

## **Officers Report**

### **Planning Application No: 144930**

**PROPOSAL:** Planning application to refurbish retail unit and sub-divide residential unit to form 1no. apartment over existing retail unit and 2no. dwellings, including first floor extension to infill and cover rear first floor balcony.

**LOCATION:** Troika 21 The Green Nettleham Lincoln LN2 2NR  
**WARD:** Nettleham

**TARGET DECISION DATE:** 08/07/2022 (EOT agreed until 19/08/2022)  
**DEVELOPMENT TYPE:** Minor - Dwellings  
**CASE OFFICER:** Daniel Evans

**RECOMMENDED DECISION:** Grant Permission Subject to Conditions.

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This application has been referred to the planning committee in view of the objections from the Parish Council, who consider that the application proposes development that would be contrary to the Nettleham Neighbourhood Plan.

#### **Description:**

The application site is a property known as 'Troika' located on The Green within village of Nettleham. The property is a two-storey building with a ground floor retail unit and residential accommodation attached. The site is surrounded by a mix of uses (residential and commercial), typical of the location within the centre of the village.

The site lies within Nettleham Conservation Area and within the setting of several listed buildings such as: 2 The Green (GII), located 22m to the north-west; The Plough Inn (GII), located 17m to the north-west; and, 1 Church Street (GII), located 17m to the west. The site lies within a Minerals Safeguarding Area.

The application seeks permission to refurbish an existing retail unit and sub-divide the existing residential unit to form 1 no. apartment over the existing retail unit and 2 no. self-contained residential units, including infilling of rear first floor balcony area.

#### **Relevant history:**

None relevant to the proposal.

#### **Representations:**

Chairman/Ward member(s):

No representations received.

Nettleham Parish Council:

- The Parish Council Object to this application.
- There is no off street parking provision in the application. Access is NOT possible through the Beck. The conversion will result in 3 two-bedroom residential units. Under the provisions of the existing Nettleham Neighbourhood Plan Policy D3 each 2 bedroom unit will require 2 parking spaces, therefore 6 spaces in total for the whole development. The plot is in the centre of the Nettleham Conservation Area, which is already subject to traffic congestion.

Local residents:

Objections received from the following properties:

2 The Green, Nettleham

Comments summarised below:

The application seems to make no allowance for off street parking for any of the residential units or shop.

General Observations received from the following properties:

7 Sudbeck Lane, Welton

Comments summarised below:

“To view the planning proposal”

LCC Highways and Lead Local Flood Authority:

Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. Whilst it is possible that the development may result in more parking demand than previously, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

The proposal is for the refurbishment of one retail unit and sub division of residential unit to form 1no apartment and 2no dwellings and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Conservation Officer:

28/07/2022

I am happy with the changes to return this into a separate retail unit and living spaces as it would have traditionally been. The use of the flat lead effect roof is to be at a high level which would not be easily seen and still allows for the more significant older pantile roof on the main property to be visible on the roofline. This therefore this has a neutral effect on the setting and aesthetic of the property whilst increasing the viability for reuse.

I have no objections to this proposal subject to conditions:

- All external material details must be provided and approved by the LPA, including mortar mix.
- A sample panel 0.5m<sup>2</sup> of the Lincolnshire Limestone with to proposed mortar must be made on site and approved prior to any installation of the wall is undertaken.

15/07/2022

This application does not have a heritage statement with it so I cannot make comment until I receive one.

**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 2017); the Nettleham Neighbourhood Plan (made March 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP25: The Historic Environment

LP26: Design and Amenity

- ***Nettleham Neighbourhood Plan (NP)***

Relevant policies of the NP include:

E-4 – Historic Buildings and the Conservation Area

S-1 – Services and Facilities

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

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

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 July 2021. Paragraph 219 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

National Planning Practice Guidance -

- *National Planning Practice Guidance*
- *National Design Guide (2019)*

#### Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Central Lincolnshire Local Plan Review Consultation Draft June 2021**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

#### Other Guidance:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

**Main issues**

- **Principle of Development**
- **Heritage and Visual Impact**
- **Residential Amenity**
- **Highway Safety and Parking**
- **Other Matters**
  - **Flood Risk**
  - **Minerals**
  - **Household Waste**

**Assessment:**

Principle of Development

CLLP policy LP2 categorises Nettleham as a tier 4 large village. Policy LP2 outlines that Nettleham will be a focus for accommodating an appropriate level of growth to maintain and enhance its role as a large village which provides housing, employment, retail, and key services and facilities for the local area. Most of this growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint.

The application seeks permission to refurbish an existing retail unit and sub-divide the existing residential unit to form 1 no. apartment over the existing retail unit and 2 no. self-contained residential units.

The proposal seeks to reinstate this property to its original form. The previous owners retained the existing retail unit to the ground floor, however interconnected, what would have been an apartment over the retail unit and two separate town houses to the west. The applicant seeks permission to reinstate the properties, refurbishing the existing retail unit and sub-dividing the existing residential unit to form 1 no. apartment over the existing retail unit and recreating the two self-contained residential units.

The proposal will retain the existing retail unit which will preserve the vitality of the retail offer in the centre of Nettleham. Overall, subdivision of this building would represent appropriate intensification within the existing developed footprint of Nettleham and is supported in principle in accordance with LP2.

Heritage and Visual Impact

The site lies within Nettleham Conservation Area and within the setting of several listed buildings such as: 2 The Green (GII), located 22m to the north-west; The Plough Inn (GII), located 17m to the north-west; and, 1 Church Street (GII), located 17m to the west.

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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. Setting is more than views, it is how the building is experienced. In addition to this, the site is located within Nettleham Conservation area and therefore Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. This aim is echoed within policy E4 of the NP.

This proposal does not seek to alter the existing front/principle elevation of the existing property, therefore retaining its significance within the existing street scene and preserving the character and appearance of the Conservation Area and setting of listed buildings.

A first-floor rear extension is proposed above the single-storey rear element. The materials proposed for the first-floor infill extension are proposed to match the existing in the form of Natural Lincolnshire Limestone and white windows. The roof over the extension is proposed as a rolled lead effect roof.

The scale of the proposed extension is acceptable, together with its proposed design and choice of traditional materials ensures that the character of the Conservation Area is preserved.

The Conservation Officer has recommended that a planning condition be included to secure final details for the proposed materials and a sample panel of facing stonework to ensure quality. These conditions are considered reasonable and necessary and have been agreed with the applicant.

Overall, the proposal is considered to preserve the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. Consequently, it is considered that the proposed works are in accordance with policy LP17, LP25 and LP26 of the CLLP, the guidance contained within the National Planning Policy Framework and the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF. All of which can be attached full weight.

#### Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

The NPPF also requires a high standard of amenity to be provided for future users.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. The outlook from the rear of the property is over an extensive garden to the rear of the property and also over the car park to the neighbouring Co-op store. Outlook to the front is towards the highway and there is suitable separation to properties opposite. The site is located within a village centre location. Any residential use within a town centre location will be subject to some noise and disturbance given the nature of the location. Therefore, there is an element of buyer beware for any future occupants.

Whilst the proposed units would fall short of national space standards, the proposal seeks to reinstate this property to its original form.

Overall, the proposal complies with amenity considerations of policy LP26. Although the units would fall short of national space standards (un-adopted standards), on balance it is considered that this matter would not warrant refusal of the application.

#### Highway Safety and Parking

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

The proposal does not propose any highway alterations nor are any off-street parking spaces provided.

A local resident and the Parish Council have objected to the development on the lack of proposed parking in this location. The Parish Council have stated that the development is contrary to policy D-3 of the NP which sets out parking standards for “*New Housing*”. The policy states “*New residential developments...*”. This application is not a ‘new residential development’ and the policy is silent in relation to parking standards for developments other than ‘new housing’.

As with many properties that front The Green and Church Street in Nettleham no off-street parking is available. The property in its current form has no dedicated off-street parking. The property does benefit from a right of access to serve the rear of the property however this is over a dedicated pedestrian zone and is protected by a dropped bollard which enables occasional maintenance access to the rear only.

Due to the location within the Nettleham Conservation Area and the historic urban grain within the village centre on street parking is the only available option (as with many other properties in the village centre).

The proposal will likely increase demand for parking in the village centre however it is noted that LCC Highways have stated “***there is parking available on the highway in the vicinity and it is therefore not considered***”

***that this proposal would result in an unacceptable impact on highway safety”*** (emphasis added). Any future users will be required to park in accordance with highway law.

Overall, on balance, in this village centre location it is considered that the proposed parking arrangements are considered acceptable and the proposal will not cause severe highway safety impacts. As such, the proposed arrangements are acceptable and the proposal accords with policy LP13.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

#### Other Matters

- Flood Risk

The application site lies within flood zone 1 (low risk) Although surrounding land lies within flood zone 3 (high risk), this application is a conversion of an existing building which will not increase flood risk elsewhere.

- Minerals

The site lies within a Minerals safeguarding area. Applications for conversion such as this are exempt from the requirements of policy M11.

- Household Waste

Bin storage is provided to the rear of the buildings which is acceptable.

#### **Conclusion**

The proposal has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP6: Retail and Town Centres in Central Lincolnshire, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan and policies E-4 – Historic Buildings and the Conservation Area and S-1 – Services and Facilities of the Nettleham Neighbourhood Plan and Section 72 and Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and guidance contained within the National Planning Policy Framework, the National Planning Practice Guidance.

In light of this assessment it is considered that the proposed conversion within the village centre of the Nettleham is considered to be an appropriate location. The proposal preserves the special character and significance of the building, including the setting of the adjoining listed buildings. The proposal would also preserve the character and appearance of the Nettleham Conservation Area. On balance, in this village centre location it is considered that the proposed parking arrangements are considered acceptable and the proposal will not cause severe highway safety impacts. Therefore, it is recommended that planning permissions is granted 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. No external alterations shall take place until details of all external and roofing materials (including mortar mix) to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**Reason:** To safeguard the character and appearance of the building(s) and its surroundings in accordance with policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

3. No external alterations shall take place until, a 1m<sup>2</sup> (one square metre) sample panel of stonework demonstrating the quality, materials, bond, mortar, coursing, colour and texture shall be constructed on site. The Local Planning Authority shall inspect the above details of the stonework prior to the commencement of the first floor extension and the development shall be carried out in accordance with the approved details. The sample panel shall be retained on site until development is completed or removal is approved in writing by the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the Conservation Area to accord with the National Planning Policy Framework and policies LP25 and LP26 of the Central Lincolnshire Local Plan.

4. Prior to the occupation of the hereby approved dwellings, full details of the treatment of all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the units.

**Reason:** In the interest of the visual and residential amenity in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

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:

- L-ADD-122 – 08 Rev B

- L-ADD-122 – 09 Rev A
- L-ADD-122 – 10 Rev A
- L-ADD-122 – 11 Rev A
- L-ADD-122 – 12 Rev A

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 the National Planning Policy Framework and policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

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

None.

**End.**