improve these buildings and supports the concept of residential accommodation above shops within the town centre.

Local residents: None received

LCC Highways/Lead Local Flood Authority: Does not wish to restrict the grant of permission.

Archaeology: This application does not suggest any groundworks will be undertaken which are likely to impact upon archaeological remains. There is no need for further archaeological input.

Joint committee of the National Amenity Societies: None received

Lincs Historic Buildings: None received

WLDC Conservation Officer (in summary):

Site: 25 Market Street is a grade II listed building, with 18th century origins, and later 19th century alterations. The principle frontage has a very good shop front of the early part of the 20th century, and the interior contains a number of original features along with a high level of historic fabric. There are diminishing wings to the rear of the building (L Plan form) and covered passage on its eastern side. The rear wings have suffered from some inappropriate changes. Some later 20th century alterations are a detraction to heritage significance, as is the concrete pantile roof covering.

The site is within the Britannia Works Conservation Area, and forms a group with 27, 29, 31, 33 and 35 Market Street (of which all but 25 are grade II listed), and historic buildings on the other side of Market Street.

In summary, supportive of principle of bringing building back into active use.

However does note ambiguity in drawings as to whether or not historic features are to be retained. Applicant's written statement that features will be retained are not yet reflected in drawings. Updated drawings are required to enable the Council to meet its statutory duty to have special regard for the preservation of the listed building or any of its features.

Notes applicant's proposal to replace original doors with fire resistant doors and to meet with today's Building Regulations. However, Listed Buildings do have certain exemptions and other solutions need to be explored in the first instance.

Concludes that, whilst in support of principle of the change of use, is unable to yet recommend granting Listed Building Consent in the absence of revised drawings, without greater clarity on loss/retention of historic features / fabric.

Relevant Planning Legislation and Policies:**Statutory Duties:**

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72).

S66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.

S72(1) - In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions [in the planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Development Plan:

Planning law requires, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location comprises the provisions of the Central Lincolnshire Local Plan (April 2017).

Central Lincolnshire Local Plan 2012-2036

LP1 A Presumption in Favour of Sustainable Development

LP6 Retail and Town Centres in Central Lincolnshire

LP14 Managing water resources

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP27 Main Town Centre uses – Frontages and Advertisements

LP38 Protecting Gainsborough's setting and character

LP42 Gainsborough Town Centre and Primary Shopping Area

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Neighbourhood Plan

Gainsborough Town boundary has been designated in a Neighbourhood Plan Area. However at the time of this report no Neighbourhood Plan has been published which can be taken into consideration.

National Guidance

National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

National Planning Practice Guidance

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

Main issues

- Principle
- Visual amenity
- Impact on listed building(s) and conservation area
- Listed Building Consent
- Neighbouring amenity
- Highway Safety
- Drainage
- Waste

Assessment:

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver sustainable development.

The proposed site being located within Gainsborough Town Centre and seeking to alter/refurbish an existing shop and residential accommodation to facilitate their re-use would principally be considered against Local Plan Policies LP1 A Presumption in Favour of Sustainable Development, LP6 Retail and Town Centres in Central Lincolnshire and LP42 Gainsborough Town Centre and Primary Shopping Area.

LP6 sets out a retail hierarchy to guide investment and other activity to improve the vitality and viability of the identified centres and in planning applications for retail and other town centre uses (as defined in the NPPF). Gainsborough is designated as a Town centre in tier 2 of the table and its role and function is stated to provide a range of facilities and services for a wider catchment area within the main towns and market towns. Development proposals should be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole.

LP42 states that proposals for main town centre uses will be supported within Gainsborough Town Centre provided that the proposed development is compatible with the use of adjacent buildings and land. Proposals for non-retail use on ground floors will only be supported if they:

- a. Are a recognised main town centre use; and
- b. Would not result in the over concentration of non-retail uses that would undermine the primary shopping area's overall retail function and character; and
- c. Would have no demonstrable impact on the vitality and viability of the centre as a whole.

Paragraph 23 of the NPPF recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

The application proposes to alter and refurbish the existing shop at ground floor and form two flats above. The proposals are therefore considered to be appropriate in scale to the function of the centre and will support its vitality. The uses are as existing and similar to those existing around it. The development is therefore considered compatible to other uses of adjacent buildings and land. Consequently the proposal is principally supported by the above policies.

Impact on listed building(s) and conservation area:

The site contains, falls within, and is adjacent to, a number of designated Heritage Assets. It also falls within the Gainsborough Britannia Works Conservation area.

The Britannia Works Conservation Area Appraisal (1999) states *“in townscape terms the area is important as a primary entrance to the town centre with many buildings in the conservation area terminating vistas along streets.”* The accompanying “townscape analysis” identifies the Sun Inn Hotel Frontage on the corner of North Street / Market Street as *“important corners and frontage”*.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

Central Lincolnshire Local Plan (CLLP) policy LP25 requires, where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), an assessment of its significance, assessment of impact, and a clear justification for the works.

Similarly guidance contained within Paragraph 128 of the NPPF states that *‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’*.

LP25 goes on to state 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 buildings preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional or for grade I and ii* Listed Buildings, wholly exceptional circumstances.

In the Conservation Area section of LP25 it states that *‘Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area’s character, appearance and setting’*. Criteria (j) through to (o) provides a base to assess the impact on the Conservation Area.

The NPPF similarly sets out policies for conserving and enhancing the Historic environment.

The NPPF also states in (paragraph 131), “In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality*
- the desirability of new development making a positive contribution to local character and distinctiveness”*

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset’s conservation**. The more important the asset, the greater the weight should be. Significance can be harmed or lost through **alteration** or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.*

*Paragraph 133. Where a proposed development will lead to **substantial harm** to or total loss of significance of a designated heritage asset, local planning **authorities should refuse consent, unless** it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.*

*134. Where a development proposal will lead to **less than substantial harm to the significance of a designated heritage asset**, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

Heritage assessment of proposals:

The significance of the existing building and the proposals which including the extensive refurbishment to all floors are set out in a Heritage Statement submitted with the applications. This planning application however only considers the use of the premises as a shop and any alterations associated with it and the formation of two residential units and external alterations to the building as a whole.

The conservation officer is principally supportive of the continued use of a shop at ground floor and the overall use of all the upper floors as two residential apartments. It is specifically noted in this regard that although the subdivision of the historic plan form would be potentially considered harmful, this alteration could be justified through the benefits it will bring through the conservation and on-going maintenance of the building.

The proposals also result in some improvements to the shop front and such benefits afforded weight in the determination of the application. There is

however still some uncertainty over some aspects of the proposals and their acceptability on the external appearance of the building, the associated significance of the listed building and wider impact on the setting of other listed buildings and character of the conservation area.

These relate to:

1. The exact detail of the retention/repair/alterations/replacement/blocking up of the windows, doors and gates serving the building.
2. The exact detail of the new external staircase utilised to gain access to upper flat.
3. Roofing materials (New pantiles required – Liz notes on plan but also comments made relating to rear roof but not in her matters to be addressed)
4. Alterations to shop front (doors covered by No 1 above)

Such final details could however be secured through conditions of any planning permission. With such conditions in place and appropriate detail secured the proposals could support the preservation and conservation of the building, and would not be prejudicial to the special architectural and historic interest of this Heritage Asset, its setting and those within its setting; nor the character of the Conservation Area.

In conclusion weight is afforded to the proposals in that they would result in an appropriate use of the building which would aid in the conservation and preservation of this historic asset. The alterations proposed subject to conditions are also considered not to be prejudicial to the special architectural and historic interest of this listed building, with appropriate alterations to the shop front being considered to offer some enhancement. The proposals thereby preserve the setting of the nearby listed buildings and special characteristics of the conservation area.

Visual Amenity:

The site being located within Gainsborough town centre is subject to a suite of policies within the Central Lincolnshire Local Plan relating to overall visual amenity. They are noted below and assessed collectively.

Policies LP17, LP26, LP27, LP38 all have applicable policies relating to the townscape and wider setting.

The building is within the Britannia Works Conservation Area, and forms a group with 27, 29, 31, 33 and 35 Market Street (of which all but 27 are grade II listed). Other historic buildings are also on the other side of the Street. The host property is therefore an important building forming the special character of the town centre.

The Committee will likely be aware that, properties within Market Street are undertaking a renewal, following the grant of planning permission 135750, with the aim of reinstating more traditional shop fronts and features. This

application aims to continue this renewal with a similar approach now being applied to no.25.

Accordingly, subject to planning conditions to secure the final details, the development can be expected to contribute towards the wider enhancement of Market Street and its historical setting.

Listed Building Consent

The application for Listed Building Consent (LBC) also includes internal works necessary to allow the change of use to take place. This primarily relates to changes at the first and second floors to enable two separate units of living accommodation.

Flat 1 will be accessed at ground floor from the rear of the property, and use the existing C18th staircase (the Roseway Carpark is to be opened up as part of the permission granted under application 135750).

Flat 2 will be accessed at first floor via a new external staircase (accessed from the rear).

Whilst the applicant has provided assurances that historic features will be retained where possible, this is not always evident within the drawings – for instance, clear identification (and demonstrated retention) of the historic fireplaces is not shown.

The applicant also seeks to replace and widen the existing doorways to meet with modern fire and accessibility standards. However, it has not been demonstrated that other means of retro-fitting fire safety measures to the doors has been considered, to otherwise enable their retention.

As it stands, the plans would indicate the loss of historic fabric, culminating in harm to the Listed Building. However, the applicant has advised that they do wish to retain as much of the building's historic fabric as possible. Consequently Officers are actively working with the applicant, to enable them to revise the drawings to reflect or otherwise demonstrate this, without compromising the overall scheme.

As it stands, the drawings would indicate harm to this Grade II Listed Building. However, revised drawings should be able to offer greater clarity as to the retention of historic features / fabric and ensure that any resulting harm to the building is minimised/removed. Subject to acceptably revised drawings, Listed Building Consent should then be forthcoming.

Officers will be able to update the Committee at the meeting in this regard, and offer suitably worded conditions to ensure the building's preservation/enhancement as appropriate.

Neighbouring Amenity:

LP26 sets out Amenity Considerations and advises that amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The proposals do not introduce any new uses within the existing premises and weight therefore afforded to this. The development uses are not therefore considered to result in any additional or undue harm to those nearby or each other. Nor are the alterations of a scale that is likely to result in any. The proposals are therefore considered acceptable in neighbouring amenity terms.

Highway Safety:

The proposals do not significantly offer any changes in terms of vehicular access. Lincolnshire County Council Highways have not raised any objections and the application considered acceptable to highway safety.

Drainage:

The alterations/refurbishments do not result in any significant change in terms of foul and surface water and the existing system utilised in this instance.

Waste:

A bin store is to be provided within the rear aspect of the building.

CIL:

The application site is within Charging Zone 4 (Gainsborough West) where the charge is £0 charge per square metre for apartments.

Conclusions

Planning Permission:

The application seeks to restore no.25 into an active, viable use within the town centre. It seeks to reinstate a more traditional shopfront as part of a wider renewal scheme for Market Street.

It is considered that, subject to conditions to secure final details, the principle of the development accords with Local Plan policies which seek to enhance the vitality and viability of town centres, and preserve and/or enhance the setting of heritage assets.

It is recommended that planning permission is granted, subject to planning conditions as recommended below.

Listed Building Consent:

As it stands, the drawings submitted would appear to suggest the loss of historic fabric and features resulting in harm to the Listed Building.

Nonetheless, the applicant has expressed a willingness to retain the historic features of the building. The applicant is engaged with Officers to revise the drawings in order to demonstrate that they can retain as much of the historic

building to the extent that is possible, and offer clear justification to any areas if this cannot be achieved.

Where revised drawings are provided to demonstrate this, Listed Building Consent should then be forthcoming. Officers will therefore be in a position to update the Committee at the meeting in this regard, and as to any relevant and necessary conditions that should be applied.

Recommendation

(1) Approve Planning Permission 137063 subject to the following conditions

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. Notwithstanding the details submitted, no alterations, including the removal of any of the existing windows, doors and gates, including their openings and the blocking up of any shall take place until the exact detail of each opening has been submitted to and approved in writing by the local Planning Authority. Such information should include the intended treatment in terms of retention/repair/alteration/replacement and blocking up. Specific detail should also be provided for each treatment. This will include a schedule/method of repairs and alterations, joinery details, including sections at a scale of 1:5 for all replacement windows and doors, stating their material/finish; and a sample for any windows approved to be bricked up. The design, material and finish of any gates shall also be included. The approved details shall then be implemented and retained thereafter.

Reason: To preserve the significance of the listed building, its setting and those around it; as well as safeguarding the character of the conservation area and town centre in accordance with policy LP25, LP26 and LP42 of the Central Lincolnshire Local Plan 2012 – 2036 and the NPPF.

3. Notwithstanding the details submitted the external stair utilised to gain access to the upper floor flat as noted on drawing No 8315S/SK164A shall not be replaced until details of its replacement has been submitted to and agreed in writing by the local Planning Authority. The approved stair shall then be implemented and retained thereafter.

Reason: To preserve the significance of the listed building, its setting and those around it; as well as safeguarding the character of the conservation area and town centre in accordance with policy LP25, LP26 and LP42 of the Central Lincolnshire Local Plan 2012 – 2036 and the NPPF.

4. Notwithstanding the details submitted none of the roofing tiles shall be replaced with alternative tiles or materials unless details of their replacement has been submitted to and agreed in writing by the Local Planning Authority. The approved tiles shall then be implemented and retained thereafter.

Reason: To preserve the significance of the listed building, its setting and those around it; as well as safeguarding the character of the conservation area and town centre in accordance with policy LP25, LP26 and LP42 of the Central Lincolnshire Local Plan 2012 – 2036 and the NPPF.

5. 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: 8315s/sk153N and 8315s/sk164A. The works shall be carried out in accordance with the details 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 and to accord with Policy LP1 of the Central Lincolnshire Local Plan 2012-2036.

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

None.

(2) To grant Listed Building Consent, where revised drawings have been submitted to demonstrate the appropriate retention of the historic fabric of the building.

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