

<b>Application Number:</b>	2023/0344/FUL
<b>Site Address:</b>	18A - 20 High Street, Lincoln, Lincolnshire
<b>Target Date:</b>	11th July 2023
<b>Agent Name:</b>	Framework Architects
<b>Applicant Name:</b>	Mr Matt Pang
<b>Proposal:</b>	Proposed conversion and extension of existing restaurant to form 1no. commercial/ retail unit at ground floor and 9 no. residential apartments (C3) with associated amenity space (Re-submission of Planning Application 2022/0762/FUL).

## **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 is 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.

The application is a resubmission of a previously refused application for a 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. The previous application was recommended to grant by officers but was refused by Planning Committee 22nd March 2023 for the following reasons:

- The proposed three storey extension by virtue of its position, mass and design would not relate well to the Conservation Area or the height relative to the existing terraced properties on Henley Street conflicting with the appearance and proportion of the surrounding character. The proposal would neither reflect, improve on nor respect the original architectural style of the local surroundings. Accordingly, the development would fail to preserve the character and appearance of the St. Catherine's Conservation Area. The proposal would therefore be contrary to Central Lincolnshire Local Plan Policies LP25 and LP26 and paragraphs 130 and 197 of the National Planning Policy Framework.
- The proposed three storey extension by reason of its size and position would have a harmful impact on the first floor flat to the north (Flat 21 High Street), creating a harmful overlooking relationship and reducing light into the flat to an unacceptable degree, contrary to Policy LP26 of the Central Lincolnshire Local Plan.
- The proposal to include the creation of 10 flats would increase existing parking pressures on Henley Street to a level which would be harmful to the amenity of existing residents contrary to Policy LP33 of the Central Lincolnshire Local Plan.
- The resultant floor area of flats 7 and 8 would be of a size which would be

smaller than National Space Standards. These flats would not provide appropriate amenity to future occupiers contrary to paragraph 130 of the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

### Description of Development

The application has been revised and resubmitted to try and address the previous refusal reasons. The revised application is for conversion and extension of existing restaurant to form 1no. commercial/ retail unit at ground floor and 9 no. residential apartments (C3) with associated amenity space.

The revisions include a reduction to the scheme from 10 apartments to 9. The reduction in apartments has meant that the remaining apartments now meet space standards. All north facing windows have been altered to be obscured glazed in order to remove overlooking concerns raised in the previous refusal.

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.

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

### Site History

Reference:	Description	Status	Decision Date:
2022/0762/FUL	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	Refused	27th March 2023

### Case Officer Site Visit

Undertaken on 5th July 2023

### Policies Referred to

- National Planning Policy Framework
- Policy S1 The Spatial Strategy and Settlement Hierarchy
- Policy S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns
- Policy S6 Design Principles for Efficient Buildings
- Policy S12 Water Efficiency and Sustainable Water Management
- Policy S13 Reducing Energy Consumption in Existing Buildings
- Policy S47 Accessibility and Transport
- Policy S53 Design and Amenity
- Policy S57 The Historic Environment
- Policy S58 Protecting Lincoln, Gainsborough and Sleaford's Setting and

- Character
- Policy NS72 Lincoln Regeneration and Opportunity Areas

### **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
- Energy Efficiency

### **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
John Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received

### **Public Consultation Responses**

Name	Address
Ms Linzi Crabtree	8 Croxton Drive Lincoln Lincolnshire LN6 0AN
Peter K Rollings	

Mr Philip Harrison	4A Henley Street Lincoln Lincolnshire LN5 8BA
Mrs Julia Barton	1 Sorrel Court Lincoln LN60YL
Mr Jason Robinson	41 Browning Drive Lincoln Lincolnshire LN2 4HF
Miss Paula Hather	24 Henley Street Lincoln Lincolnshire LN5 8BA
D. C. Maiden	35 Henley Street Lincoln Lincolnshire LN5 8BB
Miss Talia Thornberry	20 Kathleen Grove Grimsby DN32 8JT
Mr Donald Barton	1 Sorrel Court Lincoln LN60YL
Mr Mike Smith	76 Newark Road Lincoln Lincolnshire LN5 8PY
Mr Brandon Ranby	1 Carlton Street Lincoln Lincolnshire LN1 3HX
Mr Michael Hancock	52 Woodfield Road Gainsborough DN21 1RF
Mrs Tracey Darby	37 Henley Street Lincoln Lincolnshire LN5 8BB

Ms Wendy Olsen	90 St Botolph's Crescent Lincoln LN5 8BJ
Mr Christopher Tyers	Golden Eagle 21 High Street Lincoln Lincolnshire LN5 8BD
Mr Gareth Clitheroe	19 Wilson Street Lincoln Lincolnshire LN1 3HZ
Mr David Bloor	33 Wigsley Road Lincoln LN6 3LA
Simon Rippon	Woodlands Staples Lane Lincoln LN5 9QE
Miss Wiktoria Laszewska	Elder Street Lincoln LN5 8QX
Mr Colin Webb	51 South Park Lincoln Lincolnshire LN5 8ER
Mr Tom Parkes	5 Teals Cottages, Whisby Road Whisby Moor Lincoln LN6 9BY
Mr Peter Harris	46 Sleaford road Branston LN4 1LL
Mrs T Harris	Bramble Cottage 46 Sleaford Rd Branston LN4 1LL
Mrs Stacey Bunn	72 Macaulay Drive Lincoln LN2 4EE

Mr Joe Wiggins	10 Southlands Avenue Morton DN21 3EY
Mr Daniel Bunn	72 Macaulay Drive Lincoln LN2 4EE
Mr Sam Harrison	18 Rosebery Avenue Lincoln Lincolnshire LN1 1ND
Mr John Richardson	50 Finningley Road Lincoln Lincolnshire LN6 0UP
Mr Stuart Wallace	1 Middle Street Potterhanworth LN4 2DR
Miss Em Wilson	14A The Sidings Saxilby LN1 2PX
Mr Robert Norman	8 Elder Street Lincoln Lincolnshire LN5 8QX
Mr Peter Rollings	47 Harris Road Lincoln Lincolnshire LN6 7PN
Mr Stefan Gregory	7 Cabourne Court Lincoln Lincolnshire LN2 2JP
Paige Enefer	132 Newland Street West Lincoln Lincolnshire LN1 1PH
Mr Connolly Clipson	53 Westwick Drive Lincoln LN6 7RN

Lindsey Burton	43 Sharp Walk Lincoln LN6 9TP
Mr Donald Barton	1 Sorrel Court Lincoln LN6 0YL
Mr Owen Jones	7 Blankney Close Saxilby Lincoln LN1 2JA
Mr Wayne Sawyer	26 Grange Road Bracebridge Heath Lincoln LN4 2PW
Miss Emily Nichol	Southside, (the Former St Katherine's Church) Colegrave Street Lincoln LN58DW
Miss Katie Bradish	2A Henley Street Lincoln Lincolnshire LN5 8BA
Mr Adam Rowe	23 Knight Terrace Lincoln LN5 8LA
Miss Emily Wilson	12 Sycamore Grove Bracebridge Heath Lincoln LN4 2RD
Ms Tyla Hall	Flat 21 High Street Lincoln
Ms Pauline Hemshall	239 Newark Road North Hykeham Lincoln LN6 8QS
Frank Parr	19 Henley Street Lincoln Lincolnshire LN5 8BB

Mrs Margaret Bunn	3 Marlowe Drive Lincoln LN2 4BX
Mr John Watson	44 Norwich Drive Bracebridge Heath LN4 2TF
Dean Bruce	25 St Catherine's Road Lincoln LN5 8DY
Miss Rodhine Kirwan	11 Baggholme Road Lincoln LN2 5BQ
Mr Michael Kemp	17 Forge Way Lincoln LN6 9ZS
Mr Bartlomiej Mucha	Henley Street Lincoln LN5 8BA
Mrs Dawn Furniss	12 Sycamore Grove Bracebridge Heath Lincoln LN4 2RD
Matt Marshall	10 Hobart Close Lincoln LN5 9FZ
Mrs Heather Painter	12 Queensway Ruskington Sleaford NG34 9ET
Mr Nicholas Holland	13 Spencer Street Lincoln Lincolnshire LN5 8JH
Miss Lauren Clare	4 Antonius Way Lincoln LN6 9AD
Mr Thomas Jenkinson	373 Brant Road Lincoln LN5 9AH



Mr Roger Walter	239 Newark Road North Hykeham Lincoln LN6 8QS
Luke Travis	45 Henley Street Lincoln LN5 8BD
Mr David Price	8 Croxton Drive Lincoln Lincolnshire LN6 0AN
Ms Sally Horscroft	59 Henley Street Lincoln Lincolnshire LN5 8BB
Ms Mel C	Henley Street Lincoln LN5 8BB

### **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 are raised are:

Concerns are raised 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 the public house to the north including loss of light into the building and to the outdoor area, and increased potential for noise complaints from new residential properties regarding the pub's events. Concern also regarding the impact on the flat above the pub including overlooking and loss of light. Concern that the proposal hasn't addressed the previous refusal reasons.

The concerns raised are discussed throughout this report.

### **Principle and Policy Background**

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.

Since the previous application, the Central Lincolnshire Local Plan 2023 has been adopted. The development is therefore considered under the new local plan. Policy S1 and S3 echo the objectives of the NPPF and aims to meet Lincoln's growth stating 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.

The site is located within the High Street South Mixed Use Area as defined in the CLLP. Policy NS72 applies which states that both residential and commercial uses, including restaurants and cafes and other uses falling under Use Class E are acceptable in principle. Development is supported in principle subject to:

- a. The development not resulting in the area in which it is located losing its mixed use character;
- b. Major developments including, or contributing to, a mixture of uses sufficient to add to the overall vitality of the area and to create a purpose and presence extending beyond normal shopping hours;
- c. The development not harming the local environment or the amenities which occupiers of nearby properties may reasonably expect to enjoy, such as causing unacceptable levels of disturbance, noise, smell, fumes, dust, grit or other pollution, or reducing daylight, outlook or privacy to an unacceptable degree;
- d. The development not resulting in levels of traffic or on-street parking which would cause either road safety or amenity problems; and
- e. Dwelling houses or other homes not being lost to non-residential uses unless:
  - i. The level of amenity available in any particular instance is already so poor that continued residential use is not desirable and there is no realistic prospect of the problem(s) being remedied; or
  - ii. The overall development will maintain or produce a net numerical gain in the number of dwellings on the site.

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. The proposed development incorporates alterations to the fenestration and shop front to ensure this elevation is better proportioned.

The proposed dormer windows reflect the proportions of the windows below in the front elevation to create a balanced and 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 as part of the previous application, 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 application in its resubmitted form also has a reduced the mass of the upper by removing one of the apartments and creating a step down in height from the development to the terraced properties on Henley Street. 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 accords with Policies S58 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 and the potential overlooking from these windows formed part of the previous refusal reason although on the resubmitted application these are now obscure glazed. It is proposed that a condition is included on the application to ensure the windows in the first and second floor are obscure glazed and remain so for the life of the development. 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. Given the smaller area within the access/carparking area is covered and adjacent to the existing boundary wall, it is not considered that the development would impact on this area. The proposal in its revised form has reduced the size of the proposed second floor by removing an apartment, therefore the bulk of the proposal is less than the previously refused application. Officers consider that 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 proposal has a side elevation adjacent to the end terraced property, No. 2 Henley Street. There is a window within the proposed second floor elevation although it is adjacent to the blank side wall of No. 2. There is a stairwell window also 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 in its revised form 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 S53 in terms of impact on amenity.

### Highways

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 S47 of the CLLP.

### Drainage

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.

### 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. The recommended conditions will therefore be applied to any grant of consent and with these in place the application would meet the requirements of Policy S56.

### Energy Efficiency

The application is accompanied by a statement how the proposal meets Policy S6, Design Principles for Efficient buildings. PV solar panels are proposed on the roof of the new extension, and these represent a betterment over the existing baseline position when considering the merits of the application against CLLP Policy S13 which encourages opportunities to improve energy efficiency of existing or converted buildings.

Accordingly, it is considered that the application presents an opportunity to reduce the energy consumption of the existing building and, as such, is consistent with the aspirations of Policy S13 of the CLLP.

With regard to water efficiency, a standard condition is recommended to ensure the development achieves the water efficiency standards as required by CLLP Policy S12.

### **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 proposal in its revised form would overcome previous reasons for refusal 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 subject to the following conditions:

### **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
- Obscure glaze north elevation windows on first and second floors
- Water efficiency
- PVs are implemented on site and retained