

Application Number:	2022/0762/FUL
Site Address:	18A - 20 High Street, Lincoln, Lincolnshire
Target Date:	23rd March 2023
Agent Name:	Framework Architects
Applicant Name:	Mr Matt Pang
Proposal:	Conversion and extension of existing restaurant to form 1no commercial/retail unit at ground floor and 10no residential apartments (Class C3) with associated amenity space

Background - Site Location and Description

Site Location

The site is located on the west side of High Street on the corner of High Street and Henley Street. The site is occupied by a three storey building fronting High Street which was previously a restaurant at ground floor with associated residential accommodation above. The site also includes some garages to the rear accessed from Henley Street.

To the north and attached to the building at first/second floor with an arch at ground floor is the Golden Eagle Public House. The pub's arch leads into its car park to the rear with a grassed outdoor seating area/garden located beyond to the west. To the west of the application site are terraced properties on the north and south side of Henley Street. The site is situated within the St Catherine's Conservation Area No 4.

Description of Development

The application proposes a commercial unit at ground floor with 10 residential apartments above and to the rear. The building fronting High Street would be extended upwards by raising the existing eaves and ridge height to provide accommodation within the roof space. A three storey extension would be added to the rear of the existing building to provide further residential accommodation.

Pre-application discussions have taken place and further discussions have continued throughout the application process with the architect. Revisions have been submitted to address officer concerns regarding the scale of the building on High Street, improvements have also been made to the fenestration proportions and design and treatment of the extension on Henley Street.

The application is brought to Planning Committee given the amount of objections received.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 7th March 2023.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy

- Policy LP13 Accessibility and Transport
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP25 The Historic Environment
- Policy LP27 Main Town Centre Uses - Frontages and Advertisements
- Policy LP29 Protecting Lincoln's Setting and Character
- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- Policy LP35 Lincoln's Regeneration and Opportunity Areas
- National Planning Policy Framework

Issues

- Principle and Policy Background
- Impact of the Proposed Development on the Character and Appearance of the Conservation Area and Visual Amenity
- Impact on Residential Amenity and Impact on Adjacent Premises
- Highways and Drainage
- Contamination

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Lincolnshire Police John	Comments Received
Lincoln Civic Trust	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
NHS - ICB	Comments Received

Public Consultation Responses

Name	Address
Mr Gary Bureau	4 Neile Close Lincoln LN2 4RT
Mr Kev Pridgen	2 Mill Stone Lane Waddington Lincoln LN5 9FR
Mr Frank Parr	19 Henley Street Lincoln Lincolnshire LN5 8BB
Mr Frank Parr	19 Henley Street Lincoln Lincolnshire LN5 8BB
Mrs Wenqing Yu	17 Henley Street Lincoln Lincolnshire LN5 8BB
Mr Conor Tinsley	29 Stocking Way Lincoln Lincolnshire LN2 4FX
Mrs Alison Greenwood	Tony Edens Ltd 466 - 468 High Street Lincoln Lincolnshire LN5 8JB
Miss Alice Kelly	14 Cotman Road Lincoln Lincolnshire LN6 7PA
Ms Paula Hather	24 Henley Street Lincoln Lincolnshire LN5 8BA
Miss Gemma Goymer	36 Henley Street Lincoln Lincolnshire LN5 8BA

Miss Lauren Clare	4 Antonius Way North Hykeham Lincoln LN6 9AD
Mrs Lauraine Compton	291 Woodfield Avenue Lincoln Lincolnshire LN6 0PX
Mr Peter Rollings	47 Harris Road Lincoln Lincolnshire LN6 7PN
Mr Daniel Finn	14A The Sidings Saxilby LN1 2PX
Mr Martin Tasker	17 Ferrous Way North Hykeham LN69ZN
Mr Nick Middleton	13 Henley Street Lincoln Lincolnshire LN5 8BB
Mr Michael Hancock	52 Woodfield Road Gainsborough DN21 1RF
Mr Yat Chun Chan	29 Henley Street Lincoln Lincolnshire LN5 8BB
Mr Carter Beecroft	8 Silver Street Bardney LN3 5SS
Peter Theobald	120 Ripon Street Lincoln Lincolnshire LN5 7NF
Diane Brummitt	86 West Parade Lincoln Lincolnshire LN1 1JY
Dr Peter Gostelow	1 Westwood Drive Lincoln Lincolnshire LN6 0HL

Mr N Woodburn	Callans Lane Kirkby Underwood Bourne PE10 0SA
Lucy McCann	55 St Catherines Grove Lincoln Lincolnshire LN5 8ND
Mr A Malsher	42 Mareham Lane Sleaford Lincoln NG34 7FS
Tracey Darby	37 Henley Street Lincoln Lincolnshire LN5 8BB
Miss Talia Thornberry	20 Kathleen Grove Grimsby DN32 8JT
Mr Donald Barton	1 Sorrel Court Lincoln LN6 0YL
Neil Renshaw	29 Lotus Court North Hykeham LN69UQ
Mr Ashley Sewell	32 St Hughs Drive North Hykeham Lincoln LN6 8RD
Jackson Pearse	288 Newark Road Lincoln Lincolnshire LN6 8RU
Mrs Marianne Langley	Lantern House 8 The Avenue Lincoln Lincolnshire LN1 1PB
Tsvetelin Petkov	15 Henley Street Lincoln Lincolnshire LN5 8BB
Mrs Hayley Bruce	25 St Catherines Road Lincoln Lincolnshire LN5 8DY

Mr Owen Jones	7 Blankney Close Saxilby Lincoln LN1 2JA
Ms Wendy Margetts	32 St Hughs Drive North Hykeham LN6 8RD
Mr Oliver Dockery	9 Peterborough Road Newark NG23 7SP
Mr Conor Tinsley	29 Stocking Way Lincoln LN2 4FX
Mr Karlo Hine	5 Yarborough Road Lincoln Lincolnshire LN1 1HT
Darren Pearson	363 Burton Road Lincoln Lincolnshire LN1 3XE
Mr Darren Nicholas	Curtis Drive Lincoln LN41GF
Ms Linzi Cook	8 Croxton Drive Lincoln Lincolnshire LN6 0AN
Ian Tinsley	3 Kexby Mill Close North Hykeham Lincoln LN6 9TB
Mrs Kirsten Pearson	363 Burton Road Lincoln Lincolnshire LN1 3XE
Christopher Wright	30 Webb Street Lincoln Lincolnshire LN5 8DL
Tyla Hall	Flat 21 High Street Lincoln Lincolnshire LN5 8BD

Christopher Tyers	21 High Street Lincoln Lincolnshire LN5 8BD
Miss Sophie Hodgson	26 Henley Street Lincoln Lincolnshire LN5 8BA
Mr Adrian Lucas	6 Macaulay Drive Lincoln Lincolnshire LN2 4DY
Mr Jez Christopher	6 Denefield Skellingthorpe Lincoln LN6 5AX
Mr Mike Smith	76 Newark Road Lincoln Lincolnshire LN5 8PY
Mr Ben Smith	1 Roman Road Welton Lincoln LN23RJ
Mr Philip Harrison	4A Henley Street Lincoln Lincolnshire LN5 8BA
Mr John Illingworth	30 Henley Street Lincoln Lincolnshire LN5 8BA
Miss K Bradish	2A Henley Street Lincoln Lincolnshire LN5 8BA
Mr David Parker	6 Crane Grove Lincoln LN6 7SN

Consideration

Various objections have been received to the proposal, these are from both residents within the City and some from outside the city with regard to the impact on the adjacent public house. All representations are included on the agenda and main concerns raised

are:

Concern regarding parking and that the proposal will increase existing parking pressures, concern with the modern design of the proposal, scale of proposal, increased traffic, lack of demand for flats in the area. Many of the objections raise concern with the impact on public house to the north including loss of light into the building and to the outdoor area, increased potential for noise complaints from new residential properties regarding the pub's events. Concern regarding the impact on the flat above the pub including overlooking, loss of light and structural issues from proposed building height increase.

The concerns raised are discussed throughout this report.

Principle and Policy Background

Central Lincolnshire Local Plan Review

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

The National Planning Policy Framework (NPPF) sets out three overarching objectives (social, economic and environmental) to be pursued in mutually supportive ways. The overall planning balance must look across all three strands (paragraph 8), it states that development should be pursued in a positive way therefore at the heart of the framework is a presumption in favour of sustainable development.

CLLP Policy LP1 states that there should be a presumption in favour of sustainable development and planning applications that accord with the policies in the local plan will be approved without delay. This presumption in favour of sustainable development reflects the key aim of the NPPF. Central Lincolnshire Local Plan (CLLP) Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing. The CLLP sets out growth requirements of 36,960 dwellings between 2012-2036. The 36,960 dwelling figure should not be seen as a ceiling, but rather the level of growth which is both needed and anticipated to take place in the plan period. All house types are required to ensure the target can be met as a minimum and given the proposal is located within a mixed use area with a range of housing provided in the area, it is considered that the proposed flats would add to this mix.

The site is located within a Central Mixed Area and a Secondary Shopping Frontage as defined in the CLLP. Policy LP33 encourages residential uses in the Central Mixed Use Area but also requires that active uses prevail at ground floor (formerly Classes A1 to A5 Now Use Class E) within Secondary Shopping Frontages. This is also required through Policy LP35 which supports regeneration through appropriate development for housing

(above ground floor level) with commercial ground floor uses including shops, cafes, restaurants, pub/bars and offices. Policy LP35 also seeks to ensure existing shopfronts are retained and refurbished.

The use at ground floor as commercial on the High Street elevation would maintain a level of activity with residential above. These uses would be wholly in accordance with the aims of LP33 and LP35. The site has been vacant for some time and the proposal would have the potential to bring the site back into use.

The site is within a conservation area; the NPPF states that "great weight should be given to asset's conservation" and that this is regardless of the level of harm. Where harm is established, paragraphs 201 and 202 are relevant which require a balancing exercise to be undertaken as to whether the public benefits of a scheme would outweigh the harm, in this case to the Conservation Area.

In addition to Planning Policy, there is a duty within the Planning (Listed Buildings and Conservation Areas) Act 1990 that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Impact of the Proposed Development on the Character and Appearance of the Conservation Area and Visual Amenity

The site is occupied by a building which is lower in eaves than its adjoining neighbouring property on High Street. The Henley Street elevation is occupied by single storey garages. The existing building fronting High Street is of three storeys and has a rendered front elevation. The windows are a mixture of horizontal and vertical proportions all modern in style. The shop front and window pattern do not positively contribute to the character and appearance of the conservation area, which consist of domestic fenestration and brick slips at ground floor. A more traditional shop front would be included to the front elevation, wrapping around to the side on Henley Street.

The proposal would retain the existing three storey building fronting High Street although its roof would be raised. The eaves would be increased to be in line with the neighbouring building and its ridge would sit slightly higher. Originally the drawings proposed a higher eaves line than the adjacent public house which officers considered to be uncharacteristic when viewed in terms of scale. It also created an uncharacteristic space created between the top of the second floor windows and the new eaves of the building. Revisions have been incorporated to ensure this elevation is better proportioned. The dormer windows have also been reduced in size and now reflect the proportions of the windows below in the front elevation to create a more vertically proportioned elevation.

On Henley Street, the three storey extension would occupy the space where the existing garages would be demolished. The extension would take a more modern form than the High Street elevation with larger recessed windows over two storeys and a third floor which is set back from the main façade. The new extension would be attached to the original building by a link where pedestrian access would be taken into the building at ground floor. The materials to be used for the link would be different to those used for the new extension, representing the transition from the original building to a more modern design. The extension would be set off the boundary with the adjacent public house which creates an outdoor courtyard area to the north; this will provide an outdoor amenity area for residents, as well as space for bin and cycle storage.

PV solar panels are proposed on the roof of the new extension; given this is on a flat part of the roof, these would not be visible from the street.

The architect has revised the designs, in line with officer comments, in order to introduce a more vertically proportioned elevation fronting High Street, which responds to its locality. The revisions have also reduced dormer sizes on the High Street elevation, ensuring these better relate to the elevation below. The introduction of a traditionally designed shopfront is welcomed and will help to rebalance the front elevation and reverse the previous uncharacteristic changes to the building. The eaves line will reflect that of its neighbouring property and whilst the alterations will increase the ridge height beyond that of the neighbouring property; differing ridge heights are commonly seen throughout the conservation area and it is not considered that this would be harmful. It is considered that the building would sit comfortably in its position without appearing out of scale to the established prevailing character.

The extension fronting Henley Street would represent a contrast to the front elevation; it takes a contemporary form with large openings framed by recessed brick detailing. Whilst the top floor would be higher than the adjacent Victorian terraces on the north side of Henley Street, this relationship represents the transition from commercial on the High Street to the more domestic scale on side streets and is not uncommon in the area. The top floor being set back will also give relief to the scale. The use of red brick on the ground and first floor of the extension would reflect the adjacent terraced properties.

With regard to materials, the existing elevation fronting High Street is rendered at first and second floor. It is proposed that this would remain as rendered and this would extend around the original side elevation. Red brick would be used for the extension, whilst the top floor and link between existing and proposed would have a different treatment. Aluminium panels/render are proposed. Whilst some general information has been received with regard to the materials to be used, it would be considered entirely appropriate to condition further details of the proposed materials, ensuring that they are of a suitable quality and appropriate to the street and wider conservation area.

The proposal is contemporary in style, particularly the new extension, whilst being sympathetic to the historic townscape of the south of High Street and indeed the Conservation Area. The proposal, in its revised form, responds positively in form and scale to the context. The proposal would secure improvements to the existing building, which is not, at present, positively contributing to the Conservation Area. The proposal would also have the potential to introduce a use to this site which has been vacant for some time. The proposal accords with Policies LP25 and LP26 of the Central Lincolnshire Local Plan and paragraph 199 of the NPPF.

In addition to the NPPF, the City Council are also duty bound by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. The re-development of the site both preserves and enhances the character and appearance of the Conservation Area in accordance with Section 72 (1).

Residential Amenity and Impact on Adjacent Premises

In terms of impact on adjacent premises, the Golden Eagle Public House is positioned to the north of the application which is attached to the main part of the building fronting High Street. The public house also has a long rear projecting off shoot over two floors which forms the bar at ground floor and accommodation above. Planning permission was

granted in 2006 to extend the premises providing an additional bedroom within the first floor offshoot, the application stated that the flat was utilised as staff accommodation; the flat is accessed from inside the pub.

The main outlook from the proposed flats are either to High Street or Henley Street. The main bulk of the proposed extension has been designed to be positioned off the boundary to the north which creates a private courtyard for future residents as well as providing breathing space between the new development and the existing public house.

There are windows proposed within the side elevation of the proposed extension facing the adjacent public house although the applicant has limited the impact of overlooking by ensuring that the majority of these windows are to circulation corridors. There would be new bedroom windows on the first and second floor although these would be positioned further west than the windows in the off shoot at the public house and therefore would not directly overlook the residential flat. Similarly, new windows within the rear elevation on the first and second floors would be adjacent to the side boundary with the public house although given the position to the offshoot at this point, direct overlooking would be difficult and certainly would not warrant refusal on the current application on these grounds.

The adjacent public house has an access from High Street into its car park to the rear with a small, covered seating area adjacent to the side boundary with the application site. Some of the objections incorrectly state that the proposal would create overshadowing to the main large beer garden which is positioned further to the west and behind No.6- 10 Henley Street. It is not considered that this area would be impacted upon by this development. Given the smaller area within the access/carparking area is covered and adjacent to the existing approximately 3 metre high boundary wall, it is not considered that the development would impact on this area either. Similarly, light to the first floor windows within the side elevation of the flat to the public house are unlikely to be impacted to a harmful degree. With regard to light lost to the bar area itself, limited weight can be given to such matters when compared to that of a residential property particularly if light is afforded over 3rd party land. However, given the proposed building's position, offset from the boundary, it is not considered loss of light would be significant to the public house.

Many of the objections raise concerns regarding noise from the pub and whether the creation of additional flats will impact on the existing public house's ability to hold live music events and operate as it does currently. The pub is already surrounded by residential properties and the application site itself previously contained residential on its upper floors. The principle of residential in this location is supported in the local plan and it would not be reasonable to refuse permission on this perceived impact given the existing context. The City Council's Pollution Control Officer has assessed the proposal and suggested that a noise impact assessment is submitted prior to commencement of the development to ensure that the proposed development incorporates mitigation measures to reduce noise impacts, such as acoustically enhanced glazing and ventilation.

The City Council's Pollution Control Officer has also advised that while this is a relatively small development, due to the proximity to neighbouring sensitive uses, there is potential for problems due to noise from the construction phase of the development, particularly during the noise sensitive hours. While issues relating to the construction phase are not a material planning consideration a condition restricting the construction and delivery hours can be applied to any grant of permission to help limit any potential impact.

The adjoining neighbouring occupant has raised concerns regarding additional load bearing on their property and the height of their chimney in relation to the proposed development. These are not material planning considerations but the development will need to ensure it is compliant with other safety and fire regulations and the Building Regulations.

The proposal has a blank side elevation adjacent to the end terraced property, No. 2 Henley Street. There is a stairwell window proposed but this is setback enough from the side elevation to ensure loss of privacy would not be an issue. The building itself would be slightly beyond the existing rear elevation although separated by a passage which would lead to the courtyard area to the rear. It is not considered that the proposed extension would pose an unduly overbearing relationship to the occupants of No. 2 nor would loss of privacy be an issue.

In summary, it is considered that the proposal can be accommodated on the site without having a detrimental impact on surrounding properties subject to the above proposed conditions. The proposal would therefore be in accordance with the requirements of Policy LP26 in terms of impact on amenity.

Highways and Drainage

In terms of the commercial unit, parking bays are available on both sides of the High Street at this point for visitors. Henley Street has no formal residents parking scheme in place therefore many residents have raised concerns that the residential development will increase pressure to on street parking in the area. No parking is provided on site and officers do not consider it could be successfully designed into the scheme, however, the site is highly sustainable with good access via walking, cycling and public transport. Cycle storage is provided in the secure courtyard to the rear and further details will be secured via condition. The County Council as Highway Authority has assessed the proposal and does not raise any objections to the application in respect of highway safety or traffic capacity subject to a condition to ensure an existing dropped kerb access to the garages on Henley Street is reinstated following completion of the development.

Subject to the recommended conditions, officers consider the development would have access to sustainable modes of transport for users of the site and would not have a severe impact on the transport network in accordance with paragraph 111 of the NPPF and LP13 of the CLLP.

Drainage

The application has been considered by the County Council as Lead Local Flood Authority (LLFA) who have raised no objections to the proposed arrangements. The site hard surfaced and therefore the surface water discharged rate would from the site will not change due to the proposals. The development would therefore satisfy the requirements within paragraph 167 of the NPPF and LP14 of the CLLP.

Contaminated Land

The City Council's Pollution Control Officer has advised that, due to past uses on the site, there is the potential for unsuspected contamination to be identified during the development. A condition has been requested which will be attached to the grant of any permission.

Application Negotiated either at Pre-Application or During Process of Application

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design. The proposals would bring a vacant site back into use and would ensure the character and appearance of the Conservation Area is preserved. Technical matters relating to noise and contamination and drainage are to the satisfaction of the relevant consultees and can be dealt with as necessary by condition. The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

Application Determined within Target Date

Yes.

Recommendation

That the application is Granted Conditionally.

Standard Conditions

- Time limit of the permission
- Development in accordance with approved plans
- Noise mitigation measures to be submitted
- Contaminated land
- Materials
- Cycle storage
- Construction of the development (delivery times and working hours)
- Existing dropped kerb to be reinstated to Henley Street
- Ground floor unit shall be use class E