

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Tel: 01427 811573

Website: gainsborough-tc.gov.uk



PLANNING COMMITTEE AGENDA

To: Committee members:

Councillor Richard Craig
Councillor Michael Devine
Councillor Stuart Morley
Councillor Keith Panter
Councillor James Ward

Councillor Caz Davies
Councillor David Dobbie
Councillor Liam Muggridge
Councillor James Plastow

Notice is hereby given that a meeting of the **Planning Committee** which will be held on **Tuesday 26 March 2024** commencing at **7:00pm** in the meeting room, **Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ** and your attendance at such meeting is hereby requested to transact the following business.

AGENDA

PL24/215 Apologies for Absence

To note apologies for absence.

PL24/216 Public Participation Period

Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. A period of up to 15 minutes is permitted for public participation. Participants are restricted to 3 minutes each. Please see the [Council's Public Participation at Meetings Policy](#) and [Standing Orders](#) 3 f-i for details.

PL24/217 Declarations of Interest

To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.

PL24/218 Dispensation Requests

To consider any dispensation requests received by the Town Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.

PL24/219 Items for Exclusion of Public and Press

To determine which items on the agenda, if any, require the exclusion of public and press under the Public Bodies (Admissions to Meetings) Act 1960 1 (2) and resolve to exclude public and press for these items.

PL24/220 Minutes of the Previous Meeting

To receive the minutes of the previous Planning Committee meeting and resolve to sign these as a true and accurate record.

Paper A Tuesday 27 February 2024 (pages 4 to 9)

PL24/221 Planning Application

To consider planning application received.

[Application Ref No: 147870 \(26/02/24, 28 days\)](#)

[Proposal: Planning application to remove and replace portal frame building.](#)

[Location: Wilco Motosave Ltd, 2 Southolme, Gainsborough](#)

PL24/222 Planning Application

To consider planning application received.

[Application Ref No: 147942 \(26/02/24, 28 days\)](#)

[Proposal: Planning application to erect double garage with gym above to front of dwelling.](#)

[Location: 165 Sandsfield Lane, Gainsborough](#)

PL24/223 Planning Application

To consider planning application received.

[Application Ref No: 147958 \(07/03/24, 28 days\)](#)

[Proposal: Planning application for the conversion of first floor to 3no. flats including replacement sash windows, addition of rear access door and awnings to shop front.](#)

[Location: 11-15 Silver Street, Gainsborough](#)

PL24/224 Planning Application

To consider planning application received.

[Application Ref No: 147959 \(07/03/24, 28 days\)](#)

[Proposal: Listed building consent for the conversion of first floor to 3no. flats including replacement sash windows, addition of rear access door and awnings to shop front.](#)

[Location: 11-15 Silver Street, Gainsborough](#)

PL24/225 Planning Application

To consider planning application received.

[Application Ref No: 148038 \(07/03/24, 28 days\)](#)

[Proposal: Planning application for roof mounted solar panels.](#)

[Location: 22 Market Place, Gainsborough](#)

PL24/226 Planning Application

To consider planning application received.

[Application Ref No: 148039 \(13/02/24, 28 days\)](#)

[Proposal: Listed building consent for roof mounted solar panels](#)

[Location: 22 Market Place, Gainsborough](#)

PL24/227 Planning Application

To consider planning application received.

Application Ref No: 148042 (14/03/24, 28 days)

Proposal: Planning application for change the use of former ground floor shop (Use Class F2) to residential (Use Class C3), with associated alterations to ground floor front elevation.

Location: 9 Hotspur Road, Gainsborough

PL24/228 Planning Application

To consider planning application received.

Application Ref No: 148053 (18/03/24, 28 days)

Proposal: Planning application for single storey side extension & front porch.

Location: 5 Kingerby Close, Gainsborough

PL24/229 Decision Notice

To note decision notice received.

Application Ref No: 147664 GRANTED (delegated)

Proposal: Planning application for change of use of building to head office use class E(g)(i).

Location: Unit 2 Somerby Way, Somerby Park, Gainsborough

Paper B (pages 10 to 22)

PL24/230 Decision Notice

To note decision notice received.

Application Ref No: 147104 GRANTED (delegated)

Proposal: Hybrid planning application comprising: (1) full planning application to erect drive thru Starbucks Coffee Shop with associated car parking and landscaping, and (2) outline planning application for additional drive-thru restaurant - access to be considered and not reserved for subsequent applications.

Location: Land off Somerby Way Somerby Park Gainsborough

Paper C (pages 23 to 34)

PL24/231 Decision Notice

To note decision notice received.

Application Ref No: 147511 GRANTED (Committee)

Proposal: Planning application for change of use from a public convenience block to a Café (Use Class E) with external alterations and creation of a bin storage area.

Location: Whittons Gardens, Caskgate Street, Gainsborough

Paper D (pages 35 to 55)

PL24/232 Decision Notice

To note decision notice received.

Application Ref No: 147783 REFUSED (delegated)

Proposal: Planning application for loft conversion to create an additional bedroom including front dormer window.

Location: 46 Campbell Street, Gainsborough

Paper E (pages 56 to 64)

PL24/233 Decision Notice

To note decision notice received.

Application Ref No: 147835 GRANTED (delegated)

Proposal: Planning application for proposed replacement windows to original building.

Location: 22 Riverside Dental Practice, Gladstone Street, Gainsborough

PL24/234 Decision Notice

To note decision notice received.

Application Ref No: 147827 GRANTED (delegated)

Proposal: Planning application for single storey extension and other alterations being variation of conditions 2 and 3 of planning permission 146492 granted 18 May 2023 - changes to window frame colour from white to grey.

Location: 22 Riverside Dental Practice, Gladstone Street, Gainsborough

Paper F (pages 65 to 78)

PL24/235 Street Naming Requests

To consider street naming requests received (if there are any).

PL24/236 Tree Preservation Orders

To consider tree preservation orders received (if there are any).

PL24/237 Lord Street

To consider vehicular movement issues on Lord Street, Gainsborough.

PL24/238 20's Plenty for Us

To consider 20's plenty for us campaign, campaigning for the speed limit of 20mph to be normal in residential areas and in town and village centres.

<https://www.20splenty.org/>

PL24/239 Items for Notification

To receive any items for notification to be included on a future agenda (for information only).

PL24/240 Time and Date of Next Meeting

To note the date and time of the next Planning Committee meeting is scheduled for Tuesday 23 April 2024 at 7:00pm.

Rachel Allbones
Interim Town Clerk
Richmond House
Gainsborough

Tuesday, 19 March 2024

PAPER A

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Tel: 01427 811573

Website: gainsborough-tc.gov.uk



DRAFT PLANNING COMMITTEE MINUTES

Minutes of the Planning Committee meeting held on **Tuesday 27 February 2024** at **7:00pm** in the meeting room, Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ.

Councillors Present: Councillor James Plastow (Chairman)
Councillor Michael Devine
Councillor Stuart Morley
Councillor David Dobbie
Councillor James Ward

In Attendance:
Rachel Allbones
Interim Town Clerk

PL24/187 Apologies for Absence

Apologies for absence were received from Councillors R Craig, C Davies, L Mugridge and K Panter.

PL24/188 Public Participation Period

No members of the public were present.

PL24/189 Declarations of Interest

No declarations of interest were made.

PL24/190 Dispensation Requests

No dispensation requests were received.

PL24/191 Items for Exclusion of Public and Press

No items for exclusion of public and press.

PL24/192 Minutes of the Previous Meeting (Paper A)

RESOLVED: that the minutes of the Planning Committee meeting held on Tuesday 30 January 2024 be approved as a as a true and accurate record and signed by the Chairman.

Note: Councillors Morley and Ward abstained from voting on the above resolution.

PL24/193 Planning Application

[Application Ref No: 147835 \(25/01/24, 28 days\)](#)

Initialled:

Planning Committee minutes 2023-24

[Proposal: Planning application for proposed replacement windows to original building.](#)

[Location: 22 Riverside Dental, Practice Gladstone Street, Gainsborough](#)

RESOLVED: to support the application.

PL24/194 Planning Application

[Application Ref No: 147609 \(30/01/24, 28 days\)](#)

[Proposal: Planning application for alterations to existing apartment to form 2no. self contained flats.](#)

[Location: 2 James Court, Gainsborough](#)

RESOLVED: to support the application.

PL24/195 Planning Application

[Application Ref No: 147844 \(31/01/24, 28 days\)](#)

[Proposal: Planning application for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 \(shops\), Class A2 \(financial and professional services\), Class A3 \(restaurants and cafes\), Class A4 \(drinking establishments\), Class A5 \(hot food takeaways\) and Class D2 \(assembly and leisure\), together with associated works being variation of condition 10 of planning permission 140235 granted 27 January 2022 - change in design.](#)

[Location: Former Lindsey Shopping Centre, Market Place, Gainsborough](#)

Note: Councillor Dobbie left the meeting at 7:09pm.

RESOLVED: to NOTE with concern the number of comments regarding no Changing Places facility. Drawing number J1808-00161 Rev A seating capacity is 385 but further drawings have a capacity of 341.

Places of assembly, recreation and entertainment with a capacity for 350 or more people are required to install a Changing Places facility if they are newly built or have a major refurbishment.

Note: Councillor Dobbie returned to the meeting at 7:24pm.

PL24/196 Planning Application

[Application Ref No: 147679 \(08/02/24, 28 days\)](#)

[Proposal: Planning application for retractable awnings to facade](#)

[Location: The Gainsborough Hotel, 49 Lord Street, Gainsborough](#)

RESOLVED: to support the application.

PL24/197 Planning Application

[Application Ref No: 147680 \(08/02/24, 28 days\)](#)

[Proposal: Listed building consent for retractable awnings to facade](#)

[Location: The Gainsborough Hotel, 49 Lord Street, Gainsborough](#)

RESOLVED: to support the application.

PL24/198 Planning Application

[Application Ref No: 147887 \(13/02/24, 28 days\)](#)

[Proposal: Planning application for alterations to front elevation and roof.](#)

[Location: 9 & 11 Market Place, Gainsborough](#)

RESOLVED: to support the application.

PL24/199 Planning Application

[Application Ref No: 147805 \(13/02/24, 28 days\)](#)

[Proposal: Planning application for rear extension to existing industrial warehouse and office building, associated internal alterations and addition of new mezzanine to existing internal floor space.](#)

[Location: Unit 2 Somerby Way, Somerby Park, Gainsborough](#)

RESOLVED: to support the application.

PL24/200 Planning Application

[Application Ref No: 147445 \(13/02/24, 28 days\)](#)

[Proposal: Planning application for installation of awning.](#)

[Location: Walters Opticians, 34-36 Market Place, Gainsborough](#)

RESOLVED: to support the application.

PL24/201 Planning Application

[Application Ref No: 147446 \(13/02/24, 28 days\)](#)

[Proposal: Listed building consent for installation of awning.](#)

[Location: Walters Opticians, 34-36 Market Place, Gainsborough](#)

RESOLVED: to support the application.

PL24/202 Planning Application

[Application Ref No: 147781 \(15/02/24, 28 days\)](#)

[Proposal: Listed building consent to install access ramp & level access shower.](#)

[Location: Prospect House, Summer Hill, Gainsborough](#)

RESOLVED: to support the application.

PL24/203 Planning Application

[Application Ref No: 147877 \(16/02/24, 28 days\)](#)

[Proposal: Listed building consent for replacement timber sash windows to front, timber shopfront, rendering front facade and be minor alterations to the flat above the shop.](#)

[Location: 31 Market Street, Gainsborough](#)

RESOLVED: to support the application.

PL24/204 Planning Application

[Application Ref No: 147884 \(16/02/24, 28 days\)](#)

[Proposal: Planning application for various external alterations to existing including replacement shopfront and rendering facade.](#)

[Location: 31 Market Street, Gainsborough](#)

RESOLVED: to support the application.

PL24/205 Planning Application

[Application Ref No: 147874 \(19/02/24, 28 days\)](#)

[Proposal: Planning application to install an MCS compliant Daikin domestic air source heat pump to rear elevation.](#)

[Location: 26 Birchwood View, Gainsborough](#)

RESOLVED: to support the application and welcome more of this nature.

PL24/206 Planning Application

[Application Ref No: 147907 \(20/02/24, 28 days\)](#)

[Proposal: Listed building consent to replace non-original timber window units with hard wood timber units, and to install secondary glazing to the original Crittall windows.](#)

[Location: St Johns Vicarage Flats, 8 Ashcroft Road, Gainsborough](#)

RESOLVED: to support the application on the proviso it is in line with conservation.

PL24/207 Decision Notice (Paper B)

Application Ref No: 147174 GRANTED (delegated)

Proposal: Outline planning application to demolish all existing industrial structures and erect up to 64no. dwellings with all matters reserved being variation of conditions 2, 4, 5 & 6 of planning permission 143821 granted 11 January 2023 - to separate the action of demolition from the development.

Location: Former AMP Rose site, Heapham Road, Gainsborough

RESOLVED: to **NOTE** the decision notice received.

PL24/208 Decision Notice

Application Ref No: 147719 GRANTED (delegated)

Proposal: Planning application for single storey rear extension

Location: 194, Ropery Road, Gainsborough

RESOLVED: to **NOTE** the decision notice received.

PL24/209 Decision Notice (Paper C)

Application Ref No: 147737 GRANTED (delegated)

Proposal: Advertisement consent to display 1no. replacement illuminated projecting sign, 1no. replacement illuminated fascia sign & 1no. illuminated ATM surround.

Location: Nationwide Building Society, 24, Market Place, Gainsborough

RESOLVED: to **NOTE** the decision notice received.

PL24/210 Decision Notice (Paper D)

Application Ref No: 147759 REFUSED (delegated)

Proposal: Lawful development certificate to confirm existing use of the upper floors of the former town hall is use class E(b).

Location: The Old Town Hall, 36, Lord Street, Gainsborough

RESOLVED: to **NOTE** the decision notice received.

PL24/211 Street Naming Requests (Paper E)

RESOLVED: to propose the following street names for the new development

Thonock Green: -

- 1) Vardo Drive
- 2) Romani Road
- 3) Piebald Close
- 4) Cob Close
- 5) Tinker Way
- 6) Field End
- 7) Common Close
- 8) Green Lane

PL24/212 Tree Preservation Orders

No tree preservation orders were received.

PL24/213 Items for Notification

Lord Street Traffic
20's Plenty Campaign

PL24/214 Time and Date of Next Meeting

RESOLVED: to **NOTE** the date and time of the next Planning Committee meeting is scheduled for Tuesday 26 March 2024 at 7:00pm at Richmond House, Morton Terrace.

The meeting closed at 8:05pm

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

PAPER B

Planning Permission

Name and address of applicant

Name and address of agent (if any)

Mr Josh Johnson
Lincs Electrical Wholesalers Limited
Unit 16 Primrose Street
Gainsborough

DN21 1HU

Part One – Particulars of application

Date of application:
14/12/2023

Application number:
147664

Particulars and location of development:

Planning application for change of use of building to head office use class E(g)(i).

Unit 2 Somerby Way Somerby Park Gainsborough DN21 1QT

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: 11783-30-01 received 09/02/2024 and Site Location Plan dated 29/11/2023. 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, Policy S53 of the Central Lincolnshire Local Plan and Policy 5 and 6 of the Neighbourhood Plan.

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

3. The existing onsite building to which this permission relates shall only be used as an office building within Use Class E (g) (i) of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Any other uses including any different use within Class E must require an application for planning permission.

Reason: The application was only found to be acceptable on this basis and the Local Planning Authority would wish to consider the associated impacts of other uses in this location in accordance with the National Planning Policy Framework and Policy S31 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Any proposed external advertising may require advertisement consent.

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 S1: The Spatial Strategy and Settlement Hierarchy, S6: Design Principles for Efficient Buildings, S13: Reducing Energy Consumption in Existing Buildings, S21: Flood Risk and Water Resources, S28: Spatial Strategy for Employment, S31: Important Established Employment Areas (IEEA), S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan in the first instance, as well as Policies 1, 2, 5, 6 and 7 of the Gainsborough Town Neighbourhood Plan. 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 subject to recommended conditions, the proposal is acceptable in principle and will not unacceptably harm the character and appearance of the site or the street-scene context in which it would be viewed. The development would not sterilise the mineral resource and would not have an unacceptable harmful impact on the occupiers 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: 19th February 2024

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.

Officers Report

Planning Application No: 147664

PROPOSAL: Planning application for change of use of building to head office use class E(g)(i).

LOCATION: Unit 2 Somerby Way Somerby Park Gainsborough DN21 1QT
WARD: Gainsborough East

TARGET DECISION DATE: 08/02/2024 (Extension of time to 23rd February 2024)

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Holly Horton

RECOMMENDED DECISION: Grant permission, subject to conditions.

Description:

The application site is located in the town of Gainsborough, on the south western side of Somerby Way. The site consists of an industrial unit finished in buff brick and grey cladding, with associated access and parking area. The site is adjoined by a self-storage site to the north east, by other industrial units to the south west and south east, and by the highway to the north east. The site forms part of an Important Established Employment Area, reference E19. The site also lies within a Site Specific Minerals Safeguarding Area.

Planning permission is sought to change the use of the building to a head office use (Use Class E (g) (i)).

Relevant history:

131410 – Planning application for proposed industrial unit – Granted with conditions 28/10/2014

128022 – Request for confirmation of compliance with conditions 1 - 30 of planning permission 99/P/1041 granted 14 February 2001 – Condition discharged 07/02/2012

126442 – Outline Planning application for employment site, use classes B1 Business use, B2 General Industrial use, B8 Storage and Distribution use and A2 Office use. (Scale and Access to be considered and not reserved for subsequent approval) - to replace extant planning permission 121036 – Granted with conditions 25/11/2010

121036 – Outline Planning application for employment site, use classes B1 Business use, B2 General Industrial use, B8 Storage and Distribution use and

A2 Office use. (Scale and Access to be considered and not reserved for subsequent approval) – Granted with conditions 31/10/2007

99/P/1041 – Outline planning application to use land for industrial development (use classes B1m B2 & B8) – Granted with conditions 14/02/01

Representations:

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

Gainsborough Town Council: Has no comments to make on the application.

Local residents: Elite Signs Ltd - Elite House, Somerby Court, Somerby Park – support the proposal and have no objections to the proposed planning application.

LCC Highways: No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

ECM: Checked on 19/02/2024

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 Town Neighbourhood Plan (made June 2021); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

- S1: The Spatial Strategy and Settlement Hierarchy
- S6: Design Principles for Efficient Buildings
- S13: Reducing Energy Consumption in Existing Buildings
- S21: Flood Risk and Water Resources
- S28: Spatial Strategy for Employment
- S31: Important Established Employment Areas (IEEA)
- S47: Accessibility and Transport
- S49: Parking Provision
- S53: Design and Amenity

S61: Biodiversity Opportunity and Delivering Measurable Net Gains

- **Gainsborough Town Neighbourhood Plan 2020-2036 (NP)**

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 5 Protecting the Landscape Character

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

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

The site is in a Site-Specific Minerals Safeguarding Area and policy M12 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. The most recent iteration of the NPPF was published in December 2023. Paragraph 225 states:

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

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

Main issues

- Principle of Development
- Character and Visual Impact
- Residential Amenity
- Highway Safety and Parking
- Drainage
- Safeguarding of Mineral Resources
- Climate Change
- Biodiversity Net Gain

Assessment:

Principle of Development

Policy S28 of the Central Lincolnshire Local Plan outlines the strategy to strengthen the Central Lincolnshire Economy to offer a wide range of employment opportunities focused mainly in and around the Lincoln urban area and the towns of Gainsborough and Sleaford. Land has been made available in appropriate locations in this plan to meet the strategic needs identified in Central Lincolnshire. Existing Important Established Employment Areas (IEEA) will be protected for their importance to the economy, and employment development will mainly be directed to these IEEA as part of mixed use communities being created.

Policy S31 is the policy within the CLLP that focuses on IEEA. IEEA are sites of 2ha or more and have at least 8,000sqm of ground floor space and with five or more units occupied by different businesses. S31 categorises Gainsborough Industrial Area, Marshall Way as an IEEA – reference E19.

Part 1 of Policy S31 summarises in IEEA, employment floor space will primarily remain in B2 and B8 Use Classes and other business development under E(g) Use Class (i.e. offices, research and development, or other industrial processes). It further states that other business development under E (g) Use Class will also be acceptable, though the local planning authority may seek to apply conditions limiting the ability to change use to other uses within Use Class E without the need for planning permission.

This application proposes to change the use of the unit to a class E (g) (i) use for use as a head office. As covered above, development under the E (g) use class is acceptable for sites within this IEEA, therefore it is considered that the principle of development can be supported. It is considered that it would be reasonable and necessary to restrict the use of the building to uses falling with Use Class E (g) given the restrictions set out within S31 for uses falling with other Use Classes.

Character and Visual Impact

Local Plan Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area.

Policy NPP5 of the Gainsborough Town Neighbourhood Plan states that as appropriate to their scale, nature and location, development proposals should be designed and arranged to take account of the landscape and topographical setting of the neighbourhood area and its urban environment. In addition, Policy NPP6 and NPP7 states that development should be of a high design quality that will contribute to the character of Gainsborough Parish.

As the proposal does not include any physical changes to the exterior of the building, it is considered that the proposed change of use would not have an unacceptably harmful impact upon the character of the building, the area, or the street scene context in which it would be viewed, and would therefore accord with Policy S53 of the CLLP and NPP5, NPP6 and NPP7 of the Gainsborough Town Neighbourhood Plan.

Any proposed external advertising may require advertisement consent under a separate application. A note will be included on the decision in this regard.

Amenity of Neighbouring Uses

Policy S53 of the Central Lincolnshire Local Plan states that all development must not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare. In addition, it states that development must be compatible with neighbouring land uses and not result in likely conflict with existing uses and that it must not result in adverse noise and vibration taking into account surrounding uses nor result in adverse impacts upon air quality from odour, fumes, smoke, dust and other sources.

There are no concerns in regards to overlooking, overshadowing, loss of light or over dominance due to the nature of the proposal. Whilst there would be an increase in traffic movements given the nature of the change of use, it is considered that the proposed change would be unlikely to result in significant increases in on-site activities and vehicular movements compared to the previous use of the site. Given the nature of the use as a head office, and given the location of the unit on an existing employment area, it is considered that the proposed change of use would not unacceptably harm the amenities of the occupiers of the nearby uses, and would therefore accord with Policy S53 of the CLLP.

Highway Safety and Parking

Policy S47 of the CLLP requires well designed, safe and convenient access for all. Policy S49 sets parking standards and states that non-residential development should incorporate a level of car parking that is suitable for the proposed development, taking into account its location, its size, and its proposed use, including the expected number of employees, customers or visitors.

The Local Highways Authority have been consulted and have not raised any objections to the proposal. The proposal would utilise the existing site access, and the existing unit is served by a sufficient amount of parking provision within the site boundaries for employees and visitors, therefore taking consideration of the comments made by LCC Highways, it is considered that the proposal would accord with Policy S47 and S49 in this regard.

Drainage

The applicant has confirmed that the disposal of foul sewage will be via the existing system, which is acceptable. In relation to surface water, there will be no additional surface water created by this proposal and the site as existing is positively drained. As such, the request for a surface water drainage scheme would be unnecessary. It is therefore considered that the scheme would accord with Policy S21 of the Central Lincolnshire Local Plan in this regard.

Safeguarding of Mineral Resources

Lincolnshire Minerals and Waste Plan:

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

The application site is within a Site-Specific Mineral Safeguarding Area therefore Policy M12: Safeguarding of mineral resources applies.

Policy M12 sets out exemptions which includes alterations to existing buildings and change of use of existing development, therefore this application is exempt from this policy.

Climate Change

Policy S13: Reducing Energy Consumption in Existing Buildings encourages applicants to consider all opportunities to improve the energy efficiency of that building. The proposal is for the change of use of an existing commercial building to a head office use. It is therefore considered that it would be unreasonable to request changes to the proposal given the nature of what is proposed, and as S13 only encourages applicants to considered improving the energy efficiency of the building, it is not considered to be reasonable or necessary to include conditions in this regard.

Biodiversity Net Gain

Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management”*.

Local policy S61 goes on to state that *“All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”*.

Due to the nature of the proposal being a change of use of an existing building, it is considered that this proposal would be exempt from delivering biodiversity net gain under the exemptions contained with Schedule 2, Part 2, Paragraph 17 of The Environment Act 2021.

Conclusion and Reasons for Decision:

The decision has been considered against Policies S1: The Spatial Strategy and Settlement Hierarchy, S6: Design Principles for Efficient Buildings, S13: Reducing Energy Consumption in Existing Buildings, S21: Flood Risk and Water Resources, S28: Spatial Strategy for Employment, S31: Important Established Employment Areas (IEEA), S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan in the first instance, as well as Policies 1, 2, 5, 6 and 7 of the Gainsborough Town Neighbourhood Plan. 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 subject to recommended conditions, the proposal is acceptable in principle and will not unacceptably harm the character and appearance of the site or the street-scene context in which it would be viewed. The development would not sterilise the mineral resource and would not have an unacceptable harmful impact on the occupiers of neighbouring properties.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Prepared by: Holly Horton

Date: 19th February 2024

Signed: *Holly Horton*

Authorising Officer:



... Date: 19th February 2024

Decision Level: Delegated

PAPER C

Planning Permission

Name and address of applicant

Mr Gary Sung
Newsholme Developments Limited
Melton Park
Doncaster Road
High Melton
DN5 7SZ

Name and address of agent (if any)

Mr Matt Bentley
Frank Shaw Associates
Penmore House
Hasland Road
Hasland
S41 0SJ

Part One – Particulars of application

Date of application:
21/08/2023

Application number:
147104

Particulars and location of development:

Hybrid planning application comprising: (1) full planning application to erect drive thru Starbucks Coffee Shop with associated car parking and landscaping, and (2) outline planning application for additional drive-thru restaurant - access to be considered and not reserved for subsequent applications.

Land off Somerby Way Somerby Park Gainsborough Lincolnshire DN21 1QT

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 **FULL 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:

Full planning application to erect drive thru Starbucks Coffee Shop with associated car parking and landscaping.

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. Prior to the commencement of the development, a 30-year Biodiversity Net Gain Management and Maintenance Plan & Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Biodiversity Impact Assessment produced by Rachel Hacking Ecology received 28/11/2023, Biodiversity Metric Calculation Tool received 28/11/2023, and drawing 18029-FSA-SB-00-DR-A-0102 Rev P06 dated 09/11/2023.
- Details of boundary treatments (including boundaries within the site) and hardstanding.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the biodiversity net gain measures are maintained for a 30-year period and a landscaping scheme is implemented to enhance the development in accordance with the NPPF and Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

3. No development hereby permitted shall take place until a Construction Management Plan and Method Statement has been submitted to, and approved by, the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- 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 (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

The development shall thereafter be undertaken in accordance with the approved Construction Management Plan and Methods Statement.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction, in accordance with Policy S47 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

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 accordance with the following drawings: 18029-FSA-SB-00-DR-A-0100 Rev P03 dated 14/07/2023, 18029-FSA-SB-RF-DR-A-1101 Rev P04 dated 26/02/2024, 18029-FSA-SB-XX-DR-A-2101 Rev P05 dated 27/02/2024, 18029-FSA-SB-XX-DR-A-2100 Rev P05 dated 27/02/2024, 18029-FSA-SB-00-DR-A-1100 Rev P03 dated 14/07/2023, 18029-FSA-SB-00-DR-A-0102 Rev P06 dated 09/11/2023, 1289-E-001 Rev P3 dated 14/07/2023. 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 Plan.

5. The development hereby approved shall proceed in accordance with the surface water and foul drainage details submitted as part of the application, as shown in document 'Drainage Strategy' ref REP-SOM-DRST-RB-230710-REV-A dated 17/07/2023 and on plan reference 230710 XX EX C 0003 Rev P01 dated 13/07/2023. The development shall only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

6. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement received 23rd February 2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S8 of the Central Lincolnshire Local Plan.

7. The development hereby permitted shall be undertaken in accordance with the mitigation measures and enhancements in the following ecological documents:
 - Extended Phase 1 Habitat Survey dated March 2023 produced by Rachel Hacking Ecology.
 - Desk Study dated 09/11/2023 produced by Rachel Hacking Ecology.

Reason: To ensure that the development proceeds in accordance with the recommended ecological enhancements in accordance with Policy S60 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

8. Prior to occupation of the building, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the approved Energy Statement, and approved in writing by the Local Planning Authority.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

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

9. All planting and turfing approved in the Biodiversity and Landscape Management Plan under condition 2 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure the site is visually softened by appropriate methods in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no oil tanks or gas tanks shall be placed within the curtilage of the buildings hereby approved.

Reason: In the interests of energy efficiency to accord with policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

The West Lindsey District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **OUTLINE 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:

Outline planning application for additional drive-thru restaurant – access to be considered and not reserved for subsequent applications.

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

1. Application for approval of the reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development must take place until, plans and particulars of **appearance, layout and scale** of the building to be erected and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development must be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted must be begun before the expiration of two years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

4. Any application for the approval of reserved matters relating to layout, scale and appearance, must be accompanied by an Energy Statement to accord with the requirements of policies S6 and S8 of the Central Lincolnshire Local Plan 2023. The development shall thereafter proceed only in accordance with the agreed Energy Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

5. The reserved matters application required under condition 2 above shall include the submission of Biodiversity Net Gain documents including Preliminary Ecology Appraisal, BNG Statement and Biodiversity Gain Plan.

Reason: To ensure that biodiversity is enhanced and a net gain is delivered in accordance with policies S60 and S61 of the Central Lincolnshire Local Plan.

6. No development shall take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation shall occur until the approved scheme has been completed and shall thereafter be maintained.

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

7. No development hereby permitted shall take place until a Construction Management Plan and Method Statement has been submitted to, and approved by, the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;

- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- 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 (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

The development shall thereafter be undertaken in accordance with the approved Construction Management Plan and Methods Statement.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction, in accordance with Policy S47 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

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

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the red line as depicted on the following site location plan reference: 18029-FSA-SB-00-DR-A-0100 Rev P03 dated 14/07/2023. 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 Plan.

9. The development hereby permitted shall be undertaken in accordance with the mitigation measures and enhancements in the following ecological documents:
 - Extended Phase 1 Habitat Survey dated March 2023 produced by Rachel Hacking Ecology.
 - Desk Study dated 09/11/2023 produced by Rachel Hacking Ecology.

Reason: To ensure that the development proceeds in accordance with the recommended ecological enhancements in accordance with Policy S60 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

10. Prior to occupation of the building, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented

in full, in accordance with the approved Energy Statement, and approved in writing by the Local Planning Authority.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no oil tanks or gas tanks shall be placed within the curtilage of the building/s hereby approved.

Reason: In the interests of energy efficiency to accord with policies S6 and S8 of the Central Lincolnshire Local Plan 2023.

Notes to the Applicant

Comments from Highways Authority

At such time that a reserved matters application is sought, the proposal must show sufficient vehicle queuing for the drive-thru food operation, so that the public highway is not affected during busy periods.

Advertisements

Any proposed external advertising may require advertisement consent under a separate application.

HIGHWAYS

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the

Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>

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 the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

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 S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution, S6: Design Principles for Efficient Buildings, S8: Reducing Energy Consumption – Non-residential Buildings, NS18: Electric Vehicle Charging, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S28: Spatial Strategy for Employment, S29: Strategic Employment Sites (SES), S47: Accessibility and Transport, S48: Walking and Cycling Infrastructure, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan in the first instance, as well as policies NPP 1 Sustainable Development, NPP 2 Protecting the Natural Environment and Enhancing Biodiversity, NPP 5 Protecting the Landscape Character, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area of the Gainsborough Town Neighbourhood Plan. Guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Model Design Code has also been taken into consideration.

In light of this assessment, it is considered that subject to the recommended conditions, the proposal is acceptable in principle and would be an ancillary use to the wider SES, and would not have an unacceptable impact on the functioning of

the SES. The proposal would not unacceptably harm the character and appearance of the site or surrounding area, and would not unacceptably impact the amenities of any neighbouring uses. The proposal has also adequately addressed the energy efficiency requirements of the CLLP as well as the BNG requirements, subject to conditions. In addition, the proposal would not have a harmful impact on highway safety. The proposal is therefore acceptable, subject to conditions.

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: 1st March 2024

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 D

Planning Permission

Name and address of applicant

Ms Amy Potts
West Lindsey District Council
Guildhall
Marshalls Yard
Gainsborough, Lincolnshire
DN21 2NA

Name and address of agent (if any)

Mr Matt Deakins
Ross Davy Associates
Pelham House
1 Grosvenor Street
Grimsby
DN32 0QH

Part One – Particulars of application

Date of application:
26/10/2023

Application number:
147511

Particulars and location of development:

Planning application for change of use from a public convenience block to a Café (Use Class E) with external alterations and creation of a bin storage area.

Whittons Gardens Caskgate Street Gainsborough Lincolnshire DN21 2DL

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 details and materials specifications as shown on the approved plans and any other document forming part of the application:

- Proposed Site Plan and Location Plan- RD: 5281-05-B received 26/10/2023;
- Proposed Floor Plan (Café)- RD:5281-02 A received 26/10/2023;
- Proposed Elevations (shutters open)- RD:5281- 04 Rev C received 19/01/2024;
- Proposed Bin Store- RD:5281- 10 received 09/02/2024.

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

3. The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference: '1208250 Version 1,' dated 22 Jan 2024, compiled by Ross Davy Associates). In particular, the finished floor levels of the café shall be set no lower than the existing level, at 6.5 metres above Ordnance Datum. The measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy S21 of the Central Lincolnshire Local Plan.

4. The café hereby approved shall not be occupied until details of the proposed opening times have been submitted to and approved in writing by the Local Planning Authority. The café shall only be open during the approved times.

Reason: To safeguard the residential amenities of nearby residents in accordance with policy S53 of the Central Lincolnshire Local Plan.

5. Prior to the café being first being brought into use a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be occupied in accordance with the approved details.

Reason: To ensure the occupants are safe in a flooding event in accordance with Policy S21 of the Central Lincolnshire Local Plan.

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

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 or any orders revoking and re-enacting those Orders, this permission shall relate to the use of the building as a Café (Use Class E b)) and for no other use including those described in Use Class E as defined by the amended Use Class Order 1987.

Reason: As the application was considered on this basis and was found to be acceptable and to allow Local Planning Authority to assess alternative uses and the impacts they may have upon the area and residential amenity in accordance with Policies S53 and NS73 of the Central Lincolnshire Local Plan.

Notes to the applicant

Flood Warning

Floodline Warnings Direct- Future occupants are advised to sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

Archaeology

The applicant is advised to contact the Historic Environment Officer at Lincolnshire County Council if any archaeological remains are found during the works to the bin store area.

Advertisement Consent

You are advised that Advertisement Consent may be required depending on the requirements of any future occupier of the Café.

Reducing Energy Consumption in Existing Buildings

Policy S13 of the Central Lincolnshire Local Plan encourages the improvement of energy efficiency as stated below:

'For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended).'

The applicant is therefore encouraged to use PAS 2035:2019 Specifications and Guidance (or any superseding guidance) for this proposal. Please see the link below:

<https://knowledge.bsigroup.com/products/retrofitting-dwellings-for-improved-energy-efficiency-specification-and-guidance-1/standard>

Reasons for granting permission

The application has been assessed against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S53: Design and Amenity, Policy S57: The Historic Environment and Policy NS73: Gainsborough Riverside Regeneration Area of the Central Lincolnshire Local Plan, the policies within the Gainsborough Neighbourhood Plan and the Statutory duties contained within the 'Act' and Policy M11 of the Core Strategy in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment the principle of the change of use is considered to be acceptable, the proposal would re purpose a long-term vacant building which would positively contribute to the Riverside area of the town. Matters of flood risk are acceptable, subject to conditions. The proposal would preserve the setting of the nearby Listed Buildings and would also enhance the Conservation Area by seeing a currently vacant building in a state of disrepair brought back into use. The

proposal would not give rise to unacceptable impacts upon highway safety, residential amenity or drainage.

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 29 February 2024

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.

Officers Report

Planning Application No: 147511

PROPOSAL: Planning application for change of use from a public convenience block to a Café (Use Class E) with external alterations and creation of a bin storage area.

LOCATION: Whittons Gardens Caskgate Street Gainsborough Lincolnshire DN21 2DL

WARD: Gainsborough South West

WARD MEMBER(S): Cllr T V Young and Cllr J S McGhee

APPLICANT NAME: West Lindsey District Council

TARGET DECISION DATE: 21/12/2023 (Extension of time agreed until 1 March 2024)

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the planning committee for determination in line with the Council's constitution as West Lindsey District Council is the applicant.

Site Description: The application site comprises of an existing public convenience block at Whittons Gardens within Gainsborough. The public conveniences block has not been in use since 2012. The River Trent and associated flood defences lie directly to the west of the building with a public car park to the north and a landscaping/seating area to the south.

The site lies within Flood Zones 2 (medium probability) and 3 (high probability) and is within a Sand and Minerals Safeguarding Area. It is also within the Gainsborough Town Conservation Area and within the setting of Listed Buildings, namely;

- Elswitha Hall- Grade II* Listed- Located c. 85m to the south east;
- No. 7 Lord Street- Grade II Listed- Located c.40m to the north east;
- No. 2A Ropery Road, 1-7 Cobden Street located c. 32m to the north.

The Proposal: The application seeks full planning permission to change the use of the existing vacant public conveniences block to a Café (Use Class E) together with associated external alterations to the existing building. It is also proposed to erect a bin storage area to the north of the building, within the existing car park.

The proposal is one of the schemes in Gainsborough that will benefit from the Levelling up funding¹ from Central Government.

Amended plans and an amended Flood Risk Assessment were received on 19/01/2024. The plans removed the use of white render to the external walls of the proposed café. The amended Flood Risk Assessment responded to the initial objection received from the Environment Agency.

Relevant history:

GU/257/72- ERECT A PUBLIC SHELTER AND TOILETS.

Representations- In Summary. Full versions of the comments received can be viewed on the Councils website, using the following link:

<https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=147511&nb=1>

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

Gainsborough Town Council: Object to the application as Members feel the public conveniences should be reinstated and refurbished and to include a changing places facility.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority: No objections. The proposal is for change of use from a public convenience block to a Café and it does not have an unacceptable impact on the Public Highway or Surface Water Flood Risk.

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.

Environment Agency:

08/02/2024- Environment Agency position- We have reviewed the amended Flood Risk Assessment (FRA) and consider that it satisfactorily addresses our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection, dated 20 November 2023 (letter reference: AN/2023/134976/01-L01).

¹ <https://www.west-lindsey.gov.uk/council-news/2023/10/council-allocates-ps12-million-towards-public-green-spaces-gainsborough-part-our-levelling-plans>

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition-The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference: '1208250 Version 1', dated 22 Jan 2024, compiled by Ross Davy Associates). In particular, the finished floor levels of the café shall be set no lower than the existing level, at 6.5 metres above Ordnance Datum.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

Advice to applicant and Local Planning Authority- Flood warning and emergency response (FWEPP). We support the suggestion in the FRA that a FWEPP will be submitted and approved by the Local Planning Authority. In this instance we consider that warning and emergency response is fundamental to managing flood risk. We strongly recommend that a FWEPP is obtained prior to determining the application and that you consult with your Emergency Planning staff on its contents.

The Environment Agency does not comment on or approve the adequacy of proposed flood emergency response procedures accompanying development proposals. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupant/user covered by our flood warning network. The Planning Practice Guidance (Flood Risk and Coastal Change section, paragraphs 041-048) provides information on producing evacuation plans for development and the role of the local authority in ensuring these are appropriate.

20/11/2023- Environment Agency position- In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist.

The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how the 1 in 100 years plus 29% climate change breach event will affect people and property.
- consider how people will be kept safe from the identified flood hazards.
- consider the requirement for flood emergency planning including evacuation of people for a range of flooding events up to and including the extreme event.
- assess the impact of climate change using appropriate climate change allowances.

For this location the climate change allowance should be 29%. The current FRA does not comply with the National Planning Policy Framework, which requires that all sources of flood risk are considered, including residual flood risk. At this site, it is expected that risk of breach flooding is considered from the River Trent. The development sits within 10 metres of the Tidal Trent defences and therefore is at risk during a breach of these defences. A site-specific breach assessment, and a broad crested weir equation, is required to understand the risk to the site.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. Breach calculations to determine how the property is affected must be undertaken. The applicants must demonstrate how the risk will be mitigated against for the lifetime of the property and provide adequate justification. If impacted, access and egress must be considered to ensure that people will be safe for the lifetime of the development.

LCC Archaeology:

14/12/2023- The ground area that is going to be disturbed will be minimal. There are only four fence post holes that are going to be excavated to a depth of 0.6 metres. While this depth may be enough to encounter potential archaeological remains there will only be four relatively narrow areas of ground disturbance.

Archaeological impact is unlikely and therefore, no archaeological condition is required. However, if any archaeological remains are encountered during the excavation of these post holes, the contractor should contact this department.

06/11/2023- No details have been given on the depth and extent of ground disturbance that would be caused by the proposed bin storage area. When more information is provided, a recommendation can be given with regards to archaeological impact.

The conversion of the public convenience block into a café will not need archaeological input. However, the West Lindsey Conservation Officer should be contacted as the site is within the Gainsborough Conservation Area.

WLDC Conservation Officer:

Verbal comments following amended plans- Happy to see that the proposed render will now not be used and that the shutters will be internal. I unfortunately still cannot support the use of the roofing material.

11/12/2023- The application is for the change of use of the toilet block to café in the Gainsborough Town Centre Conservation Area. The building is located on the western boundary of the CA and is within the setting of the Gainsborough Riverside Conservation Area located to the south of the property.

The change of use does not alter the external footprint or design of the building I have no concerns with the this; however, the building materials are proposed to be designed in a very modern design which will impact upon the setting.

Whitton Gardens was opened in 1973 and is noted to have fine views of the wharves and river in the Town Centre CA. Although located within the Town Centre CA, the building's setting is more prominent with the Riverside CA and the design of the building has more links to the industrial Riverside lineage. The history of the Riverside has records of maltings as early as 1615 which was noted to boom in the late 18th century. This has altered through recent history but the maltings industry still has a presence in the area with Gainsborough Maltings. Although this business only borders the CA it is evident that the industry has been strongly influenced on the riverside.

The design of the maltings roofs is a distinct feature within the Riverside CA. The rectangular shaped hipped roofs with cowls protruding from the ridge are noted in some of the historic buildings as well as the adjacent maltings business itself.

These roofs are typically slate which has an appealing visual that creates a character in the setting. Whitton Gardens offers that character in its current form with a hexagonal hipped roof and cowl. Although this is not slated, the small shingle design offers a positive visual in keeping with the history of the Riverside's industry.

The Conservation Area Appraisal also highlights the importance of the colour, form, and texture in altering existing buildings in the CA to be in harmony with the historic environment.

The alteration to a modern standing seam profile roof will detract from this character which currently works with the historic environment. Renewing the existing roofing material or a slate tiled roof would be more in harmony.

The CA also states the red brickwork is the typical material for the CA. The immediate listed buildings and other historic buildings are predominantly in red brick which highlights the strong character this provides.

The overall modern visual proposed will detract from the appearance and character of the CA, which is clearly stated under paragraph 4.5v of the Gainsborough Town Centre Conservation Area Appraisal that this will not be supported for a change of use.

Policy S57 of the CLLP seeks to protect and enhance conservation areas. This identifies the need to retain and reinforce local distinctiveness including the materials within the historic environment. As mentioned above, this maltings industry on the Riverside is an important history for Gainsborough which is currently expressed within this mid-20th century building.

I have no concerns with the use of aluminium windows which will be designed to offer extra security. The introduction of perforated internal shutters are also welcome. Ensuring this building can be best protected will enable a more viable use which is fully supported.

Overall, I cannot support the material design proposed for the externals as they contrast the historic environment so I must object to this current proposal.

Canal and River Trust: This application falls outside the notified area for its application scale and location.

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 S13: Reducing Energy Consumption in Existing Buildings
Policy S21: Flood Risk and Water Resources
Policy S47: Accessibility and Transport
Policy S53: Design and Amenity
Policy S57: The Historic Environment
Policy NS73: Gainsborough Riverside Regeneration Area

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

- ***Gainsborough Town Neighbourhood Plan (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

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/gainsborough-town-neighbourhood-plan>

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

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

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

National policy & guidance (Material Consideration)

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

[https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF December 2023.pdf](https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf)

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

The most recent iteration of the NPPF was published in December 2023.

- **National Planning Practice Guidance**
<https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**
<https://www.gov.uk/government/publications/national-design-guide>
- **National Design Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Other Relevant Legislation- Statutory Duties

Listed Building and Conservation Area Setting- Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

<https://www.legislation.gov.uk/ukpga/1990/9/contents>

Main issues

- Principle of Development and Flood Risk;
- Impact upon Visual Amenity and Heritage Assets;
- Highways;
- Drainage;
- Other Matters.

Assessment:

Principle of Development

Policy S1 of the Central Lincolnshire Local Plan designates Gainsborough as a Main Town (Tier 2). The Policy 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.

The site is located within the designated Gainsborough Riverside Regeneration Zone (R0A6) as defined on the CLLP Policies Map. The site-specific policy, NS73 of the CLLP states that;

Development proposals within the Gainsborough Riverside Regeneration Area, shown on the Policies Map as ROA6, will be supported in principle. This in principle support will apply to existing uses and a range of uses which are appropriate in this location including office, leisure, or residential uses. Proposals should not undermine the achievement of the ambitions for this regeneration area, as set out in a)-g) below. Proposals will be viewed particularly favourably where they:

- a) Protect, enhance or restore the historic identity of the town;*
- b) Strengthen the connection between the river and the town;*
- c) Make the most of the riverside location enhancing;*
- d) Deliver innovative design or design excellence which provides visual interest;*
- e) Contribute positively to the Conservation Area;*
- f) Expand leisure opportunities related to the riverside; and/or*
- g) Enhance public spaces and green infrastructure.*

Policy 1 of The Gainsborough Neighbourhood Plan states that; *Development in the Gainsborough Neighbourhood Plan area should be located so that it can make a positive contribution towards the achievement of sustainable development. Development should assist in meeting the economic, social and environmental regeneration of the Town in accordance with CLLP policies and, as appropriate to its scale and nature, subject to complying with a set of criteria.*

The site is located along the popular Riverside walk within the developed footprint of Gainsborough. The proposals would also accord to Policy S1 which states that such Main Towns should be the focus for retail growth and wider service provision. There is an existing footpath link into Gainsborough town centre to the north east of the building, thus encouraging connection to the town from the riverside. The building has now been vacant for c. 12 years, the change of use proposed in this application would see the building repurposed with a popular area of the town and would accord to the aspirations of Policy NS73. An assessment of the proposals impact upon the Conservation Area and visual impact upon the wider area is discussed in the relevant section below.

The objection from Gainsborough Town Council is noted. They have stated that they would like to see the public conveniences block brought back into use. The existing building has been closed since c. 2012. A paper was presented at the Prosperous Communities Committee in November 2011, recommendation 2 of the paper was to close the Whitton's Gardens Public Conveniences upon completion of alterations to the facility

at Roseway, also within Gainsborough. The report explained that the building suffered from excessive misuse through vandalism and on- street drinkers. It was also stated that the facility was not well used with 1088 visits per week, being the lowest of the four facilities operated. It was proposed to close the site with a view to redevelopment. Any future development could include the provision of toilets accessible by the general public.

As stated in the proposal section of this report the change of use would benefit from the Levelling up Funding. It has been explained by the project team for the scheme that the funding has been awarded on the basis changing use to a café (subject to planning permission). Given the size of the building, having a functioning business and public toilets is not possible within the funding scope. There will of course be conveniences within the building for customers of the café.

Overall, the proposal would see this currently vacant and deteriorating building re purposed in the popular Riverside area of the Town. Its re development would accord to the principle policies S1 and NS73 within the CLLP and would be a form of sustainable development within the town as detailed within Policy 1 of the Gainsborough Neighbourhood Plan.

Flood Risk

The application site is located within Flood Zones 2 and 3 as defined by the Environment Agency's flood risk maps for planning. The existing building lies directly adjacent to the River Trent (c .10m to the west).

Paragraph 173 of the NPPF states that; *When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.* Footnote 59 states that; *A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.*

In terms of vulnerability classification, there would be no change in vulnerability classification. Annex 3 of the NPPF details that the existing and proposed uses both fall within a 'less vulnerable use'. Given that the proposal comprises of the change of use of an existing building the sequential and exceptions tests are not applicable here in accordance with footnote 60² of the NPPF.

The application has been submitted with an FRA upon submission which has subsequently been amended (received 19/01/2024) given the initial objection from the Environment Agency. Following re consultation with the EA, they have now confirmed that they have removed their objection subject to the imposition of a condition in the event that permission is granted. The condition would request that the development is carried

² 60 This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

out in accordance with the mitigation measures as detailed in the amended FRA. Flood resilience measures are to include;

- Floor levels will be no lower than existing;
- Future occupants will be provided with information regarding the EA's automated flood warning system- This will be in the form of a leaflet which will be provided as part of the buildings handover documentations;
- The tenant/ occupier will be required to prepare a Flood Evacuation Plan that must outline steps to be taken to prepare for a flood event, actions and instructions for occupants and staff at various stages of a flood event. A yearly review of the plan must be carried out;
- Works to the building will be done in accordance with the guidance in the DCLG publication, as far as possible within the existing structure.

Overall, the proposal has now shown that the development would be safe in a flooding event, subject to a condition. It is also considered that the proposal would not increase the risk of flooding to others. The proposal would accord to the aims of Policy S21 of the CLLP and the provisions of the NPPF.

Impact upon Visual Amenity and Designated Heritage Assets

The application site is within the Gainsborough Town Conservation Area, it is also located within close proximity to a number of Listed Buildings, namely;

- Elswitha Hall and Gate Piers- Grade II* Listed- Located c. 85m to the south east;
- No. 7 Lord Street- Grade II Listed- Located c.40m to the north east;
- No. 2A Ropery Road, 1-7 Cobden Street located c. 32m to the north.

The Statutory Duties contained within Sections 66 and 72 the 'Act' place a legislative requirement on the Local Planning Authority to pay 'special regard' to the desirability of preserving the setting of listed buildings. With regard to conservation areas, Section 72 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This is also reflected within Policy S57 of the CLLP.

Policy S53 of the CLLP states that; *All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.*

Criteria d and e of Policy NS73 state that redevelopment projects within this area will be viewed favourable where they;

- d) Deliver innovative design or design excellence which provides visual interest;*
- e) Contribute positively to the Conservation Area;*

The application does not propose any extensions to the building, much of the works will be internal with new glazed openings, new internal shutters and a new roof covering. The existing building is red brick with timber shingles as the roof covering. Originally submitted plans including the full rendering of the building, through the application amended plans have been received which have removed the proposed white render. The red brick will now remain with repointing and cleaning done where needed, it is also proposed to replace the roof with a new sarnafil seamed roof in a slate grey colour, as shown in the picture below.



Sarnafil Seamed Roofing

It is noted that the Councils Conservation Officer is not supportive of the use of this roofing material, and has instead advised that this should be slate tiles or that the timber shingles should be renewed. The building is modern and the proposed roof covering would not be too dissimilar to the colour and appearance of other roofs within the area, it would be a visual improvement to the existing building as well as an improvement to its appearance in the context of the wider area.

The application also proposes a small bin store area which would be enclosed by c. 2.1m high hit and miss fibre cement boarding in a dark grey colour to match the new windows and doors on the café. Much of this would be screened from the street scene by the existing hedging to the north east boundary.

Overall, it is considered that the external alterations to the existing building would improve its existing appearance within the Conservation Area and wider Riverside setting as well as preserving the setting of the nearby listed buildings, in accordance with the Statutory Duties. The proposals would also accord to the aims of policies S53, S57 and NS73 of the CLLP as well as Policies 6 and 7 of the Gainsborough Neighbourhood Plan which seek to ensure development proposals are of a high quality design.

Highways

Policy S47 of the CLLP states that *“Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.”*

As well as being within a highly sustainable central location where it is expected that the majority of people visiting the café would be on foot, the car park to the north is retained as part of the proposals as well as there being a much larger public car park beyond. The bin store area would occupy one existing space within the car park to the north west, this loss is considered to be acceptable given the proximity to other larger car parks. There are no other alterations proposed that would interfere with highway safety. The proposal would therefore accord to the aims of Policy S47.

Drainage

Policy S21 of the Central Lincolnshire Local Plan states that development proposals adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development and that proposed surface water disposal should follow the surface water hierarchy.

The site benefits from existing drainage connections in terms of foul and surface water disposal, which would be utilised in the new proposals, it is not considered necessary to request any further detail by means of condition in this respect.

Other Matters

Archaeology- The comments from the Historic Environment Officer at Lincolnshire County Council are noted. Given that the ground works will only consist of the installation of posts around the bin storage area it is not anticipated that these works would disturb any below ground archaeological remains. In any case an informative will be added to the decision notice in the event permission is granted.

Residential Amenity- The nearest residential properties are located c. 45m to the north of the site. No opening times have been provided as part of the application, it is considered necessary to condition that the times are provided for approval prior to the building being brought into use. It is however considered that given the separation distance and likely day time operation of the café it is unlikely that the use would have any unacceptable amenity impacts.

Minerals Safeguarding Area- The site is within a Sand and Gravel Minerals Safeguarding Area. Policy M11 of the Waste and Minerals Local Plan Core Strategy states that changes of use of existing buildings are exempt from complying with the policy.

Energy Efficiency- Policy S13 of the CLLP states that; *For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended)*.*

Within the submitted design and access statement it has been stated that the proposal will incorporate new energy efficiency measures as part of the changes of use which will raise the buildings overall energy performance.

Use Class- It is considered reasonable to restrict the use of the building to be specifically Use Class E b)- Café. This will allow the Local Planning Authority to properly assess any alternative use through the submission of a planning application as to not undermine the aims of the site-specific policy NS73 and also to assess any impacts upon neighbouring amenity.

Conclusions and reasons for decision: The application has been assessed against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport Policy S53: Design and Amenity, Policy S57: The Historic Environment and Policy NS73: Gainsborough Riverside Regeneration Area of the Central Lincolnshire Local Plan, the policies within the Gainsborough Neighbourhood Plan and the Statutory duties contained within the 'Act' and Policy M11 of the Core Strategy in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment the principle of the change of use is considered to be acceptable, the proposal would re purpose a long-term vacant building which would positively contribute to the Riverside area of the town. Matters of flood risk are acceptable, subject to conditions. The proposal would preserve the setting of the nearby Listed Buildings and would also enhance the Conservation Area by seeing a currently vacant building in a state of disrepair brought back into use. The proposal would not give rise to unacceptable impacts upon highway safety, residential amenity or drainage. It is recommended that planning permission is granted, subject to conditions.

RECOMMENDATION: Grant planning permission subject to 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 details and

materials specifications as shown on the approved plans and any other document forming part of the application:

- Proposed Site Plan and Location Plan- RD: 5281-05-B received 26/10/2023;
- Proposed Floor Plan (Café)- RD:5281-02 A received 26/10/2023;
- Proposed Elevations (shutters open)- RD:5281- 04 Rev C received 19/01/2024;
- Proposed Bin Store- RD:5281- 10 received 09/02/2024.

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

3. The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference: '1208250 Version 1,' dated 22 Jan 2024, compiled by Ross Davy Associates). In particular, the finished floor levels of the café shall be set no lower than the existing level, at 6.5 metres above Ordnance Datum. The measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy S21 of the Central Lincolnshire Local Plan.

4. The café hereby approved shall not be occupied until details of the proposed opening times have been submitted to and approved in writing by the Local Planning Authority. The café shall only be open during the approved times.

Reason: To safeguard the residential amenities of nearby residents in accordance with policy S53 of the Central Lincolnshire Local Plan.

5. Prior to the café being first brought into use a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be occupied in accordance with the approved details.

Reason: To ensure the occupants are safe in a flooding event in accordance with Policy S21 of the Central Lincolnshire Local Plan.

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

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 or any orders revoking and re-enacting those Orders, this permission shall relate to the use of the building as a Café (Use Class E b)) and for no other use including those described in Use Class E as defined by the amended Use Class Order 1987.

Reason: As the application was considered on this basis and was found to acceptable and to allow Local Planning Authority to assess alternative uses and the impacts they may have upon the area and residential amenity in accordance with Policies S53 and NS73 of the Central Lincolnshire Local Plan.

Notes to the applicant

Flood Warning

Floodline Warnings Direct- Future occupants are advised to sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

Archaeology

The applicant is advised to contact the Historic Environment Officer at Lincolnshire County Council if any archaeological remains are found during the works to the bin store area.

Advertisement Consent

You are advised that Advertisement Consent may be required depending on the requirements of any future occupier of the Café.

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

PAPER E

Refusal of Planning Permission

Name and address of applicant

Mr & Mrs Milne
46 Campbell Street
Gainsborough
Lincolnshire
DN21 2PH

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:

15/01/2024

Application number:

147783

Particulars and location of development:

Planning application for loft conversion to create an additional bedroom including front dormer window.

46 Campbell Street Gainsborough Lincolnshire DN21 2PH

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 refused** for the carrying out of the development referred to in Part One hereof for the following reasons:

The decision has been considered against policy S6: Design Principles for Efficient Buildings, S13: Reducing Energy Consumption in Existing Buildings, S21: Flood Risk and Water Resources, 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 (Policy NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area). Guidance contained in the 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, the proposal is refused for the following reason:

1. It considered that the proposal is of a poor and unbalanced design which will result in a dominant and 'top heavy' appearance to the host dwelling. The proposed dormer would be a prominent feature within the street scene, where such roof alterations are not apparent, and as such would be an incongruous feature. The proposal is therefore contrary to the National Planning Policy Framework, most notably chapter 12, paragraph 139, the National Design Guide, Policy S53 of the Central Lincolnshire Local Plan and Policy NPP 6 of the Gainsborough Neighbourhood Plan.

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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

Date: 28/02/2024

Signed:



Ian Knowles
Head of Paid Service

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

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 (or within **12 weeks** on a minor commercial or householder application).

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 Months of the date of this notice (12 weeks on a minor commercial or householder application), whichever period expires earlier.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days 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://www.gov.uk/appeal-planning-decision>. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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 the Secretary of State.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

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 the owner 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 District Council in whose area the land is situated. This notice will require the Council to purchase the owners interest in the land in accordance with the provisions of Chapter I of Part 6 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.

Officer's Report

Planning Application No: 147783

PROPOSAL: Planning application for loft conversion to create an additional bedroom including front dormer window.

LOCATION: 46 Campbell Street Gainsborough Lincolnshire DN21 2PH
WARD: Gainsborough North
APPLICANT NAME:

TARGET DECISION DATE: 11/03/2024
DEVELOPMENT TYPE: Householder Development
CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse

Description:

The application site is located within the developed footprint of Gainsborough and comprises a 2-storey semi-detached dwelling. On this site of Campbell Street are similar semi-detached dwellings which are located very close together and appear to be a terrace. On the other side of Campbell Street are 2 storey terraced dwellings. The dwellings on either side of the street have small front gardens and larger yards/gardens to the rear. The site is located within Flood Zone 3.

The application seeks permission for a loft conversion to create a bedroom and will involve the addition of a dormer window on the front (west) elevation. The proposed dormer is approximately 2.36 metres in height, 3.84 metres in length and 3.37 metres in depth covering nearly the full extent of the front elevation of the roof. The proposed dormer will have a flat membrane roof and will be clad in timber composite cladding.

Relevant history:

No relevant planning history.

Representations:

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

ECM:	Checked on 28/02/2024.
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Relevant Planning Policies:	
National guidance	National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG) National Design Guide 2019 National Design Code 2021 The NPPF sets out the Government’s planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.
Local Guidance	<u>Central Lincolnshire Local Plan 2023 - 2043</u> S6: Design Principles for Efficient Buildings S13: Reducing Energy Consumption in Existing Buildings S21: Flood Risk and Water Resources S53: Design and Amenity S61: Biodiversity Opportunity and Delivering Measurable Net Gains
Neighbourhood Plan:	<u>Gainsborough Neighbourhood Plan (Adopted June 2021):</u> NPP 1 Sustainable Development NPP 6 Ensuring High Quality Design NPP 7 Ensuring High Quality Design in each Character Area

POLICY S53 – Design and Amenity
Is the proposal well designed in relation to its siting, height, scale, massing and form?
<p>No. Local Plan Policy S53 states that all development <i>‘must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.’</i> Development must <i>‘relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area’.</i> It further states that development should <i>‘contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness’</i>, and should <i>‘be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.’</i> In addition, development must <i>‘achieve a density not only appropriate for its context but also taking into account its accessibility.’</i></p> <p>Policy NPP 6 of the Gainsborough Neighbourhood Plan states that development should be of a high design quality that will contribute to the character of Gainsborough Parish. In order to achieve this new development should respond to the local character of both the surrounding area and the immediately neighbouring properties and show thorough understanding of the history and design qualities of the buildings and provide a clear rationale for how this is taken into account in the design of the proposals.</p> <p>It is considered that the addition of a large flat roofed timber composite clad dormer window on the front (west) elevation of the host dwelling which covers nearly the full</p>

extent of the front elevation roof of the host dwelling will result in a dominant and 'top heavy' appearance to the host dwelling. This is exacerbated by its location on the front roof slope, in which this type of roof alteration is not apparent within the immediate surrounding area and street scene.

The National Planning Policy Framework in Chapter 12 – Achieving Well Designed places states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. In paragraph 139 it goes on to state 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.

The proposal is considered to have a poor design and does not create a sense of identity in terms of contributing to local distinctiveness. The proposed dormer window to the front elevation would appear as a dominating and incongruous feature and does not contribute or relate well to the site and the character of the area, and would therefore have an unacceptably harmful impact on the street scene.

It is considered that the proposal is of a poor and unbalanced design which will result in a dominant and 'top heavy' appearance to the host dwelling. This is exacerbated by its location on the front roof slope, in which this type of roof alteration is not apparent within the immediate surrounding area and street scene and would not contribute to the character and local distinctiveness of the area contrary to the NPPF, National Design Guide, Policy S53 of the Central Lincolnshire Local Plan and Policy NPP 6 of the Gainsborough Neighbourhood Plan.

Does the proposal respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area?

No. It is considered that the proposal is of a poor design and does not create a sense of identity in terms of contributing to local distinctiveness.

Does the proposal harm any important local views into, out of or through the site?

No.

Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?

No. An existing red pantile roof on the front of the dwelling will be largely replaced by the proposed dormer which will have a flat membrane roof and will be clad in timber composite cladding.

Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?

No. The nearest neighbouring dwelling on the other side of Campbell Street is located approximately 17 metres away from the proposed dormer window and therefore there are no issues of loss of light or over dominance.

In terms of overlooking the proposed dormer window has an adequate separation distance of 17 metres from neighbouring dwellings and will largely overlook the roofs of neighbouring dwellings.

There are no amenity concerns posed by this proposal.

Does the proposal adversely impact any existing natural or historic features?

No.

Other considerations:

Does the proposal enable an adequate amount of private garden space to remain?

Yes.

Does the proposal enable an adequate level of off street parking to remain?

Yes.

Comments on energy efficiency and biodiversity net gain policies:

The application being a householder is exempt from biodiversity net gain.

Given the size and scale of the proposal it is not considered reasonable to request an energy statement.

However, Policy S13 encourages the improvement of energy efficiency as stated below:

‘For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended).’

Therefore, if it is minded to grant permission an informative will be added to the decision notice encouraging the applicant to use PAS 2035:2019 Specifications and Guidance (or any superseding guidance) for this proposal.

Flood Risk

The site is located within Flood Zone 3 but the proposal will not increase the risk of flooding as it is a proposed loft conversion.

Conclusion and reasons for decision:

The decision has been considered against policy S6: Design Principles for Efficient Buildings, S13: Reducing Energy Consumption in Existing Buildings, S21: Flood Risk and Water Resources, 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 (Policy NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area). Guidance contained in the 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, the proposal is refused for the following reason:

1. It considered that the proposal is of a poor and unbalanced design which will result in a dominant and ‘top heavy’ appearance to the host dwelling. The proposed dormer would be a prominent feature within the street scene, where such roof alterations are not apparent, and as such would be an incongruous feature. The proposal is therefore contrary to the National Planning Policy Framework, most notably chapter 12, paragraph 139, the National Design Guide, Policy S53 of the Central Lincolnshire Local Plan and Policy NPP 6 of the Gainsborough

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.

Prepared by: Richard Green

Date: 28/02/2024

Signed: *R. J. Green*

Authorising Officer: *Holly Horton*

Date: 28th February 2024

Delegated X

PAPER F

Planning Permission

Name and address of applicant

D Beaumont
Riverside Dental Practice
22 Gladstone Street
Gainsborough
Lincolnshire
DN21 2LY

Name and address of agent (if any)

Mr Joe Smith
keystone architecture Ltd
Britannia House
High Street
Scunthorpe
DN15 6EA

Part One – Particulars of application

Date of application:
15/01/2024

Application number:
147827

Particulars and location of development:

Planning application for single storey extension and other alterations being variation of conditions 2 and 3 of planning permission 146492 granted 18 May 2023 - changes to window frame colour from white to grey.

22 Riverside Dental Practice Gladstone Street Gainsborough Lincolnshire DN21 2LY

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 1674.01 REV B and 1674.02 REV B, received 15th January 2024 and 1674.04A received 14th February 2024. 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 Plan.

3. The development must be completed in strict accordance with the external materials listed on the application form and on drawing 1674.02 Rev B received, 15th January 2024 and 1674.04A received, 14th February 2024.

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. The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in Section 4 (Mitigation) of the submitted Flood Risk Assessment, received 24th March 2023.

Reason: To prevent flooding and protect future residents to accord with the National Planning Policy Framework and local Policy 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 proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S8: Reducing Energy Consumption – Non Residential Buildings, S13: Reducing Energy Consumption in Existing, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design

and Amenity and S57: The Historic Environment of the CLLP. Relevant guidance in the NPPF has also been considered.

In light of the assessment outlined in this report, it is considered that subject to conditions, the proposed development is acceptable on its merits. It is therefore recommended that planning permission is granted subject to conditions.

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: 7th March 2024

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.

Officers Report

Planning Application No: 147827

PROPOSAL: Planning application for single storey extension and other alterations being variation of conditions 2 and 3 of planning permission 146492 granted 18 May 2023 - changes to window frame colour from white to grey.

LOCATION: 22 Riverside Dental Practice Gladstone Street
Gainsborough Lincolnshire DN21 2LY
WARD: Gainsborough South West

TARGET DECISION DATE: 11/03/2024
DEVELOPMENT TYPE: Minor - all others
CASE OFFICER: Dan Galpin

RECOMMENDED DECISION: Grant (subject to conditions)

Description: This application is located within the Gainsborough Town Conservation Area and within the setting of Gainsborough Old Hall which is a Grade I Listed Building. Riverside Dental Practice is located at the intersection of Gladstone Street, Balfour Street and Morley Street. With the exception of the Old Hall, the area is predominantly residential in character with dwellings dating from the 19th and early 20th centuries.

This application is seeking permission for the variation of Conditions 2 and 3 of 146492 to alter the approved colouration of the approved windows from white to grey. No further changes are proposed.

Relevant history:

147835 – Planning application for proposed replacement windows to original building. GC – February 29th 2024.

146492 – Planning application for single storey extension and other alterations. GC – 18th May 2024.

Representations:

Chairman/Ward Member(s)

No representations received to date.

Gainsborough Town Council

No comments.

Local Residents

No representations received to date.

LCC Highways/Lead Local Flood Authority

No objection.

WLDC Archaeology

No archaeological input required.

WLDC Conservation Officer

No objection – verbally confirmed that the proposed development was acceptable but requested that the specific finish (product) was clarified. It was agreed however that no further input was required.

Historic England

No advice offered.

ECM Checked: 7th March 2024

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 (CLLP) (adopted in April 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and the Gainsborough Neighbourhood Plan

Development Plan

- **Central Lincolnshire Local Plan (Adopted April 2023)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S6: Design Principles for Efficient Buildings

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

- **Lincolnshire Minerals and Waste Local Plan (LMWLP) (Adopted 16th May 2023)**

The site is in a Sand and Gravel Minerals Safeguarding Area and Policy M11 of the Core Strategy applies.

- **Gainsborough Neighbourhood Plan**

Policy NPP1: Sustainable Development

Policy NPP5: Protecting the Landscape Character

Policy NPP6: Ensuring High Quality Design

Policy NPP7: Ensuring High Quality Design in each Character Area

Policy NPP18: Protecting and Enhancing Heritage Assets

National Legislation, Policy & Guidance (Material Considerations)

- **National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990**

Main issues

- Principle of Development
- Visual Amenity
- Residential Amenity
- Heritage Conservation
- Highways
- Other Matters

Assessment:

Principle of Development

The application seeks to vary of Conditions 2 and 3 of 145300 granted 28th September 2022.

Under Section 73(2) the Council may consider only the question of the conditions subject to which planning permission should be granted – it is not an opportunity to reconsider the granting of planning permission.

The principle of this application was already established via 146492 and therefore the only relevant consideration that this application will be assessed against is whether the variation of Conditions 2 and 3 to alter the colour of the approved windows from white to grey would be acceptable. All other aspects of the previously approved extension would remain unaltered. The new proposed colouration would be 'Farrow & Ball' which would match the recently approved replacement windows to the main dwelling approved under 147827 on February 29th 2024.

Overall, the proposed variation of conditions is considered to constitute a minor material amendment and within the remit of Section 73 of the Town and County Planning Act 1990 and therefore acceptable in principle.

Visual Amenity

Policy S53 of the CLLP requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.

It is proposed that the approved windows would have their appearance altered from white to grey windows which would be finished in Farrow & Ball. Although the predominant backdrop of the character and appearance of the area is windows with a white finish, the external appearance of the windows would match the adjacent semi-detached property and the use of timber sash windows is considered to be clearly preferable to white or grey uPVC windows which are a feature of many of the adjacent dwellings. The views of the building are also limited from the most sensitive views of Gainsborough Old Hall. The alteration of the external appearance of the windows would also match the external appearance of the replacement windows permitted under 147835.

For the reasons explained above, it is considered that the proposed development is in accordance with Policy S53 of the CLLP, Section 12 of the NPPF and Policies NPP1, NPP5, NPP6 and NPP7 of the GNP.

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. Furthermore, paragraph 135 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

The proposed development relates to alterations to windows on extension that already has planning permission and no new views would be created as a result of the proposed development.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 130 f) of the NPPF.

Heritage Conservation

The site is within the Gainsborough Town Conservation Area and is within the setting of Gainsborough Old Hall which is a Grade I Listed Building. Section 66 of the Planning (Listed Buildings and Conservations Act) 1990 places a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a Listed Building, its setting, and any features of special architectural or historic interest. Section 72 of the same Act requires the Local Planning Authority to have regard for to the desirability of preserving or enhancing the character or appearance of the land and buildings within Conservation Areas.

Paragraphs 200 and 201 of the NPPF requires an applicant to describe the significance of any heritage asset that may be impacted. Paragraph 203 requires the Local Planning Authority to take account of the desirability of sustaining and enhancing the significance of heritage assets, the contribution that these assets can make to sustainable communities and the desirability of new development in making a positive contribution to the local character and distinctiveness of the area. Great weight should be given to the conservation of a designated heritage asset, regardless of the level of harm to its significance (paragraph 205) and in turn, any harm to, or loss of the significance of a designated heritage asset should require a clear and convincing justification under paragraph 206. Paragraph 208 allows for development that leads to a *less than substantial harm* to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal. Paragraph 212 supports development in Conservation Areas that better reveal their significance. For non-designated heritage assets, paragraph 209 requires that the impact of a development proposal on the significance of a heritage asset should be considered in determining an application. These requirements are also contained within Policy S57 of the Central Lincolnshire Local Plan.

No objection was received from the Conservation Officer subject to more details being provided relating to the external colouration of the replacement windows. It has since been confirmed by the applicant that the external colouration/specification of the windows would be 'Farrow & Ball' (a type of grey). This was also verbally agreed with the Conservation Officer to be acceptable and it is therefore considered that the proposed alteration to the external appearance of the windows on the extension would at least preserve, if not enhance the setting and significance of Gainsborough Old Hall and the Conservation Area.

In line with the assessment outlined above, it is considered that the proposed development accords with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy S57 of the CLLP, Section 16 of the NPPF and Policy NPP18 of the GNP.

Highways

Paragraph 96 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 110 of the NPPF which requires that development proposals provide safe and suitable

access to all users. Paragraph 115 of the NPPF in turn states that development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

The Local Highway Authority have not raised any objection to the proposed development and it is not considered that the proposed development would have any impact on highway safety or a wider cumulative impact.

In respect of the above, it is considered that the proposed development would accord with Policies S47 and S49 of the CLLP and paragraphs 96, 114 and 115 of the NPPF.

Other Matters:

Mineral Safeguarding

Policy M11 of the LMWLP requires that development proposals do not result in the unnecessary sterilisation of the potential minerals reserves. This policy is consistent with Section 17 of the NPPF and is therefore afforded full weight. Paragraph 217 of the NPPF requires that planning decisions should give great weight to the benefits of mineral extraction, including to the economy. Paragraph 218 states that development should not normally be permitted in Minerals Safeguarding Area if it might constrain future minerals development. Policy M11 of the LWMLP is consistent with the requirements of Section 17 of the NPPF and is therefore afforded full weight.

Alterations to existing buildings are considered to be exempt from safeguarding considerations and therefore, it is considered that the proposed development would accord with Policy M11 by default.

Climate Change

Policy S13 of the CLLP encourages that applicants consider opportunities to improve the efficiency of existing buildings. Notwithstanding the positively wording of the policy (it is not a mandatory requirement), the installation of modern windows which would be very likely to have a greater thermal efficiency is considered to comply with Policy S13. This is therefore afforded modest weight in favour of the proposed development.

Review of Conditions

This section will review the remaining conditions and whether it is appropriate for them to be re-imposed or altered.

Condition 1 – Commencement

This condition is still considered to be relevant as the development has not yet been commenced as of the writing of this report.

Condition 2 –Details

This condition is still considered to be relevant but will be altered to reflect the amended details.

Condition 3 – Materials

This condition is still considered to be relevant but will be amended accordingly to reflect to the amended window colouration shown on the submitted plans.

Condition 4 – Flood Risk Assessment

This condition is considered to be relevant and will remain unaltered on the new decision notice.

Overall, it is considered that all four conditions meet the requirements of paragraph 56 of the NPPF and are essential in order for the development to not have any unacceptable impacts with regard to the material considerations that have been assessed in this report.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S6: Design Principles for Efficient Buildings, S13: Reducing Energy Consumption in Existing, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity and S57: The Historic Environment of the CLLP. Relevant guidance in the NPPF has also been considered.

In light of the assessment outlined in this report, it is considered that subject to conditions, the proposed development is acceptable on its merits. It is therefore recommended that planning permission is granted subject to conditions.

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 their private and family life, their home, and their 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: Dan Galpin

Date: 7th March 2024

Signed: *D. Galpin*

Authorising Officer: *D Peck – Danielle Peck* ——— Date: 07/03/2024

Decision Level (tick as appropriate)

✓ Delegated

Delegated via Members

Committee