

Officers Report

Planning Application No: WL/2024/00839

Proposal: Planning application for the conversion of first floor to form 2no. flats and associated changes to building including the installation of an awning to the front elevation.

Location:

11-15 Silver Street
Gainsborough
Lincolnshire
DN21 2DT

WARD: Gainsborough South West

WARD MEMBER(S): Cllr T V Young, Cllr Miss J S McGhee

APPLICANT NAME: Ms Alison Choi

TARGET DECISION DATE: 2nd December 2024 (Extension Agreed to 6th December 2024)

CASE OFFICER: Ian Elliott

Recommended Decision:

WL/2024/00839 - Grant Permission subject to Conditions

Planning Committee:

The application is referred to the planning committee for determination in line with the constitution as the proposal is considered to be a departure from Policy S49: Parking Standards of the Central Lincolnshire Local Plan 2023.

Description and Proposal:

The application site is a Grade II listed building within Gainsborough Town Centre and the Town Centre Conservation Area. The property is a two-storey terraced building that fronts onto the south eastern side of Silver Street, one of the main thoroughfares in Gainsborough town centre.

The application site lies within the Town Centre and Primary Shopping Area designations. It is within a Sand and Gravels Minerals Safeguarding Area.

The site lies within the Town Centre Conservation Area and there are a wealth of heritage assets surrounding the site including:

- 1 and 3 Silver Street, Grade II listed building
- 5 and 7 Silver Street, Grade II listed building
- 10 Silver Street, Grade II listed building
- 21a Silver Street, Grade II listed building
- 23 and 25 Silver Street, Grade II listed building

The application seeks permission for the conversion of first floor only, to form 2no. flats and associated changes to building including the installation of an awning, a new rear entrance door and first floor windows.

It should be noted that this application does not include the ground floor of the building, unlike application 147958 which was considered at planning committee earlier this year.

Relevant Planning History

147958 - Planning application for the conversion of the ground floor to health centre including a reception area, interview rooms, meeting rooms and staff wellbeing facilities and conversion of first floor to 2no. flats – 16/08/24 – Refused

Reason for Refusal:

“Insufficient information has been provided to enable the local planning authority to ascertain the likely effects of the proposed ground floor use upon the Gainsborough Town Centre and Primary Shopping Area and upon the prevailing amenity (including that which may reasonably be expected to be enjoyed by the occupants of the proposed first floor flats). Consequently, it has not been satisfactorily demonstrated that the proposed development will be, or can be made compliant with the provisions of the development plan, including policies S37 and S53 of the Central Lincolnshire Local Plan, and NPP19 of the Gainsborough Neighbourhood Plan.”

147959 - Listed building consent for the conversion of the ground floor to health centre including a reception area, interview rooms, meeting rooms and staff wellbeing facilities and conversion of first floor to 2no. flats including replacement sash windows, addition of rear access door and awnings to shop front – 05/07/24 – Granted with Conditions

Representations

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

Gainsborough Town Council: No representations received to date

Local residents: No representations received to date

LCC Highways and Lead Local Flood Authority: No objection with advice
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.

Comments:

The proposal will not have an unacceptable impact on the public highway The site is located in a central urban area where services and facilities are within a reasonable

distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

LCC Archaeology: No representations received to date

Historic England: Comment

Not offering advice and seeks advice from specialist conservation and archaeology advisors.

WLDC Conservation Officer: No objections subject to conditions

The proposal is for planning permission to convert the first floor into 2no. flats. The property is a grade II listed building but I have already agreed to these details and the conversion in that consent. I have no further comments or objections and would expect to see the same conditions from the LBC to this application.

System Checked: 18th November 2024

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 Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Gainsborough Town Neighbourhood Plan (Made 28th June 2021))

Development Plan

- ***Central Lincolnshire Local Plan 2023***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S2 Growth Levels and Distribution

S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns

S6 Design Principles for Efficient Buildings

S7 Reducing Energy Consumption – Residential Development

S13 Reducing Energy Consumption in Existing Buildings

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S23 Meeting Accommodation Needs

S37 Gainsborough Town Centre and Primary Shopping Area

NS41 City and Town Centre Frontages

S47 Accessibility and Transport

S49 Parking Provision

S53 Design and Amenity

S57 The Historic Environment

S58 Protecting Lincoln, Gainsborough and Sleafords Setting and Character

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

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

The site is not within a Minerals Safeguarding Area.

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

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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.. Paragraph 225 states:

However, existing 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**

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

- **National Design Guide (2019)**

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

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

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

Other:

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

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

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

<https://www.legislation.gov.uk/ukpga/1990/9/section/72>

Gainsborough Town Centre Conservation Area Appraisal

<https://www.west-lindsey.gov.uk/council-democracy/have-your-say/consultations/previous-consultations/gainsborough-town-centre-conservation-area-appraisal-management-plan>

Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended)

<https://www.legislation.gov.uk/uksi/2015/596/contents>

Technical housing standards – nationally described space standard Department for Communities and Local Government dated March 2015

Main Considerations:

- Principle of development:
- Heritage
- Residential Amenity
- Visual Amenity
- Highway Safety and Parking Provision
- Drainage
- Archaeology
- Climate Change

Assessment:

Principle of the Development

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

The application seeks planning permission for the conversion of the first floor only, to 2no. flats.

Gainsborough is designated as a Main Town within Policy S1 of the CLLP. Policy S1 states that: *'To maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan and any applicable neighbourhood plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.'*

Policy S3 of the CLLP relates to new housing in the Main Towns of Central Lincolnshire and states that: *Within the developed footprint of the Lincoln Urban Area and Main Towns and Market Towns, development proposals at appropriate locations not specifically identified as an allocation or an area for change in this plan will be supported in principle.*

The Gainsborough Town Centre section of Policy S37 of the CLLP states that; *"Development proposals within Gainsborough Town Centre, not in E Use Class will be considered on their merits subject to satisfying the criteria in a)-e) where relevant and providing that they will:*

- f. not result in large gaps between town centre uses in frontages;*
- g. not detract from or otherwise harm or conflict with town centre uses; and*
- h. be compatible with maintaining or enhancing Gainsborough Town Centre as a sub-regional shopping destination.*

Proposals for residential or commercial development above town centre uses will be supported providing that the proposed use would not be likely to introduce conflict with existing uses."

Paragraph 86 of the NPPF is supportive of residential development within Town Centre locations as it helps to ensure their vitality by increasing the total population living in close proximity to local amenities. Significant weight is also attached to securing the future use of a designated heritage asset.

Point 4 of Policy NPP19 of the GTNP states that "*Development proposals for the use of upper floors of commercial premises within the town centre for residential use will be supported where it can be demonstrated that the residential use will not create unacceptable harm to the wider retail offer of the Town Centre.*"

The building was last used as a dessert house (Sweet Carolines) where you could sit in and eat each dessert such as waffles, crepes and ice cream. Sweet Caroline's has now been closed for a number of months. The first floor was used as ancillary space (storage/office/staff facilities/customer toilets) to support that use.

In accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) (UCO) the site is within the Gainsborough Primary Shopping Area and is classed within use class E (Commercial, Service and Business) as a food and drink establishment. The first floor is proposed to be separated from the ground floor use, and altered to use class C3 (dwellinghouse).

It is considered that the conversion of the first floor would not cause unacceptable harm to the town centre or its retail offer.

The residential development element of the proposal is supported by the development plan and the NPPF as this would complement the existing uses ensuring the continued vitality of the town centre. In principle it is considered that the proposal accords to policies S1, S3 and S37 of the CLLP.

Heritage

The application site comprises of a Grade II Listed building and lies within the setting of other Grade II Listed buildings as well as being within the Gainsborough Town Centre Conservation Area.

The development is mainly internal alterations and a change of use to the first floor. The only external alterations are to the front first floor windows, the installation of a front awning and the installation of a new rear elevation door.

Section 72 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 conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Policy S57 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. This aim is echoed within policy NPP18 of the GTNP.

Policy NS41 of the CLLP 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.'*

Point 8 of Policy NPP18 of the GTNP 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 existing site comprises of a Grade II Listed building with a frontage located on the south side of Silver Street. The building was visited by the case officer and the Conservation Officer to see if there were any internal items of historic interest. Following the visit the Authority's Conservation Officer confirmed that "*there are no architectural or historic items of interest internally as it has been fully refurbished and the windows and shop front are modern. The most important feature is the existing footprint on the medieval plot. This application provides a good opportunity to improve the listed building.*"

The proposed development includes the installation of an awning to the front of the building in a pink colour.

The proposed development would preserve the special historic interest of the host listed building and the character and appearance of the conservation area. In addition to this, the proposal would preserve the setting of the nearby listed buildings. The proposed development would therefore accord to local policy NS41 and S57 of the CLLP, policy NPP18 of the GTN, Section 16, 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990 and the provisions of the NPPF.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. The two units (2 bedroom) would meet with the nationally described space standards as set out in table 1 below:

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

The main living areas of the flats and bedrooms would all be served by windows, allowing adequate light to enter the rooms. The residential units would be near to fast food takeaways and public houses, however a level of noise is to be expected in town centre locations. It is not considered that there would be any unacceptable noise, odour or extraction impacts for the occupiers of the residential units.

The lack of outside amenity space is noted; however this is not an unusual situation for town centre flats, other grassed amenity areas are available within the town centre area, notably along the Riverside Walk and a development at Baltic Mill where works have commenced to change Baltic Mill to a public space.

The development would therefore not have an unacceptable harmful impact on the living conditions of the future occupiers and would accord with policy S53 of the CLLP and the provisions of the NPPF, particularly paragraph 130(f).

Visual Amenity

Local policy S53 of the CLLP sets out 10 criteria based on design and amenity. It is considered that criteria 1 (Context), 2 (Identity), 3 (Built Form), 5 (Nature) and 8 (Homes and Buildings) of S53 are the most relevant to the development.

Policy NPP6 and NPP7 of the GTNP protects the character of Gainsborough.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

As previously stated the development would mostly change the internal appearance of the building. The external appearance, particularly the front elevation would largely be enhanced by the installation of new appropriate windows and front awning.

It is not considered that the proposed dwellings would have an unacceptable harmful visual impact on the site or the surrounding area and would therefore accord to local policy S53 of the CLLP, policy NPP6 and NPP7 of the GTNP and the provisions of the NPPF.

Highway Safety and Parking Provision

No objection has been received from the Highway Authority at Lincolnshire County Council relating to the proposed development. Appendix 2 of the CLLP which is referred to in Policy S49 states that two bed dwellings (flatted development) in market towns should provide 1 parking space per dwelling plus visitor spaces. The proposal does not include any dedicated parking provision for the flats. It is noted that no parking provision

has been requested by the Highway's Authority, The GTNP does not contain any specific figures with regard to parking provision for new dwellings within the town.

With consideration to the town centre location with close walking proximity to numerous facilities/services and siting close to public transport links, including the bus station, it is considered that the non-inclusion of parking provision is acceptable in this case. It is also considered that the benefits of restoring and bringing the upper floors of this Grade II listed building back into use greatly outweighs the harm caused by the lack of parking provision and the departure from local policy S49 of the CLLP. Taking this into account it is not considered reasonable to withhold permission on this ground alone and on balance the lack of parking is justified in this instance.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has not commented on the application. The works would all be above ground level therefore it is considered that the development would not have a harmful archaeological impact and would accord to local policy S57 of the CLLP and the provisions of the NPPF.

Drainage

The site benefits from existing foul and surface water drainage connections which the proposed flats and health centre. The proposals would not increase the external floor space of the existing building. Given the existing drainage connections at the site it is not considered necessary to request any further details to be submitted in this respect.

Minerals

Changes of use to existing buildings and listed building consent applications are considered to be exempt from safeguarding considerations. In any case, due to the development being within the continuous developed footprint of Gainsborough it is not considered that safeguarding considerations are engaged in this case.

Climate Change

It is noted that Policy S13 of the CLLP encourages applicants to consider all opportunities to improve energy efficiency and where such efforts achieve an improved EPC rating would be supported in principle. Notwithstanding that the wording of Policy S13 only encourages applicants to take into account improving energy efficiency, in this instance, it is not considered necessary to request that any amendments are made to the proposals given that the site comprises of a listed building, in a conservation area and within the setting of other listed buildings where such new internal materials, solar panels and air source heat pumps, for example would not likely be supported.

Other:

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The development would be located within Zone 4 West Gainsborough therefore would not be liable to a CIL payment.

Previous Reason for Refusal

Planning application 147958 was refused because *“Insufficient information has been provided to enable the local planning authority to ascertain the likely effects of the*

proposed ground floor use upon the Gainsborough Town Centre and Primary Shopping Area and upon the prevailing amenity.”

This latest application considers only the first-floor element and does not include the ground floor of the building.

Conclusion and reason for decision:

The application has been considered against policies policy S1 The Spatial Strategy and Settlement Hierarchy, Policy S2 Growth Levels and Distribution, Policy S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns, Policy S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption – Residential Development, Policy S13 Reducing Energy Consumption in Existing Buildings, Policy S20 Resilient and Adaptable Design, Policy S21 Flood Risk and Water Resources, Policy S23: Meeting Accommodation Needs, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S57: The Historic Environment and S58 Protecting Lincoln, Gainsborough and Sleafords Setting and Character of the Central Lincolnshire Local Plan and the policy NPP1 Sustainable Development, NPP6 Ensuring High Quality Design, NPP7 Ensuring High Quality Design in each Character Area, NPP8 A Mix of Housing Types, NPP18 Protecting and Enhancing Heritage Assets and NPP19 Improving the Vitality of the Town Centre of Gainsborough Neighbourhood Plan and the statutory duties contained within the ‘Act’ in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment it is considered that the principle of development in this location is acceptable. The proposed uses would not unacceptably harm the wider retail offer of the Town Centre. The proposed external alterations would enhance the character and appearance of the conservation area and the street scene in this town centre location. The proposals would enhance the host listed building and the impacts on the limited historic fabric are acceptable. The development would enhance the setting of the nearby listed buildings. It would not have an unacceptable harmful visual impact or have an unacceptable harmful impact on the living conditions of the future residents. The proposal would not have an unacceptable harmful impact on the highway safety, drainage, archaeology, minerals or climate change. The proposal does represent a departure from the provisions of Policy S49 (parking provision), however as detailed in the above report, the heritage benefits that the scheme would bring is considered to outweigh the lack of proposed parking provision in this case. The application is therefore recommended for approval, subject to conditions.

Decision Level: Planning Committee

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

Recommended Conditions- Planning Permission WL/2024/00839**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted must 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 must be carried out in accordance with the following proposed drawings:
 - 2503-OS01 dated 30th August 2024 – Site Plan
 - 2503-PP02 dated 30th October 2024 – First Floor Plan
 - 2503-PP03 dated 30th August 2024 – Front and Rear Elevation Plan
 - 2503-PP04 dated 30th August 2024 – Shop Front Section and Windows Details

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, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

3. The proposed development must be completed in strict accordance with document 1-HE-240702-082312-303 (Kingspan U-Value Calculation and Condensation Risk Assessment). The development must retained as such thereafter.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6,

NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

4. The proposed development must be completed in strict accordance with the following window, door, floor and wall plans and retained as such thereafter.

- 2503-W-01 rev C dated 02/07/2024 – Window 01 details
- 2503-W-02 rev C dated 02/07/2024 – Window 02 details
- 2503-W-03 rev C dated 02/07/2024 – Window 03 details
- 2503-W-04 rev C dated 02/07/2024 – Window 04 details
- 2503-W-05 rev B dated 02/07/2024 – Window 05 details
- 2503-W-06 rev B dated 02/07/2024 – Window 06 details
- 2503-W-07 rev B dated 02/07/2024– Window 07 details
- 2503-D.01 dated 14/06/2024 – Proposed Doors and Sections
- 2503-BC-02 dated 14/06/2024 – Proposed First Floor Plan

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

5. No installation of the shop front awning hereby approved must take place until details of its colour including the RAL number have been submitted to and approved in writing by the local planning authority. The awning must be installed in accordance with the approved colour and retained as such thereafter.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policy S37, NS41, S53 and S57 of the Central Lincolnshire Local Plan, NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990.

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

NONE