

# **Officers Report**

## **Planning Application No: 146815**

**PROPOSAL:** Planning application for the refurbishment of the front façade, replacement roof covering and conversion of upper floor into 1no. residential unit.

**LOCATION:** 1-5 Lord Street Gainsborough Lincolnshire DN21 2DD

**WARD:** Gainsborough South West

**WARD MEMBER:** Cllr Miss J S McGhee and Cllr T V Young

**APPLICANT:** Mr S. Bejugam, "HDS Properties LTD.", C/O Agent, Scorer Hawkins Architects

**TARGET DECISION DATE:** 25/07/2023

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Vicky Maplethorpe

**RECOMMENDED DECISION:** Grant permission

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**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:**

The application site comprises of a commercial building located on the corner of Lord Street and Ropery Road in Gainsborough Town Centre. The ground floor is occupied by an ice-cream shop, café/restaurant and beauty salon. The

The site is located within Gainsborough Town Conservation Area with No.7 Lord Street to the east, Grade II listed and No.'s 1-7 Cobden Street, Grade II listed to the rear.

The application seeks permission to change the use of the first floor from offices/storage to 1 flat along with external alterations to the front façade of the building comprising:

- Remove existing concrete tiles and replace with slate tiles to match adjacent
- Re-build chimney and replace lead flashings
- Reinststate 2 clay chimney pots
- Replace rainwater goods with cast-iron
- Remove entrance porch
- Rationalise and remove redundant wiring boxes to frontage
- New hand-painted traditional signage board with 9kw LED strip lighting
- New canvas awning
- Replace all windows with double-glazed timber sash windows
- New Painted timber door

**Relevant history:**

145310 - Planning application for part change of use of residential flat to takeaway ice cream shop and the installation of a servery hatch, GC, 16/9/22.

**Representations:**

Chairman/Ward member(s): None received.

Parish/Town Council/Meeting: No objections.

Local residents: None received.

LCC Highways: No objections, requested informatives.

Archaeology: No objections

Conservation: 'No1-5 Lord Street and 2 Ropery Road is a terrace of properties located to the west of the Gainsborough Town Centre Conservation Area. The existing properties follow the footprints in the early 20th century maps. Evidence of earlier built form may be found but this has not been investigated as there is no heritage statement present. The frontage appears to be originally Victorian with English garden wall brickwork, dentilated brick eaves and chimney stacks, and arched brick headers. There is evidence of 20th century alterations with modern blue engineering bricks and uPVC windows.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

The property is within the setting of multiple listed buildings. To the immediate east is the grade II listed 7 Lord Street and to the immediate north is the grade II listed 2a Ropery Road and 1-7 Cobden Street. Additionally, the property is within the setting of the grade I listed The Old Hall.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.

The proposal offers positive alterations for the setting of the listed buildings and conservation area with the general repairs, reinstatement of the slate roof, and the improvement to the window designs and materials. The removal of the entrance porch with closed pediment is supported; the current style has a closed pediment which is traditional in shape but is a modern mirrored addition which is out of place with the remaining block. The alterations shall make a positive impact upon the conservation area and setting of the listed buildings.' Conditions requested.

ECM: Checked 20/9/23

**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 Gainsborough Town Neighbourhood Plan (Made June 2021) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### Development Plan

- **Central Lincolnshire Local Plan**

The most relevant draft policies are as follows:

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 S13: Reducing Energy Consumption in Existing Buildings

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S48: Walking and Cycling Infrastructure

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**

The most relevant draft policies are as follows:

- NPP1: Sustainable Development
- NPP6: Ensuring High Quality Design
- NPP7: Ensuring High Quality Design in each Character Area
- NPP18: Protecting and Enhancing Heritage Assets
- NPP19: Improving the Vitality of the Town Centre

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

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

The site is in a Sand and Gravel Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

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

National policy & guidance (Material Consideration)

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

### **National Planning Practice Guidance -**

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

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

### 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
- Impact on Conservation Area and Setting of Listed Buildings
- Visual impact
- Highway safety
- Residential Amenity
- Other Matters

### **Assessment:**

#### Principle of Development

Gainsborough is situated within Tier 2 of the settlement hierarchy outlined in Policy S1 which outlines the development strategy as follows:

*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 S2 outlines that 12% of the housing growth within Central Lincolnshire should be developed within Gainsborough subject to the principles in Policy S3 of the CLLP. The proposed development is located within close proximity to Gainsborough Town Centre and is considered to qualify as an 'appropriate location' that is within the 'developed footprint' of Gainsborough. It is also considered that the proposed change of use would comply with the overarching provisions of Policy S3. The proposal would not unacceptably harm the character and appearance of the area or any designated heritage assets. It is also acceptable in the sense that it would be subservient to existing development and is in a sustainable location where it is close to essential amenities with

the location also promoting active travel. There are no affordable housing implications associated with this application.

Furthermore, paragraph 86 f) of the NPPF is supportive in principle of residential development within Town Centre locations. It states that planning decisions should recognise the important role that residential development plays in ensuring the vitality of centres and development should be encouraged in appropriate locations.

Therefore, based on the above assessment, it is considered that the proposed flat is acceptable in principle.

#### Impact on Conservation Area and Setting of Listed Buildings

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 Gainsborough Town 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 S57 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. It goes on to advise that unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposals do not harm the significance of the asset and or its setting.

Policy NPP18 of the GNP seeks to retain and enhance the heritage values of Gainsborough.

The NPPF similarly sets out policies for conserving and enhancing the Historic Environment. NPPF paragraph 197 a) requires LPA's, in determining applications, take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 199 requires, 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The application seeks permission for alterations which comprise:

- Remove existing concrete tiles and replace with slate tiles to match adjacent
- Re-build chimney and replace lead flashings
- Reinstall 2 clay chimney pots
- Replace rainwater goods with cast-iron
- Remove entrance porch
- Rationalise and remove redundant wiring boxes to frontage
- New hand-painted traditional signage board with 9kw LED strip lighting
- New canvas awning
- Replace all windows with double-glazed timber sash windows
- New Painted timber door

The proposed alterations are an improvement on the current materials and will give the building, and separate businesses ran from the building, a uniform appearance and enhance the conservation area.

The Conservation Officer has stated that *'The proposal offers positive alterations for the setting of the listed buildings and conservation area with the general repairs, reinstatement of the slate roof, and the improvement to the window designs and materials. The removal of the entrance porch with closed pediment is supported; the current style has a closed pediment which is traditional in shape but is a modern mirrored addition which is out of place with the remaining block. The alterations shall make a positive impact upon the conservation area and setting of the listed buildings.'* And recommends a number of conditions to ensure appropriate materials and finishes are used.

It is considered that due to the minimal nature of the works proposed along with the use of sympathetic materials they would not harm the setting of the conservation area or that of the nearby listed buildings. The overall appearance of the existing building will be altered using traditional materials and therefore it is considered that the proposed alterations are appropriate to the setting and will preserve the conservation area.

Overall, the proposed alterations preserve the setting of the nearby listed buildings and the Gainsborough Town Conservation Area. Consequently, it is considered that the proposed works are in accordance with policy S57 of the CLLP policy NPP18 of the GNP, the guidance contained within the National Planning Policy Framework and the statutory duties set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Visual impact

Policy S53 of the CLLP requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.

Policy NPP6 and NPP7 of the GNP seek to achieve high quality design.

The proposed alterations are set out in the section above of this report. The alterations to the building are minimal and will contribute towards the Shop Front Improvement Scheme and will respect the wider townscape and the ambition of West Lindsey District Council to transform the heart of its town centres through heritage-led regeneration. Overall the appearance and scale of the proposed works are appropriate and the proposal will not cause a detrimental visual impact subject to conditions. The proposal therefore complies with policy S53 of the CLLP and policies NPP6 and NPP7 of the GNP.

#### Highway Safety

Policy S49 states that for flatted development with Gainsborough Town Centre should have 1 space plus visitor allowance. The proposal does not provide any parking which would be contrary to policy S49.

However, given the flat's sustainable location within the town centre and with the absence of concerns from LCC highways it is considered that this would be acceptable. The overall level of departure from Policy S49 is therefore considered to be minimal and would be outweighed by the site specific material considerations outlined in this section and the benefits of securing further residential development in a spatially optimal location that is close to Gainsborough Town Centre.

#### 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. Furthermore, paragraph 130 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

Due to the nature of the proposed external works there will be no adverse impacts on nearby residents and the conversion of the upper floor to 1 flat is considered acceptable given its town centre location and would not be detrimental to neighbouring uses.

#### Other Matters

##### Energy Efficiency

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 case the agent has considered the above and stated:

- *A water butt is not practical in this situation given the location and space.*
- *PV's could be an option and details could be conditioned to give the owner the option.*
- *Windows and doors are already being upgraded*

- Heat pumps could be an option and details could be conditioned to give the owner the option.
- Insulation will be added to the internal walls.

The above is considered acceptable under complies with policy S13.

### Mineral Safeguarding

Policy M11 of the LMWLP requires that development proposals do not result in the unnecessary sterilisation of the potential minerals reserves. Paragraph 211 of the NPPF requires that planning decisions should give great weight to the benefits of mineral extraction, including to the economy. Paragraph 212 states that development should not normally be permitted in Minerals Safeguarding Area if it might constrain future minerals development. Policy M11 of the LWMLP is consistent with the requirements of Section 17 of the NPPF and is therefore afforded full weight.

Changes of use to existing buildings are considered to be exempt from safeguarding considerations. It is not considered that the safeguarding considerations are engaged in this instance as it is not considered that there would be an intensification of activity on site.

### Conclusion

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns S13: Reducing Energy Consumption in Existing, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S48: Walking and Cycling Infrastructure, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment of the CLLP NPP1: Sustainable Development and policies NPP6: Ensuring High Quality Design, NPP7: Ensuring High Quality Design in each Character Area, NPP18: Protecting and Enhancing Heritage Assets and NPP19: Improving the Vitality of the Town Centre of the Gainsborough Town Neighbourhood Plan.

The proposal is considered to not have a harmful visual impact and to not detract from the visual amenity of the site, the street scene, historic environment or the surrounding area. Whilst no parking is provided, the proposal is within a sustainable location in the town centre. The proposal is not considered to have an adverse impact on the residential amenity of neighbouring properties. The proposal is recommended for approval 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. Prior to their installation, details of the colour of the new windows, doors and awnings shall be submitted to and approved in writing by the Local Planning Authority. The approved colour shall be used on the new windows doors and awnings and retained thereafter.

**Reason:** To ensure the use of an appropriate colour within the Conservation Area and in the interests of visual amenity and the character and appearance of the site to accord with the National Planning Policy Framework and policies S53 and S57 of the Central Lincolnshire Local Plan.

3. Prior to re-roofing, a sample of the natural Welsh slate shall be provided on site or full details submitted to and approved in writing by the Local Planning Authority. The approved slate shall then be used.

**Reason:** To ensure the use of appropriate materials within the Conservation Area and in the interests of visual amenity and the character and appearance of the site to accord with the National Planning Policy Framework and policies S53 and S57 of the Central Lincolnshire Local Plan.

4. Prior to the removal of the 2 chimneys, photographs of the existing chimneys, shall be submitted to the local planning authority. The replacement chimneys shall be re-built to match the detailing of the original.

**Reason:** In the interests of visual amenity within the Conservation Area and to accord with the National Planning Policy Framework and policies S53 and S57 of the Central Lincolnshire Local Plan.

5. Prior to installation, details of the mortar mixes for the rebuilt chimneys and the brick pointing shall be submitted to and approved in writing by the local planning authority. The approved details shall then be used.

**Reason:** To ensure the use of appropriate materials within the Conservation Area and in the interests of visual amenity and the character and appearance of the site to accord with the National Planning Policy Framework and policies S53 and S57 of the Central Lincolnshire Local Plan.

**6.** All new external works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure the use of appropriate materials within the Conservation Area and in the interests of visual amenity and the character and appearance of the site to accord with the National Planning Policy Framework and policies S53 and S57 of the Central Lincolnshire Local Plan.

**7.** 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 details shown on the approved plans: 2440-PP01 dated 14/9/2023, 2440-PP02 dated 15/9/2023, 2440-PP03 and 2440-OS dated 12/05/23 and 122022-03 B dated 24/1/23 and in any other approved documents forming part of the application.

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

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

None