

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Telephone: 01427 811573

Website: gainsborough-tc.gov.uk



Dear Councillor,

Thursday, 20 July 2023

You are hereby summoned to attend a meeting of the **Planning Committee** which will be held on **Tuesday 25 July 2023** commencing at **7.00pm** in the meeting room, **Richmond House, Richmond Park, Morton Terrace, Gainsborough.**

The business of the meeting is set out in the agenda below.

A handwritten signature in blue ink, appearing to read 'Rachel Allbones'.

Rachel Allbones
Interim Town Clerk

Committee members: Cllr R Craig - ex officio, Cllr T Davies - ex officio, Cllr M Devine, Cllr D Dobbie, Cllr S Morley, Cllr L Muggridge, Cllr K Panter, Cllr J Plastow (C), Cllr J Ward (VC)

Agenda no	Agenda item title	Power/Regulation
PL24/049	Apologies for absence To note apologies for absence.	<i>Local Government Act 1972, s85 (1) & Sch 12, p40.</i>
PL24/050	Declarations of interest To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.	<i>Localism Act 2011, s31.</i>
PL24/051	Dispensation requests To consider any dispensation requests received by the Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.	<i>Localism Act 2011, s33.</i>
PL24/052	Minutes of the previous meeting(s) To receive the minutes of the previous Planning Committee meeting(s) and resolve to sign these as a true record of the meeting(s). Paper A – Planning Committee, Tuesday 27 June 2023	<i>Local Government Act 1972, Sch 12, p41 (1).</i>

Agenda no	Agenda item title	Power/Regulation
Planning Applications		
PL24/053	<p>To consider planning application received. Application Ref No: 146728 (21/06/23, 28 days) Proposal: Planning application for change of use of existing shop and take away units to a restaurant, erect an additional first floor store room and amend the access to the existing first floor flats. Location: 82-84 Trinity Street, Gainsborough</p>	<p><i>Article 13 of the Town & Country Planning (General Development Procedure) Order 2015 Schedule 1, paragraph 8 to the Town & Country Planning Act 1990 as amended</i></p>
PL24/054	<p>To consider planning application received. Application Ref No: 146969 (04/07/23, 28 days) Proposal: Application for approval of reserved matters for 539no. dwellings, considering appearance, landscaping, layout and scale following outline planning permission 138921 granted 29 August 2019. Location: Land at Foxby Lane, Gainsborough</p>	
PL24/055	<p>To consider planning application received. Application Ref No: 146991 (26/05/23, 14 days) Proposal: Planning application for new access associated with Phase 2. Location: Land at Foxby Lane, Gainsborough</p>	
PL24/056	<p>To consider planning application received. Application Ref No: 146960 (13/07/23, 28 days) Proposal: Planning application for removal of existing shopfronts and canopy with installation of replacement lean-to canopy and new hardwood timber shopfronts, replacement of shop windows on western elevation to match proposed south elevation shop fronts, and removal of external lighting fixtures from south elevation. Location: The Old Town Hall, 36 Lord Street, Gainsborough</p>	
PL24/057	<p>To consider planning application received. Application Ref No: 146926 (19/07/23, 28 days) Proposal: Planning application to replacement shopfront and façade, introduction of 3no. new shopfronts, renovation and refurbishment of interior spaces to create new shop floor and 3no. flats above. Location: 1 Silver Street, Gainsborough</p>	
PL24/058	<p>To consider planning application received. Application Ref No: 146927 (019/07/23, 28 days)</p>	

Agenda no	Agenda item title	Power/Regulation
	Proposal: Listed building consent to replacement shopfront and façade, introduction of 3no. new shopfronts, renovation and refurbishment of interior spaces to create new shop floor and 3no. flats above. Location: 1 Silver Street, Gainsborough	
Decision Notices		
PL24/059	To note decision notice received. Application Ref No: 146660 GRANTED (delegated) Proposal: Planning application for single storey rear extension Location: 49 The Pines, Gainsborough Paper B	
PL24/060	To note decision notice received. Application Ref No: 146662 GRANTED (delegated) Proposal: Planning application for proposed rear and first floor extension. Location: 21 Claythorne Drive, Gainsborough Paper C	
PL24/061	To note decision notice received. Application Ref No: 146455 GRANTED (delegated) Proposal: Planning application for replacement hardwood timber shop-front, new stairwell to upper floors and retractable awning including change of use of upper floors from retail/office to 2no. residential flats with alterations including renewing roof structure and internal wall alterations. Location: 5 Silver Street, Gainsborough Paper D	
PL24/062	To note decision notice received. Application Ref No: 146456 GRANTED (delegated) Proposal: Listed building consent for replacement hardwood timber shop-front, new stairwell to upper floors and retractable awning including change of use of upper floors from retail/office to 2no. residential flats with alterations including renewing roof structure and internal wall alterations. Location: 5 Silver Street, Gainsborough Paper E	
PL24/063	To note decision notice received. Application Ref No: 146652 GRANTED (delegated)	

Agenda no	Agenda item title	Power/Regulation
	Proposal: Application for advertisement consent to display 1no. illuminated fascia sign, 10no. non-illuminated fascia signs and 1no. totem. Location: B&Q Lea Road, Gainsborough Paper F	
PL24/064	To note decision notice received. Application Ref No: 146725 GRANTED (delegated) Proposal: Planning application for the erection of fibre exchange telecommunications infrastructure Location: Land off North Street, Gainsborough Paper G	
PL24/065	To note decision notice received. Application Ref No: 146656 GRANTED (delegated) Proposal: Application for a Lawful Development Certificate for proposed demolition of existing industrial building Location: Former AMP Rose site, Heapham Road, Gainsborough Paper H	
PL24/066	Street naming requests To consider street naming requests received (if there are any).	
PL24/067	Tree preservation orders To consider tree preservation orders received (if there are any). To consider tree preservation orders on the trees at Roses Sports Ground.	
PL24/068	Items for notification To receive any items for notification to be included on a future agenda – for information only	N/A
PL24/069	Time and date of next meeting To note the date and time of the next Planning committee is scheduled for 22 August 2023 at 7.00pm.	<i>Local Government Act 1972, Sch 12, p10 (2)(a)</i>

PAPER A



DRAFT Minutes of the Planning Committee meeting

27 June 2023 at 7:00pm

held in the Reading Room, Richmond House. Richmond Park, Morton Terrace, Gainsborough

Councillors Present

Richard Craig - ex officio	Stuart Morley	James Plastow (Chairman)
Tim Davies - ex officio		James Ward
David Dobbie	Keith Panter	

Councillors Absent

	Liam Muggridge	

In attendance:

	Rachel Allbones (DC/RFO)	
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Also Present: Cllr Devine

Agenda no	Agenda item title	Resolution	Action	Power
PL24/022	Apologies for absence To note apologies for absence.	There were none received.	N/A	<i>Local Government Act 1972, s85 (1) & Sch 12, p40.</i>
PL24/023	Declarations of interest To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.	Cllr Morley declared a pecuniary interest in agenda item PL24/027 as the proposed development is behind his house and has made an objection direct on WLDC web page.	N/A	<i>Localism Act 2011, s31.</i>

Initialed:

Agenda no	Agenda item title	Resolution	Action	Power
PL24/024	Dispensation requests To consider any dispensation requests received by the Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.	There were none.	N/A	<i>Localism Act 2011, s33.</i>
PL24/025	Minutes of the previous meeting(s) To receive the minutes of the previous Planning Committee meeting(s) and resolve to sign these as a true record of the meeting(s). Paper A – Planning Committee 23 May 2023	The Committee resolved to sign the minutes of the Planning Committee 23 May 2023 as a true record of that meeting. Cllrs Craig and Davies abstained.	ASO to publish.	<i>Local Government Act 1972, Sch 12, p41 (1).</i>
Planning Applications				
PL24/026	To consider planning application received. Application Ref No: 146652 (22/05/23, 28 days) Proposal: Application for advertisement consent to display 1no. illuminated fascia sign, 10no. non-illuminated fascia signs and 1no. totem. Location: B&Q Lea Road, Gainsborough	The Committee resolved to support the application but request that consideration be given for remedial landscaping to replace the vegetation removed.	DC to submit to WLDC.	<i>Article 13 of the Town & Country Planning (General Development Procedure) Order 2015 Schedule 1, paragraph 8 to the Town & Country Planning Act 1990 as amended</i>

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Planning Committee Minutes 2023-24

9 | Page

Agenda no	Agenda item title	Resolution	Action	Power
PL24/027	<p>To consider planning application received.</p> <p><u>Application Ref No: 146669 (24/05/23, 28 days)</u></p> <p><u>Proposal: Planning application for 2no. drive-thru commercial units and a car rental facility with associated access, parking, servicing, landscaping and infrastructure.</u></p> <p><u>Location: Land at Carr Lane, Gainsborough</u></p>	<p>The Committee resolved to raise concerns regarding the increased traffic generation and highway safety on the roundabout.</p>	<p>DC to submit to WLDC.</p>	
PL24/028	<p>To consider planning application received.</p> <p><u>Application Ref No: 146166 (26/05/23, 14 days)</u></p> <p><u>Proposal: Planning application for the change of use of land for open storage B8 use class including siting of storage containers with associated parking.</u></p> <p><u>Location: Land off Lea Road, Gainsborough</u></p> <p><u>AMENDED PLANS AND AMENDED PROPOSAL DESCRIPTION</u></p>	<p>The Committee noted the application was already determined.</p>	<p>N/A</p>	
PL24/029	<p>To consider planning application received.</p> <p><u>Application Ref No: 146725 (26/05/23, 28 days)</u></p>	<p>The Committee resolved to support the application.</p>	<p>DC to submit to WLDC.</p>	

Initialed:

Agenda no	Agenda item title	Resolution	Action	Power
	Proposal: Planning application for the erection of fibre exchange telecommunications infrastructure. Location: Land off North Street, Gainsborough			
PL24/030	To consider planning application received. Application Ref No: 146697 (30/05/23, 28 days) Proposal: Planning application to site 1 no. metal shipping container. Location: Environment Agency, Corringham Road, Gainsborough	The Committee resolved to support the application.	DC to submit to WLDC.	
PL24/031	To consider planning application received. Application Ref No: 146749 (01/06/23, 28 days) Proposal: Planning application for external alterations to the Shopfront. Location: 17-19 Silver Street, Gainsborough	The Committee resolved to support the application. Cllr Morley abstained from voting.	DC to submit to WLDC.	
PL24/032	To consider planning application received. Application Ref No: 146759 (06/06/23, 28 days) Proposal: Planning application to install four rapid electric vehicle charging stations.	The Committee resolved to support the application.	DC to submit to WLDC.	

Initialed:

Agenda no	Agenda item title	Resolution	Action	Power
	Location: Units 1-6 Bob Rainsforth Way, Off Corringham Road, Gainsborough			
PL24/033	To consider planning application received. Application Ref No: 146802 (13/06/23, 28 days) Proposal: Planning application for single storey side extension, replace flat roof with pitched roof to form storage area above the garage including dormer window to the rear. Location: 3 Hawton Close, Gainsborough	The Committee resolved to support the application.	DC to submit to WLDC.	
PL24/034	To consider planning application received. Application Ref No: 146815 (14/06/23, 28 days) Proposal: Planning application for the refurbishment of the front façade, replacement roof covering and conversion of upper floor into 1no. residential unit. Location: 1-5 Lord Street, Gainsborough	The Committee resolved to support the application.	DC to submit to WLDC.	
PL24/035	To consider planning application received. Application Ref No: 146816 (14/06/23, 28 days)	Cllr Dobbie declared a personal interest in knowing the applicants and left the meeting.	DC to submit to WLDC.	

Initialed:

Planning Committee Minutes 2023-24

12 | Page

Agenda no	Agenda item title	Resolution	Action	Power
	Proposal: Planning application for two storey side extension and single storey rear extension Location: 16 Turpin Close, Gainsborough	The Committee resolved to object the proposal on the grounds of the designed and appearance being out of keeping, and the shear density of the building. Cllr Dobbie returned to the meeting.		
PL24/036	To consider planning application received. Application Ref No: 146891 (22/05/23) Proposal: Local authority consultation for a pavement cafe and stalls licence Location: Ropery House, 2a, Ropery Road, Gainsborough	The Committee noted the application was already determined.	N/A	
Decision notices				
PL24/037	To note decision notice received. Application Ref No: 146166 GRANTED (delegated) Proposal: Planning application for the change of use of land for open storage B8 use class including siting of storage containers with associated parking Location: Land off Lea Road, Gainsborough Paper B	The Committee resolved to note the decision notice.	N/A	
PL24/038	To note decision notice received.	The Committee resolved to note the decision notice.	N/A	

Initialed:

Planning Committee Minutes 2023-24

13 | Page

Agenda no	Agenda item title	Resolution	Action	Power
	<p>Application Ref No: 146654 GRANTED (delegated) Proposal: Planning application for minor internal & external works including removal of ATM and external signage. Location: 21 Market Place, Gainsborough Paper C</p>			
PL24/039	<p>To note decision notice received. Application Ref No: 146655 GRANTED (delegated) Proposal: Listed building consent for minor internal & external works including removal of ATM and external signage. Location: 21 Market Place, Gainsborough Paper D</p>	The Committee resolved to note the decision notice.	N/A	
PL24/040	<p>To note decision notice received. Application Ref No: 146516 GRANTED (delegated) Proposal: Application for approval of reserved matters for the erection of 1no. dwelling considering appearance, landscaping, layout and scale, following outline planning permission 141440 granted 6 October 2020. Location: Land to south of Warren House, 4 Foxby Warren, Gainsborough</p>	The Committee resolved to note the decision notice.	N/A	

Initialed:

Agenda no	Agenda item title	Resolution	Action	Power
	Paper E			
PL24/041	To note decision notice received. Application Ref No: 142208 GRANTED (delegated) Proposal: Planning application for variation of condition 16 of planning permission 138921 granted 29 August 2019 re: completion of roundabout. Location: Land at Foxby Lane, Gainsborough Paper F	The Committee resolved to note the decision notice.	N/A	
PL24/042	To note decision notice received. Application Ref No: 146891 GRANTED (delegated) Proposal: Local authority consultation for a pavement cafe and stalls licence Location: Ropery House, 2a, Ropery Road, Gainsborough Paper G	The Committee resolved to note the decision notice.	N/A	
PL24/043	Street naming requests To consider street naming requests received (if there are any).	There were none.	N/A	
PL24/044	Tree preservation orders To consider tree preservation orders received (if there are any).	There were none.	N/A	

Initialed:

Agenda no	Agenda item title	Resolution	Action	Power
PL24/045	<p>Anglian Water Smart Water Metering Network To consider pre-consultation letter and associated drawing regarding proposed communications installation for Arqiva’s smart meter network for Anglian Water at Marshall Way, Sandars Road, Heapham Road Industrial Estate, Gainsborough Paper H</p>	<p>The Committee resolved to note the pre-consultation and advised they were supportive of the forthcoming application.</p> <p>Cllr Morley abstained from voting.</p>	N/A	
PL24/046	<p>Planning Training To confirm Member attendance at the below training: - Monday 25 September 2023 - 18:30 - 21:00 at Mulsanne Park Pavilion, 5 Field Close, Nettleham, Lincoln, Lincolnshire, LN2 2RX This course covers:</p> <ul style="list-style-type: none"> • Overall context for the planning system; • What needs planning permission and what doesn’t; • Making the decision (taking into account the policy framework and material considerations); • Who takes decisions; • Planning authority choices; • Appeals; 	<p>Members were informed that Cllr Brennan had already booked onto the training.</p> <p>Cllrs Craig, Morley and Plastow requested to be booked on.</p> <p>Cllr Dobbie had previously advised he would be working.</p> <p>Cllrs Davies and Ward advised they would not know until nearer the time if they would be able to attend.</p>	DC too book Cllrs on the training.	

Initialled:

Agenda no	Agenda item title	Resolution	Action	Power
	Neighbourhood Plans—status, scope, process, relationship with Local Plan.			
PL24/047	Items for notification To receive any items for notification to be included on a future agenda – for information only	None.	N/A	N/A
PL24/048	Time and date of next meeting To note the date and time of the next Planning committee is scheduled for 25 July 2023 at 7.00pm.	The committee noted the date and time of the next Planning Committee as scheduled for 25 July 2023 at 7:00pm.	N/A	<i>Local Government Act 1972, Sch 12, p10 (2)(a)</i>

The meeting closed at 7.55pm.

Signed as a true record of the Meeting: _____ Dated _____
Presiding chairman of approving meeting

Initialed:

PAPER B

Planning Permission

Name and address of applicant

Mr & Mrs Farrow

49 The Pines
Gainsborough
Lincolnshire
DN21 1PW

Name and address of agent (if any)

Sean Madden
Hubble Architecture Ltd
91 Sunningdale Way
Gainsborough
Lincolnshire
DN21 1FZ

Part One – Particulars of application

Date of application:
27/04/2023

Application number:
146660

Particulars and location of development:

Planning application for single storey rear extension

49 The Pines Gainsborough Lincolnshire DN21 1PW

Part Two – Particulars of decision

The West Lindsey District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **planning permission has been granted** for the carrying out of the development referred to in Part One hereof in accordance with the application and plans submitted subject to the following conditions:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

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

2. 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: D03 P01 dated 20/04/2023 and D02 P03 dated 09/04/2023. 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 of the Central Lincolnshire Local.

3. The materials used in the development shall match those stated on the application form and drawing No. D02 P03 dated 09/04/2023.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

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

None.

Notes to the Applicant

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 and West Lindsey District Council's own website 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

Reasons for granting permission

The decision has been considered against policy S6: Design Principles for Efficient Buildings, , S13: Reducing Energy Consumption in Existing Buildings, S53: Design and Amenity and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan in the first instance and policies contained in the Gainsborough Neighbourhood Plan (NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area) and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment it is considered that subject to the recommended conditions, the proposal is acceptable and will not harm the character and appearance of the street scene or the dwelling or have an unacceptable impact on the living conditions of the residents of neighbouring properties.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Date: 21/06/2023

Signed:



Ian Knowles
Head of Paid Service

West Lindsey District Council
Council Offices
Guildhall
Marshall's Yard
Gainsborough
DN21 2NA

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. You are strongly advised not to commence works until you have obtained any other permissions or consents that may be required, for example approval under the Building Regulations, otherwise there may be a risk of significant legal and financial consequences. For further advice on the Building Regulations, contact the Council's Building Control section.

Failure to adhere to the details of the approved plans or to comply with the conditions attached to this permission is a contravention of the provisions of the Town & Country Planning Act 1990 in respect of which enforcement action may be taken. Please contact the planning department for further advice relating to the discharge of condition process and the appropriate fee payable (if applicable).

Self-build and Custom housebuilding

Did you know that West Lindsey District Council maintains a register of people who would be interested in taking up self-build and custom housebuilding opportunities within the area?

There are certain benefits that arise from self-build developments i.e. you may be eligible for exemption from Community Infrastructure Levy (CIL). Further details of self-build and custom housebuilding within West Lindsey can be viewed here: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/self-build>

If you would be interested in the provision of Self-Build and Custom Housebuilding opportunities as part of your development proposal, and would be willing for those with a registered interest to contact you, please visit the above web page and complete our site submission form.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://acp.planninginspectorate.gov.uk>. *You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require.*
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
- **Please note only the applicant possesses the right to appeal.**

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If you require this document in another format e.g. large print, please contact Customer Services on 01427 676 676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

PAPER C

Planning Permission

Name and address of applicant

Mr Nicholson
21 Claythorne Drive
Gainsborough
Lincolnshire
DN21 1TZ

Name and address of agent (if any)

Sean Madden
Hubble Architecture Ltd
91 Sunningdalwe Way
Gainsborough
Lincolnshire
DN21 1FZ

Part One – Particulars of application

Date of application:
27/04/2023

Application number:
146662

Particulars and location of development:

Planning application for proposed rear and first floor extension.

21 Claythorne Drive Gainsborough Lincolnshire DN21 1TZ

Part Two – Particulars of decision

The West Lindsey District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **planning permission has been granted** for the carrying out of the development referred to in Part One hereof in accordance with the application and plans submitted subject to the following conditions:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None

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

2. 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 drawing: D02 Rev P02 dated 20.04.23. 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 policies S53 and S21 of the Central Lincolnshire Local Plan.

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

None

Notes to the Applicant

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 and West Lindsey District Council's own website 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.

Reasons for granting permission

The decision has been considered against Policies S6: Design Principles for Efficient Buildings, S13: Reducing Energy Consumption in Existing Buildings, S53: Design and Amenity and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan and policies NPP5: Protecting the Landscape Character, NPP 6: Ensuring High Quality Design, NPP7: Ensuring High Quality Design in each Character Area of the Gainsborough Town Neighbourhood Plan in the first instance as well as 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 proposal will not harm the character and appearance of the street-scene, surrounding area or the dwelling, nor the living conditions of neighbouring occupiers.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Date: 22nd June 2023

Signed:



West Lindsey District Council
Council Offices
Guildhall
Marshall's Yard
Gainsborough
DN21 2NA

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. You are strongly advised not to commence works until you have obtained any other permissions or consents that may be required, for example approval under the Building Regulations, otherwise there may be a risk of significant legal and financial consequences. For further advice on the Building Regulations, contact the Council's Building Control section.

Failure to adhere to the details of the approved plans or to comply with the conditions attached to this permission is a contravention of the provisions of the Town & Country Planning Act 1990 in respect of which enforcement action may be taken. Please contact the planning department for further advice relating to the discharge of condition process and the appropriate fee payable (if applicable).

Self-build and Custom housebuilding

Did you know that West Lindsey District Council maintains a register of people who would be interested in taking up self-build and custom housebuilding opportunities within the area?

There are certain benefits that arise from self-build developments i.e. you may be eligible for exemption from Community Infrastructure Levy (CIL). Further details of self-build and custom housebuilding within West Lindsey can be viewed here: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/self-build>

If you would be interested in the provision of Self-Build and Custom Housebuilding opportunities as part of your development proposal, and would be willing for those with a registered interest to contact you, please visit the above web page and complete our site submission form.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://acp.planninginspectorate.gov.uk>. You must use a Planning Appeal Form when making your appeal. If requesting**

forms from the Planning Inspectorate, please state the appeal form you require.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
- **Please note only the applicant possesses the right to appeal.**

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If you require this document in another format e.g. large print, please contact Customer Services on 01427 676 676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

PAPER D

Planning Permission

Name and address of applicant

Mr John Bridgett
Lea Property Limited
11 Priory Way
Lea
Gainsborough, Lincolnshire
DN21 5HF

Name and address of agent (if any)

Simon Chiou
Lathams
50 St Mary's Gate
Nottingham
NG1 1QA

Part One – Particulars of application

Date of application:
16/03/2023

Application number:
146455

Particulars and location of development:

Planning application for replacement hardwood timber shop-front, new stairwell to upper floors and retractable awning including change of use of upper floors from retail/office to 2no. residential flats with alterations including renewing roof structure and internal wall alterations.

5 Silver Street Gainsborough Lincolnshire DN21 2DT

Part Two – Particulars of decision

The West Lindsey District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **planning permission has been granted** for the carrying out of the development referred to in Part One hereof in accordance with the application and plans submitted subject to the following conditions:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development must take place until, the details for the proposed stair alterations for the ground, second and third floor has been submitted to and approved in writing by the Local Planning Authority. This detail will include section drawings for all details of the stairs including but not limited to:

- Balusters
- Newel Posts
- Handrails

- Risers/Treads
- Stringers
- Mouldings
- Nosing

The development must be completed in strict 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 site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No development must take place until a demolition statement for the internal walls including a full methodology has been submitted to and approved in writing by the Local Planning Authority. Any part of the demolition works not carried out by hand or using a hand tool other than a power-driven hand tool must be fully justified within the demolition statement. The development must be completed in strict accordance with the approved demolition statement.

Reason: To ensure the appropriate methods are used to preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings and the conservation area to accord with the National Planning Policy Framework and local policies S57 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. No development must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the flats identifying connectivity and the position of any new drainage pipes has been submitted to and approved in writing by the local planning authority. No occupation of each individual flat must take place until their individual drainage has been fully completed in strict accordance with the approved scheme and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each flat, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023.

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

5. 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:

- Site Location Plan drg no. 1000 S0, received 16/03/2023;
- Proposed Block Plan drg no. 1002 S0 P01 received 04/07/2023;
- Proposed Shopfront plan and section drg no. 2003 S0 received 16/03/2023;

- Proposed Shopfront Elevation Detail drg no. 3002 S0 received 16/03/2023;
- Amended proposed elevations received 01/06/2023;
- Amended proposed floor plans drg no. 2001 S0 P02 received 22/06/2023.

The works shall be carried out in accordance with the details shown on the approved plans.

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

6. Prior to the installation of the shop front, drawings to a scale of 1:20 fully detailing the new shop front decorative details and materials shall be submitted to and approved in writing by the Local Planning Authority. This information must include details of:

- Retractable awning;
- Roller shutter;
- Ventilation grill;
- Decorative corners;
- Hardwood timber mullion final dimensions;
- Ironmongery throughout;
- Mosaic floor and soffit details;
- Colour Scheme.

The development must be completed in strict accordance with the approved details.

Reason: To ensure the appropriate methods are used to preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings and the conservation area to accord with the National Planning Policy Framework and local policies S57 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Prior to the installation of new or replacement windows, doors and surrounds, drawings to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority, the drawings shall also include the below details. The development must be completed in strict accordance with the approved details.

- materials;
- decorative/ protective finish;
- cross sections for glazing bars, sills, and headers;
- method of opening;
- method of glazing.
- colour scheme.

Reason: To ensure the appropriate methods are used to preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings and the conservation area to accord with the National Planning Policy Framework and local policies S57 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Prior to any works commencing on the roof, details of the following roofing construction materials shall be submitted and approved in writing by the Local

Planning Authority. The development must be completed in strict accordance with the approved details.

- a sample of the type of roofing material proposed;
- roof truss details;
- rooflights;
- treatment of gables and cappings;
- treatment of verges barge boards or other edging details;
- leadwork details (in accordance with LDA good practice);
- the means of ventilating the roof;
- flues, vents or other pipework piercing the roof (and decorative finish).

Reason: To ensure the appropriate methods are used to preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings and the conservation area to accord with the National Planning Policy Framework and local policies S57 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Prior to installation the internal and external materials listed below must be submitted or inspected on site and agreed in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details.

- sample panel(s) of brickwork, mortar and bond. The brickwork panel constructed must be retained on the site until the development hereby approved has been completed.
- mortar mix
- rainwater goods and downpipes including the colour
- lintels, header, cills and other details to surrounds

Reason: To ensure the appropriate methods are used to preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings and the conservation area to accord with the National Planning Policy Framework and local policies S57 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. 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.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

None.

Notes to the Applicant

Highways

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Reasons for granting permission

The application has been considered against policies 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 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 of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan and the statutory duties contained within the 'Act' in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment it is considered that the principle of development in this location can be supported. The proposed external alterations would enhance the conservation area and street scene in this town centre location. The impacts on the host listed building have been found to be acceptable. Matters of highway safety, residential amenity and drainage have been found to be acceptable.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Date: 5th July 2023

Signed:



Ian Knowles
Head of Paid Service

West Lindsey District Council
Council Offices
Guildhall
Marshall's Yard
Gainsborough
DN21 2NA

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. You are strongly advised not to commence works until you have obtained any other permissions or consents that may be required, for example approval under the Building Regulations, otherwise there may be a risk of significant legal and financial consequences. For further advice on the Building Regulations, contact the Council's Building Control section.

Failure to adhere to the details of the approved plans or to comply with the conditions attached to this permission is a contravention of the provisions of the Town & Country Planning Act 1990 in respect of which enforcement action may be taken. Please contact the planning department for further advice relating to the discharge of condition process and the appropriate fee payable (if applicable).

Self-build and Custom housebuilding

Did you know that West Lindsey District Council maintains a register of people who would be interested in taking up self-build and custom housebuilding opportunities within the area?

There are certain benefits that arise from self-build developments i.e. you may be eligible for exemption from Community Infrastructure Levy (CIL). Further details of self-build and custom housebuilding within West Lindsey can be viewed here: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/self-build>

If you would be interested in the provision of Self-Build and Custom Housebuilding opportunities as part of your development proposal, and would be willing for those with a registered interest to contact you, please visit the above web page and complete our site submission form.

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- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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Officers Report
Planning Application No: 146455
Listed Building Consent: 146456

PROPOSAL: Planning application for replacement hardwood timber shop-front, new stairwell to upper floors and retractable awning including change of use of upper floors from retail/office to 2no. residential flats with alterations including renewing roof structure and internal wall alterations.

AND

Listed building consent for replacement hardwood timber shop-front, new stairwell to upper floors and retractable awning including change of use of upper floors from retail/office to 2no. residential flats with alterations including renewing roof structure and internal wall alterations.

LOCATION: 5 Silver Street Gainsborough Lincolnshire DN21 2DT
WARD: Gainsborough South West

TARGET DECISION DATE: 11/05/2023 (Extension of time agreed until 6th July 2023)

DEVELOPMENT TYPE: Change of Use and Listed Building Alter/Extend
CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission and listed building consent with conditions

Description:

The application site comprises of a Grade II Listed Building within the Gainsborough Town Centre. The property is a four storey terraced building that fronts onto the southern side of Silver Street, one of the main routes through Gainsborough Town Centre. The site is within the Gainsborough Town Conservation Area, within close proximity to a number of Grade II Listed Buildings and is also within the Gainsborough Primary Shopping Area.

The Historic England listing describes the property as follows¹:

SILVER STREET 1. 5315 (South-East Side) Nos 5 and 7 SK 8189 1/121 II GV

2. Late C18 or early C19. 4 storeys in red brick with brick cornice. Stacks at gable ends. 3 windows, painted voussoirs with keystones, hung sashes with

¹ <https://historicengland.org.uk/listing/the-list/list-entry/1168373?section=official-list-entry>

glazing bars to top floor. Other storeys without glazing bars. Band at 2nd floor cills. Modern shop to ground floor.

Nos 1 to 7 (odd) form a group together with No 10 Silver Street and Nos 21 to 27 (odd) Market Place. Nos 25 and 27 Market Place being of local interest.

The Proposal: The application seeks full planning permission for replacement hardwood timber shop front with retractable awning, the installation of a new stair well to upper floors as well as the conversion/change of use of the upper floors to 2no.flats, internal alterations and replacement of roof structure. One flat is to be located over the first floor with flat two occupying the second and third floors.

Listed building consent is also sought for replacement hardwood timber shop front with retractable awning, the installation of a new stair well to upper floors as well as internal wall alterations and replacement of the roof structure.

Following a site meeting amended plans were received on 1st June 2023 and 22nd June 2023. One of the flats has now been omitted from the proposals, 2no. flats are now proposed. Other alterations include timber windows to the rear elevation and omission of the roof light to the bathroom on the third floor.

Relevant history:

134180- Listed Building Consent for installation of new fascia sign and internal alterations. Consent granted 12/05/2016.

134156- Advertisement consent to display 1no. non-illuminated fascia sign. Granted with conditions 05/05/2016.

130505- Planning application for change of use of upper floor to form 2no. self contained flats and alterations to rear elevation to form new window openings, new shopfront and entrance to flats – granted 29/06/2014.

130506- Listed building consent for change of use of upper floor to form 2no. self contained flats and alterations to rear elevation to form new window openings, new shopfront and entrance to flats – Granted 29/06/2014.

Representations:

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

Gainsborough Town Council: No comments to make.

Local residents: No representations received to date.

WLDC Conservation Officer: Site meeting held on- 9th May 2023, with case officer, applicant and agent to discuss proposals. Subsequent email exchanges and amended plans have been received. The conservation officer is now happy to support the proposals subject to conditions.

WLDC Townscape Heritage Officer: WLDC's Townscape Heritage team supports all aspects of this detailed and well-considered set of proposals.

'Research into the history of the building has been thorough and sensitive proposals seek to reinstate an attractive wooden shopfront with traditional style awning, which alongside repair works to the building's street elevation, using traditional materials, will conserve the building, improve the street scene and in doing so, add to footfall in the town centre. Proposals reinstate elements of lost historic features that have been identified in old photos. The proposed work respects the remaining historic building fabric as much as is reasonably possible, in order to create desirable residential units to the upper floors – these will secure the sustainable use of the upper floors of the building, which had lost its original staircase from the ground floor. As a result, the vacant upper floors had been steadily degrading.

Proposals also support the Townscape Heritage aims of reintroducing high quality residential capacity into the town centre that will also add to the footfall for town centre, supporting local shops, food outlets and the market. It will also facilitate monitoring of streets that will in turn discourage anti-social behaviour.

In their current form the planning proposals fulfil the aspirations and requirements of the various Gainsborough Townscape Heritage grant schemes in relation to 5 Silver Street and if approved, will very likely attract grant funding from both the National Lottery Heritage Fund and Levelling Up Fund schemes.'

Historic England: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

LCC Highways/Lead Local Flood Authority: No objections.

'This proposal will see encroachment into the highway of both the shop front and the awning. Lincolnshire County Council as Highway Authority have pragmatically considered this and determined that we have no objections to the proposals, however, we reserve the right to reconsider this encroachment in the future, if necessary, due to our responsibilities as Highway Authority. The extent of the highway will be retained as existing. We refer the applicant to Sections 152 and 177 of Highways Act 1980.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.'

LCC Archaeology: No archaeological input required.

ECM Checked: 4th July 2023

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023); the Gainsborough Neighbourhood Plan (made 2021); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2023 (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 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

- ***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

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

The site is within a Minerals Safeguarding Area and therefore Policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government’s planning policies for England and how these should be applied. It is a material consideration in planning decisions.

- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Design Code (2021)**

Other

Statutory Duties under Sections 16, 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 assets, including the host listed buildings;
- Design and Visual Impact;
- Impact upon Residential Amenity;
- Highways and Parking;
- Drainage;
- Other Matters.

Assessment:

Principle of Development

The application seeks planning permission for a new hardwood timber shopfront with awning and the conversion of the upper floors to 2no. flats along with other internal alterations including the replacement of the roof structure. The CLLP contains a range of policies to guide development within the 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 86 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; *'Development proposals within Gainsborough Town Centre, not in E Use Class will be considered on their merits subject to satisfying the criteria in a)-e) where relevant and providing that they will:*

f) not result in large gaps between town centre uses in frontages;

g) not detract from or otherwise harm or conflict with town centre uses; and

h) be compatible with maintaining or enhancing Gainsborough Town Centre as a sub-regional shopping destination.

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.'

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 f-h of Policy S37. The residential development element of the proposals is supported by the development plan and the NPPF as this would complement the existing uses ensuring the continued vitality of the town centre. In principle it is considered that the proposal accord to policies S1, S3, S37 and NS41 of the CLLP.

Impact on designated heritage assets including the host listed building

The application site comprises of a Grade II Listed building and lies within the setting of other Grade II Listed buildings as well as being within the Gainsborough Town Centre Conservation Area.

The application proposes several alterations to the building externally and internally, such as:

- Replacement of shop front with new hardwood timber frontage onto Silver Street and inclusion of retractable awning;
- Change of use to upper floors from retail/office to residential (2no. flats), new staircase formed within part of the ground floor off Silver Street;
- A range of internal alterations to facilitate the 2no. flats;
- Structural alterations;
- Repairs to the front elevation fronting Silver Street;
- Rear elevation alterations including brick repair and new window openings.

Section 16 (2) of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that in considering whether to grant listed building consent for any works the local planning authority or the

Secretary of State 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.

Section 72 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 conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Policy S57 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. This aim is echoed within policy NPP18 of the NP.

Policy NS41 of the CLLP states that: *'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.'*

As detailed above, the proposal includes a number of internal and external alterations to the host building. The proposed replacement shop front and retractable awning has been appropriately designed and reflects that, in part, of what was here historically the replication of the tall advertising fascia is noted, however this would obstruct the windows at first floor level and therefore its non- inclusion is acceptable. The applicant and agent have been involved with the councils Townscape Heritage team to design an appropriate shop front, with reference to the historic design dating back to 1926. The new frontage would be a significant improvement on the existing shop front, in turn providing a positive visual impact to the listed building and conservation area. The internal shutter is noted, given that no exact details have been given it is considered necessary to request these by means of condition. Discussions around the AOV on the rear roof slope took place on site. Other means of ventilation would mean the installation of other vents/extraction etc. and therefore in this case the inclusion of the AOV has been found to be acceptable. Following a change in the proposed floors plans the roof light shown on the original roof plan has been removed which is welcomed.

The proposed internal alterations are to include a new stair case and entrance to the flats off Silver Street. Some internal walls on the upper floors are to be demolished. The subsequent impact on the host listed building to form the flats have been reviewed by the council's conservation officer and have been found to be acceptable, subject to conditions. The proposed plans clearly show the areas of demolition/alterations and the application has also been accompanied by an in depth heritage statement which fully assess the impact on the listed building.

Overall, the works would preserve the special historic interest of the host listed building and the conservation area. In addition to this, the proposal would enhance the street scene with an improved shop front that reflects the history of the building in a sympathetic way. The proposals would accord to Statutory Duties, the policies within the Development Plan and Section 16 of the NPPF.

Impact upon Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. Both of the units meet with the nationally described space standards with the second flat exceeding the standards. The main living areas of the flats and bedrooms would all be served by windows, allowing adequate light to enter the rooms.

The lack of outside amenity space is noted, however this is not an unusual situation for town centre flats, and grassed amenity areas are available within the town centre area, notably along the Riverside Walk.

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, particularly paragraph 130(f).

Highways and Parking

No objection has been received from the Local Highway Authority relating to the proposed development. Appendix 2 of the CLLP which is referred to in Policy S49 states that 1 bed dwellings in market towns should provide 1 parking space per dwelling. The proposal does not include any dedicated parking provision for the flats, no parking provision has been requested by the highways authority. The Gainsborough NP does not contain any specific figures with regard to parking provision for new dwellings within the town.

Given the town centre location and siting close to public transport links it is considered that the non-inclusion of parking spaces is acceptable in this case. It is also considered that the benefits of bringing the upper floors of this listed building back into use outweighs the lack of parking provision. Overall, it is considered that the proposed development would accord to policies S47 and S49 of the CLLP.

Drainage

The site is predominantly located in Flood Zone 1 and therefore is in a sequentially preferable location.

It is noted that the proposals include a new drainage pipe to the front elevation. It is acknowledged that the exact location of where foul and surface water will drain to has not yet been fully investigated. Further detail will be secured by means of condition. Subject to this, the scheme, in principle accords with Policy S21 of the Central Lincolnshire Local Plan.

Other Matters-

Flood Risk- Part of the rear of the site is located within Flood Zone 2 with a very small area being within Flood Zone 3. The residential access (stairs) to the flats will be located to the front of the building, within Flood Zone 1 and neither of the flats being located at ground floor level. Given that the area of works is not located within any of these flood risk areas, there are no concerns with regard to flood risk and a flood risk assessment is not required in this instance.

Minerals Safeguarding Area- Changes of use to existing buildings and listed building consent applications are considered to be exempt from safeguarding considerations. In any case, due to the development being within the continuous developed footprint of Gainsborough it is not considered that safeguarding considerations are engaged in this case.

Energy Policies- 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, consideration should be afforded to when this application was submitted. Both this application and the Listed Building Consent (146456) were submitted in early March, prior to the adopted of the current CLLP. It is therefore not considered reasonable to request additional information in this respect.

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.

Planning Application Conclusion:

The application has been considered against policies 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 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 of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan and the statutory duties contained within the 'Act' in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment it is considered that the principle of development in this location can be supported. The proposed external alterations would enhance the conservation area and street scene in this town centre location. The impacts on the host listed building have been found to be acceptable. Matters of highway safety, residential amenity and drainage have been found to be acceptable. The application is therefore recommended for approval, subject to conditions.

Listed Building Consent Conclusion:

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In light of this assessment, the proposal is considered as preserving the desirability of the Listed Building and its setting. Furthermore the proposed development will preserve the desirability of the special architectural features or historic interest it possesses.

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

Representors to be notified - *(highlight requirements):*

Standard Letter **Special Letter** **Draft enclosed**

Prepared by : Danielle Peck

Date : 4th July 2023

Signed: *D Peck*

Authorising Officer *D. Galpin* **Date:** 4th July 2023

Decision Level (tick as appropriate)

Delegated X

PAPER E

Listed Building Consent

Name and address of applicant

Mr John Bridgett
Lea Property Limited
11 Priory Way
Lea
Gainsborough, Lincolnshire
DN21 5HF

Name and address of agent (if any)

Simon Chiou
Lathams
50 St Mary's Gate
Nottingham
NG1 1QA

Part I – Particulars of application

Date of application
16/03/2023

Application no
146456

Particulars and location of development

Listed building consent for replacement hardwood timber shop-front, new stairwell to upper floors and retractable awning including change of use of upper floors from retail/office to 2no. residential flats with alterations including renewing roof structure and internal wall alterations.

5 Silver Street Gainsborough Lincolnshire DN21 2DT

Part II – Particulars of decision

The West Lindsey District Council hereby give notice that **Listed Building Consent has been granted** for the execution of the works referred to in Part 1 hereof in accordance with the application and plans submitted.

Conditions stating the time by which the development must be commenced:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development must take place until, the details for the proposed stair alterations for the ground, second and third floor has been submitted to and approved in writing by the Local Planning Authority. This detail will include section drawings for all details of the stairs including but not limited to:

- Balusters
- Newel Posts
- Handrails

- Risers/Treads
- Stringers
- Mouldings
- Nosing

The development must be completed in strict accordance with the approved details.

Reason: To safeguard the desirability and setting of the Grade II Listed Buildings to accord with the National Planning Policy Framework.

3. No development must take place until a demolition statement for the internal walls including a full methodology has been submitted to and approved in writing by the Local Planning Authority. Any part of the demolition works not carried out by hand or using a hand tool other than a power-driven hand tool must be fully justified within the demolition statement. The development must be completed in strict accordance with the approved demolition statement.

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in strict accordance with the following drawings:

- Site Location Plan drg no. 1000 S0, received 16/03/2023;
- Proposed Block Plan drg no. 1002 S0 P01 received 04/07/2023;
- Proposed Shopfront plan and section drg no. 2003 S0 received 16/03/2023;
- Proposed Shopfront Elevation Detail drg no. 3002 S0 received 16/03/2023;
- Amended proposed elevations received 01/06/2023;
- Amended proposed floor plans drg no. 2001 S0 P02 received 22/06/2023.

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 work proceeds in accordance with the approved plans in accordance with section 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

6. Prior to the installation of the shop front, drawings to a scale of 1:20 fully detailing the new shop front decorative details and materials shall be submitted to and approved in writing by the Local Planning Authority. This information must include details of:

- Retractable awning;
- Roller shutter;
- Ventilation grill;
- Decorative corners;
- Hardwood timber mullion final dimensions;
- Ironmongery throughout;
- Mosaic floor and soffit details;
- Colour Scheme.

The development must be completed in strict accordance with the approved details.

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

7. Prior to the installation of all new internal joinery and any new internal insulation, full details, including details of materials shall be submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details. The details shall include all: new and existing doors, frames, architrave, infills, surrounds, walls, insulation, wall finishes, and other means of enclosure.

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

8. Prior to the installation of new or replacement windows, doors and surrounds, drawings to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority, the drawings shall also include the below details. The development must be completed in strict accordance with the approved details.

- materials;
- decorative/ protective finish;
- cross sections for glazing bars, sills, and headers;
- method of opening;
- method of glazing.
- colour scheme.

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

9. Prior to any works commencing on the roof, details of the following roofing construction materials shall be submitted and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details.

- a sample of the type of roofing material proposed;
- roof truss details;
- rooflights;
- treatment of gables and cappings;
- treatment of verges barge boards or other edging details;
- leadwork details (in accordance with LDA good practice);
- the means of ventilating the roof;
- flues, vents or other pipework piercing the roof (and decorative finish).

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

10. Prior to installation the internal and external materials listed below must be submitted or inspected on site and agreed in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details.

- sample panel(s) of brickwork, mortar and bond. The brickwork panel constructed must be retained on the site until the development hereby approved has been completed.
- mortar mix
- rainwater goods and downpipes including the colour
- lintels, header, cills and other details to surrounds

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

11. 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.

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

12. No cleaning of any masonry must take place unless by a low pressure (20-100 psi) surface cleaner using a nebulous water spray. Any other cleaning method must be submitted to and approved in by the Local Planning Authority. A test panel measuring no more than 0.5 square metres must be undertaken in an inconspicuous position ready for inspection and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved details.

Reason: To safeguard the Grade II Listed Building and to accord with the National Planning Policy Framework.

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

None.

Notes to the Applicant

Hidden Historic Features During the works, if any hidden historic features are revealed they must be retained in-situ. Works must cease within the relevant area of the building and the Local Planning Authority notified immediately.

Reasons for granting listed building consent

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In light of this assessment, the proposal is considered as preserving the desirability of the Listed Building and its setting. Furthermore the proposed development will preserve the desirability of the special architectural features or historic interest it **possesses**.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance

with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Date: 5th July 2023

Signed:

A handwritten signature in black ink, appearing to read 'Ian Knowles', written in a cursive style.

Ian Knowles
Head of Paid Service

West Lindsey District Council
Guildhall
Marshall's Yard
Gainsborough
DN21 2NA

Note

Failure to adhere to the details of the approved plans or to comply with the conditions attached to this permission is a contravention of the provisions of the Town & Country Planning Act 1990 in respect of which enforcement action may be taken. Please contact the planning department for further advice relating to the discharge of condition process and the appropriate fee payable (if applicable).

Attention is drawn to section 8(2) of the Act, the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the local planning authority) until notice of the proposal has been given to the Royal Commission of Historical Monuments, Fortress House, 23 Savile Row, London W1X 1AB and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A form on notice is available from the Royal Commission of Historical Monuments.

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- 1 If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant consent subject to conditions, he may appeal to the First Secretary of State in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990 within three months of receipt of this notice. Appeals must be made on a form which may be downloaded from the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk>. Alternatively, appeal forms may be obtained from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN, telephone 0303 444 5000. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
 - 2 If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district, in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.
 - 3 In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.
 - 4 **Only the applicant possesses the right to appeal the decision.**

If you require this letter in another format e.g. large print, please contact Customer Services on 01427 676676, by email

customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

Officers Report

Planning Application No: 146455

Listed Building Consent: 146456

PROPOSAL: Planning application for replacement hardwood timber shop-front, new stairwell to upper floors and retractable awning including change of use of upper floors from retail/office to 2no. residential flats with alterations including renewing roof structure and internal wall alterations.

AND

Listed building consent for replacement hardwood timber shop-front, new stairwell to upper floors and retractable awning including change of use of upper floors from retail/office to 2no. residential flats with alterations including renewing roof structure and internal wall alterations.

LOCATION: 5 Silver Street Gainsborough Lincolnshire DN21 2DT

WARD: Gainsborough South West

TARGET DECISION DATE: 11/05/2023 (Extension of time agreed until 6th July 2023)

DEVELOPMENT TYPE: Change of Use and Listed Building Alter/Extend

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission and listed building consent with conditions

Description:

The application site comprises of a Grade II Listed Building within the Gainsborough Town Centre. The property is a four storey terraced building that fronts onto the southern side of Silver Street, one of the main routes through Gainsborough Town Centre. The site is within the Gainsborough Town Conservation Area, within close proximity to a number of Grade II Listed Buildings and is also within the Gainsborough Primary Shopping Area.

The Historic England listing describes the property as follows¹:

SILVER STREET 1. 5315 (South-East Side) Nos 5 and 7 SK 8189 1/121 II GV

2. Late C18 or early C19. 4 storeys in red brick with brick cornice. Stacks at gable ends. 3 windows, painted voussoirs with keystones, hung sashes with

¹ <https://historicengland.org.uk/listing/the-list/list-entry/1168373?section=official-list-entry>

glazing bars to top floor. Other storeys without glazing bars. Band at 2nd floor cills. Modern shop to ground floor.

Nos 1 to 7 (odd) form a group together with No 10 Silver Street and Nos 21 to 27 (odd) Market Place. Nos 25 and 27 Market Place being of local interest.

The Proposal: The application seeks full planning permission for replacement hardwood timber shop front with retractable awning, the installation of a new stair well to upper floors as well as the conversion/change of use of the upper floors to 2no.flats, internal alterations and replacement of roof structure. One flat is to be located over the first floor with flat two occupying the second and third floors.

Listed building consent is also sought for replacement hardwood timber shop front with retractable awning, the installation of a new stair well to upper floors as well as internal wall alterations and replacement of the roof structure.

Following a site meeting amended plans were received on 1st June 2023 and 22nd June 2023. One of the flats has now been omitted from the proposals, 2no. flats are now proposed. Other alterations include timber windows to the rear elevation and omission of the roof light to the bathroom on the third floor.

Relevant history:

134180- Listed Building Consent for installation of new fascia sign and internal alterations. Consent granted 12/05/2016.

134156- Advertisement consent to display 1no. non-illuminated fascia sign. Granted with conditions 05/05/2016.

130505- Planning application for change of use of upper floor to form 2no. self contained flats and alterations to rear elevation to form new window openings, new shopfront and entrance to flats – granted 29/06/2014.

130506- Listed building consent for change of use of upper floor to form 2no. self contained flats and alterations to rear elevation to form new window openings, new shopfront and entrance to flats – Granted 29/06/2014.

Representations:

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

Gainsborough Town Council: No comments to make.

Local residents: No representations received to date.

WLDC Conservation Officer: Site meeting held on- 9th May 2023, with case officer, applicant and agent to discuss proposals. Subsequent email exchanges and amended plans have been received. The conservation officer is now happy to support the proposals subject to conditions.

WLDC Townscape Heritage Officer: WLDC's Townscape Heritage team supports all aspects of this detailed and well-considered set of proposals.

'Research into the history of the building has been thorough and sensitive proposals seek to reinstate an attractive wooden shopfront with traditional style awning, which alongside repair works to the building's street elevation, using traditional materials, will conserve the building, improve the street scene and in doing so, add to footfall in the town centre. Proposals reinstate elements of lost historic features that have been identified in old photos. The proposed work respects the remaining historic building fabric as much as is reasonably possible, in order to create desirable residential units to the upper floors – these will secure the sustainable use of the upper floors of the building, which had lost its original staircase from the ground floor. As a result, the vacant upper floors had been steadily degrading.

Proposals also support the Townscape Heritage aims of reintroducing high quality residential capacity into the town centre that will also add to the footfall for town centre, supporting local shops, food outlets and the market. It will also facilitate monitoring of streets that will in turn discourage anti-social behaviour.

In their current form the planning proposals fulfil the aspirations and requirements of the various Gainsborough Townscape Heritage grant schemes in relation to 5 Silver Street and if approved, will very likely attract grant funding from both the National Lottery Heritage Fund and Levelling Up Fund schemes.'

Historic England: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

LCC Highways/Lead Local Flood Authority: No objections.

'This proposal will see encroachment into the highway of both the shop front and the awning. Lincolnshire County Council as Highway Authority have pragmatically considered this and determined that we have no objections to the proposals, however, we reserve the right to reconsider this encroachment in the future, if necessary, due to our responsibilities as Highway Authority. The extent of the highway will be retained as existing. We refer the applicant to Sections 152 and 177 of Highways Act 1980.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.'

LCC Archaeology: No archaeological input required.

ECM Checked: 4th July 2023

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023); the Gainsborough Neighbourhood Plan (made 2021); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2023 (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 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

- ***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

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

The site is within a Minerals Safeguarding Area and therefore Policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government’s planning policies for England and how these should be applied. It is a material consideration in planning decisions.

- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Design Code (2021)**

Other

Statutory Duties under Sections 16, 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 assets, including the host listed buildings;
- Design and Visual Impact;
- Impact upon Residential Amenity;
- Highways and Parking;
- Drainage;
- Other Matters.

Assessment:

Principle of Development

The application seeks planning permission for a new hardwood timber shopfront with awning and the conversion of the upper floors to 2no. flats along with other internal alterations including the replacement of the roof structure. The CLLP contains a range of policies to guide development within the 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 86 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; *'Development proposals within Gainsborough Town Centre, not in E Use Class will be considered on their merits subject to satisfying the criteria in a)-e) where relevant and providing that they will:*

f) not result in large gaps between town centre uses in frontages;

g) not detract from or otherwise harm or conflict with town centre uses; and

h) be compatible with maintaining or enhancing Gainsborough Town Centre as a sub-regional shopping destination.

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.'

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 f-h of Policy S37. The residential development element of the proposals is supported by the development plan and the NPPF as this would complement the existing uses ensuring the continued vitality of the town centre. In principle it is considered that the proposal accord to policies S1, S3, S37 and NS41 of the CLLP.

Impact on designated heritage assets including the host listed building

The application site comprises of a Grade II Listed building and lies within the setting of other Grade II Listed buildings as well as being within the Gainsborough Town Centre Conservation Area.

The application proposes several alterations to the building externally and internally, such as:

- Replacement of shop front with new hardwood timber frontage onto Silver Street and inclusion of retractable awning;
- Change of use to upper floors from retail/office to residential (2no. flats), new staircase formed within part of the ground floor off Silver Street;
- A range of internal alterations to facilitate the 2no. flats;
- Structural alterations;
- Repairs to the front elevation fronting Silver Street;
- Rear elevation alterations including brick repair and new window openings.

Section 16 (2) of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that in considering whether to grant listed building consent for any works the local planning authority or the

Secretary of State 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.

Section 72 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 conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Policy S57 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. This aim is echoed within policy NPP18 of the NP.

Policy NS41 of the CLLP states that: *'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.'*

As detailed above, the proposal includes a number of internal and external alterations to the host building. The proposed replacement shop front and retractable awning has been appropriately designed and reflects that, in part, of what was here historically the replication of the tall advertising fascia is noted, however this would obstruct the windows at first floor level and therefore its non- inclusion is acceptable. The applicant and agent have been involved with the councils Townscape Heritage team to design an appropriate shop front, with reference to the historic design dating back to 1926. The new frontage would be a significant improvement on the existing shop front, in turn providing a positive visual impact to the listed building and conservation area. The internal shutter is noted, given that no exact details have been given it is considered necessary to request these by means of condition. Discussions around the AOV on the rear roof slope took place on site. Other means of ventilation would mean the installation of other vents/extraction etc. and therefore in this case the inclusion of the AOV has been found to be acceptable. Following a change in the proposed floors plans the roof light shown on the original roof plan has been removed which is welcomed.

The proposed internal alterations are to include a new stair case and entrance to the flats off Silver Street. Some internal walls on the upper floors are to be demolished. The subsequent impact on the host listed building to form the flats have been reviewed by the council's conservation officer and have been found to be acceptable, subject to conditions. The proposed plans clearly show the areas of demolition/alterations and the application has also been accompanied by an in depth heritage statement which fully assess the impact on the listed building.

Overall, the works would preserve the special historic interest of the host listed building and the conservation area. In addition to this, the proposal would enhance the street scene with an improved shop front that reflects the history of the building in a sympathetic way. The proposals would accord to Statutory Duties, the policies within the Development Plan and Section 16 of the NPPF.

Impact upon Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

There are no concerns in relation to overlooking, over dominance or loss of light over adjoining properties. Both of the units meet with the nationally described space standards with the second flat exceeding the standards. The main living areas of the flats and bedrooms would all be served by windows, allowing adequate light to enter the rooms.

The lack of outside amenity space is noted, however this is not an unusual situation for town centre flats, and grassed amenity areas are available within the town centre area, notably along the Riverside Walk.

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, particularly paragraph 130(f).

Highways and Parking

No objection has been received from the Local Highway Authority relating to the proposed development. Appendix 2 of the CLLP which is referred to in Policy S49 states that 1 bed dwellings in market towns should provide 1 parking space per dwelling. The proposal does not include any dedicated parking provision for the flats, no parking provision has been requested by the highways authority. The Gainsborough NP does not contain any specific figures with regard to parking provision for new dwellings within the town.

Given the town centre location and siting close to public transport links it is considered that the non-inclusion of parking spaces is acceptable in this case. It is also considered that the benefits of bringing the upper floors of this listed building back into use outweighs the lack of parking provision. Overall, it is considered that the proposed development would accord to policies S47 and S49 of the CLLP.

Drainage

The site is predominantly located in Flood Zone 1 and therefore is in a sequentially preferable location.

It is noted that the proposals include a new drainage pipe to the front elevation. It is acknowledged that the exact location of where foul and surface water will drain to has not yet been fully investigated. Further detail will be secured by means of condition. Subject to this, the scheme, in principle accords with Policy S21 of the Central Lincolnshire Local Plan.

Other Matters-

Flood Risk- Part of the rear of the site is located within Flood Zone 2 with a very small area being within Flood Zone 3. The residential access (stairs) to the flats will be located to the front of the building, within Flood Zone 1 and neither of the flats being located at ground floor level. Given that the area of works is not located within any of these flood risk areas, there are no concerns with regard to flood risk and a flood risk assessment is not required in this instance.

Minerals Safeguarding Area- Changes of use to existing buildings and listed building consent applications are considered to be exempt from safeguarding considerations. In any case, due to the development being within the continuous developed footprint of Gainsborough it is not considered that safeguarding considerations are engaged in this case.

Energy Policies- 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, consideration should be afforded to when this application was submitted. Both this application and the Listed Building Consent (146456) were submitted in early March, prior to the adopted of the current CLLP. It is therefore not considered reasonable to request additional information in this respect.

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.

Planning Application Conclusion:

The application has been considered against policies 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 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 of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan and the statutory duties contained within the 'Act' in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment it is considered that the principle of development in this location can be supported. The proposed external alterations would enhance the conservation area and street scene in this town centre location. The impacts on the host listed building have been found to be acceptable. Matters of highway safety, residential amenity and drainage have been found to be acceptable. The application is therefore recommended for approval, subject to conditions.

Listed Building Consent Conclusion:

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In light of this assessment, the proposal is considered as preserving the desirability of the Listed Building and its setting. Furthermore the proposed development will preserve the desirability of the special architectural features or historic interest it possesses.

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

Representors to be notified - (highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Prepared by : Danielle Peck

Date : 4th July 2023

Signed: *D Peck*

Authorising Officer *D. Galpin* **Date:** 4th July 2023

Decision Level (tick as appropriate)

Delegated X

PAPER F

Consent to Display Advertisements

Name and address of applicant	Name and address of agent (if any)
Mr Kneller	Miss Sophie Boyce
B&Q House	Greens the Signmakers Limited
Chestnut Avenue	Greens Signmakers
	Freightliner Road
	Kingston Upon Hull
SO53 3LE	HU3 4UW

Part I – Particulars of application

Date of application	Application no
16/05/2023	146652

Particulars and location of advertisements:

Application for advertisement consent to display 1no. illuminated fascia sign, 10no. non-illuminated fascia signs and 1no. totem.

B&Q Lea Road Gainsborough Lincolnshire DN21 1AF

Part II – Particulars of decision

The West Lindsey District Council hereby give notice in pursuance of the above-mentioned Regulations that **consent has been granted** for the display of the advertisements referred to in Part 1 hereof in accordance with the application and plans submitted subject to compliance with the Standard Conditions set out below.

1. The grant of express consent expires five years from the date of the grant of consent.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3. No advertisement shall be sited or displayed so as to—

- endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Proposed Signage Plans and Proposed Elevations Plans dated 24/03/2023. 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.

Notes to the applicant

None.

Reasons for granting permission:

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, NS55: Advertisements and S53: Design and Amenity of the Central Lincolnshire Local Plan and policies NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area of the Gainsborough Neighbourhood Plan guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance,

In light of this assessment it is considered that due to the design, position and present use of the site, the proposed signage would not have a harmful visual impact on the site or the surrounding area. The proposal would also not have a harmful impact on highway and public safety.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Date: 07/07/2023

Signed:



Ian Knowles
Head of Paid Service

West Lindsey District Council
Council Offices
Guildhall
Marshall's Yard
Gainsborough
Lincolnshire
DN21 2NA

Notes:

- (a) The regulations provide that every grant of express consent shall be for a fixed period which shall not be longer than five years from the date of grant of consent without the approval of the Secretary of State and **if no period is specified the consent shall have effect as consent for five years.**
- (b) It is a condition of this consent that before any advertisement is displayed on land in pursuance of the consent granted, the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained.
- (c) A person who displays an advertisement in contravention of the regulations will be liable on summary conviction to a fine of £1000 and in the case of a continuing offence to a fine of £100 for each day during which the offence continues after conviction.
- (d) Where the local planning authority grant consent subject to conditions, the applicant may by notice given in writing within eight weeks of receipt of this notice, or such longer period as the First Secretary of State may allow, appeal to the First Secretary of State, in accordance with Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1989. The First Secretary of State is not required to entertain such an appeal if it appears to him having regard to the provisions of the regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the local planning authority otherwise than subject to the conditions imposed by them.

If you require this letter in another format e.g. large print, please contact Customer Services on 01427 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

PAPER G

Planning Permission

Name and address of applicant

UPP Ltd
Devonshire House
1 Mayfair Place
London

W1J 8AJ

Name and address of agent (if any)

Mr Michael Bingham
Murray Planning
Ground Floor Office
Challenger House
Rumbolds Hill
GU29 9BY

Part One – Particulars of application

Date of application:
11/05/2023

Application number:
146725

Particulars and location of development:

Planning application for the erection of fibre exchange telecommunications infrastructure

Land off North Street Gainsborough Lincolnshire DN21 2HZ

Part Two – Particulars of decision

The West Lindsey District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **planning permission has been granted** for the carrying out of the development referred to in Part One hereof in accordance with the application and plans submitted subject to the following conditions:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

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

2. 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: 22060-35-002, 22060-35-006, 22060-35-005 rev P4 and 22060-35-003 rev P4 dated May 2023. 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.

3. The materials used in the development shall match those stated on the application form and drawing No. 22060-35-003 rev P4 dated May 2023.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

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

Reason: In order to safeguard human health and the water environment in accordance with the NPPF and Policy S56 of the Central Lincolnshire Local Plan.

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

None.

Notes to the Applicant

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 and West Lindsey District Council's own website 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

Reasons for granting permission

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S53: Design and Amenity and Policy S56: Development on Land Affected by Contamination of the Central Lincolnshire Local Plan in the first instance and policies contained in the Gainsborough Town Centre Neighbourhood Plan (NPP 1 Sustainable Development, NPP 5 Protecting the Landscape Character, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area) and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment it's considered that the proposal will provide full fibre broadband which is essential for economic growth and social well-being and can

therefore be supported in principle. Furthermore, the proposal will not have unacceptable harm on the street scene or neighbouring occupiers.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Date: 05/07/2023

Signed:



Ian Knowles
Head of Paid Service

West Lindsey District Council
Council Offices
Guildhall
Marshall's Yard
Gainsborough
DN21 2NA

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. You are strongly advised not to commence works until you have obtained any other permissions or consents that may be required, for example approval under the Building Regulations, otherwise there may be a risk of significant legal and financial consequences. For further advice on the Building Regulations, contact the Council's Building Control section.

Failure to adhere to the details of the approved plans or to comply with the conditions attached to this permission is a contravention of the provisions of the Town & Country Planning Act 1990 in respect of which enforcement action may be taken. Please contact the planning department for further advice relating to the discharge of condition process and the appropriate fee payable (if applicable).

Self-build and Custom housebuilding

Did you know that West Lindsey District Council maintains a register of people who would be interested in taking up self-build and custom housebuilding opportunities within the area?

There are certain benefits that arise from self-build developments i.e. you may be eligible for exemption from Community Infrastructure Levy (CIL). Further details of self-build and custom housebuilding within West Lindsey can be viewed here: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/self-build>

If you would be interested in the provision of Self-Build and Custom Housebuilding opportunities as part of your development proposal, and would be willing for those

with a registered interest to contact you, please visit the above web page and complete our site submission form.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://acp.planninginspectorate.gov.uk>. You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
- **Please note only the applicant possesses the right to appeal.**

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If you require this document in another format e.g. large print, please contact Customer Services on 01427 676 676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

PAPER H

Refusal of Certificate of Lawful Use or Development
(Application No. 146656)

To: Mr Alan Mann

Former AMP Rose site
Heapham Road
Gainsborough
Lincolnshire
DN21 1SJ

In pursuance of their powers under the above-mentioned Act and Order, the West Lindsey District Council ("the Council") as local planning authority HEREBY REFUSE your application for a certificate of lawful use or development under section 192 of the Act, dated 26th April 2023 as described in the Second Schedule in respect of the land identified in that application and on the attached plan edged in red, namely:

Former AMP Rose site Heapham Road, Gainsborough, Lincolnshire DN21 1SJ

The grounds for the Council's decision are as follows in the First Schedule:

FIRST SCHEDULE

1. The demolition of the existing industrial buildings cannot lawfully commence until details of demolition have been submitted to and approved in writing by the Local Planning Authority in discharge of condition 6 of planning permission reference 143821 dated 11th January 2023.

SECOND SCHEDULE

Former AMP Rose site Heapham Road Gainsborough Lincolnshire DN21 1SJ

Signed



Ian Knowles
Head of Paid Service

West Lindsey District Council
Guildhall, Marshall's Yard
GAINSBOROUGH

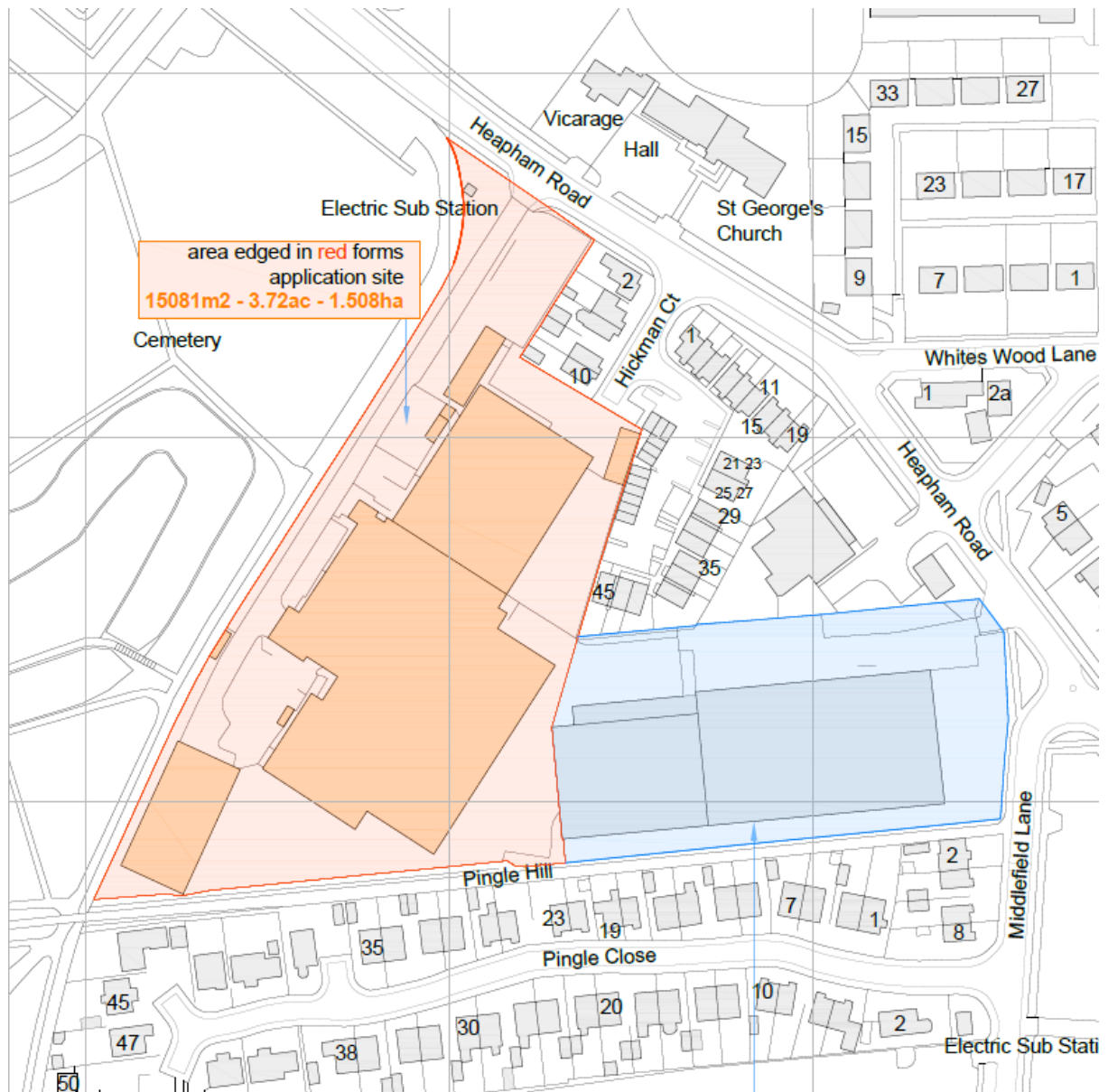
DN21 2NA

Dated: 21st June 2023

NOTES

1. If you are aggrieved by the decision of the Council to refuse an application for a certificate under sections 191 or 192 of the Town and Country Planning Act 1990 (as amended) or to refuse it in part you may appeal to the Secretary of State under section 195 of the Act (as amended).
2. Appeal forms may be downloaded from the Planning Inspectorate website at www.planning-inspectorate.gov.uk. Alternatively, appeal forms can be obtained from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple quay, BRISTOL, BS1 6PN, telephone 0117 372 6372. *You must use a Certificate of Lawful Use or Development Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require.*
3. Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence must be supplied to the Secretary of State.
4. You are advised to consult the brief official guide to applications and appeals, published by the Department of Communities and Local Government, from whom appeal forms may also be obtained on request.
5. **Only the applicant possesses the right to appeal this decision.**

Plan Edged Red



Officer's Report

Planning Application No: 146656

PROPOSAL: Application for a Lawful Development Certificate for proposed demolition of existing industrial building

LOCATION: Former AMP Rose site Heapham Road Gainsborough
Lincolnshire DN21 1SJ

WARD: Gainsborough East

WARD MEMBER(S):

APPLICANT NAME: Mr A Mann

TARGET DECISION DATE: 21/06/2023

DEVELOPMENT TYPE: Certificates of Lawful Development

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Refuse Certificate

Description:

The application site is a former commercial/industrial site within the developed footprint of Gainsborough. The application site is predominantly covered by hardstanding with a number of commercial buildings of mixed scale, appearance and material finish. Some grassed areas exist to the east of the site. The site slopes upwards gradually from north to south then flattens in the southern section. The north west boundary is screened by high palisade fencing and regular planted mature trees from the grounds of the cemetery. The north east boundary is screened by palisade fencing with an additional very low brick wall below the palisade fencing to the front of the site. The south boundary is screened by palisade fencing and domestic fencing where shared with domestic dwellings. Part of the east/south west boundary is screened by the gable end of a large commercial building and partly open to the remainder of the site. The south boundary is screened by palisade fencing with high trees/hedging adjacent the public right of way. Neighbouring dwellings are adjacent or opposite to the north east, south east and south. Commercial use sits to the east. Gainsborough General Cemetery is to the north west. To the north east is St Georges Church and its Vicarage.

The application seeks permission for a Lawful Development Certificate for proposed demolition of existing industrial building

Relevant history:

143821 - Outline planning application to demolish all existing industrial structures and erect up to 64no. dwellings with all matters reserved –
11/01/23 - Granted time limit plus conditions

Relevant Extract from the Officer Report:

“Demolition

The development includes the demolition of a number of industrial buildings which are in close proximity to neighbouring residential dwellings/garden spaces, Gainsborough Cemetery and a public rights of way. It would therefore be considered relevant, reasonable and necessary to attach a condition for details on the method of demolition.”

Relevant Condition – Number 6:

“No development must take place until a construction and demolition method statement including a construction site plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:

- (i) Method of Demolition*
- (ii) the routeing and management of traffic including any off site routes for the disposal of excavated material;*
- (iii) the parking of vehicles of site operatives and visitors;*
- (iv) loading and unloading of plant and materials;*
- (v) storage of plant and materials used in constructing the development;*
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- (vii) wheel cleaning facilities;*
- (viii) measures to control the emission of dust and dirt;*
- (ix) protection of the public right of way along the south boundary*
- (x) protection of the use of Gainsborough Cemetery to the north and west.*
- (xi) details of noise reduction measures;*
- (xii) a scheme for recycling/disposing of waste;*
- (xiii) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;*
- (xiv) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.*

Reason: To restrict disruption to the living conditions of the neighbouring dwellings and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy NPP6 of the Gainsborough Neighbourhood Plan.”

Representations:

NONE

ECM Checked: 20th June 2023

Relevant Planning Policies:

Section 192 (Certificate of lawfulness of existing use or development) of the Town and Country Planning Act 1990 (as amended)

Main issues

- Can the existing industrial buildings on the site be lawfully demolished?

Assessment:

Can the existing industrial buildings on the site be lawfully demolished?

The development description in extant outline planning permission 143821 (expires 11th January 2026) includes the wording “*demolish all existing industrial structures*” therefore the principle to demolish the industrial structures has been permitted subject to the submission of a reserved matters (access, scale, appearance, layout and landscaping) application and the approval of all outstanding conditions.

Extant outline planning permission 143821 includes a number of conditions including condition 6 which requires full details of demolition prior to the commencement of works. This condition has yet to be discharged therefore at the time of writing this report the industrial buildings cannot lawfully be demolished, without being in breach of a planning condition.

Whilst demolition of a building may also be permitted by virtue of the General Permitted Development Order 2015 – Part 11, Class B has conditions in place, including the requirement of an application for “Prior Approval”. These have not been fulfilled.

It is considered that demolition of the building would not currently be lawful by virtue of the extant planning permission, or permitted development. With regard to the lack of demolition detail it is considered that a lawful development certificate must be refused.

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

Notes/Informative

Representors to be notified - (highlight requirements):

Standard Letter Special Letter Draft enclosed

Prepared by: Ian Elliott

Date: 20th June 2023

Signed:



Authorising Officer:



Date: 20/06/2023

Decision Level (tick as appropriate)