

# Officers Report

## Planning Application No: WL/2025/00326

**PROPOSAL:** Planning application for partial change of use to form three self-contained apartments, alterations to an existing retail unit, repairs to flat roof outbuildings, works to existing external doors and windows including the installation of a smoke vent to the roof, internal alterations and associated works.

**LOCATION:** 33 LORD STREET GAINSBOROUGH DN21 2DD

**WARD:** GAINSBOROUGH SOUTH WEST

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

**APPLICANT NAME:** Mr Usman Akram

**TARGET DECISION DATE:** 26/05/2025 (Extension of time agreed to 4<sup>th</sup> July 2025)

**CASE OFFICER:** Holly Horton

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

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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.

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**The Site:** The site consists of a vacant retail unit at 33 Lord Street along with the associated upper floors above 31 Lord Street. Both buildings are listed at Grade II and they form part of a group with numbers 35, 37 and 37. The site is adjoined to the north by other rear yards accessed from Cobden Street/Little Church Lane and to the east by No 35 Lord Street known as Tiger Antiques that was historically a public house. To the south lies Lord Street with retail units beyond, and to the west lies Little Church Lane with the attached building at No 29 Lord Street beyond.

The site lies within the Gainsborough Town Conservation Area and is surrounded by a number of other heritage assets. The site also lies within a Sand and Gravel Minerals Safeguarding Area. The site is recognised as being within the Gainsborough Primary Shopping Area/Gainsborough Town Centre within the Central Lincolnshire Local Plan.

The Historic England official listing describes the site of No 31 – 33 Lord Street as:

*“2. Early C19. 3 storeys and attics. Stone coped gable end to road forms pediment. Band at cills of 2 lunette windows of 3 lights with glazing bars in the heads of 2, 3-storey recesses, containing on 1st and 2nd floors, 1 window each with hung sashes with glazing bars, of 3 lights. Rusticated lintels with keystones. Band at 1st floor cills. 2nd floor window to No 33 has lost keystone. 2 early C19 shop fronts on ground floor with modern glazing, rectangular fanlights and narrow pilasters. Painted brick.*

*Nos 27 to 39 (odd) form a group, Nos 27 and 29 being of local interest.”*

**The Proposal:** Planning permission is sought for partial change of use to form three self-contained apartments, alterations to an existing retail unit (Class E), repairs to flat roof outbuildings, works to existing external doors and windows including the installation of a smoke vent to the roof, internal alterations and other associated works.

The proposal would be split across four floors, with the Retail Unit, Flat 1 and the store/bin storage area for all three flats all on the ground floor. Flat 2 would occupy the entirety of the first floor and Flat 3 would occupy the entirety of the second floor and almost half of the third floor. The remainder of the third floor would be utilised as a storage space for the landlord of the building.

The proposed occupancy and internal floor space for the retail unit and each of the flats is outlined below:

Retail Unit: 18.6m<sup>2</sup>

Flat 1: One bedroom, one person – 38m<sup>2</sup>

Flat 2: Two bedroom, three person – 71.97m<sup>2</sup>

Flat 3: Two bedroom, three person – 82.10m<sup>2</sup>

**Departure Procedure:** The application has been advertised as a departure from the local plan in line with Section 15 (2) of the TCPA Development Management Procedure Order 2015<sup>1</sup> a site notice was displayed on 29/05/2025 and a notice has been placed in the local newspaper on 29/05/2025. The advertisement of the departure therefore meets the provisions of Section 15 of the DMPO.

This application is also being considered alongside WL/2025/00327 for Listed Building Consent for the same works, however this application is recommended to be presented to Planning Committee in line with the constitution as it would constitute a departure from Policy S49 of the Central Lincolnshire Local Plan.

### **Previous Planning History**

**144973** - Prior approval for proposed change of use from fish and chip shop to retail (ground floor) & 3no. self contained flats – Withdrawn by Applicant

**136566** - Planning application for internal mechanical canopy and extract duct – Granted with conditions 04/10/2017

**123346** - Planning permission to construct 4 no. dwelling houses (Little Church Street), formation of 2 no flats at 1st and 2nd floor level (31 & 33 Lord Street) and modify roof arrangements to Lords (35 Lord Street) – Finally disposed of 08/12/2011

**123348** - Listed building consent to carry out internal and external alteration to 31 and 33 Lord street to form 2 no. flats. Also alterations to modify roof arrangements at Lords (35 Lord Street) – Finally disposed of 08/12/2011

**121781** - Planning Application for change of use from retail to A3 - Cafe with sit down facility and kitchen for washing up and warming of foods only – Granted with condition 14/05/2008

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<sup>1</sup> <https://www.legislation.gov.uk/uksi/2015/595/article/15>

**121782** - Listed Building Consent for alterations to facilitate change of use from retail to A3 - Cafe with sit down facility and kitchen for washing up and warming of foods only (includes formation of opening to link Nos. 31 and 33) – Granted with conditions 14/05/2008

**Representations:**

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

Gainsborough Town Council: No representations received to date.

Local Residents: 25 Lord Street, Gainsborough - Supports the application as summarised below:

- I am the owner of neighbouring properties and fully support the proposals for 31-33 Lord Street. 31-33 Lord Street has become a troublesome site in recent years, a hot spot for criminal activity. Previous owners have failed and I am pleased that the property is now in the ownership of someone with the right intentions. The proposals will tidy the site up and the property will contribute positively to the street instead of negatively.

LCC Highways: No Objections and request an informative. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

*Comments:* Development proposals are typical of this location and the impact on the public highway is comparable with neighbouring properties. The location is within a built-up town centre area and is sustainable. It is therefore deemed that the development proposals are acceptable to the Highway Authority and the impact on the public highway is negligible.

LCC Archaeology: No representations received to date.

WLDC Conservation Officer: No objections – subject to conditions. Comments summarised below:

The proposal is the change the use partially for three additional self-contained apartments with internal alterations throughout, including to the retail unit. 31 and 33 Lord Street is a grade II townhouse built in the early 19th century. It is built with three-storeys and attics and two bays. The walls are brick with lime wash and stone coped gables and hung sash windows.

The strongest significance of the listed building is the external principal façade and its location within the historic marketplace being redeveloped in the same medieval street

pattern and form. Its historic value is grouped with nos.27-39 which are of local interest. Within the setting of 31 and 33 Lord Street are several other grade II listed buildings: 35, 37, 39, 24, and 32 Lord Street. These have similar origins or 18th and 19th centuries showing the phased development from the medieval plan forms. The property is within the Gainsborough Town Centre Conservation Area that identifies the significance in historic layout and street scene of Lord Street.

The proposal seeks to use the under-utilised floor spaces which have not been in occupation for a long period. Part of this requires internal alterations with infilling and new openings being created. These alterations are minimal to create a sufficient living space, and do not impact upon any areas of major architectural or historic interest. The main alteration is the boxing up of the old stairs. However, this protects and conserves the stairwell for future use.

There is an architectural interest with the internal doors and surrounds. These have been identified and are proposed to be protected and upgraded as per Historic England's guidance. This will protect the architectural interest. There are existing skirting boards and architraves that will require being identified for their details to enable reuse of the design in the newly proposed elements.

The windows are all proposed to be repaired, this will protect the historic and architectural interest. As these are repairs so the specific details of the works do not need to be given with the LBC. I would push against the proposed gloss paint and request a linseed oil based paint to reduce maintenance and better protect the timber from rotting.

The areas proposed for internal alteration are not in areas of major historic or architectural interest. When creating the new openings, these areas should be carefully examined for additional historic interest during the opening up process. Policy S57 will support proposals that protect the significance and promote opportunities to better reveal the significance. The reinstatement of occupation and repairs to key features will protect and enhance the significance of the listed building.

Recommended Conditions:

- 1) Prior to any works, a level 2 Historic Building Record is undertaken as detailed in Historic England's Understanding Historic Buildings: A Guide to Good Practice (Historic England, 2016).
- 2) Prior to any work, the skirting and architrave designs of the existing shall be assessed for significance and submitted for consideration for reuse. The proposed "typical" designs are not suitable as a generic design for listed buildings.
- 3) All works shall precisely follow the schedule of works as detailed within the plans. Any information TBC within the schedule shall be submitted to the LPA. This includes the changing of the window paint to a linseed oil paint.
- 4) Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools.

5) All new external and internal 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.

6) Before the commencement of works, details shall be submitted and approved with the Local Planning Authority showing the areas of masonry to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction. Such details are to include structural engineering drawings and/or a method statement. The work shall be carried out fully in accordance with the method statement approved.

7) Before work begins, steps shall be approved in writing with the Local Planning Authority and implemented to protect the following interior features from damage or theft and shall remain in place for the duration of the construction/ alteration work hereby permitted: staircases; balustrades/handrails; doors;

8) During the works, if hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.

System Checked: 09/06/2025

### **Relevant Planning Policies:**

- **Central Lincolnshire Local Plan 2023-2043 (CLLP)**

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 S37: Gainsborough Town Centre and Primary Shopping Area

Policy NS41: City and Town Centre Frontages

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

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

- **Gainsborough Neighbourhood Plan MADE 2021 (NP)**

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 8 A Mix of Housing Types

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 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 within a Minerals Safeguarding Area and therefore policy M11 applies.

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

National Policy and Guidance (Material consideration)

- **National Planning Policy Framework (NPPF)**  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2024. Paragraph 232 states:

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

- **National Planning Practice Guidance**  
<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>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 49 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **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 24<sup>th</sup> 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.

### **Other**

- Statutory Duties under Sections 66 and 72 of the Town and Country Planning (Listed Buildings & Conservations Area) Act 1990.
- Gainsborough Town Centre Conservation Area Appraisal

### **Main issues**

- Principle of Development;
- Impact on designated heritage asset including the host listed building, and visual impact;
- Residential Amenity;
- Highways and Parking;
- Flood Risk and Drainage;
- Other Matters.

*Minerals Safeguarding  
Community Infrastructure Levy  
Energy Efficiency  
Biodiversity Net Gain*

### **Assessment:**

#### **Principle of Development**

Planning permission is sought for the partial change of use to form three self-contained apartments, alterations to an existing retail unit, repairs to flat roof outbuildings, works to existing external doors and windows including the installation of a smoke vent to the roof, internal alterations and other associated works. The Central Lincolnshire Local Plan provides a suite of policies to guide development within Gainsborough Town Centre.

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 helps to ensure their vitality by increasing the total population living in close proximity to local amenities. Significant weight is also attached to securing the future use of a designated heritage asset.

The Gainsborough Town Centre section of Policy S37 of the CLLP states that; *"Where planning permission is required, proposals for main town centre uses under E Use Class, or for the development of cultural, social or leisure facilities suitable for a town centre location will be supported in principle within Gainsborough Town Centre, as identified on the Policies Map, where they:*

- d) are of high quality design, responding to their surroundings and contributing positively to the streetscene; and*
- e) enhance connectivity within, through and around the town centre wherever possible.*

*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."*

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

The site is within the Gainsborough Primary Shopping Area where retail units on ground floors are supported in principle given that they will contribute towards the vitality and viability of the town centre. It is noted that the existing retail unit would be retained but reduced in size however it would still provide ample space for future retail use.

The existing retail unit would remain within Class E Use Class and it would help to assist in the wider regeneration of the town centre by offering an improved visual appearance from the street scene as a result of the proposed removal of redundant



signage, boarding, fixtures and fittings and replaced/repaired with more appropriate finishes to respect the host heritage asset and market place setting.

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 and would therefore meet within criteria a, b, c, d and e of Policy S37.

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. It is therefore considered that in principle, the proposal would accord with policies S1, S3, S35 and S37 of the CLLP, as well as Policy NPP19 of the Neighbourhood Plan and the provisions of the NPPF.

#### Impact on designated heritage assets including the host listed building, and visual amenity

The application site consists of a grade II listed townhouse built in the early 19th century. It is built with three-storeys and attics and two bays. The walls are brick with lime wash and stone coped gables and hung sash windows. It lies within the setting of other Grade II Listed buildings as well as being within the Gainsborough Town Centre Conservation Area.

The applications propose several alterations to the building externally and internally, comprising of the following in summary:

- Retain the existing shop front with alterations limited to repairs, redecoration and the removal of redundant signs and fixtures.
- The existing rear staircase to the first floor within number 31 will be removed and a new staircase installed within number 33 where the original staircase has been removed in the past.
- All staircases on the upper floors will be retained in full and the few remaining internal doors and features will either be retained or reused in new openings.
- The existing outbuildings will be refurbished.

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 Burton 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.

With regard to Listed Buildings, Policy S57 of the CLLP states that *'Permission to change the use of a Listed Building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the*

*building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.'*

With regard to Conservation Area, Policy S57 of the CLLP states that '*Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should conserve, or where appropriate enhance, features that contribute positively to the area's special character, appearance and setting, including as identified in any adopted Conservation Area appraisal.'*

These policy aims are echoed in the Policy NPP18 of the Gainsborough Town Neighbourhood Plan which states that

*'7. Development within the Conservation Areas or their settings should demonstrate an understanding of the history and industrial quality of the area. Development should respect the scale, building plot, height and roofline, and complement existing materials and architectural detailing and reflect the pattern and design; and*

*8. Development proposals for the renovation of buildings and shopfronts in the Town Centre that reinforce its historic character and comply with West Lindsey District Council's shopfront improvement scheme will be supported.'*

With regard to new or altered frontages within town centres, policy NS41 states the following:

*"Proposals for new frontages or alterations to existing frontages within an identified centre will be permitted provided the proposal:*

*a. is of a high quality design and is sympathetic in scale, proportion and appearance to the building of which it forms part, and to the character of the surrounding street scene; and*

*b. protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area; and*

*c. is designed to allow equal access for all users."*

Point 8 of Policy NPP18 of the NP states that *"Development proposals for the renovation of buildings and shopfronts in the Town Centre that reinforce its historic character and comply with West Lindsey District Council's shopfront improvement scheme will be supported."*

The WLDC Conservation Officer has been consulted on the proposal and has commented that they are supportive of the proposal which seeks to make use of the under-utilised floor spaces which have not been in occupation for a significant period of time, however this is subject to conditions to secure appropriate materials, to ensure appropriate methods are used when altering/converting the building, and to secure a Historic Building Record for the building prior to works commencing. Whilst there would be a number of internal alterations to the building as part of the conversion works, the Conservation Officer has stated that they are largely minimal and would create sufficient living space without impacting on any area of major architectural or historic interest.

All windows are proposed to be repaired with the exception of one replacement window on the rear elevation, a new velux window in the eastern roofscape, new

ledged and braced doors to the outbuildings at the rear, and a new painted timber door on the rear elevation also, all at ground floor level. Details of the replacement rear windows and ledged and braced doors have been provided within the application and they are considered to be of an acceptable design, however the velux window and new door in the rear elevation have not been provided and therefore full details of these new openings would be conditioned.

In view of the sensitive nature of the proposal, it is agreed that conditions to ensure appropriate materials and methodology are relevant and necessary.

It is therefore considered that subject to conditions, the proposed works would enhance the setting of the nearby listed buildings, as well as the character and appearance of the Gainsborough Town Conservation Area. Consequently, it is considered that the proposed works would be in accordance with the statutory duties set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as Policies NS41, S53 and S57 of the CLLP, Policies NPP6, NPP7 and NPP18 of the Neighbourhood Plan, and the provisions of the NPPF.

### Residential Amenity

Policy S53 of the Central Lincolnshire Local Plan states that all development must 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. In addition, it states that development must be compatible with neighbouring land uses and not result in likely conflict with existing uses and that it must 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.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. In regards to the Nationally Described Space Standards (NDSS), the proposed gross internal floor areas (GIA) for the flats are as follows:

- Flat 1: One bedroom, one person, one storey – 38m<sup>2</sup>
- Flat 2: Two bedroom, three person, one storey – 71.97m<sup>2</sup>
- Flat 3: Two bedroom, three person, two storey – 82.10m<sup>2</sup>

The NDSS set out that a one bedroom, one person, one storey dwelling should have a GIA of 39m<sup>2</sup>, that a two bedroom, three person, one storey dwelling should have a GIA of 61m<sup>2</sup> and that a two bedroom, three person, two storey dwelling should have a GIA of 70m<sup>2</sup>.

It is clear from the above that flats 2 and 3 would be within the NDSS, however flat 1 would be 1m<sup>2</sup> below the standard. The agent for the application has commented that the reason it is 1m<sup>2</sup> below is due to the confines of the existing listed structure and that it was the best arrangement that could be made whilst respecting the historic nature of the building. The NDSS are a material planning consideration but do not form part of any specific policy in the Development Plan. The individual rooms within each individual flat are considered to be of a sufficient size to avoid unacceptable levels of

overcrowding and would therefore not have a detrimental impact on the living conditions of any future occupiers.

All bedrooms, kitchen and living areas would be served by windows, allowing adequate light to enter the rooms. With regard to noise, a level of noise would be expected by virtue of the town centre location, however it is not considered that there would be any unacceptable noise, odour or extraction impacts for the occupiers of the flats.

The lack of outside amenity space to serve the 3no flats is noted, however this is not an unusual situation for town centre flats. Outdoor grassed amenity areas are available within the town centre area, notably along the Riverside Walk including the recently opened Baltic Mill site.

It is considered that in this instance, the collective benefits of securing the future use of a Listed Building and supporting the viability and vitality of the Town Centre are sufficient to outweigh the minor conflict with the nationally described space standard guidance. This assessment also concludes that there is no reason to suggest that the proposed development would not provide a high standard of amenity to existing and future users as required by Policy S53 of the CLLP. 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.

### Highways and Parking

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire.

The proposed development would see the existing building (which is currently vacant) converted to accommodate three residential flats and a re-purposed retail unit on the ground floor. No objection has been received from the Local Highways Authority in relation to highway safety or the cumulative impact of the proposed development and they have commented as follows:

*“Development proposals are typical of this location and the impact on the public highway is comparable with neighbouring properties. The location is within a built-up town centre area and is sustainable. It is therefore deemed that the development proposals are acceptable to the Highway Authority and the impact on the public highway is negligible.”*

Appendix 2 of the CLLP which is referred to in Policy S49 states that flatted development in market towns should provide 1 parking space per dwelling plus visitor spaces. The proposal does not include any dedicated parking provision for the flats. It is noted that no parking provision has been requested by the highway's authority due

to the location being with a built-up town centre area which is a sustainable location. The Gainsborough Neighbourhood Plan does not contain any specific figures regarding parking provision for new dwellings within the town.

With consideration to the town centre location with close walking proximity to numerous facilities/services and sitting close to public transport links, including the bus station and train stations, it is considered that the non-inclusion of parking provision is acceptable in this case. In addition to this, Lord Street Car Park is also a 2 minute walk from the site and is open 24 hours 7 days a week and it is possible to purchase parking permits for the publicly owned car parks in Gainsborough. This would further help to mitigate the impact that results from a lack of dedicated parking provision.

It is also considered that the benefits of restoring and bringing the upper floors of this Grade II listed building back into use significantly outweighs the harm caused by the lack of parking provision and the departure from local policy S49 of the CLLP. Taking this into account, it is not considered reasonable to withhold permission on this ground alone and on balance the lack of parking is justified in this instance. The proposed development is also considered to be in accordance with Policies S47 and S48 of the CLLP and the provisions of the NPPF as it is an ideal location for modes of active travel.

### Flood Risk & Drainage

The site is located within Flood Zone 1 which is considered to be at the lowest risk of flooding. It is not proposed to increase the impermeable area of the building and therefore there is no concern with respect to surface water drainage as the existing surface water drainage connections will be utilised and rainwater guttering upgraded/renewed where necessary as noted on the supporting plans.

The application also details that the foul drainage to the site will be retained with localised alterations internally including the provision of a new soil vent pipe (SVP) within a pipe boxing. Externally a new cast iron drain and hopper will be provided to the rear of number 33 Lord Street to serve the Kitchen to the second-floor flat. Given the existing drainage connections at the site, it is considered that the drainage arrangements at the site are acceptable and it is not considered necessary to request any further details to be submitted in this respect.

The proposed development is considered to be in accordance with policy S21 of the CLLP and the provisions of the NPPF.

### Other Matters

#### *Minerals Safeguarding*

Lincolnshire Minerals and Waste Plan:

The Core Strategy & Development Management policies were adopted in June 2016 and forms part of the Development Plan.

The application site is within a Limestone Mineral Safeguarding Area therefore Policy M11: Safeguarding of Mineral Resources applies.

Policy M11 sets out exemptions which includes alterations to existing buildings and change of use of existing development, therefore this application is exempt from this policy.

#### *Community Infrastructure Levy*

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

#### *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 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.

#### *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.

This is also a requirement of local policy S61 of the CLLP which requires “*All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric*”. However, the statutory legislation takes precedence over the policy in respect of any conflict.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 set out the exemptions in which the biodiversity gain planning condition would not apply.

The ‘De minimis exemption’ states that development that would not impact a priority habitat or would impact on-site habitat less than the following are considered to be exempt from providing biodiversity net gain:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows.

It is noted that this application is for the change of use of an existing building. Given the nature of the proposal, it is considered that the proposal would be exempt from delivering a biodiversity net gain.

## **Conclusion and Reasons for Recommendation:**

The application has been considered against policies 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, S37: Gainsborough Town Centre and Primary Shopping Area, NS41: City and Town Centre Frontages, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan in the first instance, alongside policies NPP 1 Sustainable Development, 6 Ensuring High Quality Design, 7 Ensuring High Quality Design in each Character Area, 8 A Mix of Housing Types, 18 Protecting and Enhancing Heritage Assets and 19 Improving the Vitality of the Town Centre of the Gainsborough Neighbourhood Plan and the Lincolnshire Minerals and Waste Local Plan.

The Statutory Duty contained within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has also been considered alongside guidance contained in the Lincolnshire Minerals and Waste Plan, National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been taken into consideration

In light of this assessment it is considered that the principle of development in this location can be supported. The proposed external alterations/repairs would enhance the character and appearance of the conservation area and the street scene in this town centre location. The proposals would enhance the host listed building and the impacts on this historic fabric have been found to be acceptable. Matters of highway safety, residential amenity, flood risk 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 and the developments sustainable location is considered to outweigh the lack of proposed parking provision in this case. The application is therefore recommended for approval, subject to conditions.

## **Recommended 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:**

2. No development or conversions works shall take place until a level 2 Historic Building Record of the buildings has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

3. No conversion works shall take place until details showing the areas of masonry to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction have been submitted to and approved in writing by the Local Planning Authority. Such details are to include structural engineering drawings and/or a method statement. The work shall be carried out in full accordance with the approved details.

**Reason:** To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the listed building and its surroundings to accord with the National Planning Policy Framework and Policy S53 and S57 of the Central Lincolnshire Local Plan.

4. No conversion works shall take place until details of the following external materials including the colour finish to be used have either been inspected on site or submitted to and approved in writing by the Local Planning Authority:
  - Sample of brick type and size, bond, texture and mortar for openings to be bricked up;
  - Type, size, material and finish of the proposed skylight;
  - Joinery details for the timber external door (north elevation) at a scale of no less than 1:20, including materials, glazing bars, method of opening, colour and finish, as well as frame and surround;
  - Paint finish and colour for all external joinery (please see informative);
  - Sample panel of pointing.

The development must be completed in strict accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the listed building and its surroundings to accord with the National Planning Policy Framework and Policy S53 and S57 of the Central Lincolnshire Local Plan.

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

5. The works shall follow the schedule of works as detailed on drawing RD:5749 – 04 dated January 2025 (Proposed Floor Plans and Details) unless otherwise approved in writing by the Local Planning Authority.



**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 and S57 of the Central Lincolnshire Local Plan.

6. 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:

- Proposed Site and Location Plans: RD:5749 – 07 dated March 2025
- Proposed Elevations/Sections: RD:5749 - 06 dated March 2025
- Proposed Floor Plans and Details: RD:5749 – 04 dated January 2025
- Proposed Floor Plans: RD:5749 – 03 Rev A dated 27/03/2025

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 and S57 of the Central Lincolnshire Local Plan.

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

None.

**Informatives:**

### **HERITAGE**

#### **Window Paint**

A high gloss finish paint is not acceptable, windows should be finished with a linseed oil paint.

#### **Historic Building Record**

Guidance with producing a Historic Building Record can be found within the following: Historic England's Understanding Historic Buildings: A Guide to Good Practice (Historic England, 2016).

### **COMMUNITY INFRASTRUCTURE LEVY**

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey

District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

## **BIODIVERSITY NET GAIN**

Unless an exception or a transitional arrangement applies<sup>1</sup>, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be West Lindsey District Council.

### **Biodiversity Gain Plan**

The biodiversity gain plan must include/accompanied by<sup>3</sup>:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat<sup>4</sup> present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state<sup>5</sup>.

### **The effect of section 73D of the Town and Country Planning Act 1990**

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including

any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

<sup>1</sup> listed exemptions from Statutory BNG and transitional arrangements can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments). The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

<sup>2</sup> The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

<sup>3</sup> Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)

<sup>4</sup> Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found

at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

<sup>5</sup> Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

### **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,