

## **Officers Report**

**Planning Application No:** WL/2024/00317/ 148308

**PROPOSAL:** Planning application to change the use and convert the existing workshop/storage building into 1 dwelling and 1 apartment.

**LOCATION:**

28 OXFORD STREET

MARKET RASEN

LN8 3AL

**WARD:** MARKET RASEN

Ward Members: Cllr M Westley and Cllr E Bennett.

**TARGET DECISION DATE:** 20/06/2024 Ext of time agreed until 05/12/24

**CASE OFFICER:** Joanne Sizer

**Recommended Decision:** Grant permission subject to conditions.

Committee referral – The application has been referred to planning committee as a departure from the Local Plan as the parking requirements set out in Policy S49 of the CLLP have not been met; and other considerations relating to amenity are considered to be finely balanced matters.

### **Site Description and Proposal:**

The application site is located within the Market Town of Market Rasen and hosts a building formally used as a workshop and store. The application site forms part of a larger building and attached to a residential dwelling with courtyard sitting in between.

Other residential properties, consisting of flats and starter homes sit to the North and South, while the railway line and its embankment adjoin the site to the west.

This application seeks planning permission to convert and change the use of the existing building to a two-storey dwelling and single storey apartment.

The proposed development has been amended during the determination of the application and relates to details shown on Plan No's:

RDS 11780/09B – Proposed first floor plan

RDS 11780/14B – Site location plan

RDS 11780/13 D – Proposed site plan

RDS 11780/08D – Proposed Ground floor plan

RDS 11780/10D – Proposed elevations

RDS 11780/11D – Proposed elevations

## **Relevant Planning History**

None on the site

Building to the North:

M01/P/0865 – Erect 6 terrace houses – Granted 2001

M02/P/0072 – Erect 6 starter homes – Granted 2002

Buildings to the South:

M06/P/1018 – Convert former warehouse and retail unit to form 11 No self contained apartments – Granted 2007

## **Representations**

Chairman/Ward member(s): None received to date.

Market Rasen Town Council: None received to date

Local residents: None received to date.

LCC Highways and Lead Local Flood Authority:

There is an existing vehicle access serving the host property which is to remain unchanged.

The proposed 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.

The proposal will not have an unacceptable impact on the public highway.

Network Rail:

Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

Works in Proximity to the Operational Railway Environment

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance

(related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

The application must be supported by a site-specific Construction Methodology should it not be possible to satisfy Network Rail's requirements recommended in the attached. The council should satisfy itself, without consulting Network Rail, that there are good reasons why the recommended requirements cannot be adhered to.

#### Additional Requirements

##### **Railway Noise Mitigation**

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

##### **Glint and Glare**

The application does not include a specific glint and glare study to ascertain the effect the proposal will have on the operation of the adjacent railway particularly in terms of signal sighting and driver distraction. The applicant should supply further details on this point before we can comment further.

##### LCC Archaeology:

The site is located in the medieval core of Market Rasen. There is potential for archaeological remains associated with the medieval settlement, which might not have been disturbed by the building proposed for alteration. The proposed interior alterations and associated services, as well as the formation of a patio, are likely to involve groundworks in areas which haven't been impacted by the existing building.

The building proposed for alteration is dated to at least the late 19th century and was possibly used for stabling horses or storing goods in relation with the adjacent former warehouse. There is a large doorway to the inner courtyard of the site, probably for horses and carriages involved in loading and unloading of goods. Buildings associated with 19th century industry and commerce are under threat from conversion or demolition and are a diminishing resource.

New uses frequently alter the original fabric and character of the building, and it is beneficial to create a record of the structure before alteration or demolition.

It is recommended that, if permission is granted, a condition is placed for an Historic Building Recording. This should be carried out prior to commencement in order to preserve the building by record prior to alterations. Additionally, a condition is also recommended for an archaeological scheme of works, which should consist of archaeological monitoring and recording of groundworks.

This should be secured by appropriate condition to enable any remaining archaeology which currently survives on this site to be recorded prior to its destruction;

These recommendations are in line with paragraph 211 of the National Planning Policy Framework (NPPF)

Date Checked: 14/11/24

**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) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S3 Housing in Lincoln Urban area, Main Towns and Market Towns
- S6 Design Principles for Efficient Buildings
- S13 Reducing Energy Consumption in Existing Buildings
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S57 The Historic Environment
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains

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

Relevant policies of the NP include:

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

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

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 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-planning-policy-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>

### **Main Considerations:**

- Principle of development
- Design and Visual amenity
- Neighbouring and residential amenity
- Highway Safety and Parking
- Flood risk, water efficiency and drainage
- Energy efficient buildings
- Archaeology
- Biodiversity Net Gain
- Contamination
- Other Considerations:

### **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.

Central Lincolnshire Local Plan 2023-2043 (adopted in April 2023) contains a suite of policies that provide a framework to deliver appropriate residential development.

Because the site is located within Market Rasen and the application seeks permission for the creation of one dwelling and one apartment through the change of use of an existing building, the proposals would principally be assessed against Local Plan Policies S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution and S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns

Policy S1 of the Central Lincolnshire Local Plan designates Market Rasen as a Market Town. This policy states: *To maintain and enhance their roles as market towns, Caistor and Market Rasen will be the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. This growth will primarily be through sites allocated in this Local Plan and any applicable neighbourhood plan. 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: states that around 12% of the housing supply will come forward in settlements elsewhere, primarily located at the market towns and in well-connected villages and villages with a good range of services present.*

*Policy S3 further guides 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.*

Definitions of developed footprint and appropriate locations are noted in the glossary of the plan to be:

*'Developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:*

- individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- agricultural buildings and associated land on the edge of the settlement; and*

- *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*

'Appropriate Locations' is defined as: *a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan. In addition, to qualify as an 'appropriate location', the site, if developed, would:*

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement's character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.*

Assessment:

The site is within an existing built-up area and within the established developed footprint of Market Rasen. The proposed development in creating one additional dwelling and an apartment through the change of use of an existing building also retains the core shape and form of the settlement and additionally makes a small contribution to the level of growth to Central Lincolnshire as set in Policy S2. It also provides a mixture of housing types and sizes as set out in Policy S23.

The principle of the development is therefore supported by Policies S2, S3 and S23 of the CLLP and weight is afforded to the re-use an existing building and principle of providing additional homes within a sustainable location.

The principle of development is therefore supported subject to all other material considerations being acceptable and the location of the site being considered appropriate in all other regards.

Design and Visual Amenity:

CLLP Policy S53 relates to the Design of development and 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.

Paragraph 130 of the NPPF also stipulates that.

Planning policies and decisions should ensure that developments:

- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

Paragraph 134 of the NPPF further advises that '*development that is not well designed should be refused*'.

The application site sits within an area containing a mixture of commercial and residential properties. Consequently, the character of the area is a mixture of types and ages of buildings, with varying forms and features. There are nevertheless some common design elements that can be seen within the area and included on the building to be converted.

The building to be converted consists of a traditional brick built, gable roofed structure that has render on the front elevation and an arched access to the shared courtyard with the attached dwelling to the south. This arched courtyard can be seen in other traditional and more modern buildings along Oxford Street. LCC Archaeology has noted that the building has some historic associations with the area, but architecturally has been clearly altered over the years with numerous openings created and closed.

The proposed development in seeking to convert the existing building to two residential properties, includes alterations to the building and the main external changes seen through the insertion of windows and doors in the front east and south side elevations. The windows are however of the same size, design and position as those on the attached dwelling and consequently, reflects its character and the appearance within the street scene. The courtyard feature will also remain the same and the elevation drawings also confirm the roof is to stay as clay pantiles and the front elevation rendered. The proposed changes are consequently considered to be sympathetic to the character of the building and local character of the area. There are also some solar panels that are proposed on the front roof slope of the building, that will be seen within the street scene. These are not however considered to be harmful additions, given the characteristics of the surrounding area.

It is therefore considered that the proposed development is of a design that will not harm the character and appearance of the building or the street-scene in accordance with Policy S53 of the Central Lincolnshire Local Plan and guidance in the NPPF.

#### Neighbouring and residential amenity:

The amenity considerations as set out in Policy S53: Design and Amenity relevantly states that:



*“All development proposals will be assessed against, and will be expected to meet the following relevant design and amenity criteria. All development proposals will:*

*b) Be compatible with neighbouring land uses and not result in likely conflict with existing uses, unless it can be satisfactorily demonstrated that both the ongoing use of the neighbouring site will not be compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site;*

*c) Not result in adverse noise and vibration taking into account surrounding uses nor result in adverse impacts upon air quality from odour, fumes, smoke, dust and other sources;*

*d) Not result in harm to people’s amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;*

Paragraph 130 of the NPPF also requires development to:

*(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

There are three amenity considerations relating to the assessment of this application. The first being impacts on neighbouring residential properties (excluding No 28), the second on impacts to the railway and visa versa and thirdly the impacts and level of amenity associated with the occupation of the existing dwelling (No 28) and those of the proposed residential properties. Each will be considered in turn.

Impact on neighbouring residential properties:

The application site sits directly alongside and south of a row of terraced dwellings, which has access to a parking area to the rear. The existing building has its blank gable end facing onto that of the neighbouring dwellings and the rear single storey element of the existing building forms the boundary wall of the neighbouring parking area.

The proposed residential use of the building is therefore considered to be compatible to those neighbouring and provides a better amenity relationship than the existing workshop/storage use on site. The proposed alterations do not also change the size or presence of the existing building, and the insertion of windows and doors are also positioned not to result in overlooking and loss of privacy to the occupiers of the neighbouring properties. The amenity of the occupiers of the neighbouring dwellings located to the south are not therefore harmfully impacted through the proposed development.

The application site is also within proximity to several flats located to the north side of the attached residential dwelling (no 28). Although the building within the application site does not directly adjoin the flats, its side elevation and roof

slope containing dormer windows can be seen from the rear aspect of the courtyard. As a result, there is an existing relationship between the site and the dormer windows, with views of the courtyard serving No 28 being visible from the windows and vice versa.

The proposed development will not alter the existing views between the dormer windows and the courtyard but will result in the courtyard serving three residential properties and the presence of a window in the single storey apartment. Views out of the apartment window will not however be any different from those available from the courtyard area and will not significantly alter the existing relationship shared. The use of the courtyard by three residential properties is not also considered to result in harmful impacts through increased overlooking or loss of privacy to the occupiers of the neighbouring flats.

The amenity of the occupiers of the neighbouring flats located to the north are not therefore considered to be harmfully impacted through the proposed development.

Impact upon residential amenity to properties to the south (no 28 and the proposed dwelling and apartment):

No 28 Oxford Street is an existing two storey dwelling that is attached to the application site at first floor and shares a courtyard with it. Access to No 28 and the workshop/storage building are both gained via the courtyard area, which also doubles up as parking provision. No 28 also has windows facing onto this courtyard area and the dwelling shares a close relationship with the application site/workshop building. Because of this the amenity of No 28 is impacted by the existing and somewhat conflicting use of the application site.

The proposed development in changing the use of the workshop/storage building to residential use therefore offers a more compatible use and enables the courtyard to become a purely residential space, that is shared by three residential properties. Although, the size of the area is smaller than what would be expected for three households and would not be private to each; it would offer some functional space that could be shared by residents. The sustainable location of the site is also afforded weight in this regard, with residents having access to the town centre, outdoor space and other leisure facilities within approximately 400 metres of it.

The two proposed residential dwellings and 1 person apartment also meet the guidance set out in the described space standards and the building operations proposed enables adequate light to all residential accommodation. However, the use of the courtyard to access all three properties and the insertion of the windows and doors facing onto it does result in the properties sharing a close relationship. This is especially the case for the proposed apartment and No 28 who have ground floor doors and windows facing each other. Although this relationship is not ideal, it is mutual and considered more compatible than the impacts the existing workshop/storage use could have on the amenity of No

28. It is also recognised that the ground floor windows of No 28 serve a kitchen and utility room only.

Consequently, although it is recognised that the layout of the development does not result in an ideal level of amenity to the three residential properties, the proposals do offer some amenity benefits through the residential use of the building. The overall level of amenity for each dwelling is also not considered to be unduly harmful to the occupiers of all residential properties. The removal of permitted development rights can also control future alterations and extensions.

It is therefore on this basis and when affording weight to the re-use of the building and creation of a mixture of types of residential accommodation within a sustainable location; that the proposed development is acceptable in meeting the provisions of Policy S53. This matter is however thought to be finely balanced.

Impact upon/from Rail Network:

The rear boundary of the application site is the rail embankment relating to the existing railway network.

Network Rail has not raised any objections to the principle of the development in terms of works in proximity to the operational railway environment, subject to the developer ensuring the development can be undertaken safely and without impact on the safe operation of the rail network. To enable this, Network Rail advise the development to liaise with their Asset Protection Team and where necessary for the developer to enter into their Basic Asset Protection Agreement. An advisory note will therefore be added to the decision notice, should planning permission be granted.

Network Rail has also raised possible impacts through glint and glare associated with the development. Nevertheless, the relationship the proposed dwelling and apartment will have with the railway line is no different to other residential properties in the area and it would therefore be unreasonable to request a glint and glare study to be undertaken for the proposed development.

Noise levels associated with the use of the rail network upon the amenity of the proposed development has also been raised by Network Rail as a concern and it is advised that developer provide adequate soundproofing for each dwelling. Although it is noted that other dwellings are present in this location and subject to the same levels of noise, it is not known if they contain any sound proofing measures but it is clear that a residential use on the site can be acceptable. As a consequence, a condition requiring a noise report and associated mitigation measures is proposed.

The proposed development, subject to Network Rails requirements being met, any noise mitigation measures being secured, and an informative note being

added, is considered to be acceptable to the amenity of the proposed dwelling and use of the rail network.

Highway Safety and parking provision:

Policy S47 sets out that *'Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported'*. Policy S49 relates to adequate parking provision and car parking standards are set out in Appendix 2 of the CLLP. These standards require 2 parking spaces to be provided for the proposed two bedroom dwelling and 1 for the one bedroom apartment.

Paragraph 110 of the NPPF requires that development proposals provide safe and suitable access to all users. While Paragraph 115 states *that development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.*

The application site and the neighbouring dwelling (28 Oxford Street) are connected at first floor and currently under the same ownership. Both the dwelling and workshop/store therefore have a shared parking arrangement which provides one off road parking space within the courtyard separating the buildings.

The proposed development in converting the application site into a dwelling and apartment, will result in three domestic premises being accessed from the existing courtyard and this area is to become a shared amenity space for all three properties. As a result, there will be no off-street parking provision provided for the existing (No 28) or proposed residential properties.

The proposed development therefore reduces the provision for off street parking associated with the existing site and neighbouring residential dwelling and does not meet the 3 spaces required for the proposed residential dwelling and apartment, as set out in Policy S49 of the CLLP. It is also recognised that due to parking restrictions along Oxford Street, there is also no provision for parking in front of the dwelling and parking on the opposite side of the road is restricted to 30 minutes between 8am to 6pm.

There is nevertheless, on street parking available further along Oxford Street (to the South) and in surrounding streets such as Serpentine Street, Chapel Street and Union Street. Additionally, there is also public car parks available to use off Union Street, Festival Hall and Mill Road, which are within easy walking distance from the application site.

Furthermore, the sustainable location of the application site is also a consideration, with all services and facilities located within the Centre of Market Rasen being within walking distance of the site. The occupiers of the residential properties would therefore have access to services and facilities without being reliant on a private car, with public transport also being available from within the town. This is also the advice given by the Local Highway Authority, who have confirmed that due to the sustainable location of the site

and residents not reliant on the private car, dedicated parking is not essential; and the proposal will not have an unacceptable impact on the public highway. The development is therefore considered to meet the relevant provisions of Policy S47 and the guidance within paragraph 115 of the NPPF.

It is consequently concluded that the non-inclusion of parking provision on the site is acceptable in this case and the departure from the provisions of Policy S49 is outweighed through the benefits of providing additional housing in a sustainable location, and through the re-use of an existing building. 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.

#### Flood risk, water resources and drainage

Policy S21: Flood Risk and Water Resources relates to development proposals being in areas at the lowest risk of flooding and being adequately drained. In terms of drainage Policy S21 relevantly states that proposals should demonstrate:

*g) that water is available for support the proposed development*

*h) that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development. Non mains foul sewage disposal solutions should only be considered where it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible;*

*and in relation to surface water that:*

*k) that they have followed the surface water hierarchy for all proposals:*

*i. surface water runoff is collected for use;*

*ii. discharge into the ground via infiltration;*

*iii. discharge to a watercourse or other surface water body;*

*iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*

*v. discharge to a combined sewer;*

*l) that no surface water connections are made to the foul system*

*m) that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*

The site is located in Flood Zone 1 and has a low risk of flooding. No detailed drainage scheme has been provided with the application, but it is recognised that the site is within a built up area of Market Rasen and has an established water supply and drainage system serving the existing properties and area.

Consequently, it is considered reasonable to secure further details for approval, and the delivery of an adequate drainage scheme through the imposition of a condition. With such a condition in place the development is expected to meet the requirements of Policy S21 of the CLLP.

Archaeology:

The Archaeology section of Policy S57 states that:

*“Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.*

*Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.*

*If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.*

*Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer and approved by the planning authority.*

*Any work undertaken as part of the planning process must be appropriately archived in a way agreed with the local planning authority.”*

Additionally paragraph 205 of the NPPF guides that *“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible . However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*

Lincolnshire County Council have identified the site to be located in the medieval core of Market Rasen and therefore has the potential for archaeological remains associated with the medieval settlement, which might not have been disturbed by the building proposed for alteration. This includes interior alterations, provision of associated services, as well as the formation of a patio.

The building proposed for alteration is also said to be dated to at least the late 19th century and possibly used for stabling horses or storing goods in relation with the adjacent former warehouse. Buildings associated with 19th century industry and commerce are also identified to be under threat from conversion or demolition and are a diminishing resource.

Additionally new uses are identified to frequently alter the original fabric and character of the building, and it is therefore recommended that a record of the structure before alteration or demolition is made. On this basis LCC archaeology have recommended the following conditions.

1. The undertaking of a Historic Building Record for the building which should be carried out prior to commencement of works.
2. The undertaking of an archaeological scheme of works, to consist of archaeological monitoring and recording of any groundworks.

With such conditions in place any remaining archaeology which currently survives on the site will be preserved through recording and the proposed development in accordance with the provisions of Policy S57 of the CLLP and guidance within the NPPF.

Energy efficiency and Reducing Energy Consumption in existing buildings:  
Policies S6 and S13 encourages applicants to consider all opportunities to improve the energy efficiency of the building being altered and extended.

The proposed development will upgrade the existing building to enable it to be occupied as residential properties and includes solar panels on the roof of each residential property to help meet their energy demand through renewable energy generated on site. The aims of policies S6 and S13 have therefore been considered by the applicant.

Biodiversity Net Gain:

Biodiversity Net Gain (BNG) is mandatory on minor developments from 2nd April 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It requires that development must deliver a net gain of 10% to ensure that habitats for wildlife are left in a measurably better state than they were before the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric" but there are also exemptions that apply to its delivery.

It is noted that the proposed development only relates to the change of use and alterations to the existing building on site. The court yard area is also covered by hardstanding and the rail embankment is not affected by the proposed development.

The proposed development would not therefore impact a priority habitat (as identified in section 41 of the Natural Environmental and rural communities Act 2006), impacts less than 25 square metres of the on-site habitat that has biodiversity value greater than zero; and less than 5 metres in length of on-site linear habitat (as defined in the statutory metric). Consequently, the development would be below the de minimis threshold and exempt from delivering biodiversity net gain.

### Contamination:

Policy S56: relates to development on Land Affected by Contamination and states that:

*Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.*

*Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.*

*Proposals will only be permitted if:*

- it can be demonstrated that the site is suitable for its proposed use;*
- layout and drainage have taken adequate account of ground conditions, contamination and gas risks arising from previous uses and any proposed sustainable land remediation and*
- there are no significant impacts on future users, neighbouring users, groundwater or surface water.*

The application site is recognised to be within an area at risk of contamination and due to previous uses. However, the building is located within an area of other residential dwellings, and it is recognised that the proposed development mainly relates to alterations to the existing building; and does not require extensive ground works. Consequently, a precautionary condition is recommended to ensure any contamination that may be present on site shall be adequately dealt with. With such a condition in place the risk of contamination will be proportionately mitigated against and the development in accordance with the provisions of Policy S60 of the 2023 Central Lincolnshire Local Plan.

### **Conclusion and Planning Balance.**

The proposed development has been assessed against Policies S1 The Spatial Strategy and Settlement Hierarchy, S3 Housing in Lincoln Urban area, Main Towns and Market Towns, S6 Design Principles for Efficient Buildings S13 Reducing Energy Consumption in Existing Buildings, S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S57 The Historic Environment and S61 Biodiversity Opportunity and Delivering Measurable Net Gains of the CLLP, as well as all other material considerations, including guidance within the NPPF and NPPG, and representations received.

As a result of this assessment, it is concluded that the principle of development is acceptable, as it provides two additional residential properties within a sustainable location; and does so through the re-use of an existing building. Significant weight is therefore afforded to this principal matter.



The proposed development, subject to conditions is also considered to be acceptable to matters relating to visual amenity, archaeology, flood risk and drainage, highway safety, BNG and efficient buildings.

The proposed development does not however, accord with the provisions of Policy S49 as there is no on- site parking provided for the proposed dwelling and apartment. The lack of on-site parking does not however result in an unacceptable impact upon highway safety and the departure from Policy S49 is therefore outweighed through the benefits of providing additional housing in a sustainable location, and through the re-use of an existing building.

The proposed development also results in the occupiers of No 28 and the two proposed residential properties to have limited outside amenity space and windows and doors that look onto it and each other. The level of amenity associated with the existing dwelling and those proposed is therefore considered finely balanced, but not unduly harmful to the occupiers of them. The proposed development is therefore considered to accord with the amenity requirements of Policy S53.

It is therefore concluded that the proposed development in providing additional housing through the re-use of an existing building within a sustainable location outweighs the departure from Policy S49 and grant of permission subject to the following conditions is recommended:

**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:**

2. No development shall take place until a written scheme of archaeological Investigation including monitoring and recording of any groundworks has been submitted to and approved by the Local Planning Authority.

This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Policy S57 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

3. No development (including removal of or dismantling of any kind) must take place until a comprehensive Historic Building Record has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure a complete written and photographic record of the building is submitted prior to works commencing to accord with the National Planning Policy Framework and local policy S57 of the Central Lincolnshire Local Plan 2023.

4. No development shall take place until a scheme for noise and vibration mitigation, including soundproofing measures in relation to the occupation of the proposed dwelling and apartment hereby approved, has been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of the dwelling and thereafter maintained.

Reason: To protect the occupants from noise associated with the adjacent operational rail use and to ensure a reasonable standard of amenities in accordance with Policy S53 of the Central Lincolnshire Local Plan 2023.

5. No development shall take place until full details of the proposed foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the building is first occupied and retained thereafter.

Reason: To ensure that an adequate scheme serves the development and protects the Water environment in accordance with the provisions of Policy S21 of the Central Lincolnshire Local Plan.

**Conditions which apply or are to be observed during the course of the development:**

6. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 2 of this permission. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Policy S57 of the CLLP and the National Planning Policy Framework.

7. Following the archaeological site work referred to in conditions 2 and 3 a written report of the archaeologist's findings and building record shall be submitted to the Local Planning Authority within 3 months of the works hereby given consent being commenced and the archive of all archaeological work

undertaken has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Policy S57 of the Central Lincolnshire Local Plan and the National Planning Policy Framework

8. 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:

RDS 11780/08D – Proposed ground floor plan

RDS 11780/10D – Proposed elevations

RDS 11780/11D – Proposed elevations

RDS 11780/13D – Proposed site plan

RDS 11780/14B – Site location plan

RDS 11780/09B – Proposed first floor plan

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy S53 of the 2023 Central Lincolnshire Local Plan.

9. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy S60 of the 2023 Central Lincolnshire Local Plan.

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

10. Notwithstanding the provisions of Classes A, AA, B, C and E of Schedule 2, Part 1, Class A and Part 2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, and no buildings or structures shall be erected within the curtilage of the dwelling, and no

boundary treatments erected unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the residential amenity of the occupiers of the existing and proposed dwellings and operational railway land in accordance with Policy S53 of the Central Lincolnshire Local Plan 2023 and guidance in the NPPF.

11. The courtyard area shall not be used for the parking of vehicles.

Reason: To safeguard the residential amenity of the occupiers of the existing and proposed dwellings and operational railway land in accordance with Policy S53 of the Central Lincolnshire Local Plan 2023 and guidance in the NPPF.

**Notes:**

**Network Rail:**

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance (related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

**Decision Level: 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

**Prepared by :    Date :**

**Authorising Office    Date:**