

Officers Report

Planning Application No: WL/2026/00292

PROPOSAL: Planning application for conversion of existing office space to 1no. residential apartment including external alterations

LOCATION:

33 MARKET STREET
GAINSBOROUGH
DN21 2BE

WARD: GAINSBOROUGH SOUTH WEST

WARD MEMBER(S): Cllr McGhee and Cllr Young

TARGET DECISION DATE: 19/05/2026 **EoT** 20/8/26

CASE OFFICER: Vicky Maplethorpe

Recommended Decision: Grant permission

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.

Site Description and Proposal:

The site is located within Gainsborough Town Centre and the Primary Shopping Area. The site is designated as a Grade II Listed Building with the list description outlining the following:

Official List Entry:

2. Probably C18 origins. 2 storeys. Rendered with pantile roof with 2 dormers and wood eaves cornice. 2 and 1 windows without glazing bars. Moulded wood cases. No 31 has small C19 shop front with grooved pilasters. Modern shop front to No 33.

Nos 25 to 39 (odd) form a group, Nos 27 and 39 being of local interest.

The site is also located within the Gainsborough Britannia Conservation Area and is within close proximity to a number of other designated heritage assets forming part of a row of shops on Market Street.

Relevant Planning History

Reference	Proposal	Decision
-----------	----------	----------

Reference	Proposal	Decision
WL/2025/01058	Planning application for façade renovation works including 2no. replacement windows and shop front.	Grant with conditions 30/01/2026
WL/2025/01059	Listed building consent for façade renovation works including 2no. replacement windows and shop front.	Grant with conditions 30/01/2026
WL/2026/00293	Listed Building Consent for conversion of existing office space to 1no. residential apartment including external alterations	Still under consideration

Representations to original plans:

Chairman/Ward member(s): None received

Town Council: Resolved to support

Local residents: We've noticed on the plans that the Applicant is proposing to use our old water closet for his access door for the flat. This does not belong to 33 Market Street but in fact is owned by 31 Market Street along with the Courtyard! This is shown clearly on our Land Registry document!

LCC Highways and Lead Local Flood Authority: No objections

LCC Archaeology: No archaeological input required

Conservation Officer: The Heritage Statement (HS) is limited in information with no mention of the internal alterations. The limited assessment, identified impacts, and justification of the proposed alterations. The application does not meet parts a-c of Policy S57. The proposal seeks to remove the ground and first floor original stairways, introducing a new rear stairwell and inverting the stairs from the first to the second floor. In turn the second floor must be altered to enable further access for the new stair entry. The internal walls to the stairs are also to be removed to expand a new staircase. The justification discussed on site for the move of the stairs was to enable a staff toilet and increase retail space. A staff toilet can be adapted to the rear of the property to enable a staff toilet of which is proposed to be lost from the retail area in the proposal. There is evidence of this being an outhouse previously, so this is more suitable with less impact for drainage. The separation of retail and living space can be produced through a vestibule being linked from the rear entrance to the stairwell with minimal alteration being required. Overall, the proposal will result in less than substantial harm. Under Policy S57 this harm must be outweighed against the public benefit or optimum viable use. There is no public benefit for this application as there is no increase of retail space due to this work. It has been noted that the upper floors can be converted with minimal alteration to protect the historic fabric so an optimum viable use can be achieved without the

harm. Therefore, I must object to this application as the proposal does not meet policy S57.

Representations to amended plans:

Chairman/Ward member(s): None received

Parish/Town Council/Meeting: None received

Local residents: None received

LCC Highways and Lead Local Flood Authority: None received

LCC Archaeology: None received

Conservation Officer: 'The Heritage Statement (HS) is limited in information with no mention of the internal alterations. The limited assessment, identified impacts, and justification of the proposed alterations.

The proposal is for the addition of a vestibule to separate the ground floor retail unit with the residential use on the first and second floors.

The proposal will have minimal impact upon existing form of the building whilst enabling a long-term viable use to the first and second floor. The ground floor has had a full modern intervention with no historic or architectural features to protect with the additional feature.

The proposal will be supported by Policy S57 as it protects and conserves the listed building. Therefore, I have no objections subject to the following conditions.....'

Date Checked: 23/7/26

Relevant Planning Policies and Legislation:

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 Neighbourhood Plan.

Development Plan

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

Relevant policies of the CLLP include:

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
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 S35: Network and Hierarchy of Centres Policy
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S57: The Historic Environment

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

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

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

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

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

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

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan.

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies. The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

Draft Minerals and Waste Local Plan (DMWLP):

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan.

The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24th September 2024.

The Draft Plan has not been adopted as yet but once adopted will cover the period to 2041. The consulted draft plan includes the following relevant policy:

SM15: Safeguarding of Mineral Resources

The draft plan would have some limited weight in the decision-making process.

<https://www.letstalk.lincolnshire.gov.uk/minerals-and-waste-local-plan>

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 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).

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

- 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 Model Design Code (2021)

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

Other:

LB Legal Duty

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

CA Legal Duty

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Main Considerations:

- Principle of Development
- Residential Amenity
- Visual Impact
- Conservation Area and Listed Buildings

- Highways and Car Parking
- Other Matters

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.

It is proposed to change the use of the first and second floors from commercial storage (Use Class E) to residential (Use Class C3a) to form 1no. flat and other external alterations to the ground floor. The ground floor will remain in commercial use (Use Class E), currently an opticians. The first floor is currently given over to storage for the commercial use and the second floor is unused.

The site is located within the defined town centre of Gainsborough and the ground floor will remain a commercial (Class E) use/retain an active frontage which accords with Policy S35 of the Central Lincolnshire Local Plan (CLLP).

The proposal to create 1No. first floor flat in addition to an area of commercial use associated with the ground floor commercial use is also supported in principle as detailed below.

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. Paragraph 90 of the NPPF is supportive of residential development within Town Centre locations as it is recognised that such development often plays an important role in ensuring the vitality of such centres.

Policy S39 of the Central Lincolnshire Local Plan states that *'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 and provided adequate off-street parking can be provided.'*

Overall, the site is located within the developed footprint of Gainsborough, being within the town centre. The proposal will maintain a retail use on its ground floor level fronting Market Street and is not expected to conflict with existing uses, as explored below. 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, S35 and S39 of the CLLP.

Residential Amenity

National and Local planning policy supports bringing back to use vacant and underused upper floors in town centres for residential uses in order to contribute to the vitality and viability of the town centre.

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.

The proposed flat meets with the nationally described space standards and there are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. The main living areas of the flat and bedrooms would all be served by windows, allowing adequate light to enter the rooms. In terms of noise, a level of noise is to be expected in a town centre location.

The lack of outside amenity space is noted; however this is not an unusual situation for town centre flats/dwellings, other grassed amenity areas are available within the town centre area, notably to the north around All Saints Church and Gainsborough Old Hall and along the Riverside Walk to the west.

The development would therefore not have an unacceptable harmful impact on the living conditions of the future occupiers and is acceptable with regard to the impact on existing neighbouring uses and would accord with Policy S53 and the provisions of the NPPF, particularly paragraph 135(f).

Visual Impact

Local Plan Policy S53 states that all development '*must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.*' Development must '*relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area*'.

A replacement window and door are proposed on the rear elevation of the building at ground floor level. No new openings are proposed on the front elevation facing onto Market Street. It is therefore considered that the proposal will not harm the character and appearance of the street-scene and with the proposal complying with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

Conservation Area and Listed Buildings

The site is a Grade II listed three storey building which is surrounded by other commercial properties some of which have accommodation on the upper floors. Many of these neighbouring buildings are also listed, including the attached buildings

to the east and west. The building is early 18th century and is located in the Gainsborough Town Centre Conservation Area.

S.66 of the Planning (Listed Buildings and 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. Section 72 of the Act contains similar requirements with respect to buildings or land in a conservation area. In this context, "preserving", means doing no harm.

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 Gainsborough Neighbourhood Plan (NP). Paragraph 212 of the NPPF states that 'great weight should be given to the [designated] asset's conservation'. Paragraph 213 goes on to state that 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'. Paragraph 214 provides guidance that '*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*'.

The application proposes to create 1 self-contained flat on the upper two floors of the Grade II listed building (with the existing ground floor shop unit being retained. Planning permission was granted in January 2026 for a replacement traditional shop front facade).

Following concerns raised by the conservation officer amended plans were submitted showing no external alterations apart from a replacement window and door at the rear of the building in a single story flat roof offshoot.

In terms of floor plans no alterations to the existing vernacular floor plans are proposed with only additional partition wall being proposed on the ground floor and the infilling of a doorway on the first floor. The full scope of the works shown on the proposed plans have been reviewed by the councils Conservation Officer and have been found to be acceptable in terms of the impact on historic fabric and that they would preserve the special historic interest of the host building. It is considered that the proposed approach to development would achieve the key heritage aims of the NPPF in that it would put an existing deteriorating Heritage Asset into a viable use to enable its ongoing conservation.

It is considered that the proposal would not harm the special architectural or historic interest of the Listed Building or its setting. The proposal will also preserve the character and appearance of the Conservation Area. The proposal would accord to Statutory Duties, the policies within the Development Plan and Section 16 of the NPPF.

Highways and Parking

No objection has been received from the Local Highway Authority relating to the proposed development.

Appendix 2 of the CLLP which is referred to in Policy S49 states that 1 bed dwellings in market towns should provide 1 parking space per dwelling, plus visitor spaces. The proposal will retain two existing car parking spaces located to the rear of the building. There would therefore be a shortfall of 1 on-site parking space for residents (plus no visitor space provision).

With consideration to the town centre location with close walking proximity to numerous facilities/services and siting close to public transport links, including a train station and bus routes, it is considered that the undersupply of 1 car parking space could be accepted in this case.

The NPPF requires local planning authorities to recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

The proposal does not include any dedicated parking provision for the flat proposed. It is noted that no parking provision has been requested by the highway's authority. The Gainsborough Neighbourhood Plan does not contain any specific figures with regard to parking provision for new dwellings within the town.

Whilst the undersupply of on site car parking attaches some negative weight, there still is some on site provision and it is considered that the benefits of providing residential development to support town centre viability may justify a departure from the Local Plan parking policy.

Other matters:

Foul and Surface Water Drainage

The site benefits from existing foul and surface water drainage connections which the proposed flat will link into. The proposal will 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. The proposal therefore accords with the NPPF and Policy S21 of the Central Lincolnshire Local Plan.

Comments on energy efficiency and biodiversity net gain policies:

The application being a change of use application is exempt from biodiversity net gain.

An energy statement is not required for a change of use application such as this proposal. 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 consider 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 likely not be supported.

Ownership – An owner of no. 31 Market Street has stated the old water closet at the rear of the building is not in the applicant's ownership. This was put to the agent who confirmed via email that *'they (owners of no. 31) have a right of access to the small existing loo at the rear.'*

If the owners of no. 31 dispute this, it is a civil matter that the council would not be involved in.

Conclusion and reason for decision:

The decision has been considered against Policy 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, S13: Reducing Energy Consumption in Existing Buildings, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S23: Meeting Accommodation Needs, S35: Network and Hierarchy of Centres, S37: Gainsborough Town Centre and Primary Shopping Area, S47: Accessibility and Transport, S49: Parking Provision, S56: Development on Land Affected by Contamination, S53: Design and Amenity and S57: The Historic Environment of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan (NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area, NPP 8 A Mix of Housing Types, NPP 18 Protecting and Enhancing Heritage Assets and NPP 19 Improving the Vitality of the Town Centre) and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance and against Section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In light of the above assessment it is considered that the principle of development in this Town Centre location can be supported. The proposal would not have a detrimental impact on the residential amenity of neighbouring properties or a detrimental impact on the street scene. Furthermore, the proposal would not harm the special architectural or historic interest of the Listed Building or its setting. The proposal will also preserve the character and appearance of the Conservation Area. Matters of highway safety and drainage are also considered to be acceptable. The proposal does represent a departure from the provisions of Policy S49, 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

RECOMMENDATION- Grant planning permission with 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. 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 drawing PA -101 -A -B -GA -PP Rev B dated 06/07/26. 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 S53 of the Central Lincolnshire Local.

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

None.

Notes to the Applicant

See decision notice for Listed Building Consent WL/2026/00293 also.

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.