

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 Nicholas Coxon
Councillor Richard Doy
Councillor Stuart Morley
Councillor James Plastow
Councillor Kenneth Woolley

Councillor David Dobbie
Councillor Paul Key
Councillor Liam Muggridge
Councillor James Ward

Notice is hereby given that a meeting of the **Planning Committee** which will be held on **Tuesday 21 January 2025** commencing at **6:30pm** 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

PL25/175 Apologies for Absence

To note apologies for absence.

PL25/176 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](#) 3.6 – 3.9 for details.

PL25/177 Declarations of Interest

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

PL25/178 Dispensation Requests

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

PL25/179 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.

PL25/180 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 17 December 2024 (pages 6 to 11)

PL25/181 Planning Application

To consider planning application received.

[Application Ref No: WL/2024/01025](#) (received 12/12/24) any observations to make on the application, please make them by 13/01/2025

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 being variation of condition 1 and removal of conditions 7 & 10 of planning permission 147844 granted 14 May 2024 -amendment to design & elevations.

Location: The Lindsey Centre, 13 – 19 Market Place, Gainsborough

PL25/182 Planning Application

To consider planning application received.

[Application Ref No: WL/2024/01032](#) (received 16/12/24) any observations to make on the application, please make them by 20/01/2025

Proposal: Planning application for external alterations to facilitate internal subdivision of unit.

Location: Unit 2B Marshalls Yard, Beaumont Street, Gainsborough

PL25/183 Planning Application

To consider planning application received.

[Application Ref No: WL/2025/00005](#) (received 03/01/25) any observations to make on the application, please make them by 03/02/2025

Proposal: Listed building consent to rebuild section of boundary wall being variation of conditions 2-8, 12, 13 and 15 of listed building consent 145568 granted 1 December 2022 re: adjustment to the extent of the wall for underpinning and rebuilding.

Location: Trinity Arts Centre, Trinity Street, Gainsborough

PL25/184 Planning Application

To consider planning application received.

[Application Ref No: WL/2025/00013](#) (received 08/01/25) any observations to make on the application, please make them by 10/02/2025

Proposal: Planning application for erection of new substation to replace existing redundant substation.

Location: The Former Lindsey Centre, 13-19 Market Place, Gainsborough

PL25/185 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00292 GRANTED (delegated)
Proposal: Outline Application for up to 14no. dwellings with All Matters Reserved including Demolition of the Existing Public House within the Site.
Location: Gainsborough Park, Glenthams Road, Gainsborough
Paper B (pages 12 to 42)

PL25/186 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00982 GRANTED (delegated)
Proposal: Planning application for Façade works.
Location: 23-25 Market Place, Gainsborough
Paper C (pages 43 to 59)

PL25/187 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00979 GRANTED (delegated)
Proposal: Advertisement consent for 5no. fascia signs.
Location: White Hart Hotel, 49 Lord Street, Gainsborough
Paper D (pages 60 to 71)

PL25/188 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00941 GRANTED (delegated)
Proposal: Listed Building Consent for Replacement of non-original, dilapidated bay window to building façade.
Location: The Gainsborough Hotel, 49 Lord Street, Gainsborough
Paper E (pages 72 to 79)

PL25/189 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00960 GRANTED (delegated)
Proposal: Planning Application to install roller shutter doors and windows.
Location: 376 The Fish Lodge, Ropery Road, Gainsborough
Paper F (pages 80 to 91)

PL25/190 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00777 Prior Approval Not Required (delegated)
Proposal: Prior approval application for proposed change of use of commercial, business and service to 3no. dwellings.
Location: TUI, 23-25 Market Place, Gainsborough
Paper G (pages 92 to 101)

PL25/191 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00817 GRANTED (delegated)
Proposal: Planning application for the erection of an Extra Care home (Class C2) containing up to 48no. apartments of mixed one and two bedroom apartments, with associated amenities, staff facilities, landscaping and parking being variation of condition 4 of planning permission 144221 granted 5 October 2023 - amendment to design.

Location: Former Cedars Residential Home, Morton Terrace, Gainsborough
Paper H (pages 102 to 108)

PL25/192 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00764 GRANTED (delegated)

Proposal: Listed building consent for 3no. dwellings and the conversion of the existing water tower into 1no. dwelling.

Location: Cox's Water Tower, Heapham Road, Gainsborough

Paper I (pages 109 to 126)

PL25/193 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00763 GRANTED (delegated)

Proposal: Planning application for 3no. dwellings and the conversion of the existing water tower into 1no. dwelling.

Location: Cox's Water Tower, Heapham Road, Gainsborough

Paper J (pages 127 to 165)

PL25/194 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00897 GRANTED (delegated)

Proposal: Listed building consent for the creation of 3no. flats to the upper three storeys with internal modifications including the erection of timber stud partitions the addition of 2no. internal stair cases, 9no. skylights & the widening & replacement of the South West elevation access door being variation of condition 2 of listed building consent 148060 granted 28 May 2024- Alterations to approved plans.

Location: 16 Silver Street, Gainsborough

Paper K (pages 166 to 185)

PL25/195 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00896 GRANTED (delegated)

Proposal: Planning application for the creation of 3no. flats to the upper three storeys with internal modifications including the erection of timber stud partitions the addition of 2no. internal stair cases, 9no. skylights & the widening & replacement of the South West elevation access door being variation of condition 2 of listed building consent 148060 granted 28 May 2024- Alterations to approved plans.

Location: 16 Silver Street, Gainsborough

Paper L (pages 186 to 191)

PL25/196 Decision Notice

To note decision notice received.

Application Ref No: WL/2024/00111 GRANTED (delegated)

Proposal: Planning application to remove and replace portal frame building.

Location: Wilco Motosave Ltd, 2 Southolme, Gainsborough

Paper M (pages 192 to 198)

PL25/197 Street Naming Requests

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

PL25/198 Tree Preservation Orders

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

PL25/199 Traffic Regulation Order

To consider consultation on proposed waiting restrictions on Tooley Street.

Paper N (pages 199 to 201)

PL25/200 Traffic Regulation Order

To consider consultation on proposed waiting restrictions on Park Springs Road & Pilgrims Approach.

Paper O (pages 202 to 204)

PL25/201 Traffic Regulation Order

To consider request from a member of the public regarding parking against their dropped kerb on Cromwell Street.

Paper P (pages 205 to 209)

PL25/202 Items for Notification

- i. LCC motion regarding powers to request 20mph speed limit - information to be provided by Councillor Coxon.

The motion, submitted by the Independent Group at LCC, pertains to the implementation of 20 mph speed limits in certain areas. It is important to note that this proposal does not advocate for a blanket 20 mph limit across the entire county. Instead, it will focus on specific zones that will be identified by town and parish councils as suitable for this measure.

The next step in this process is for the motion to be reviewed by the Scrutiny Panel, which will conduct public engagement to gather further insights and opinions.

- ii. Baltic Mill update
- iii. DMMO Applications
- iv. Cross Street update

PL25/203 Time and Date of Next Meeting

To note the date and time of the next Planning Committee meeting is scheduled for Tuesday 18 February 2025 at 6:30pm.

Rachel Allbones
Town Clerk
Richmond House
Gainsborough

Thursday, 16 January 2025

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 17 December 2024** at **6:30pm** in the meeting room, Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ.

Councillors Present: Councillor James Plastow (Chair)

Councillor Nicholas Coxon
Councillor Richard Doy

Councillor David Dobbie
Councillor Paul Key

In Attendance:

Natasha Gardener

Assistant Clerk

PL25/150 Apologies for Absence

No apologies for absence were received.

PL25/151 Public Participation Period

No public was present.

PL25/152 Declarations of Interest

Councillor Plastow declared a personal interest in agenda item PL25/157 - he knows the person who has the garage.

PL25/153 Dispensation Requests

No dispensation requests were received.

PL25/154 Items for Exclusion of Public and Press

No items for exclusion of public and press.

PL25/155 Minutes of the Previous Meeting (Paper A)

RESOLVED: that the minutes of the Planning Committee meeting held on Tuesday 19 November 2024 be approved as a as a true and accurate record and signed by the Chair.

PL25/156 Planning Application

[Application Ref No: WL/2024/00941 \(15/11/24, 24 days\)](#)

[Proposal: Listed Building Consent for replacement of non-original, dilapidated bay window to building façade](#)

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

RESOLVED: to ask that WLDC Planning Committee discuss PL25/156 and PL25/160 as the applications appear to be the same location with a different name, there is listed building consent with no planning application and consequently an informed decision cannot be made with the information presented.

PL25/157 Planning Application

Application Ref No: WL/2024/00957 (21/11/24, 24 days)

Proposal: Planning application refurbishment and restoration of previously fire-damaged single-storey commercial garage facility, including demolition of frontage to be rebuilt - front section of building to be increased in height.
Location: The Garage on the Corner, 2 Morton Terrace, Gainsborough

Note: Councillor Plastow left the meeting at 6:52pm.

RESOLVED: to elect Councillor Dobbie temporary Chair for item PL25/157.

RESOLVED: to support the application.

Note: Councillor Key voted against the above resolution.

Note: Councillor Plastow returned the meeting at 7:02pm.

PL25/158 Planning Application

Application Ref No: WL/2024/00960 (22/11/24, 24 days)

Proposal: Planning Application to install roller shutter doors.
Location: The Fish Lodge, 376 Ropery Road, Gainsborough

RESOLVED: to support the application as it is bringing the facility back into use and making it safer.

PL25/159 Planning Application

Application Ref No: WL/2024/00978 (27/11/24, 21 days)

Proposal: Advertisement consent for 2no. fascia signs.
Location: Meditrade UK Ltd, Unit 5 Somerby Way, Gainsborough

RESOLVED: to support the application.

PL25/160 Planning Application

Application Ref No: WL/2024/00979 (27/11/24, 21 days)

Proposal: Advertisement consent for 5no. fascia signs.
Location: White Hart Hotel, 49 Lord Street, Gainsborough

RESOLVED: to ask that WLDC Planning discuss PL25/156 and PL25/160 as the applications appear to be the same location with a different name, there is listed building consent with no planning application and consequently an informed decision cannot be made with the information presented.

PL25/161 Planning Application

Application Ref No: WL/2024/00982 (27/11/24, 24 days)

[Proposal: Planning application for Façade works.](#)
[Location: 23-25 Market Place, Gainsborough](#)

RESOLVED: to support improving the town centre and doing works to improve it, to request clarification if there is listed building consent required.

PL25/162 Planning Application

[Application Ref No: WL/2024/ 01015 \(10/12/24, 24 days\)](#)

[Proposal: Advert consent for external signage for the new savoy cinema development including 1no. wall mounted back lit illuminated sign, 2no. internally illuminated fascia signs, 2no. internally illuminated poster boxes, 5no. roof mounter RGB uplighters. Car park signage including 2no. P signs, 2no. T&C info signs 2no. main signs, BB badge bay sign.](#)

[Location: 13-19 The Lindsey Centre, Market Place, Gainsborough](#)

RESOLVED: to support the application but to raise concerns about potential light pollution with the 5 roof mounter RGB uplighters.

PL25/163 Planning Application

[Application Ref No: WL/2024/00981 \(11/12/24, 24 days\)](#)

[Proposal: Reserved matters application to erect 1no. dwelling considering access, appearance, landscaping, layout and scale following outline planning permission 144344 granted 24 April 2022.](#)

[Location: Land adjacent Peartree Paddock, Bankside, Lea Road, Gainsborough](#)

RESOLVED: to support the application, but to raise concerns about potential flammable vegetation next to the substation.

PL25/164 Decision Notice (Paper B)

Application Ref No: WL/2024/00839 GRANTED (Committee)

Proposal: Planning application for the conversion of first floor to form 2no. flats and associated changes to building including the installation of an awning to the front elevation.

Location: 11-15 Silver street, Gainsborough

RESOLVED: to NOTE the decision notice.

PL25/165 Decision Notice (Paper C)

Application Ref No: WL/2024/00885 GRANTED (delegated)

Proposal: Planning application for replacement roof tiles.

Location: 5 Silver Street, Gainsborough

RESOLVED: to NOTE the decision notice.

PL25/166 Decision Notice (Paper D)

Application Ref No: WL/2024/00886 GRANTED (delegated)

Proposal: Listed building consent for replacement roof tiles.

Location: 5 Silver Street, Gainsborough

RESOLVED: to NOTE the decision notice.

PL25/167 Street Naming Requests

No street naming requests were received.

PL25/168 Tree Preservation Orders

No tree preservation orders were received.

PL25/169 Traffic Regulation Order (Paper E)

Members considered consultation on proposed waiting restriction on Thornton Street.

RESOLVED: to support the proposed waiting restriction on Thornton Street.

PL25/170 Definitive Map Modification Order (DMMO) Applications (Paper I)

Members considered the application process to apply for a definitive map modification order and considered applications to submit:

i. footpath between Sweyn Way and the Belt Road, beside the new development.

RESOLVED: to contact the developer regarding the footpath between Sweyn Way and Belt Road, as it's a public right of way. Councillor Dobbie to supply the photos taken on-site to the office prior to us approaching the developer.

ii. footpath from the end of Mayfield Avenue to Margaret Close.

RESOLVED: to postpone and bring back to committee at February's Planning Committee.

iii. Others

RESOLVED: to email all Councillors to see if they have any considerations or concerns for any other DMMOs by the end of January and to bring it back to February's Planning Committee meeting.

PL25/171 Cross Street (Paper H)

RESOLVED: to **NOTE** the response, send a letter of thanks and to request any further updates as things develop. If there is no further response by February, to follow up and bring back to February's Planning Committee for updates.

RESOLVED: Councillor Dobbie to approach G-Town Dance organiser to see if they can take photos of traffic/congestion during busy times.

PL25/172 Baltic Mill Wall Mural (Paper I)

Members **NOTED** response from WLDC regarding a mural on the neighbouring wall.

Note: Councillor Dobbie has approached a neighbouring business and is awaiting a response from the owner of the property – will bring any response back to committee.

PL25/173 Items for Notification

i. LCC motion regarding powers to request 20mph speed limit - information to be provided by Councillor Coxon.

- ii. Baltic Mill update (if received by January)

PL25/174 Time and Date of Next Meeting

RESOLVED: To **NOTE** the date and time of the next Planning Committee meeting is scheduled for Tuesday 21 January 2025 at 6:30pm.

The meeting closed at 8:20pm.

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

DRAFT

PAPER B

Outline Planning Permission

Name and address of applicant

Mr Andrew Boulton
Gainsborough Park
Glenthams Road
Gainsborough
Lincolnshire
DN21 1SA

Name and address of agent (if any)

Mr David Taylor
Henry Taylor Building Surveyors
The Old Rectory
Rectory Road
Treswell
DN22 0EH

Part One – Particulars of application

Date of application:
27/03/2023

Application number:
146517 (WL/2024/00292)

Particulars and location of development:

Proposal: Outline Application for up to 14no. dwellings with All Matters Reserved including Demolition of the Existing Public House within the Site.

Location:

Gainsborough Park
Glenthams Road
Gainsborough
Lincolnshire
DN21 1SA

Part Two – Particulars of decision

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:

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 the **access, appearance, layout, and scale** of the buildings 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, shall be accompanied by an Energy Statement to accord with the requirements of Policies S6 and S7 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 S7 of the Central Lincolnshire Local Plan 2023.

5. No part of the development hereby permitted shall take place before details of a scheme for the disposal of surface water and foul sewage (including necessary soakway/percolation tests and ground investigation findings) from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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.

6. Prior to the commencement of the development, a Biodiversity and Ecological 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 Preliminary Ecology Appraisal and Biodiversity Net Gain Assessment and Statutory Biodiversity Metric Calculation dated 24th April 2024; and
- Full details of ongoing management for a 30-year period following the implementation of this plan and beyond where indicated within the submitted metric.

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

Reason: To ensure that the development hereby permitted accords with the submitted Statutory Biodiversity Metric calculations, Policy S61 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

7. Prior to the commencement of any development, details of the creation and ongoing management of public open space shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development mitigates and prevents deficiencies in public open space provision to accord with Policy S51 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

- i. The routing and management of traffic;
- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials; (iv) Storage of plant and materials used in constructing the development;
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. Wheel cleaning facilities;
- vi. Measures to control the emission of dust and dirt;
- vii. Protection of the public footpath;
- viii. Details of noise reduction measures;
- ix. A scheme for recycling/disposing of waste;
- x. The hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwellings and surrounding area from noise, dust and vibration in accordance with Policy S53 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

9. 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: SP-A3-01 received 27th March 2023.

The development shall be carried out in strict accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development hereby permitted does not have an unacceptable detrimental impact on human health to accord with Policy S56 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

11. Unless stated otherwise within a condition attached to this permission, the development hereby permitted shall be carried out in strict accordance with the mitigation and recommendations in Section 4.3 of the submitted Preliminary Ecological Appraisal received 27th September 2023.

Reason: To ensure that the development hereby permitted does not have an unacceptable on biodiversity and protected species to accord with Policies S60, S61 and S66 of the Central Lincolnshire Local Plan, the National Planning Policy Framework and the Wildlife and Countryside Act 1981.

12. The development hereby permitted shall not be occupied unless and until a scheme of bird boxes, bat boxes and artificial hedgehog refugia as outlined in Section 4.3 of the submitted Preliminary Ecological Appraisal, received 27th September 2023 has been submitted to and

agreed in writing with the Local Planning Authority. The development shall thereafter be completed in strict accordance with the approved details.

Reason: To ensure that the development hereby permitted preserves and enhances protected species to accord with Policy S60 of the Central Lincolnshire Local Plan, the National Planning Policy Framework and the Wildlife and Countryside Act 1981.

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 Councils 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, S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S11: Embodied Carbon, S12: Water Efficiency & Sustainable Water Management, S13: Reducing Energy Consumption in Existing, S14: Renewable Energy, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S22: Affordable Housing, S45: Strategic Infrastructure Requirements, S47: Accessibility and Transport, S48: Walking and Cycling Infrastructure, S49: Parking Provision, S50: Community Facilities, S51: Creation of New Open Space, Sports and Leisure Facilities, S53: Design and Amenity, S56: Contamination, S60: Protecting Biodiversity, Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan.

In addition, the following policies in the Gainsborough Neighbourhood Plan have also been considered as it forms part of the overall Development Plan in this area namely: NPP1: Sustainable Development, NPP2: Protecting the Natural Environment and Enhancing Biodiversity, NPP3: Creating a Local Green Network, NPP5: Protecting the Landscape Character, NPP6: Ensuring High Quality Design, NPP7: Ensuring High Quality Design in Each Character Area and NPP8: A Mix of Housing Types. 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: 17th December 2024

Signed:



Ian Knowles
Chief Executive and 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 you must do so within 6 Months of the date of this notice (or within 12 weeks on a minor commercial application. 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.

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 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

Officers Report

Planning Application No: 146517 (WL/2024/00292/R1)

Proposal: Outline Application for up to 14no. dwellings with All Matters Reserved including Demolition of the Existing Public House within the Site.

Location:

Gainsborough Park Glenthams Road
Gainsborough
Lincolnshire
DN21 1SA

WARD: GAINSBOROUGH EAST

TARGET DECISION DATE: 26/06/2023 (EoT agreed until 14th June 2024)

CASE OFFICER: Dan Galpin

Recommended Decision: Grant subject to conditions and the signing of a s106 Agreement for:

- NHS Contribution of £8,855
- Affordable Housing

Description: The site is located in the south-east of Gainsborough to the north of Foxby Lane and to the south of the A631. Gainsborough Town Centre and the Primary Shopping Area are located just under two kilometres to the north-west of the site. To the south of Foxby Lane lies the Gainsborough Southern Neighbourhood Sustainable Urban Extension (SUE) which is allocated for residential development of approximately 2,500 homes. This area is also designated as an Area of Great Landscape Value (AGLV) and an Area of Ancient Woodland, although the closest parcels of land to the application site are now all allocated for strategic residential development.

Glenthams Road lies within a predominantly residential area which has been progressively infilled over the last 20 years with residential development for approximately 275 dwellings being developed directly to the west and south of the site. To the north/north-east lie to allocated areas of Important Open Space with the Gainsborough Industrial Area – Marshall Way (allocated as E19) lying approximately 400-500 metres to the north-east.

Gainsborough Park which gives the site its name was formerly a Public House but ceased trading in 2009. The main building is retained within the ownership of the applicant with residential occupancy. The wider site still retains the layout of the former Public House but the main building and wider site have partially deteriorated into a state of disrepair with evidence of ongoing Anti-Social Behaviour (ASB) outlined in the submitted documents. The site itself is not subject to any statutory or non-statutory designations.

This application is seeking planning permission for the erection of up to 14 dwellings with all matters reserved with the exception of the access. Alongside this, contributions will be secured for the provision of 10% affordable housing (exact tenure/provision to be determined), an NHS contribution of up to £8,855.00 (£632.50 per dwelling). The application is also proposing a 10% net gain and the provision of public open space.

Relevant history:

M05/P/1121 – Outline Planning Application to erect hotel with forty ensuite bedrooms (siting to be considered and not reserved). GC – 9th January 2006.

120809 – Planning Application to erect residential development of 14 dwellings including parking and garages. Also demolish existing Gainsborough Park public house. Withdrawn by applicant – 6th November 2007.

121899 – Outline application for residential development. This application was granted subject to conditions – 2nd June 2008.

124306 – Outline planning application for housing development of up to 14 dwellings, including demolition of public house. GC – 21st October 2009.

Representations:

The summary below represents a summary of any representations received. Full responses can be found on the public website. A full assessment of the relevant material planning considerations outlined within this report.

Chairman/Ward Member(s)

No representations received to date.

Gainsborough Town Council

Support – *‘To support the proposal but request the public footpath be retained.*

Local Residents

Letters of representation have been received from two local residents that raise the following material planning considerations:

- Impact of the development on protected species;
- The potential for the development to have an impact on the amenity and privacy of the occupiers including views into their property;

LCC Archaeology

Comments – No archaeological input required.

LCC Highways/Lead Local Flood Authority

Drainage

Comments – ‘Further supporting information is required to enable a full assessment of the application proposal. Please ask the applicant to submit the following supporting information:

- Drainage Strategy*
- Ground Investigation Report*
- Drainage Layout*
- Discharge Agreements*

Please refer to guidance available to view on the Lincolnshire County Council website: Adoption of newroads – How we adopt newroads - Lincolnshire County Council.

Highways

Can the applicant confirm if the proposed development is intended for adoption under a Section 38 agreement, or if the highway and associated infrastructure is intended to remain private and subject to an Advanced Payment Code agreement.

Consideration should be given to refuse collection; incorporating refuse collection points and ensuring a refuse collection vehicle can carry out the necessary manoeuvres. Further guidance can be provided accordingly once the future plans for the development are ascertained.

Central Lincolnshire Policy – Ecologist

Comments – ‘You will need to look at conditions/S106 to secure the agreed gains for 30 years, consider a condition for restrictive covenants for the few trees that will fall into private gardens so they are retained for the 30 years (not sure if we do this or if we are allowed), conditions for the type, size and provenance of trees and shrub species, Condition to conduct soil sample in the meadow/grassland location to inform management strategy, Condition to source brush harvest seeds or green hay from local species rich donor sites to seed their grassland.

Then either request a Habitat a management plan in advance on how they plan to create/enhance habitat and meet target condition within 30 years and condition/S106 the following of that.

Alternatively, as this is pre stat BNG you could go for something generic that states the developers take all reasonable action to achieve the target condition of the outlined habitats in accordance with DEFRA guidance.’

WLDC Environmental Protection

No objection – This was subject to the imposition or a pre-commencement condition requiring the submission of a Construction Method Statement to be submitted to and agreed in writing with the Local Planning Authority.

WLDC Tree Officer

No objection (verbal) – An informal discussion did not raise any concerns or objection to the proposed development.

WLDC Strategic Housing

Comments – ‘Should the proposal be acceptable; the application would trigger an affordable housing obligation of 10% under Policy S22 of the newly adopted Central Lincolnshire Local Plan (April 2023) as the site falls within Value Zone D. Given the indicative dwelling number, this would equate to 1.4 affordable housing units.

A Section 106 agreement will be required to secure the affordable housing obligation. Although the Central Lincolnshire Local Plan states that affordable housing shall be provided on-site, given the size of the obligation in this instance, consideration will be given to the most appropriate means of delivery which may include an off-site contribution in lieu of on-site delivery, should this be agreed with the Council. The applicant is referred to the Central Lincolnshire Developer Contributions SPD where the use of commuted sums is detailed.’

Anglian Water

No substantive comments provided.

Lincolnshire Integrated Care Board (ICB)

No objection – The NHS have requested a financial contribution of up to £8,855 or £632.50 per dwelling.

Lincolnshire Police

Comments – Lincolnshire Police provided general guidance regarding measures that can be taken to reduce the risk of crime as a result of design features within the development.

ECM Checked: 21st May 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); and the Gainsborough Neighbourhood Plan (adopted in June 2021).

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns
Policy S6: Design Principles for Efficient Buildings
Policy S7: Reducing Energy Consumption – Residential Development
Policy S11: Embodied Carbon
Policy S12: Water Efficiency and Sustainable Water Management
Policy S13: Reducing Energy Consumption in Existing Buildings
Policy S14: Renewable Energy
Policy S20: Resilient and Adaptable Design
Policy S21: Flood Risk and Water Resources
Policy S22: Affordable Housing
Policy S45: Strategic Infrastructure Requirement
Policy S47: Accessibility and Transport
Policy S48: Walking and Cycling Infrastructure
Policy S49: Parking Provision
Policy S50: Community Facilities
Policy S51: Creation of New Open Space, Sports, and Leisure Facilities
Policy S53: Design and Amenity
Policy S56: Contamination
Policy S60: Protecting Biodiversity and Geodiversity
Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
Policy S66: Trees, Woodland, and Hedgerows

- **Gainsborough Neighbourhood Plan**

The relevant policies include:

Policy NPP1: Sustainable Development
Policy NPP2: Protecting the Natural Environment and Enhancing Biodiversity
Policy NPP3: Creating a Local Green Network
Policy NPP5: Protecting the Landscape Character
Policy NPP6: Ensuring High Quality Design
Policy NPP7: Ensuring High Quality Design in each Character Area
Policy NPP8: A Mix of Housing Types

National Policy & Guidance (Material Consideration)

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

Main issues

- Principle of Development

- Strategic Infrastructure Requirements
- Visual Amenity
- Residential Amenity
- Highways
- Ecology & Biodiversity
- Climate Change
- Flood Risk
- Other Matters

Assessment:

Principle of Development

The site is located within the developed footprint of Gainsborough being bound by residential development on three sides to the north, south and west. Policy S1 of the CLLP establishes a Settlement Hierarchy which aims to steer residential development towards the largest settlements within Central Lincolnshire with proportionate growth being permitted within the smaller settlements, depending on their size and strategic importance. Gainsborough is designated as a 'Main Town' by Policy S1 which advises that development should comply with and achieve the following:

To maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan and any applicable neighbourhood plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.

Policy S2 advises that 12% of new residential development of the period of the Local Plan from adoption through to 2040 with the main principles for new residential development within Gainsborough being set out within Policy S3. This is further subject to a site being within the developed footprint of a settlement but also within appropriate locations.

It is considered that the proposed development would represent an appropriate location for residential development, the site is within close proximity to other residential development and would be seen within the context of a residential area in principle. It is also not considered that the proposed development would harm the core shape and form of the settlement or the wider landscape character. The proposal would be characterised as infill development which is defined by the CLLP as development on any site that is located between existing buildings. There would also be very limited visibility of the site from wider public vantage points due to the presence of densely packed residential development on three sides. To the east of the site, there are small but dense belts of trees which heavily screen the site from Foxby Lane and Willoughton Drive to the south-east. To be acceptable in principle, new residential development within Main Towns needs to comply with the following criteria within Policy S3 which state the following:

- *Be fully policy compliant, including meeting in full the affordable housing provisions set out in Policy S22;*
- *Result in no significant harm (such as to landscape, townscape, heritage assets and other protected characteristics of the area);*
- *Be suitably serviced with infrastructure;*
- *Be subordinate in size and scale to the community they adjoin and will not harm the settlement form, character, or appearance of the area;*
- *Integrate successfully with the community they adjoin having regard to the mix of uses proposed and the design, layout, and accessibility of the scheme; and*
- *Promote active travel patterns including access by walking, cycling and public transport.*

The compliance with Policy S22 will be assessed within the next section of the report and it has already been outlined that the proposed development is considered to represent an appropriate location for residential development. The full visual impact of the proposed development cannot currently be ascertained as this development is for outline planning permission only and there are no details of appearance, layout, scale, or landscaping that can currently be considered. However, it can be said with a high level of confidence that there would not be any harm to any designated or non-designated heritage assets or other protected area which are specified by the NPPF.

With regards to the third criteria, it is considered that the proposed development is suitably served by sufficient infrastructure. The precise obligations that would be secured by an s106 Agreement will be discussed within the next section of the report. That being said, in general, Gainsborough is the largest settlement within West Lindsey and has been allocated for the large proportion of residential and non-residential development over the period of the Local Plan. Beyond the two SUEs there are numerous allocations for residential development. Gainsborough is therefore considered to be an ideal location for additional residential development as it has all the essential infrastructure including health, education, commercial, recreational, and other essential infrastructure needed to accommodate additional growth on unallocated sites. This is further illustrated by Policy S3 not setting an upper limit on residential development when compared to Policy S4 which sets out very explicit limits for residential development on unallocated sites. It is considered that the distinction between Policies S3 and S4 creates a deliberate presumption in favour of larger scale residential development on unallocated sites, provided that compliance with the relevant policies in the Development Plan can be demonstrated.

The overall development for 14 dwellings would be clearly subservient to the surrounding established residential development which has already been stated within this report to comprise of 275 dwellings just within the most recent residential development with even larger residential development that already exists and is under construction within the Southern SUE. The density of development is also relatively low at around 23-25 dwellings per hectare (DPH) which appears to be noticeably lower than adjacent residential development (although this will be discussed in more detail later in this report). It is therefore considered that the development would comply with the fourth criterion.

For the final two criteria, this will be dependent upon the final layout of the scheme which will be determined at Reserved Matters. The proposal would however represent a natural extension of Glenthams Road and could be successfully integrated into the wider community in principle without appearing as a disjointed anomaly both visually and spatially. The final criterion relates to promoting healthy lifestyles. Whilst this proposal is not seeking to provide any new walking or cycling infrastructure beyond achieving safe access for pedestrians, this would be indicative of the nature and scale of the proposed development. Although the scheme classifies as major development, the proposal would see the creation of a new single cul-de-sac and it would be therefore unreasonable to expect a detailed assessment of active travel (it is also telling that the newly established Active Travel England is only a statutory consultee for residential development over 150 dwellings). Notwithstanding the above, the site is located within a 30-minute walk of Gainsborough Town Centres and there are a number of public open spaces within a shorter distance. There are also a number of health and leisure facilities within Gainsborough with less than a 30-minute walk of the site.

It is therefore considered that for the reasons explained above that the proposed development would be in accordance with Policies S1, S2 and S3 of the CLLP. The proposed development is also considered to comply with Policy NPP1 of the Gainsborough Neighbourhood Plan. Policy NPP8 relating to promoting a broad mix of housing cannot be afforded any weight at this stage as the exact layout and mix of dwellings is not yet known. The number of dwellings may also be subject to change.

Community Facilities

The site is currently occupied by the building that was formerly a Public House known as Gainsborough Park which ceased trading in 2009. However, although the site is only occupied by a single residential flat, the building and the layout of the car park remain. Therefore, despite the significant length of time that the building has been closed, it is still important to assess whether the demolition of this former community facility is acceptable. In the right circumstances, it is still technically possible that such a building could be brought back into use. Policy S50 of the CLLP relates to community facilities and there is generally a presumption against the loss of such facilities unless one of the following can be demonstrated:

- a) The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or*
- b) The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or*
- c) The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.*

The third criterion is not relevant to this proposal as this application for residential development only. Very limited information has been provided by the applicant relating to the former Public House and the circumstances under which it closed, although it is noted that it was around the time when the UK was in recession and the closure of this facility would be in line with the wider closure of Public Houses throughout the country. It is noted that there was a very similar proposal for residential development prior to the closure of

Gainsborough Park so it is not completely clear whether its closure was due a desire to develop the site for residential purposes or whether these applications were an indication of deteriorating economic conditions.

In either circumstance, the building has not operated as a Public House for around 15 years and is currently entering a state of increasing disrepair so on the balance of probability, it is considered unlikely that building will ever be redeveloped into a community facility. The current state of the building would also imply that a significant amount of investment would be needed to just repair the building, let alone all of the other costs associated with bringing a business back into use. The building is not currently listed as an Asset of Community Value.

Furthermore, with respect to criterion b), due to the urban nature of Gainsborough, there are two other sites that could be considered as community facilities that are similar in nature to the former Gainsborough Park site. The Lincolnshire Otter is within a 14-minute walk of the site and The Trent Port is within a 30-minute walk of the site (two and four minutes by car respectively). There is also the Park Springs Community Centre within a 13-minute walk of the site. It is therefore considered that there is appropriate provision of community services within a reasonable proximity of the proposed development that is considered to be broadly accessible via multiple modes of transport. Another valid consideration is whether the increased density of new residential development which has fundamentally altered the spatial characteristics of the area over the last two decades would make a new Public House a desirable development in such a heavily residential area.

Therefore, whilst it is not considered that the proposed development is entirely consistent with criteria a) as very limited information has been provided (although the level of harm as a result of departing from the policy would be minimal in this circumstance), it is considered that there are sufficient community facilities within a reasonable proximity to conclude that the development would accord with criteria b) of Policy S50. Given that only one of the three criteria needs to be satisfied, it is considered that the development can overcome the presumption against the loss of such a facility.

The overall principle of the site for some form of residential development is therefore considered to be acceptable as the development would accord with Policies S1, S2, S3 and S50 of the CLLP and Policy NPP1 of the Gainsborough Neighbourhood Plan. Matters such as housing mix are not directly relevant to this application as the proposal is for outline planning permission with all matters reserved with the exception of access. A brief commentary will be provided on the indicative layout of the site in the visual/residential amenity sections but due to this being indicative, this can only be afforded very limited weight in the overall planning balance.

Strategic Infrastructure Requirements

The most relevant policy here is Policy S45 of the CLLP which advises that:

Planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development. Development proposals

must consider all of the infrastructure implications of a scheme; not just those on the site or its immediate vicinity.

The policy goes on to advise that strategic infrastructure needs to be secured by condition or legal obligations in most circumstances. The most critical matters are affordable housing, health, and education, although the actual scope of what is considered to be strategic infrastructure will be dependent upon the specific spatial constraints (i.e. is there a chronic shortage of school places which requires direct financial contributions to Lincolnshire County Council to mitigate). There is also the matter of considering some material considerations on a cumulative basis whether this is highway safety or flood risk and drainage for much larger development. The relevant strategic infrastructure requirements will be addressed individually with relevant subheadings indicating each category.

It is first important however to set out a broad picture of the spatial location of the site. As discussed within the previous section, Gainsborough is the principal settlement within West Lindsey and is designated as a 'Main Town' by Policy S1 of the CLLP. The wording of Policy S3 with respect to new housing appears to deliberately avoid setting quantitative limits for new residential development as each site should be judged on its own merits. Main towns, market towns and large villages have inherently a greater range of infrastructure and transport links to support a higher levels of growth where medium villages, small villages, and hamlets each have a defined upper limit for what is acceptable (e.g. hamlets are limited to a single infill dwelling which reflect their almost complete lack of services and often remote locations) as it would not be desirable to have unfettered growth in these locations.

With this overarching policy position in mind, the development of up to 14 dwellings in Gainsborough can be considered as being supported by adequate infrastructure in principle, subject to relevant conditions or obligations being imposed/secured where necessary.

This application constitutes as major development, but in relative terms, it is of a minor scale with respect to other major development which often includes allocations for hundreds or even a couple of thousand new dwellings over the period of the Local Plan. Utilising this lens, the scheme is not overly strategic and therefore, the report will take the position that matters such as flood risk or highway safety are very unlikely to have a significant or unacceptable impact on a macro level.

Affordable Housing

Policy S22 of the CLLP sets out the requirements within Central Lincolnshire with respect to securing affordable housing provision. Affordable housing provision or contributions are triggered on a site where the number of new dwellings is more than 10 or over 0.5 hectares in scale. The proportion of dwellings which must be affordable depends upon the value zone that the new dwellings fall within which can be between 10-25%. In this instance, the site is located within Value Zone D which requires a 10% provision of affordable housing with a presumption of this being on site being delivered as First Homes (defined as dwellings priced 30% below market value with a maximum cap of £160,000) followed by affordable rented dwellings.

The exact provision of affordable housing is not yet known as the description of development is 'up to 14 dwellings' and therefore the exact contribution may change depending upon whether the applicant applies for the maximum number of dwellings outlined in the description. There is also the additional nuance of a 10% delivery amounting to 1.4 units. The general principle is that where a decimal figure is required, the remaining figure can either be secured as a commuted sum or rounded up the nearest whole number depending on the site-specific circumstances. In this instance the overall figure is below 1.5 so the most likely scenario is the delivery of one affordable unit on site with the remainder being secured by a commuted sum. However, the exact circumstances have yet to be determined. The most recent iteration of the s106 Agreement contains the following text with Schedule Five Part B (Operation Provisions):

In carrying out the Development the Owner shall either:

- a. provide and construct 10% (ten per cent) of the Dwellings on the Site as Affordable Housing and First Homes (as identified on the Affordable Housing Plan) which shall not be Occupied other than as Affordable Housing and First Homes in perpetuity, subject to the provisions of Schedules Five and Six; or*
- b. pay the Affordable Housing Commuted Sum to the Council within five (5) Working Days of receipt of written notice from the Council. Upon payment of the Affordable Housing Commuted Sum upon receipt of such notice from the Council then the remaining provisions of this Schedule Five and Schedule Six shall cease to have effect.*

The subsequent text outlines more specific context and triggers but the main points are that the applicant should be informed whether paragraph a) or b) above is required to be complied with prior to the commencement of the development. The exact tenure also needs to be determined prior to the commencement of the development.

In either instance, the proposed development is considered in principle to comply with the requirements of Policy S22 of the CLLP subject to the signing of the s106 Agreement and acceptable details being agreed at Reserved Matters stage and throughout the course of the development.

Healthcare

The Lincolnshire Integrated Care Board has requested a financial contribution of £8,855 or £632.50 per dwelling. This will be secured as an obligation in the final s106 Agreement.

Education

No contributions have been requested and therefore no obligations will be secured via the s106. It is therefore considered that the development would not have an unacceptable impact on the capacity of local schools. This is likely a function of Gainsborough being a central location within the District.

Open Space

The specific requirements for open space provision are outlined within Appendix 3 of the CLLP and the overarching requirements are contained within Policy S51 which outlines the following:

The Central Lincolnshire Authorities will seek to:

- a) Reduce deficiency in publicly accessible open space, sports, and leisure facilities;*
- b) Ensure new development provides an appropriate amount of new open space, sports, and leisure facilities to meet need; and*
- c) Improve the quality of, and access to, existing open spaces, sports, and leisure facilities.*

In all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports, and leisure facilities to meet the needs of their occupiers in accordance with this policy, the standards set out in Appendix 3, and in compliance with the latest Central Lincolnshire Developer Contributions SPD (or similar subsequent document).

Appendix 3 defined five different types of open space provision, although due to the nature and scale of the development, there are only three types which can be feasibly delivered on site. These relate to amenity greenspace, provision for children and young people and natural and semi-natural greenspace. This application is currently only for outline planning permission only so the final number of dwellings may yet change which would impact the total amount of amenity greenspace which needs to be delivered on site. However, assuming a total occupancy rate per dwelling of 2.3 per dwelling, Table A3.4 outlines the following open space requirements for each type of open space:

Table A3.4. Open Space Requirements Using Average Occupancy Rate of 2.3 People

Type of Open Space	Requirement per dwelling
Allotments and Community Growing Spaces	7.1m ² /dwelling
Amenity Greenspace	15.2m ² /dwelling

[Return to policy list page](#)

215

Central Lincolnshire Local Plan – Adopted April 2023

Type of Open Space	Requirement per dwelling
Provision for Children and Young People	2.76m ² /dwelling
Local and Neighbourhood Parks and Gardens	8.76m ² /dwelling
Outdoor Sports Facilities (Public)	2.32m ² /dwelling
Natural and Semi-Natural Greenspace	2.30m ² /dwelling

Figure 1: Total Open Space Provision Per Dwelling

The figures outlined above (currently ignoring the type of open space) would create a total open space requirement of just over 500 square metres in total for the overall development. However, as was discussed above, only three types of open space are feasibly deliverable on a site of this scale (as per Table A3.2) creates a lower on-site requirement of approximately 280 square metres of open space. Any further delivery would need to be delivered off-site.

It is noted that the applicant has proposed a total on-site figure of 246 square metres which would be both below the indicative 280 square metres outlined above and it does not specify the type of open space provision. However, this is only indicative at this stage and the final layout may well change to meet policy requirements. It should also be noted that areas delivered for Biodiversity Net Gain can also be doubled up as natural/semi-natural open space as well as amenity greenspace so there is a dual function being offered at the same time alongside providing a mechanism for sustainable urban drainage. This is considered to be acceptable in principle.

The applicant is not proposing any specific obligations for off-site provision or to include the open space management as part of the s106 Agreement. However, due to the nature and scale of the development as well as the current condition of the site, it is considered that almost any development and delivery of public open space would represent a material enhancement to the site based on its current condition. It is therefore not considered to be necessary or reasonable to require the open space to be legally secured in this instance. A condition will be added to the decision notice requiring the applicant to submit details for the delivery and ongoing management of the open space prior to the commencement of the development with the final layout to be concluded within the Reserved Matters application.

Subject to the condition outlined above, it is considered that the proposed development would accord with Policy S51 of the CLLP.

Climate Change

Policy S6 sets out the overarching principles that relate to design of energy efficient buildings. In turn, Policy S7 outlines a specific requirement for all new residential development to be accompanied by an Energy Statement. This sets out two criteria which require that new residential development provides at least the same amount of on-site renewable energy as the dwelling consumes. The second criteria states that no single dwelling should exceed a total energy demand of 60 kWh/m²/yr with a site average of 35 kWh/m²/yr.

The requirements of Policies S6 and S7 are noted, however, this current application is for outline planning permission only and therefore a condition will be attached to this permission requiring that any forthcoming Reserved Matters application is accompanied by an Energy Statement that demonstrates compliance with the above criteria.

Embodied Carbon

Policy S11 of the CLLP relates to the carbon emissions which are effectively embodied within the fabric of the building itself. The construction of a new building requires a significant amount of new raw materials which are not just a finite but also typically come from carbon intensive industries such as mining, concrete and steel production. These are also some of the most difficult industries to decarbonise. Therefore, Policy S11 establishes a presumption against demolition in favour of conversion, refurbishment, or repair of existing buildings. The NPPF in Section 14 also states that planning decisions should give significant weight to the benefits of the conversion of existing buildings. The demolition of existing buildings is not supported by Policy S11 unless one of the following can be demonstrated:

- 1. The building proposed for demolition is in a state of such disrepair that it is not practical or viable to be repaired, refurbished, re-used, or re-purposed; or*
- 2. Repairing, refurbishing, re-using, or re-purposing the building would likely result in similar or higher newly generated embodied carbon than if the building is demolished and a new building is constructed; or*
- 3. Repairing, refurbishing, re-using, or re-purposing the building would create a building with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) would mean a lower net carbon solution would arise from demolition and re-build; or*
- 4. Demolition of the building and construction of a new building would, on an exceptional basis, deliver other significant public benefits that outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed.*

The proposed development would see the former Public House demolished and replaced with up to 14 dwellings, although all matters are currently reserved so the final figure could be subject to change. Any development only needs to comply with one of the above criteria to accord with Policy S11. The site has been partially vacant for the previous 15 years with the applicant still residing within a single flat. Despite this, it is clear that the main building and the wider site has entered an increasing state of disrepair. To bring this building back into use, this would require a significant investment both in terms of the

physical works but also the investment needed to make it a viable business. It is therefore possible to make an argument that the development could potentially comply with the first criteria but it is not considered that sufficient information has been provided by the applicant to conclude at this time that the proposed development would comply with the first criteria.

The second and third criteria relate to the carbon emissions that would result from the repair/refurbishment of a building and the subsequent carbon emissions of the remaining lifetime of a premises (an embodied carbon report may cover a time span of 60 years). In some circumstances, it is possible to conclude that the construction of a new development that is highly energy efficient and constructed from sustainable materials would have a lower amount of embodied carbon. However, it is not considered that this development would comply with either criteria b) or c) as the dwellings that would replace the existing building would not be 'like for like'. It is likely that they would be able to achieve a higher level of energy efficiency as they would be constructed to a modern standard but the overall amount of built development that is being proposed is much greater than what is existing so any modest carbon savings would be more than likely be outweighed by the carbon emissions required during the construction and subsequent hypothetical future use of the development. For this reason, it is considered that the retention of the existing building would have a lower carbon footprint.

In exceptional circumstances, the final criterion acknowledges that in exceptional circumstances, there are instances where the public benefits of a development would outweigh the embodied carbon impacts. The criterion is deliberately not prescriptive so it is considered that it is matter for the decision maker to conclude whether the public benefits of a proposal would outweigh any harm. This application is considered to provide a number of material benefits which are outlined through this report, but to summarise, they are as follows:

- The provision of 10% affordable housing to be secured via an obligation;
- A financial contribution of up to £8,855 to accommodate for the increased demand for local NHS services;
- The provision approximately 246 square metres of public open space, to be secured via condition;
- The provision of a 10.78% net gain in biodiversity; and
- Other material benefits such as an enhancement to the character and appearance of the area (in principle, see below) and the provision of up to 14 dwellings on an unallocated site which would contribute very modestly towards local and national housing targets.

Individually, some of these 'benefits' are policy requirements so can only be afforded limited weight in favour of granting planning permission but collectively, they should be afforded moderate to significant weight in favour of granting planning permission. In the absence of any other policy conflict, it is considered that due to the nature of the site and the development, that the public benefits of the proposed development would outweigh the impact from increased embodied carbon emissions as outlined by criterion d). It is also worth noting that it is not completely warranted to compare the embodied carbon of a single building to a major planning application as it would take the conversion of several such existing buildings to provide the same level of new dwellings and when this is considered, the difference in the total embodied carbon would be much less.

Therefore, in light of the assessment outlined above, it is considered that the development would accord with criterion d) and Policy S11 of the CLLP. The weight afford to the retention of existing buildings by Section 14 of the NPPF is noted but paragraph 157 is considered to be a positively worded paragraph and does not mandate that development should always retain existing buildings when there does not appear to be a clear and convincing justification for doing so.

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.

A significant portion of the assessment of the impact of the proposed development on the character and appearance of the area is addressed within the principle section of this report. Policy S3 outlines at least two criterion which require that a development would not unacceptably harm street scene and the immediate spatial context, alongside the wider landscape character or designated features.

These requirements are further expanded within Policy S53 and Policies NPP5, NPP6 and NPP7 of the Gainsborough Neighbourhood Plan. Paragraph 134 of the NPPF outlines that good design is a critical aspect for achieving sustainable development and further states that development which is not well designed should be refused; especially where it fails to meet local or national guidance/codes on design.

Only limited conclusions can be drawn at this stage as to the specific impact of the development on the character and appearance of the area as this application currently only includes an indicative layout so no firm conclusions can be drawn. The site is between 0.5-0.6 hectares in scale which would translate to approximately 23-25 DPH which is considered to be acceptable. This would undoubtedly be a lower density than adjacent development but the requirement to deliver a 10% on site net gain in biodiversity on this site would necessitate a level of housing which is lower than it otherwise may have been. A baseline of six on a site of this scale is not insignificant and has required the applicant to undertake a more detailed ecological mitigation scheme, the specific details of which will need to be secured via condition.

However, in principle, it is considered that the development of up to 14 dwellings would not result in an unacceptable impact on the character and appearance of the area. The site is located within the Park Springs Townscape Character Area (TCA 04). The Gainsborough Heritage and Character Assessment (2018) outlines that the key characteristics of Park Springs are as follows:

- *Relatively loose urban grain with a largely consistent building style and materials throughout with a high proportion of housing comprising short terraces;*

- *Large areas of open green space around residential development that is publicly accessible;*
- *Wide street sections which commonly have grass verges and buildings well set back from roads throughout;*
- *Light industry at Heapham Road Industrial Estate, which occupies a large portion of the TCA; and*
- *Low levels of tree cover, with mature trees and street trees largely absent.*

Much of these considerations will only be pertinent during should an application for Reserved Matters be submitted at a later date. The first criterion relating to the urban grain of Park Springs notes a high proportion of terraced dwellings and consistent materials. This is most heavily characterised by north of the TCA which has compact terraced rows with a reddish-brown facing brick and grey concrete roof tiles (mixed with white uPVC on some façades). However, the consistency does not exhibit a totally homogenous spatial pattern across the whole TCA. A more detailed look at individual streets seems to show a consistency of material at the street level but also the time of construction, depending on when an individual housing development was built out. The newer dwellings to the west and south of this site differ greatly in housing mix and materials from the older mid-20th century dwellings which are predominantly terraced dwellings. The of terraced dwellings on the newer estates is notable but not predominant. A broad mix of two to four bedrooms dwellings seems to be present. This would reflect a more iterative design process that has responded to a change policy environment in the last 20 years which has a greater focus on design and more diverse housing mixes rather than purely focusing on volume.

The remaining four criteria (excluding the reference to light industry) relate to layout and landscaping which renders a detailed assessment impossible. However, it should be reiterated that the applicant has proposed some public open space provision as part of the proposal (the details of which will be secured by condition) but the layout has not yet been formally submitted. This development will inevitably have a greater level of tree cover which represents both the nature of the existing site but also a focus on achieving a 10% net gain in biodiversity which is a novel policy/legislative requirement that older residential development would not have been subject to. It is also considered that it would be unreasonable to afford negative weight to a development including greater levels of green infrastructure based merely on a Character Assessment (providing that the landscaping includes a positive mix of native species).

It is therefore considered that on balance, the proposed development would in principle, not depart from the prevailing character and appearance of the area, subject to acceptable detailed being submitted at the Reserved Matters stage. The proposal is therefore considered to accord with Policy S53 of the CLLP, Policies NPP5, NPP6 and NPP7 of the Gainsborough Neighbourhood Plan and 189-191 of the NPPF.

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 would see the development of up to 14 dwellings on approximately 0.6 hectares of land which does not raise any concern in principle and would represent a lower density of development than the adjacent development to the west and south, which has already been discussed. It is therefore considered that the site could accommodate 14 dwellings in principle.

It is noted that one resident has raised an objection to the proposed development due to the potential impact on their privacy. However, it should be reiterated that this application is for outline planning permission only and all matters regarding layout, landscaping, access, appearance, and scale are reserved for future consideration. Therefore, it is not possible to fully comment on whether there would be an unacceptable harm. However, the amended indicative layout suggests that in principle, a high standard of residential amenity could be retained for existing and future users.

The closest separate distance between 23 and 25 Maybell Close (the residents which both objected to the proposal) has a separation distance of over 15 metres which is considered to be more than sufficient. The layout also suggests that Plots 8 and 13 could see these dwellings sited perpendicular to the dwellings to the south which could allow for most first floor windows to be placed on the front/rear elevations of the dwellings as to avoid any overlooking. Another notable spatial relationship would be Plot 8 and 15 Maybell Close. At their closest, the indicative layout suggests a separation distance of three metres but it is considered that this dwelling could be positioned within the plot to avoid detrimental impacts on privacy or access to natural light.

Due to the close proximity to neighbouring dwellings, one pre-commencement condition requiring the submission of a Construction Management Plan (CMP) to be submitted to and agreed in writing with the Local Planning Authority. This is considered necessary to ensure that the development hereby permitted does not have an unacceptable impact on the amenity of the occupiers of existing adjacent dwellings.

The other aspects of the indicative layout do not raise any concern and do not warrant further consideration at this stage. It is considered that the development of up to 14 dwellings could be achieved in principle whilst maintaining a high standard of amenity for existing and future users of the existing and proposed developments. As such, the proposal is considered to accord with Policy S53 of the CLLP and paragraph 135 f) of the NPPF.

Highways

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

Paragraph 96 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 114 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 comments from the Local Highway Authority are noted. However, due to the proposed development being for outline planning permission only, the final layout is not only subject to change but the arrangements as to whether the road will be adopted are currently unconfirmed. It is considered that details of bin collection and manoeuvrability can be included within the Reserved Matters application or secured subsequently via condition. I cannot see a reason before me as to why these details need to be secured up front when the layout is reserved for future consideration. The Local Highway Authority would remain a statutory consultee with respect to any future application for planning permission.

No objection has been received on the grounds of highway safety or that the cumulative impact of the proposed development would be severe given the scale of the proposal. There is also no concern at this moment that the development would not be able to meet the required parking standards outlined within Policy S49 of the CLLP.

The comments from the Town Council with respect to the retention of the existing footpath are noted, but there is no evidence before me to conclude that this would be lost as part of the proposed development nor does it appear to be within the ownership of the applicant. The footpath is not identified as a formal Public Right of Way.

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.

Ecology & Biodiversity

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide a net gain in biodiversity wherever possible. These requirements are also contained within paragraph 180 of the NPPF. Paragraph 186 states further where there is significant harm to biodiversity, planning permission should be refused.

The proposed development has been accompanied by a Preliminary Ecological Appraisal (PEA) and a Tree Survey. The PEA has been undertaken by a suitably qualified professional and the conclusions of the report are outlined on page 3. No unacceptable impacts on protected species have been identified, although the report does include a number of recommendations which will form a condition on the decision notice. No further bat surveys have been recommended but if works to the roof commence during the bat activity season then further inspection by an ecologist has been recommended.

The presence of birds has been noted in the PEA but the only recommendation is that any works to the remaining trees or hedgerow should be done outside of the bird nesting season unless all clear is given by a suitably qualified Ecologist. The objection from the

local resident has been noted alongside the photographic evidence provided. However, this can only be taken as individual anecdotal evidence of species being present and not as a robust survey or base of evidence. The presence of hedgehogs is noted within the report and one of the recommendations requires hedgehog refugia to be positioned under the western boundary of the site. It is considered necessary to condition the bat roost tubes, artificial nest boxes/tubes and hedgehog refugia to ensure that they are appropriately integrated into the development prior to its occupation. A photo of an amphibian appears to have been submitted but it is not clear where or when this was taken and the PEA concludes that there is a negligible potential for amphibians to be present and the overall conditions in this area have been considered to be sub-optimal for amphibians.

Biodiversity Net Gain

The development is proposed to achieve a 10.78% net gain all within the boundary of the site. Although all the habitats identified within the site are low-medium distinctiveness, the baseline of the site is relatively high at 6 units which is due to the presence of a number of mature trees on the site. Much of the ecologically significant habitat with the exception of a mature tree that would need to be removed. A total of 1,700 [Is this figure Correct?](#) square metres of proposed ecological green space with a mixture of habitat types outlined within the submitted metric along the west and eastern boundaries (as shown on the indicative site plan). The development is also proposing a 90% net gain in hedgerow units by utilising boundary planting. This should be afforded modest weight in favour of the proposed development.

One pre-commencement condition will be submitted requiring the submission of a Landscape and Ecological Management Plan (LEMP) to be submitted prior to the commencement of the development. This would also require details of species to be retained, enhanced, and planted along with details of ongoing maintenance for a period of 30 years as required by the Environment Act. It is not considered necessary to include the Biodiversity Net Gain figures within the s106 Agreement as although the net gains are in excess of 10%, there are no priority habitats, irreplaceable habitats for habitats with a high or very high distinctiveness present on the site at baseline.

Subject to the conditions outlined within this section, it is therefore considered that the proposed development is in accordance with S60 and S61 of the CLLP, Policies NPP2 and NPP3 of the Gainsborough Neighbourhood Plan and paragraph 180 of the NPPF.

Flood Risk

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. Paragraphs 165 and 173 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere.

The proposed development is located within Flood Zone 1 which is at the lowest risk of flooding. In addition, there is no known localised risk of flooding from sources such as surface water, groundwater, fluvial or tidal flooding. The comment from the Lead Local Flood Authority are noted, however, given the nature, scale, and location of the

development, it is not considered to be necessary or reasonable to require the full submission of a drainage strategy as prior to the determination of the application.

The application is for major development but does not exceed one hectare in scale and as outlined above, is not within an area that is considered to be at an elevated risk of flooding. Footnote 59 of the NPPF explains that a site-specific Flood Risk Assessment is only required for development in Flood Zones 2 and 3 or in areas within Flood Zone 1 where there are known drainage issues.

Given that none of these constraints apply to this site, it is considered that the proposed development would accord with Policy S21 of the CLLP and paragraphs 165 and 173 of the NPPF. This is subject to the imposition of one pre-commencement condition requiring the submission of a scheme of foul surface and water drainage that would include the information which has been requested by the Lead Local Flood Authority.

Other Matters:

Contamination

Policy S56 requires that development should consider the potential environmental impact of development and any adverse impacts arising from pollution. The policy outlines the following:

- *It can be demonstrated that the site is suitable for its proposed use;*
- *Layout and drainage have taken adequate account of ground conditions, contamination and gas risks arising from previous uses and any proposed sustainable land remediation; and*
- *There are no significant impacts on future users, neighbouring users, groundwater, or surface water.*

The site has been identified as being within contaminated land buffer (250 metres). It is described as having a very high risk for landfill contamination, although there is little additional detail. An Environment Impact Assessment (EIA) Scoping Report from January 2022 for the Gainsborough Southern SUE states the following with respect to contamination:

The site has been in agricultural use since the earliest map to the present day. Small clay pits were marked on and just outside of the northern site boundary. A Sewage Farm was present in the eastern part of part of the site between the maps dated 1970 and 1993 inclusive.

The EIA Scoping Report goes provides a useful summary of the overall risk from contamination which states the following:

In summary, the majority of the site is agricultural land and is considered to be of low contamination risk, there are however, areas of potential contamination associated with the former sewage works and materials used to infill ponds and clay pits.

Despite the constraint layer noting that the risk for landfill is very high, it is not immediately clear what the geographic scope of this risk is. The site also has a longer history of being developed when compared to much of the immediate surroundings. The planning history on record notes that planning consent for the former Public House dates back to 1978-79 (W33/1184/78 and W33/180/79) which overlaps with the operation timescales of the former sewerage land-use.

Whilst the presence of contamination cannot be completely ruled out, there is no direct evidence before me that suggests that either contamination is present or that it could not be satisfactorily mitigated during the course of the development should any previously unidentified sources of contamination be uncovered. Therefore, a standard condition will be imposed relating to unidentified sources of contamination. This would only require the submission of an assessment/mitigation scheme in the event that unidentified contamination is discovered.

Subject to the imposition of this condition, it is considered that the proposed development would accord with Policy S56 of the CLLP and paragraph 189-191 of the NPPF.

Conclusion:

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, S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S11: Embodied Carbon, S12: Water Efficiency & Sustainable Water Management, S13: Reducing Energy Consumption in Existing, S14: Renewable Energy, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S22: Affordable Housing, S45: Strategic Infrastructure Requirements, S47: Accessibility and Transport, S48: Walking and Cycling Infrastructure, S49: Parking Provision, S50: Community Facilities, S51: Creation of New Open Space, Sports and Leisure Facilities, S53: Design and Amenity, S56: Contamination, S60: Protecting Biodiversity, Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan.

In addition, the following policies in the Gainsborough Neighbourhood Plan have also been considered as it forms part of the overall Development Plan in this area namely: NPP1: Sustainable Development, NPP2: Protecting the Natural Environment and Enhancing Biodiversity, NPP3: Creating a Local Green Network, NPP5: Protecting the Landscape Character, NPP6: Ensuring High Quality Design, NPP7: Ensuring High Quality Design in Each Character Area and NPP8: A Mix of Housing Types. 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.

Referral – Third Party Objections

Is it a planning matter?

Yes – impact on residential amenity and impact on protected species.

Is it relevant to the application?

Yes.

Are the planning matters finely balanced?

No. The impact on the residential amenity of neighbouring occupiers has been assessed within this report and it is not considered that there would be an unacceptable impact in principle. This consideration can only be afforded very limited weight in any circumstance as this application is an outline planning application where all matters are reserved and the layout provided is only indicative at this stage.

The representation relating to protected species has also been thoroughly addressed within this report and the submitted PEA has been undertaken by a suitably qualified professional and it is considered that the potential impact of the proposed development can be fully mitigated via the recommendations within the PEA and the conditions which will be imposed as part of the grant of outline planning permission.

Representors to be notified -

(highlight requirements):

Standard Letter

Special Letter

Draft Enclosed

Prepared by: Dan Galpin

Date: 21st May 2024

Signed: *D. Galpin*

Authorising Officer: G.Backovic

Date: 11th June 2024

Decision Level (tick as appropriate)

Delegated

PAPER C

Planning Permission

Name and address of applicant

Eadington
HORSEWELLS FARM
GRINGLEY ON THE HILL
DN10 4RX

Name and address of agent (if any)

James Hartley
Phase Architecture
67 ST JOHNS DRIVE
CLARBOROUGH
RETFORD
DN22 9NN

Part One – Particulars of application

Date of application: 21/11/2024	Application number: WL/2024/00982
------------------------------------	--------------------------------------

Particulars and location of development:

Proposal: Planning application for Façade works.

Location:

23-25
MARKET PLACE
GAINSBOROUGH
DN21 2BP

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 must 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:

Site Location Plan

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

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

3. Prior to installation, drawings to a scale of 1:20 fully detailing the following new or replacement windows, doors, shopfronts, surrounds, and signs shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and retained as such thereafter.

- materials;
- decorative/ protective finish;
- cross sections for glazing bars, sills, heads and sign at a scale of 1:10;
- method of opening;
- method of glazing.
- colour scheme.

Reason: In the interest of visual amenity and to ensure the development preserves the setting of the Conservation Area and nearby listed Buildings in accordance with the Statutory Duties, Policies S53 and S57 of the CLLP and the policies within the Gainsborough Neighbourhood Plan.

4. Prior to installation, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and retained as such thereafter.

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

Reason: In the interest of visual amenity and to ensure the development preserves the setting of the Conservation Area and nearby listed Buildings in accordance with the Statutory Duties, Policies S53 and S57 of the CLLP and the policies within the Gainsborough Neighbourhood Plan.

5. Following the removal of a 1 square metre section of the existing render, photographs, in the first instance shall be submitted to the Local Planning Authority to assess. Following assessment, the Local Planning Authority will in writing approve or refuse the further removal of render from the building. If further removal is not acceptable, a methodology, detailing repairs for making good, or other alternative shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development preserves the setting of the Conservation Area and nearby listed Buildings in accordance with the Statutory Duties, Policies S53 and S57 of the CLLP and the policies within the Gainsborough Neighbourhood Plan.

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

None.

Notes to the Applicant

External Painting- It is recommended that a linseed oil paint is painted over the Dulux weather shield for better breathable properties and the prevention of rot to the wood.

Reasons for granting permission

The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S53: Design and Amenity, Policy S57: The Historic Environment of the Central Lincolnshire Local Plan, the policies within the Gainsborough Town Neighbourhood Plan, Policy M11 of the Core Strategy and the Statutory duties contained within Sections 66 and 72 of the 'Act' in the first instance along with the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment, it is considered that the proposed external alterations would enhance the visual appearance of the host building, a non-designated heritage asset and the Gainsborough Town Conservation Area as well as the wider historic Market Place. The proposals would enhance the setting of the nearby listed buildings and no unacceptable harm has been identified with regard to the impacts upon residential amenity, highways or drainage nor would the proposal impact upon the minerals safeguarding area.

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: 31/12/2024

Signed:



Ian Knowles
Chief Executive and Head of Paid Service

West Lindsey District Council
Council Offices
Guildhall
Marshall's Yard

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). 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 six 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 www.planningportal.gov.uk/pcs. 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 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

Officers Report

Planning Application No: WL/2024/00982

PROPOSAL: Planning application for Façade works.

LOCATION:

23-25

MARKET PLACE

GAINSBOROUGH

DN21 2BP

WARD: GAINSBOROUGH SOUTH WEST

TARGET DECISION DATE: 16/01/2025

CASE OFFICER: Danielle Peck

Recommended Decision: Grant planning permission with conditions

Site Description: The application site comprises of a three-storey building located within the Gainsborough Town Centre. The building is a non-designated heritage asset. The ground floor currently comprises of a vacant shop unit, with the upper floors recently being granted prior approval to change to 3no. dwellinghouses. The site is within the Gainsborough Town Conservation Area and is located adjacent to a number of listed buildings, namely;

- 21 Market Place- Grade II Listed- directly to the east
- 1 Silver Street- Grade II Listed- to the west.

The building is noted as a building of local interest within the Gainsborough Conservation Area Appraisal and lies within a Sand and Gravel Minerals Safeguarding Area.

The Proposal: The application seeks planning permission for the following external works to the existing building;

- Replacement of Rain Water Goods with cast iron;
- Frontage casement windows to be replaced with timber flush sash casement- finished in white.
- External render to be removed and replaced with a lime based render with paint finish;
- Reinstatement of cornice features;
- Repairing of shop frontage including re painting;
- Chimney to be re pointed/re built where required;
- Replacement of windows to the rear;
- Repairing and repointing of brickwork where required;
- Refurbishment of the 'Curtis Walk' Sign.

Relevant Planning History

WL/2024/00777- Prior approval application for proposed change of use of commercial, business and service to 3no. dwellings. Prior approval not req 13/12/2024.

136569- Application for advertisement consent to display fascia signage and hanging sign. 26/09/2017.

Representations

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

Gainsborough Town Council: Support improving the town centre and doing works to improve it, but to request clarification if listed building consent is required.

Local residents/Third Party Representations: No representations received to date.

LCC Highways and Lead Local Flood Authority: No objections. The proposal will not affect the public highway.

Environment Agency: No representations received to date.

LCC Archaeology: No archaeological input required

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

WLDC Conservation Officer:

12/12/2024- I am happy with the removal of the render if this is causing issues internally. I would be happy to condition the visual inspection panel as suggested with a review of the approach to removal from that point.

The uPVC is removed, and all the windows are timber now so I am happy with this detail.

The shop front is to be retained to floor level with no brickwork. I am happy with this detail being retained. I would recommend a linseed oil paint over the Dulux weather shield for better breathable properties and prevention of rot to the wood.

29/11/2024- In Summary-

Render replacement- The replacement of the cement render with lime is a positive approach for a more compatible product with the building which would aid in any concerns with damp or water ingress internally. Through Policy S57 of the CLLP this would be supported as it would conserve the historic

environment, however, there is no justification for this change in material in the Heritage Statement so I would recommend this is assessed first. If the render is not causing harm to the building, then the removal may create more harm to the property through its removal than the intended improvement.

Rear replacement windows- The proposal of replacement windows and doors protect and enhance the historic setting through their design; however, more detail with the type of glazing, the materials, and finer details with sectional drawings will be required for each window. The proposal of uPVC in the conservation area is not considered to be acceptable.

Frontage- The removal of the bottom section of the stallriser appears to show a brick course being added. This would be incongruous with the overall design of the building and change the dimensions of the stallriser. Alterations to the shopfront will change the dimensions of the facade with 27 Market Place which is the same building. Although the neighbouring shop front has much more harmful design, this can be viewed with similar dimensions at this time with need of improvement. The design change would harm the character of the CA and setting of LB's

Date Checked: 31/12/2024

Relevant Planning Policies and Legislation:

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

Development Plan

- ***Central Lincolnshire Local Plan 2023 –***

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 S37: Gainsborough Town Centre and Primary Shopping Area

Policy NS41: City and Town Centre Frontages

Policy S47: Accessibility and Transport

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S60 Protecting Biodiversity and Geodiversity

Policy S61 Biodiversity Opportunity and Delivering Measurable Net Gains

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

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

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

Relevant policies of the NP include:

- NPP 1 Sustainable Development
- NPP 6 Ensuring High Quality Design
- NPP 7 Ensuring High Quality Design in each Character Area
- NPP 18 Protecting and Enhancing Heritage Assets

Gainsborough Heritage and Character Assessment dated 28th February 2018
Character Area TCA 06: Gainsborough Town Centre

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

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

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

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

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

However, existing 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).

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

- National Design Guide (2019)

<https://www.gov.uk/government/publications/national-design-guide>

- National Model Design Code (2021)

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- ***Draft Minerals and Waste Local Plan (DMWLP)***

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan. The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24th September 2024.

The Draft Plan has not been adopted as yet but once adopted will cover the period to 2041. The consulted draft plan includes the following relevant policy:

SM15: Safeguarding of Mineral Resources

The draft plan would have some limited weight in the decision-making process

Other:

Listed Building Legal Duty

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Legal Duty

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Main Considerations:

- Principle of Development. Inc. Flood Risk;
- Design and Heritage - Impact on host building (NDHA) and setting of Designated Heritage Assets (Gainsborough Town Conservation Area and Listed Buildings)
- Other Matters.

Assessment:

Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The application site is located within Gainsborough Town Centre. Gainsborough is defined as a 'Main Town' within Policy S1 of the CLLP. The works comprise of external alterations to the existing building, the main considerations in this case are the impacts on the host building, a non-designated heritage asset and the designated heritage assets comprising of the nearby listed buildings and the Gainsborough Town Centre Conservation Area.

Flood Risk- The site is located within Flood Zone 2 as defined by the Environment Agency's Flood Risk Maps for planning. The proposals comprise of external works only and would not increase the risk of flooding at the site or on any neighbouring occupiers. The proposals would accord to the aims of Policy S21 and the flood risk provisions of the NPPF.

Design and Amenity- Impact on host building and setting of Designated Heritage Assets (Gainsborough Town Conservation Area and Listed Buildings)

Policy S53 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.*

Policy NS41 states that; *Proposals for new frontages or alterations to existing frontages within an identified centre will be permitted provided the proposal:*

- a. is of a high quality design and is sympathetic in scale, proportion and appearance to the building of which it forms part, and to the character of the surrounding street scene; and*
- b. protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area; and*
- c. is designed to allow equal access for all users.*

The host building is considered to be a non-designated heritage asset given that it is noted as being a 'building of local interest' within the Gainsborough Town Conservation Appraisal. It is also noted as being within an area of buildings noted as "buildings of interest forming a group" within the Appraisal.

With regard to non- designated heritage assets, Policy S57 states that; *Where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention, though regard will be had to the scale of any harm or loss and the significance of the heritage asset. Any special features which contribute to an asset's significance should be retained and reinstated, where possible. It also states that; Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.*

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.

Policy NPP18 of the GNP states that; *Development proposals affecting non-designated heritage assets that are also within the Conservation Areas will need to demonstrate that the scheme preserves or enhances the Conservation Area.* Policy NPP19 of the GNP states; *Development proposals which would assist in Market Place operating as an attractive focal point in the town centre will be supported.*

The application proposes the following external alterations to the existing building;

- Replacement of Rain Water Goods with cast iron;
- Frontage casement windows to be replaced with timber flush sash casement- finished in white.
- External render to be removed and replaced with a lime based render with paint finish;
- Reinstatement of cornice features;
- Repairing of shop frontage including re painting;
- Chimney to be re pointed/re built where required;
- Replacement of windows to the rear;
- Repairing and repointing of brickwork where required;
- Refurbishment of 'Curtis Walk' Sign.

The building is currently, externally, in a poor state. The proposed works are welcomed and supported and will contribute positively to the host building and to the surrounding Conservation Area. Through the application process amendments have been sought following comments from the Conservation Officer. The proposals are now considered to be acceptable, subject to conditions.

Overall, the proposals would be positive alterations to the host building that would enhance the character of the conservation area and preserve the setting of the nearby listed buildings in accordance with the Statutory Duties within the 'Act' and the policies within the Development Plan, comprising of the Central Lincolnshire Local Plan and the Gainsborough Neighbourhood Plan, which are all supportive of such alterations.

Other matters:

Comment from Gainsborough Town Council- It has been noted that Gainsborough Town Council have asked why Listed Building Consent has not been submitted alongside this application. To clarify, the building is not listed.

Minerals Safeguarding Area- The proposals comprise of external works to an existing building, the development is also within the continuous developed footprint of Gainsborough therefore it is not considered that safeguarding considerations within policy M11 of the Lincolnshire Minerals and Waste Local Plan are engaged in this case.

Residential Amenity- The proposals, given that they comprise of external works to an existing building, would not impact upon the amenity of any neighbouring residential occupiers.

Highways- The proposals would not impact upon highway safety; LCC highways department have been consulted on the proposals and have no objections, stating that the proposals do not impact upon the public highway.

Drainage- Any surface water run-off will utilise the existing drainage systems at the site.

Conclusion and reason for decision: The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S53: Design and Amenity, Policy S57: The Historic Environment of the Central Lincolnshire Local Plan, the policies within the Gainsborough Town Neighbourhood Plan, Policy M11 of the Core Strategy and the Statutory duties contained within Sections 66 and 72 of the 'Act' in the first instance along with the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment, it is considered that the proposed external alterations would enhance the visual appearance of the host building, a non-designated heritage asset and the Gainsborough Town Conservation Area as well as the wider historic Market Place. The proposals would enhance the setting of the nearby listed buildings and no unacceptable harm has been identified with regard to the impacts upon residential amenity, highways or drainage nor would the proposal impact upon the minerals safeguarding area. The application is recommended for approval subject to conditions.

Decision Level: Delegated

RECOMMENDED CONDITIONS

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

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

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

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

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:

- Site Location Plan
- Proposed Elevations PA-201-A-A-GA-PE Rev A

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

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

3. Prior to installation, drawings to a scale of 1:20 fully detailing the following new or replacement windows, doors, shopfronts, surrounds, and signs shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and retained as such thereafter.

- materials;
- decorative/ protective finish;
- cross sections for glazing bars, sills, heads and sign at a scale of 1:10;
- method of opening;
- method of glazing.
- colour scheme.

Reason: In the interest of visual amenity and to ensure the development preserves the setting of the Conservation Area and nearby listed Buildings in accordance with the Statutory Duties, Policies S53 and S57 of the CLLP and the policies within the Gainsborough Neighbourhood Plan.

4. Prior to installation, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and retained as such thereafter.

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

Reason: In the interest of visual amenity and to ensure the development preserves the setting of the Conservation Area and nearby listed Buildings in accordance with the Statutory Duties, Policies S53 and S57 of the CLLP and the policies within the Gainsborough Neighbourhood Plan.

5. Following the removal of a 1 square metre section of the existing render, photographs, in the first instance shall be submitted to the Local Planning Authority to assess. Following assessment, the Local Planning Authority will in writing approve or refuse the further removal of render from the building.

If further removal is not acceptable, a methodology, detailing repairs for making good, or other alternative shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development preserves the setting of the Conservation Area and nearby listed Buildings in accordance with the Statutory Duties, Policies S53 and S57 of the CLLP and the policies within the Gainsborough Neighbourhood Plan.

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

None.

Notes to the Applicant

External Painting- It is recommended that a linseed oil paint is painted over the Dulux weather shield for better breathable properties and the prevention of rot to the wood.

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 : Danielle Peck

Date : 31/12/2024

Authorising Officer: Ian Elliott

Date: 31st December 2024

PAPER D

Consent to Display Advertisements

Name and address of applicant

S Singh
LODGE FARM BARN
MAIN ROAD
SKENDLEBY
PE23 4QF

Name and address of agent (if any)

Scorer Hawkins
Scorer Hawkins Architects Ltd.
LODGE FARM BARN
MAIN ROAD
SKENDLEBY
PE23 4QF

Part One – Particulars of application

Date of application:

15/11/2024

Application number:

WL/2024/00979

Particulars and location of development:

Proposal: Advertisement consent for 5no. fascia signs.

Location: WHITE HART HOTEL, 49 LORD STREET, GAINSBOROUGH, DN21 2DD

Part Two – Particulars of decision

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

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

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

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

Reason: In accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to— (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interest of the visual amenity to accord with the National Planning Policy Framework and Local Policy S53, NS55 and S57 of the Central Lincolnshire Local Plan.

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

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interest of the visual amenity to accord with the National Planning Policy Framework and Local Policy S53, NS55 and S57 of the Central Lincolnshire Local Plan.

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

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interest of the visual amenity to accord with the National Planning Policy Framework and Local Policy S53, NS55 and S57 of the Central Lincolnshire Local Plan.

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

- Site Location Plan & Block Plan: 2433-OS received 18/11/2024
- Proposed South Elevation Signage: 2433-PP01 Rev A dated 12/11/2024
- Proposed Sign Boards: 2433-PP02 Rev A dated 12/11/2024 and 243-PP03 Rev A dated 12/11/2024.

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 advertisement proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Local Policy S53, NS55 and S57 of the Central Lincolnshire Local Plan.

Reasons for Granting Consent

The decision has been considered against policies S37: Gainsborough Town Centre and Primary Shopping Area, NS41: City and Town Centre Frontages, S53: Design and Amenity, NS55: Advertisements, S57: The Historic Environment of the Central Lincolnshire Local Plan in the first instance, as well as NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area, NPP 18 Protecting and Enhancing Heritage Assets and NPP 19 Improving the Vitality of the Town Centre of the Gainsborough Town Neighbourhood Plan, and Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance, and the Gainsborough Britannia Conservation Area Appraisal. Guidance contained within the Lincolnshire Minerals and Waste Local Plan, National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been considered.

In light of this assessment it is considered that the sign due to the present use of the site and the location and nature of the proposed signage is appropriate and would not detract from the visual amenity of the locality. Furthermore, it is considered that the proposal will preserve the character

and appearance of the Conservation Area and will preserve the Grade II Listed Building and its setting. The proposals are therefore acceptable subject to conditions.

Date: 02/01/2025

Signed:



Ian Knowles
Chief Executive and Head of Paid Service

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

Notes:

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

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

Officers Report

Advertisement Consent No: WL/2024/00979

PROPOSAL: Advertisement consent for 5no. fascia signs.

LOCATION: WHITE HART HOTEL, 49 LORD STREET, GAINSBOROUGH, DN21 2DD

WARD: GAINSBOROUGH SOUTH WEST

TARGET DECISION DATE: 10/01/2025

DEVELOPMENT TYPE: Advertisement

CASE OFFICER: Holly Horton

Recommended Decision: Grant advertisement consent.

Site Description:

The application site is located in the town of Gainsborough, and is situated on the northern side of Lord Street. The site lies within the Gainsborough Town Conservation Area, and is within the setting of several listed buildings. The site is situated in the heart of Gainsborough's historic core, and is within the Gainsborough Primary Shopping Area and 'Town Centre'. The site also lies within a Sand and Gravel Minerals Safeguarding Area and is in Flood Zone 2.

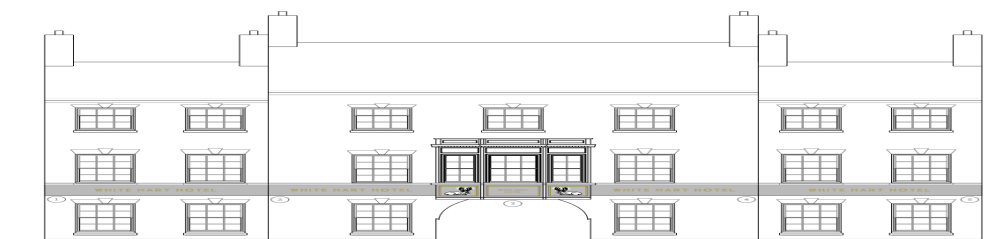
The site is adjoined by Lord Street to the immediate south with commercial and retail properties surrounding to the site. The hotel itself is currently 'The Gainsborough Hotel' and is a Grade II Listed Building.

The Historic England official listing describes the property as:

'2. C18. Red brick, machine tiled roof. 3 storeys. Slightly projecting centre of 3 windows with central 1st floor wooden oriel canted bay window with panelled frieze and parapet. Modillion cornice. Elliptical arched central carriageway, impost blocks. 2-window side wings with moulded blocking cornices. 1st floor cill bands, central parapet. Side windows are sashes in reveals with voussoirs, flat arches with raised keyblocks, hung sashes with glazing bars. Central windows have raised rendered flat arches, triple keystones. Plinth rendered.

The White Hart Hotel and No 51 Lord Street including No 1 Church Street form a group.'

The application seeks advertisement consent for 5no fascia signs. The proposed signs would all be located on the front (southern) elevation above the ground floor level windows, and would span the entire width of the building. The signs would be made from timber and would be finished with a black background with gold text.



Relevant Planning History

WL/2024/00941 – Listed Building Consent for replacement of non-original, dilapidated bay window to building façade – Granted with conditions 18/12/2024

147679 – Planning application for retractable awnings to façade – Refused 21/02/2024

147980 – Listed Building Consent for retractable awnings to façade – Refused 21/03/2024

136892 - Listed building consent for conversion of former store to 2no. apartments, erect 2no. dwellings and 2no. studio flats, to include the demolition of car park roof – Listed Building Consent – Refused 26/01/2018

136893 – Planning application for conversion of former store to 2no. apartments, erect 2no. dwellings and 2no. studio flats, to include the demolition of car park roof – Listed Building Consent – Refused 26/01/2018

W33/LB/21/89 – Replace existing timber sliding sash windows with new UPVC windows – Refused 24/03/1992 – Dismissed at appeal 04/11/1992

Representations

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

Gainsborough Town Council: Ask that WLDC Planning discuss WL/2024/00941 and WL/2024/00979 as the applications appear to be the same location with a different name, there is listed building consent with no planning application and consequently an informed decision cannot be made with the information presented.

LCC Highways and Lead Local Flood Authority: 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 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.

Conservation Officer: No objections.

Date Checked: 02/01/2025

Relevant Planning Policies and Legislation:

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 2017); the Gainsborough Town Neighbourhood Plan (made 2021); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

S37: Gainsborough Town Centre and Primary Shopping Area

NS41: City and Town Centre Frontages

S53: Design and Amenity

NS55: Advertisements

S57: The Historic Environment

- **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

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

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

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

National policy & guidance (Material Consideration)

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

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

The most recent iteration of the NPPF was published in December 2024. Paragraph 232 states:

However, existing 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).

<https://www.gov.uk/government/publications/national-planningpolicy-framework--2>

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

Draft Minerals and Waste Local Plan (DMWLP)

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan. The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24th September 2024.

The Draft Plan has not been adopted as yet but once adopted will cover the period to 2041.

The consulted draft plan includes the following relevant policy:

SM15: Safeguarding of Mineral Resources

The draft plan would have some limited weight in the decision-making process.

Other

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- Statutory duties under Sections 66 and 72 of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990;
- Gainsborough Town Centre Conservation Area Appraisal.

Main Considerations:

Under reg.3 (1) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

(a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors.

- Design and Heritage (Amenity)
- Public/Highway Safety
- Residential Amenity

Paragraph 141 of the NPPF states:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.

Assessment:

Design, visual amenity and heritage:

The principle development plan policy is Policy NS55 which relates to advertisements. Criteria a) and b) states that *“all proposals for the display of advertisements must comply with relevant national regulations and guidance. Where advertisement consent is required, such consent will be permitted if the proposal respects the interests of public safety and amenity, subject to the following criteria:*

- a) The design (including any associated lighting and illumination), materials, size and location of the advertisement respects the scale and character of the building on which it is situated and the surrounding area, especially in the case of a listed building or within a conservation area; and*
- b) The proposal would not result in a cluttered street scene, excessive signage, or a proliferation of signs advertising a single site or enterprise;”*

Local policy S53 of the CLLP sets out 10 criteria based on design and amenity. It is considered that criteria 1 (Context) of S53 is the most relevant to the development.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The application seeks advertisement consent for 5no fascia signs. The proposed signs would all be located on the front (southern) elevation above the ground floor level windows, and would span the entire width of the building as below. The signs would be made from timber and would be finished with a black background with gold text.

The application site is a hotel listed at Grade II and it is located in the town of Gainsborough, on the northern side of Lord Street. The site is situated in the heart of Gainsborough's historic core and is within the Gainsborough Primary Shopping Area and 'Town Centre'. The site lies within the Gainsborough Town Conservation Area and is within the setting of several listed buildings.

The Conservation Officer has been consulted on the proposal and has raised no objections. The proposed signage would replace the existing signage that is present on the front elevation of the existing building. The size, scale, materials and colour finish of the proposed advertisements are considered to respect the scale and character of the Listed Building, and would preserve the wider setting of the Gainsborough Town Conservation Area. In addition, the proposed signage would not result in a cluttered street scene or excessive signage.

It is therefore considered that the proposal would preserve the Grade II Listed Building and its setting, as well as the Gainsborough Town Conservation Area in accordance with the statutory duties within the Act and the heritage policies within the Development Plan. In addition, the proposed signage would accord with Policy NS55 of the CLLP in this regard.

Public and Highway Safety:

Paragraph 141 of the NPPF require Local Planning Authorities to consider the impact on public safety when determining applications for advertisement consent.

Criteria c) and d) Local policy NS55 of the CLLP states that *"all proposals for the display of advertisements must comply with relevant national regulations and guidance. Where advertisement consent is required, such consent will be permitted if the proposal respects the interests of public safety and amenity, subject to the following criteria:*

- c) The proposal would not cause a hazard to pedestrians or road users; and*
- d) The proposal would not impede on any surveillance equipment and would contribute positively to public perceptions of security."*

No objections have been received from the Local Highways Authority on safety grounds. It is therefore considered that the proposal would not obstruct pedestrian routes or cause a probable distraction to drivers.

Residential amenity:

Policy S53 of the Central Lincolnshire Local plan requires that development proposals do not have an unacceptable impact on residential amenity in terms of consideration such as loss of sunlight, overbearing forms of development, noise or loss of privacy. These

requirements are consistent with paragraph 135 f) of the NPPF which requires that development proposals provide a high standard of residential amenity to existing and future users.

Considering that the site is located within an established town centre area, it is not considered that there would be any impact upon neighbouring amenity. Therefore, the proposal would accord with Policy S53 of the CLLP in this regard.

Other matters:

Safeguarding of Mineral Resources

Policy M11 sets out exemptions which includes applications for Advertisement Consent, therefore this application is exempt from this policy.

Response to Town Council Comments

WL/2024/00941 was an application for Listed Building Consent for the replacement of a window. The consent has been determined and as detailed in the officer's report, it only required Listed Building Consent and not planning permission. This application is for advertisement consent for 5no fascia signs and has been considered separately to the aforementioned application.

Conclusion and reason for decision:

The decision has been considered against policies S37: Gainsborough Town Centre and Primary Shopping Area, NS41: City and Town Centre Frontages, S53: Design and Amenity, NS55: Advertisements, S57: The Historic Environment of the Central Lincolnshire Local Plan in the first instance, as well as NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area, NPP 18 Protecting and Enhancing Heritage Assets and NPP 19 Improving the Vitality of the Town Centre of the Gainsborough Town Neighbourhood Plan, and Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance, and the Gainsborough Britannia Conservation Area Appraisal. Guidance contained within the Lincolnshire Minerals and Waste Local Plan, National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been considered.

In light of this assessment it is considered that the sign due to the present use of the site and the location and nature of the proposed signage is appropriate and would not detract from the visual amenity of the locality. Furthermore, it is considered that the proposal will preserve the character and appearance of the Conservation Area and will preserve the Grade II Listed Building and its setting. The proposals are therefore acceptable 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 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

Conditions:

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

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

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

Reason: In accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to— (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interest of the visual amenity to accord with the National Planning Policy Framework and Local Policy S53, NS55 and S57 of the Central Lincolnshire Local Plan.

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

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interest of the visual amenity to accord with the National Planning Policy Framework and Local Policy S53, NS55 and S57 of the Central Lincolnshire Local Plan.

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

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interest of the visual amenity to accord with the National Planning Policy Framework and Local Policy S53, NS55 and S57 of the Central Lincolnshire Local Plan.

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings/documents:
- Site Location Plan & Block Plan: 2433-OS received 18/11/2024
 - Proposed South Elevation Signage: 2433-PP01 Rev A dated 12/11/2024
 - Proposed Sign Boards: 2433-PP02 Rev A dated 12/11/2024 and 243-PP03 Rev A dated 12/11/2024.

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 advertisement proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Local Policy S53, NS55 and S57 of the Central Lincolnshire Local Plan.

Prepared by: Holly Horton

Date: 02/01/2025

Signed: H.Horton

Authorising Officer: D Peck **Date:** 02/01/2025

Decision Level: Delegated

PAPER E

Listed Building Consent

Name and address of applicant
S. Singh
THE GAINSBOROUGH HOTEL
49 LORD STREET
GAINSBOROUGH
DN21 2DD

Name and address of agent (if any)
Scorer Hawkins Architects Ltd.
Scorer Hawkins
LODGE FARM BARNES
MAIN ROAD
SKENDLEBY
PE23 4QF

Part I – Particulars of application

Date of application
11/11/2024

Application no: WL/2024/00941

Particulars and location of development

Proposal: Listed Building Consent for Replacement of non-original, dilapidated bay window to building façade

Location:
THE GAINSBOROUGH HOTEL
49 LORD STREET
GAINSBOROUGH
DN21 2DD

Part II – Particulars of decision

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

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

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

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

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

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: 2433-OS, 2433-P01, 2433-W-.01 dated 12/11/2024. 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 in the interests of proper planning.

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

None.

Notes to the Applicant

None.

Reasons for Granting Consent:

The proposed works have been considered against Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and advice given in Chapter 16 of the National Planning Policy Framework. In light of this assessment, the works are acceptable as the changes (subject to conditions) will have no adverse impact on the character, appearance and fabric of the Listed Building.

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: 18/12/2024

Signed:



Ian Knowles
Chief Executive and Head of Paid Service

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

Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, then you can appeal to the Secretary of State in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990.
- **If you want to appeal against your local planning authority's decision 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 or online at: <https://acp.planninginspectorate.gov.uk>.**

- If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district, in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.
- In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.
- **Only the applicant possesses the right to appeal the decision.**

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

Officer's Report

Planning Application No: WL/2024/00941

PROPOSAL: Listed Building Consent for Replacement of non-original, dilapidated bay window to building façade.

LOCATION: THE GAINSBOROUGH HOTEL 49 LORD STREET
GAINSBOROUGH DN21 2DD

WARD: Gainsborough South West

APPLICANT NAME: S Singh

TARGET DECISION DATE: 03/01/2025

DEVELOPMENT TYPE: Listed Building - Alter/Extend

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

Description:

The site is located within the town centre of Gainsborough and comprises a Grade II Listed Hotel fronting Lord Street. The site is surrounded by commercial buildings a number of which include living accommodation.

The application seeks permission to replace a non-original dilapidated first floor bay window on the southern elevation facing Lord Street with an exact replacement.

Relevant history:

WL/2024/00979 - Advertisement consent for 5no. fascia signs. Still to be determined.

Representations:

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

Town Council: RESOLVED: to ask that WLDC Planning discuss WL/2024/00941 and WL/2024/00979 as the applications appear to be the same location with a different name, there is listed building consent with no planning application and consequently an informed decision cannot be made with the information presented.

Local residents: No representations received to date.

LCC Highways and Lead Local Flood Authority: The proposal will not affect the public highways. 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. One informative is suggested.

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.

Conservation Officer: No objection. Supports the proposal.

Central Lincolnshire Local Plan: No representations received to date.

West Lindsey Neighbourhood Plans: No representations received to date.

Horizon: Checked 18/12/2024

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Lb Legal Duty

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Main issues

- Principle and impact on a Listed Building

Assessment:

Principle and Impact on a Listed Building

Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The National Planning Policy Framework requires Local Planning Authorities to assess the significance of the heritage assets involved and the likely impact of the development on them. Local Plan Policy S57 allows such development if the Local Planning Authority is satisfied that the proposal is in the interest of the building's conservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

The application seeks permission to replace a non-original dilapidated first floor bay window on the southern elevation facing Lord Street with an exact replacement. The Conservation Officer supports the proposal.

It is considered that this proposal will preserve the Listed Building and its setting. It is therefore considered that the proposed works are acceptable as

the changes (subject to conditions) will have no adverse impact on the character, appearance and fabric of the Listed Building in accordance with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and the NPPF.

Other Matters:

Highways

An informative suggested by Lincolnshire County Council Highways will not be attached to the decision notice and scaffolding has already been erected on the front (south) elevation of the building.

Town Council Comments

WL/2024/00979 - Advertisement consent for 5no. fascia signs is still to be determined and this proposal (WL/2024/00941) only requires Listed Building Consent and not planning permission.

Conclusions and reasons for decision

The proposed works have been considered against Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and advice given in Chapter 16 of the National Planning Policy Framework. In light of this assessment, the works are acceptable as the changes (subject to conditions) will have no adverse impact on the character, appearance and fabric of the Listed Building.

It is recommended that Listed Building Consent is granted subject to the following conditions and informatives:

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

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

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

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

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: 2433-0S, 2433-P01, 2433-W-.01 dated 12/11/2024. 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 in the interests of proper planning.

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

None.

Notes to the Applicant

None.

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: 18/12/2024

Signed: **R,J,Green**

Authorising Officer: Danielle Peck

Date: 18/12/2024

Delegated X

PAPER F

Planning Permission

Name and address of applicant

Angela Faunthorpe
11A NORTH STREET
MORTON
GAINSBOROUGH
UNITED KINGDOM
DN21 3AS

Name and address of agent (if any)

Part One – Particulars of application

Date of application: 21/11/2024	Application number: WL/2024/00960
------------------------------------	--------------------------------------

Particulars and location of development:

Proposal: Planning Application to install roller shutter doors and windows.

Location:

376 THE FISH LODGE
ROPERY ROAD
GAINSBOROUGH
DN21 2TS

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 must 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: Site Location Plan, Proposed photographs front elevation and side elevation and specification sheets received 31/10/2024,06/11/2024 and 22/11/2024. The works shall be carried out in accordance

with the details shown on the approved plans and any other documents forming part of the application.

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

3. The roller shutters shall be Seceuroshield Traditional 75 in a plain galvanised finish as detailed in roller shutter specification by SWS UK.

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

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

None.

Notes to the Applicant

None.

Reasons for granting permission

The proposal has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S13 Reducing Energy Consumption in existing buildings, S21 Flood Risk and Water Resources and S53 Design and Amenity of the Central Lincolnshire Local Plan and the policies within the Gainsborough Town Neighbourhood Plan in the first instance, consideration has also been given to the provisions of the NPPF and guidance contained within the NPPG. In light of this assessment, it is considered that the proposal will not harm the character or appearance of the unit or the street-scene.

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: 06/01/2025

Signed:

A handwritten signature in black ink, appearing to read 'Ian Knowles', written over a light blue circular stamp.

Ian Knowles
Chief Executive and 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). 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 six 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 www.planningportal.gov.uk/pcs. 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 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

Officers Report

Planning Application No: WL/2024/00960

PROPOSAL: Planning Application to install roller shutter doors and windows.

LOCATION:

376 THE FISH LODGE
ROPERY ROAD
GAINSBOROUGH
DN21 2TS

WARD: GAINSBOROUGH NORTH

TARGET DECISION DATE: 16/01/2025

CASE OFFICER: Danielle Peck

Recommended Decision: Grant permission with conditions

Site Description: The application site comprises of a shop unit within the settlement of Gainsborough. Residential uses adjoin the site to the south and east, the highway adjoins the north and west boundaries with further residential uses beyond this. The application site is located within Flood Zones 2 and 3.

The Proposal: The application seeks permission to install roller shutters on the front elevation (west), side elevation (north), two windows and two doors which are also located on the north elevation.

Relevant Planning History

Reference	Proposal	Decision
141471	Planning application to install roller shutters	Granted time limit plus conditions 23/10/2020
W33/A/18/89	Display two illuminated fascia signs	Granted 31/08/90.

Representations

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

Gainsborough Town Council: Support the application.

Local residents/Third Party Representations: No representations received to date.

LCC Highways and Lead Local Flood Authority: No objections.

LCC Archaeology: No archaeological input required.

Date Checked: 06/01/2025.

Relevant Planning Policies and Legislation:

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

Development Plan

- ***Central Lincolnshire Local Plan 2023 –***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy
S13 Reducing Energy Consumption in existing buildings
S21 Flood Risk and Water Resources
S53 Design and Amenity

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

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

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

Relevant policies of the NP include:

NPP 1 Sustainable Development
NPP 2 Protecting the Natural Environment and Enhancing Biodiversity
NPP 6 Ensuring High Quality Design
NPP 7 Ensuring High Quality Design in each Character Area

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

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

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 2024. Paragraph 232 states:

However, existing 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 Policy Framework

- National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

- National Design Guide (2019)

<https://www.gov.uk/government/publications/national-design-guide>

- National Model Design Code (2021)

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Minerals and Waste Local Plan (DMWLP)**

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan. The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24th September 2024. The Draft Plan has not been adopted as yet but once adopted will cover the period to 2041. The consulted draft plan includes the following relevant policy:

SM15: Safeguarding of Mineral Resources

The draft plan would have some limited weight in the decision-making process

Main Considerations:

- Principle of development:
- Flood risk;
- Visual Impact;
- Other Matters.

Assessment:

Principle of Development

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The site is within the settlement of Gainsborough, a sustainable Main Town (tier 2) as defined within Policy S1 of the Central Lincolnshire Local Plan. The introduction of roller shutter doors will provide a more secure unit for existing or future occupants. Therefore, the principle of development is acceptable providing the design of the shutters does not harm the visual appearance of the building and the surrounding area.

Flood Risk

The application site is located within Flood Zones 2 and 3. The proposal is considered to be 'minor development'. Minor development is defined in footnote 62 of the NPPF and includes the following: *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.* The proposal is covered by national flood risk standing advice, however there will be no change in floor levels and there will be no new accommodation. The shutters do not require the application of the sequential and exceptions tests.

Overall, the proposal will not increase the risk of flooding on the site or surrounding land and accords to S21 and the provisions of the NPPF.

Visual Impact

Policy S53 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.*

It is proposed to install roller shutters on the front elevation (west), side elevation (north), two windows and two doors which are also located on the north elevation. The shutters will be made from galvanised steel as stated in the submitted specification documents. The appearance and position of the shutters are considered acceptable and will not have an adverse impact on the host building or surrounding street scene.

Other Matters

Biodiversity Net Gain- The 10% BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10% This means a development will result in more or better quality natural habitat that there was before development.

There are some exemptions to this requirement, one of which is development proposals meeting with the de- minimis exemption (ticked on the application form), the NPPG details this as follows;

- *the development must not impact on any onsite priority habitat; and*
- *if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow*

As the proposal does not impact any onsite priority habitat, it is considered that this proposal meets with the de-minimis definition and is exempt from being subject to the biodiversity net gain condition.

Drainage- The proposals would not impact upon surface or foul water drainage.

Residential Amenity- The site is located adjacent to residential uses, given the minor nature of the proposals it is not considered that there would be any unacceptable impacts upon residential amenity.

Energy Efficiency- Policy S13 of the CLLP encourages the use of energy efficient measures to be incorporated into existing buildings. Given that the proposal only comprises of the installation of external shutters it is not considered necessary to request any further measures to improve the energy efficiency of the building.

Highway Safety- The proposals would not impact negatively upon the highway network.

Conclusion and reason for decision: The proposal has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S13 Reducing Energy Consumption in existing buildings, S21 Flood Risk and Water Resources and S53 Design and Amenity of the Central Lincolnshire Local Plan and the policies within the Gainsborough Town Neighbourhood Plan in the first instance, consideration has also been given to the provisions of the NPPF and guidance contained within the NPPG. In light of this assessment, it is considered that the proposal will not harm the character or appearance of the unit or the street-scene. It is therefore recommended that permission is granted subject to conditions.

RECOMMENDED CONDITIONS

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

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

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

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

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: Site Location Plan, Proposed photographs front elevation and side elevation and specification sheets received 31/10/2024, 06/11/2024 and 22/11/2024.

The works shall be carried out in accordance with the details shown on the approved plans and any other documents forming part of the application.

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

3. The roller shutters shall be Seceuroshield Traditional 75 in a plain galvanised finish as detailed in roller shutter specification by SWS UK.

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

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

None.

Notes to the Applicant

None.

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 : Danielle Peck

Date : 06/01/2025

Authorising Office: Ian Elliott Date: 6th January 2025

PAPER G

**42 DAY HOUSEHOLDER PRIOR APPROVAL APPLICATION
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) ORDER 2015**

Name and address of applicant

Richard Eadington
HORSEWELLS FARM
HORSEWELLS STREET
GRINGLEY ON THE HILL
DN10 4RX

Name and address of agent (if any)

James Hartley
Phase Architecture
67 ST JOHNS DRIVE
CLARBOROUGH
DN22 9NN

Part I – Particulars of application

Date of application

30/09/2024

Application no.

WL/2024/00777

Particulars and location of proposed works:

Proposal: Prior approval application for proposed change of use of commercial, business and service to 3no. dwellings.

Location:

TUI
23-25 MARKET PLACE
GAINSBOROUGH
DN21 2BP

Part II – Particulars of decision

Further to your application received on 30/09/2024, under Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015, for prior approval with respect to the above proposal.

**It is hereby confirmed that the Council's prior approval is not required
Subject to the following conditions:**

CONDITIONS

1. Development under Class MA is permitted subject to the condition that development under Class MA must be completed within a period of 3 years starting with the prior approval date.

Reason: To comply with condition MA.2.(5) of Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. The development shall be carried out in accordance with the following approved drawing:

- PA-101-A-A-GA-PP dated received: 09/12/2024.

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: In the interest of clarity and proper planning.

3. Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Reason: To comply with condition MA.2.(6) of Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

As previously highlighted, you should also check whether separate Building Regulations consent is needed for the proposed extension. Advice can be obtained on our web site <http://www.west-lindsey.gov.uk/residents/planning-and-building/building-control/>, on 01427 676672 or by contacting us at building.control@west-lindsey.gov.uk

Date: 13/12/2024

Signed:

A handwritten signature in black ink, appearing to read 'Ian Knowles', written over a faint circular stamp.

Ian Knowles
Chief Executive and Head of Paid

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

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

OFFICERS REPORT

PLANNING APPLICATION NO: WL/2024/00777

PROPOSAL: Prior approval application for proposed change of use of commercial, business and service to 3no. dwellings.

LOCATION: 23-25 MARKET PLACE, GAINSBOROUGH, DN21 2BP

WARD: GAINSBOROUGH SOUTH WEST

TARGET DECISION DATE: 25/11/2024

CASE OFFICER: Josh Turner

Recommended Decision: Prior Approval Not Required

Description:

Prior approval application for proposed change of use of commercial, business and service to 3no. dwellings. The submitted scheme was amended to remove a 4th dwelling located on the ground floor level.

Relevant Planning History

Reference	Proposal	Decision
136569	Application for advertisement consent to display fascia signage and hanging sign	Granted with conditions 26/09/2017
125602	Advertisement consent for installation of marketing to facade.	Granted Time Limit Cond only 26/04/2010

Representations

Gainsborough Town Council: Resolved to support the application as the Town Council supports town centre living.

Public Comments: The application was advertised via neighbour notification letters and site notices. No letters of comment were received.

LCC Highways and Lead Local Flood Authority: The proposals will not have an unacceptable impact on the public highway. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal

WLDC Public Protection: No representations made.

Environment Agency: The application site is in Flood Zone 2 of our Flood Map for Planning and does not appear to fit any other criteria on our consultation checklist, ‘When to consult the Environment Agency’. The proposal is therefore covered by our national flood risk standing advice and it was not necessary to consult us

Date System Checked: 25/11/2024

Relevant Planning Legislation:

The Town and Country Planning (General Permitted Development) England) Order 2015 (as amended).

Schedule 2, Part 3, Class MA of the GPDO considers the permitted development of changes of use from *a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses)*

Assessment:

Does the proposal accord with Schedule 2, Part 3, Class MA of the GPDO 2015 (as amended)

The General Permitted Development Order 2015, Schedule 2, Part 3, Class M (as amended) allows for a change of use of a building falling within an A2 (financial and professional services) use to a C3 (dwellinghouses) use (with building operations permitted that are reasonably necessary to convert the building), subject to the following limits and conditions which are assessed below:

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

(a).

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The building has been in use within a specified use class for a period of at least 2 years prior to this application.

(c).

- (d) if land covered by, or within the curtilage of, the building—
- (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

The site is not located on land related to any of the designations listed above.

(e) if the building is within—

- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

The application site is not located within any of the protected areas listed above.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

Not applicable in this case.

(g) before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

The proposal does not fall under Class O.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

The site would return the previously residential flat to the upper floor back into a C3 use. This would not result in any external alterations and would not affect the current car parking arrangements. The Highways Authority have raised no objections to the proposed change of use.

(b) contamination risks in relation to the building;

There are no contamination risks in relation to this change of use.

(c) flooding risks in relation to the building;

A Flood Risk assessment was submitted with the application stating that that the proposed development is not at significant flood risk, and will not increase flood risk to others, and recommended that implementation of flood mitigation strategies. A proposed ground floor flat was removed from the proposal through the submission of amended drawings due to the risk to occupants of the ground floor flat during a flood event. Given that none of the proposed accommodation would be located on the ground floor level it is considered that the proposed flood mitigation measures would be sufficient.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

The application site is located within Gainsborough Market Place and is not located directly adjacent to properties which operate late at night and produce harmful levels of noise such as a Bar or Pub. As such, it is not anticipated that there would be a harmful noise impact upon the future occupants of the proposed flats.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The proposed development is located within the Gainsborough Town Centre Conservation area. The existing retail space and shop frontage and ground floor store room to the rear would remain unchanged, therefore retaining the character and appearance of the conservation area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

The proposed floor plans demonstrate that windows would provide adequate natural light to all habitable rooms.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

The application site is not in an area related to the above uses.

(h) where the development involves the loss of services provided by—
(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and;

The proposal would not result in the loss of the services outlined above.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]

No additional information was provided with regards to a fire escape plan. The proposed conversion would utilize the buildings existing internal staircase for fire escape purposes.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

The application was not made prior to 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—

(a) for paragraph (e) of sub-paragraph (2) there were substituted—

“(e) where—

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;

(b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;

(c) after sub-paragraph (6) there were inserted—

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.]

Conclusion and reason for decision:

The proposal has been assessed against the criteria set out within class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015) and meets all of the relevant criteria. As the development raises no concern with regards to transport and highways impacts of the development, contamination risks on site, Loss of Services, flooding risks on site and impacts of noise from commercial premises, prior approval is therefore not required.

Conditions:

1. Development under Class MA is permitted subject to the condition that development under Class MA must be completed within a period of 3 years starting with the prior approval date.

Reason: To comply with condition MA.2.(5) of Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. The development shall be carried out in accordance with the following approved drawing:

- PA-101-A-A-GA-PP dated received: 09/12/2024.

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: In the interest of clarity and proper planning.

3. Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Reason: To comply with condition MA.2.(6) of Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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: Josh Turner **Date:** 13/12/2024

Authorising Officer: Ian Elliott **Date:** 13th December 2024

PAPER H

Planning Permission

Name and address of applicant

Acis
C/O Agent Acanthus Wsm Architects
Studio 11
2 King Charles Street
Leeds
LS1 6LS

Name and address of agent (if any)

AWSM Architects
Acanthus WSM Architects
Studio 11
2 King Charles Street
Leeds
LS1 6LS

Part One – Particulars of application

Date of application:
02/10/2024

Application number:
WL/2024/00817

Particulars and location of development:

Proposal: Planning application for the erection of an Extra Care home (Class C2) containing up to 48no. apartments of mixed one and two bedroom apartments, with associated amenities, staff facilities, landscaping and parking being variation of condition 4 of planning permission 144221 granted 5 October 2023 - amendment to design

Location: Former Cedars Residential Home, Morton Terrace, Gainsborough

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 must be begun before the end of the 5th October 2026.

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

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

2. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none-technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing –

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration.

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

- (i) The routing and management of traffic;
- (ii) The parking of vehicles of site operatives and visitors;
- (iii) Loading and unloading of plant and materials;
- (iv) Storage of plant and materials used in constructing the development;
- (v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) Wheel cleaning facilities;
- (vii) Measures to control the emission of dust and dirt;
- (viii) Protection of the public footpath;
- (ix) Details of noise reduction measures;
- (x) A scheme for recycling/disposing of waste;
- (xi) The hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan.

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

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

- 3024.01.002 Rev P4 dated 22nd October 2024 – Site Plan
- 3024.01.010 Rev P5 dated 22nd October 2024 – Ground and First Floor Plan
- 3024.01.011 Rev P5 dated 22nd October 2024 – Second and Third Floor Plan
- 3024.01-AWSM-XX-XX-DR-A-050 Rev P2 dated 21st October 2024 – West Elevation Plan
- 3024.01-AWSM-XX-XX-DR-A-051 Rev P2 dated 21st October 2024 – North Elevation Plan
- 3024.01-AWSM-XX-XX-DR-A-052 Rev P2 dated 21st October 2024 – East Elevation Plan
- 3024.01-AWSM-XX-XX-DR-A-053 Rev P2 dated 21st October 2024 – South Elevation Plan

The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

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

5. The development shall be carried out in accordance with the flood risk assessment (ref: 734 The Cedars FRA_01.doc) submitted in planning application 144221 and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 7.00 metres above Ordnance Datum (AOD)

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To the risk of flooding to the proposed development and future occupants.

6. The development shall be carried out in accordance with the Arboricultural Method Statement contained within the Arboricultural Report dated August 2021 by ACS Consulting submitted in planning application 144221.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy S66 of the Central Lincolnshire Local Plan.

7. Unless otherwise agreed in writing with the Local Planning Authority, landscaping including its management and maintenance shall be in accordance with details on plan 1619 P50 submitted in planning application 144221.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan.

8. No development above ground level must take place until the following external materials have been submitted to and approved in writing by the Local Planning Authority:

- Walls including mortar specification
- Roof material
- Windows and Doors including colour finish
- Rainwater Goods including colour finish
- Render including colour finish

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the area and setting of the Listed Building to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan.

9. Ecological mitigation shall be carried out in accordance with the Ecological Impact Assessment ref 21452/EclA dated 5th April 2022 by Whitcher Wildlife Ltd submitted in planning application 144221 and retained as such thereafter.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan.

10. Drainage shall be carried out in accordance with the details contained with the Drainage Strategy Report dated August 2021 by George Shuttleworth Ltd submitted in planning application 144221 and retained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment 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

Reasons for granting permission

The decision has been considered against S1 The Spatial Strategy and Settlement Hierarchy, S6 Design Principles for Efficient Buildings, S7 Reducing Energy Consumption – Residential Development, S21 Flood Risk and Water Resources, S22 Affordable Housing, S23 Meeting Accommodation Needs, S45 Strategic Infrastructure Requirements, S47 Accessibility and Transport, 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, Woodlands and Hedgerows the adopted Central Lincolnshire Local Plan 2023 and NPP1 Sustainable Development, NPP5 Protecting the Landscape Character, NPP6 Ensuring High Quality Design, NPP7 Ensuring High Quality Design in each Character Area and NPP18 Protecting and Enhancing Heritage Assets of the Gainsborough Town Neighbourhood Plan of in the first instance. Consideration is additionally

given to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Model Code and National Design Guide. In light of this assessment, it is considered that the submitted amendments to the extra care home are acceptable to vary condition 4 of 144221. The proposed amendments would not have an unacceptable harmful visual impact on the site and would preserve the setting of nearby listed buildings. The amendments would also not unacceptably harm the living conditions of neighbouring dwellings or have an unacceptable harmful impact on highway safety.

Working Practice Statement

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

Date: 24th December 2024

Signed:



Ian Knowles
Chief Executive and 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). 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 six 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 www.planningportal.gov.uk/pcs. 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 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

PAPER I

Listed Building Consent

Name and address of applicant

Shy Harris
23 CHURCH CLOSE
MILTON MALSOR
NN7 3AJ

Name and address of agent (if any)

Hodson Architects
Adam Fulton
THE OLD POST OFFICE
YARRA ROAD
CLEETHORPES
DN35 8LS

Part I – Particulars of application

Date of application

18/09/2024

WL/2024/00764

Application no

Particulars and location of development

Proposal: Listed building consent for 3no. dwellings and the conversion of the existing water tower into 1no. dwelling.

Location:

COX'S WATER TOWER
HEAPHAM ROAD
GAINSBOROUGH

Part II – Particulars of decision

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

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

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

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

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

2. Prior to any works, a level 2 historic building record as detailed in Historic England's Understanding Historic Buildings: A guide to Good Recording Practice (2016) shall be submitted to and approved in writing by the Local Planning Authority.

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

3. Prior to any works the proposed mortar mix for the Water Tower shall be submitted to and

approved in writing by the Local Planning Authority. A sample or palette of samples shall be provided on site to find the best matching colour. The methodology for repointing shall follow the details in the "Mortar Mixes & Repointing" specification in the Water Tower Section drawing no. 2371.PRT102. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

4. Prior to any works a methodology for the maintenance and retention of the significant existing features identified in the Heritage Statement for the Water Tower shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the identified features shall be retained.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

5. Prior to any works, a sample of the replacement facing brickwork to the Water Tower shall be provided on site showing the proposed brick type, size, colour, texture face-bond; and pointing mortar mix, The joint thickness and finish profile of the replacement brickwork shall match exactly the surrounding existing finish. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials for the repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

6. Prior to any works, a sample of the proposed materials for the external staircase to the rear of the water tower and details of the proposed fixing method for the staircase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials for the repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

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

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings and documents: Drawing No. No. 635.06 F dated 14/11/2024, 635.07 D dated 22/10/2024, 635.01 B dated 26/04/2024 and First Floor Extract Details and Sections for the Proposed Water Tower Staircase received 10/12/2024. 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.

8. Prior to any works on the roof and rainwater goods in respect of the Water Tower, a condition survey and methodology for repairs and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

9. Prior to any “Doff” cleaning to the internal masonry walls of the Water Tower, a methodology of the cleaning works and procedures shall be submitted to and approved in writing by the Local Planning Authority. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

10. Prior to any internal painting of masonry walls within the Water Tower, a methodology including detailed plan indicating areas of exposed internal brickwork for feature walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

11. Prior to works to existing windows and doors of the Water Tower, a condition survey of all windows and doors shall be undertaken with a methodology of work for each window and door submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

12. All new external and internal works and finishes and works of making good to the retained fabric of the Water Tower, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

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

13. None of the 3No. new dwellings shall be occupied before the above conditions (where relevant) have been discharged and the Grade II Listed Water Tower has been fully restored in accordance with the discharged conditions.

Reason: To ensure the use appropriate repair and restoration of the Grade II Listed Water Tower is completed in full in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

None.

Notes to the Applicant

See conditions attached to WL/2024/00764.

Reasons for Granting Consent:

The proposed works have been considered against Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and advice given in Chapter 16 of the National Planning Policy Framework. In light of this assessment, the works are acceptable as the changes (subject to conditions) will have no adverse impact on the character, appearance and fabric of the Listed Building and the setting of other nearby listed buildings.

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: 19/12/2024

Signed:



Ian Knowles
Chief Executive and Head of Paid Service

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

Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, then you can appeal to the Secretary of State in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990.
- **If you want to appeal against your local planning authority's decision 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 or online at: <https://acp.planninginspectorate.gov.uk>.**
- If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district, in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.
- In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions.

The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

- **Only the applicant possesses the right to appeal the decision.**

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

Officers Report

Planning Application No: WL/2024/00764

PROPOSAL: Listed building consent for 3no. dwellings and the conversion of the existing water tower into 1no. dwelling

LOCATION: COX'S WATER TOWER HEAPHAM ROAD GAINSBOROUGH

WARD: Gainsborough East

APPLICANT NAME: Shy Harris

TARGET DECISION DATE: 20/12/2024

DEVELOPMENT TYPE: Listed Building - Alter/Extend

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

Description: The site is located at the Water Tower, Cox's Hill within the developed footprint of Gainsborough. The Water tower was built by Henry Riley, Engineer, in 1897-8, of polychromatic brickwork and stone dressings and details. The structure is in the late Victorian Gothic style, set behind a low brick wall with stone dressings with cast iron railings, stone piers and cast iron gates of the same date which front Heapham Road.

The tower consisting of five storeys, and is a very familiar landmark structure in the locality, is of sufficient architectural and historic merit to be grade II listed. In close proximity to the site are other listed buildings, including the Lodge to Summerhill House, Hickman Hill and its separately listed gates and piers. Undesignated heritage assets in close proximity include the adjacent cemetery.

The site rectangular in shape and is accessed off Heapham Road with the tower located towards the front (eastern) boundary of the site fronting Heapham Road (towards the middle of the site). The rest of the site is cleared and is given over to mud which now has weeds growing through, with a low mud bund surrounding the site on its northern, southern and western boundaries with trees beyond. There are also several trees on the western boundary behind the aforementioned low brick wall and cast iron railings boundary treatment.

The application seeks listed building consent to convert the Grade II Listed Water tower to 1no, 2 bed dwelling over 4 floors (with the third floor having a mezzanine level) and to erect 3no. 5 bed 2 storey flat roofed dwellings (with living roofs) to the rear (north west) of the tower to be located behind a high brick wall with bunding which will be planted. The converted tower will benefit from an outside terrace to the rear (north west) and will be accessed via a new external staircase off this terrace to an existing door in the rear (north west) elevation of the tower.

The site will be accessed off Heapham Road via a new opening to the east of the tower and the original gates and piers (which will remain closed) which will lead to parking court for the converted tower to the south of the tower. This access will also be used to access Plots 2 and 3 beyond. An unoriginal access to the south of this proposed access will be filled in with the brick, stone and railings taken from the proposed new access.

Another new access is proposed off Heapham Road located towards the northern boundary of the site and will be used to access Plot 1. Each of the 3 new builds will have a 2-car garage and a 3-car car port and gardens to the west.

Amended plans have been in response to comments made by Lincolnshire County Council Highways and the Conservation Officer.

Relevant history:

W33/LB/29/93 - Consent to demolish reservoir and pump building. Approved 15/09/93.

121033 - Planning Application for residential development of 6 no. new dwellings and the conversion and extension to existing tower to 1 no. dwelling together with associated vehicular access and parking. Withdrawn by applicant 30/3/09.

121034 - Listed Building Consent for extension to existing tower, refurbishment and alterations to existing tower to provide living accommodation. Withdrawn by applicant 30/3/09.

130436 - Planning application for conversion of existing water tower to 1no. dwelling, erection of 2no. dwellings and associated works. Approved 5/12/13.

130437 - Listed building consent for conversion of existing water tower to 1no. dwelling, erection of 2no. dwellings and associated works. Approved 5/12/13.

134390 - Planning application for the conversion and extension of existing water tower to form 1no. dwelling and erection of 2no. further dwellings with associated landscaping and vehicular access. Refused 29/7/16.

134391 - Listed building consent for the conversion and extension of existing water tower to form 1no. dwelling and erection of 2no. further dwellings with associated landscaping and vehicular access. Refused 29/7/16.

135599 - Planning application for the conversion of the existing water tower to form a dwelling and two further dwellings with associated landscaping and vehicular access. Refused 23/3/17.

135600 - Listed building consent for conversion of the existing water tower to form a dwelling. Refused 23/3/17.

139174 - Planning application for the conversion of existing water tower to form 1no. dwelling and erect 5no. dwellings with associated landscaping and vehicle access. Refused 09/05/19.

139175 - Listed building consent for the conversion of existing water tower to form 1no. dwelling and erect 5no. dwellings with associated landscaping and vehicle access. Refused 09/05/19.

146625 - Pre-application enquiry to erect 3no. dwellings and conversion of the grade 2 listed water tower to Air B&B with associated landscaping & parking including formalising the existing bunding & erect new boundary wall atop the bunding. Advice given 29/06/2023 *'Subject to a detailed Historic Impact Assessment being submitted with the application, it is considered that the proposal has the potential to preserve the impact to and the setting of the Listed Building.'*

Further comments 29/01/2024 from the Conservation Officer:

'I can confirm that I wish to redact my comments regarding retaining with the existing stairs in the Water Tower. Having viewed them in person, they are not of significant architectural merit or structurally sound enough to consider retention. The pitch of the stairs is also steep and unsafe for use so retention would restrict any reuse of the building.'

The ball finial and handrails details do offer some architectural merit, however, and I would like to see this recorded and replicated in the new stairs.

The principle of the proposal seeks to protect and enhance the historic environment of the listed building and it would be supported by Policy S57. Any further details or designs can be reviewed through the official planning application process.'

WL/2024/00763 – Planning application for 3no. dwellings and the conversion of the existing water tower into 1no. dwelling. To be determined in tandem with this application.

Representations:

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

Town Council: My Council has the following “material considerations” and comments to make on the proposal:

RESOLVED: to raise concerns about overlooking and loss of privacy of existing properties. Concerns regarding the junction at the top of the hill specifically vehicular access and highway safety.

Local residents/Occupiers: Hillcrest, Summer Hill objects for the following reasons:

We live at Hillcrest, Summer Hill, immediately opposite Cox's Water Tower and are very concerned regarding our privacy and traffic management if the tower and surrounding land is converted into dwellings. I voiced my concerns at Gainsborough Town Council Planning Meeting.

The water tower is a lovely feature however if converted the occupants would have clear view into our garden, all the more so due to the close proximity of Hillcrest and Cox's Water Tower. Occupants would also be able to see straight into our two first floor bedrooms that look onto the main road and the first floor bathroom. On ground level the new occupants could see into our dining room, sitting room, bathroom and sunroom with relative ease. We have trees and fences between Hillcrest and the main road which work for privacy from the public pavement but the Water Tower windows look over these with ease, giving a clear line of sight and a complete invasion of our privacy.

Any vehicles exiting the proposed site would have very limited time to enter traffic. The existence of the junction onto Summer Hill and currently in construction new 64 dwellings on the main road, Heapham Road, also needs to be considered if a further road access point is proposed. I understand accidents have previously occurred towards the roundabout on Heapham Road and the soon massive increase in vehicles from the 64 new dwellings is yet to be fully realised. With potentially 128 new vehicles (2per new House) using Heapham Road, increased traffic load would make joining Heapham Road from Summer Hill more difficult and if a new access point was incorporated by Cox's Water Tower adding potentially 8-10 more vehicles, this would likely become dangerous.

LCC Highways and Lead Local Flood Authority: The proposal is for 3 dwellings and the conversion of the water tower into 1 dwelling.

The proposals provide adequate parking provision and turning facilities within the site.

The existing access to the water tower will be stopped up with access to the tower being via the new private drive to plots 2 and 3.

The access points are of sufficient width to serve the proposals.

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 and therefore does not wish to object to this planning application. One condition and two informatives are suggested.

Conservation Officer: 29/10/2024: Cox's Water Tower is a grade II listed building, built in 1897-8 by Henry Riley. The Tower is a hexagonal shape built

with red brick, yellow brick panels, sandstone dressings, iron framed windows, and lead roof.

To the north of the development site is the grade II listed Lodge to Summer Hill House. The property is a single storey lodge built in yellow brick and a slate roof. There is a datestone of 1832 over the door. To the east is the grade II listed Summer Hill House. A late 18th century house built with brick walls and slate roof. To the west is the grade II listed Hickman Hill. A late 18th or early 19th century house built with brick walls and slate roof.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Overall, the proposal is a positive approach that retains much of the historic fabric and character.

The setting around the water tower is also positive to the retention and enhancement to the heritage of the site. The design reinstates the brick wall and bund visual of the reservoir from outside of the site. This reintroduces the picturesque postcard views from the principal elevation.

There are some areas of harm to features of high significance proposed, but the Heritage Statement provides good justification and evidence for the proposals and I agree that some key areas of harm, such as a new stairwell are necessary to enable reuse of the building.

However, I do have some concerns that need addressing:

I agree with the HS that the original brickwork is of high architectural significance. The HS also indicates that the paint is a later addition and via the site visit, I would agree from the evidence seen on my site visit. Further investigation would be required to evidence and justify the need for painting the walls. Without sufficient justification, the proposal to paint the walls with masonry paint would negatively impact the character and is difficult to reverse without potentially causing damage. The masonry paint should be removed from the proposal or be given a thorough justification.

The new floor surfaces/ceiling finishes with plywood will have a similar negative impact to the visuals as the existing chipboard. The floor would have been floorboards which is, and traditionally was, the visual from the floor below. The plywood would not preserve or enhance the character so this would not meet Policy S57. I would expect to see floorboard being reinstated to preserve and enhance the character.

On the first floor, there is a timber rail with damaged iron fittings and iron hooks. Please can you confirm these details are to be retained in situ on the plans or provide detail of how there will be retained?

Please confirm the access to plots 2 & 3 are using the existing opening in the boundary wall as the site plans state a new opening.

25/11/2024: Thank you for the additional information and response to my earlier comments. I now have no objections to this application subject to conditions:

- 1) Prior to any works on the roof and rainwater goods on the Water Tower, a condition survey and methodology for repairs and maintenance shall be submitted to and approved in writing by the Local Planning Authority.
- 2) Prior to any “Doff” cleaning to the internal masonry walls, a methodology of the cleaning works and procedures shall be submitted to and approved in writing by the Local Planning Authority. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.
- 3) Prior to any internal painting of masonry walls within the Water Tower, a methodology including detailed plan indicating areas of exposed internal brickwork for feature walls shall be submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to works to existing windows, a condition survey of all windows shall be undertaken with a methodology of work for each window submitted to and approved in writing by the Local Planning Authority.
- 5) The proposed mortar mix shall be submitted to and approved in writing by the Local Planning Authority. A sample or palette of samples shall be provided on site to find the best matching colour. The methodology for repointing shall follow the details in the “Mortar Mixes & Repointing” specification in the Water Tower Section drawing no. 2371.PRT102.
- 6) Prior to any works, a level 2 historic building record as detailed in Historic England’s Understanding Historic Buildings: A guide to Good Recording Practice (2016) shall be submitted to and approved in writing by the Local Planning Authority.
- 7) A methodology for the maintenance and retention of the significant existing features identified in the Heritage Statement shall be submitted to and approved in writing by the Local Planning Authority.
- 8) All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.
- 9) Prior to installation, a sample of the replacement facing brickwork to the Water Tower shall be provided on site showing the proposed – - brick type, size, colour, texture face-bond; - and pointing mortar mix, The joint thickness

and finish profile of the replacement brickwork shall match exactly the surrounding existing finish.

10) No works above DPC level to plots 1-3 shall begin until all external facing materials to the new plots have been submitted.

11) Prior to installation, drawings to a scale of 1:20 fully detailing the following new or replacement windows, doors, surrounds shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval. materials; decorative/ protective finish; cross sections for glazing bars, sills, heads and so forth. at a scale of 1:10; method of opening; method of glazing. colour scheme.

12) A methodology with sectional detail at a scale of 1:20 showing the existing and proposed boundary wall treatment for the new and blocked up private access driveways shall be submitted to and approved in writing by the Local Planning Authority.

11/12/2024: The proposed details for the external staircase are satisfactory subject to a condition for details (materials, type, manufacturer etc).

Trees and Landscape Officer: No representations received to date.

Historic England: No representations received to date.

Archaeology: Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains.

This office has previously commented on similar proposals for conversion of the water tower. Although we would usually recommend full historic building recording is carried out prior to such extensive alterations, we remain satisfied that the previous Heritage Statement was sufficiently detailed to provide a record of the interior of the water tower prior to conversion. Consequently, no further archaeological input is necessary for this application.

Checked: 19/12/2024.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Lb Legal Duty

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Main issues

- Principle and impact on a Listed Building

Assessment:

Principle and Impact on a Listed Building

Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The National Planning Policy Framework requires Local Planning Authorities to assess the significance of the heritage assets involved and the likely impact of the development on them. Local Plan Policy S57 allows such development if the Local Planning Authority is satisfied that the proposal is in the interest of the building's conservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

The application seeks planning permission to convert the Grade II Listed Water tower to 1no. 2 bed dwelling over 4 floors (with the third floor having a mezzanine level) and to erect 3no. 5 bed 2 storey flat roofed dwellings (with living roofs) to the rear (north west) of the tower to be located behind a high brick wall with bunding which will be planted. The converted tower will benefit from an outside terrace to the rear (north west) and will be accessed via a new external staircase off this terrace to an existing door in the rear (north west) elevation of the tower.

The application will utilise existing openings in the conversion of the Grade II Listed tower to a 2 bed dwelling over four floors (with a mezzanine level on the third floor) and will provide a parking court to the side (south) of the tower and an outside terrace and stairs to access the tower will be located to the rear (north west). A new access point will be created to the south of the tower (with the materials from this opening being used to fill in an un-original opening further to the south) which will access the aforementioned parking court for the converted water tower and to plots 2 and 3 (new build dwellings) beyond.

In close proximity to the site are other listed buildings, including the Lodge to Summerhill House, Hickman Hill and its separately listed gates and piers. Undesignated heritage assets in close proximity include the adjacent cemetery.

The original access gates close to the tower will be closed and another new access will be created located towards the northern boundary of the site to access plot 1 (new build dwelling).

The three new 2 storey flat roofed dwellings will be located behind a high brick wall and bunding to the rear (north west) of the water tower which will be a re-imagining of the reservoir which used to occupy the site. When viewed from the streetscene the water tower and ornate railings will be viewed with the proposed brick wall and bunding (to be planted) beyond with the proposed new dwellings hidden from the street scene.

The full scope of the works shown on the proposed plans have been reviewed by the councils Conservation Officer and have been found to be acceptable (subject to suggested conditions) in terms of the impact on historic fabric and that they would preserve the special historic interest of the water tower and its setting. The proposal will also preserve the setting of other nearby listed buildings.

It is therefore considered that the proposed works are acceptable as the changes (subject to conditions) will have no adverse impact on the character, appearance and fabric of the Listed Building and the setting of other nearby listed buildings in accordance with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and the NPPF.

Other matters

None.

Conclusions and reasons for decision

The proposed works have been considered against Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and advice given in Chapter 16 of the National Planning Policy Framework. In light of this assessment, the works are acceptable as the changes (subject to conditions) will have no adverse impact on the character, appearance and fabric of the Listed Building and the setting of other nearby listed buildings.

It is recommended that planning permission is granted subject to the following conditions and informatives:

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

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

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

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

2. Prior to any works, a level 2 historic building record as detailed in Historic England's Understanding Historic Buildings: A guide to Good Recording Practice (2016) shall be submitted to and approved in writing by the Local Planning Authority.

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

3. Prior to any works the proposed mortar mix for the Water Tower shall be submitted to and approved in writing by the Local Planning Authority. A

sample or palette of samples shall be provided on site to find the best matching colour. The methodology for repointing shall follow the details in the "Mortar Mixes & Repointing" specification in the Water Tower Section drawing no. 2371.PRT102. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

4. Prior to any works a methodology for the maintenance and retention of the significant existing features identified in the Heritage Statement for the Water Tower shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the identified features shall be retained.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

5. Prior to any works, a sample of the replacement facing brickwork to the Water Tower shall be provided on site showing the proposed brick type, size, colour, texture face-bond; and pointing mortar mix, The joint thickness and finish profile of the replacement brickwork shall match exactly the surrounding existing finish. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials for the repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

6. Prior to any works, a sample of the proposed materials for the external staircase to the rear of the water tower and details of the proposed fixing method for the staircase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials for the repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

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

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings and documents: Drawing No. No. 635.06 F dated 14/11/2024, 635.07 D dated 22/10/2024, 635.01 B dated 26/04/2024 and First Floor Extract Details and Sections for the Proposed Water Tower Staircase received 10/12/2024. 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.

8. Prior to any works on the roof and rainwater goods in respect of the Water Tower, a condition survey and methodology for repairs and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

9. Prior to any “Doff” cleaning to the internal masonry walls of the Water Tower, a methodology of the cleaning works and procedures shall be submitted to and approved in writing by the Local Planning Authority. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

10. Prior to any internal painting of masonry walls within the Water Tower, a methodology including detailed plan indicating areas of exposed internal brickwork for feature walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

11. Prior to works to existing windows and doors of the Water Tower, a condition survey of all windows and doors shall be undertaken with a methodology of work for each window and door submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

12. All new external and internal works and finishes and works of making good to the retained fabric of the Water Tower, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate repair of the Grade II Water Tower in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

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

13. None of the 3No. new dwellings shall be occupied before the above conditions (where relevant) have been discharged and the Grade II Listed Water Tower has been fully restored in accordance with the discharged conditions.

Reason: To ensure the use appropriate repair and restoration of the Grade II Listed Water Tower is completed in full in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

None.

Notes to the Applicant

See conditions attached to WL/2024/00764.

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: 19/12/2024

Signed: R,J,Green

Authorising Officer: Ian Elliott

Date: 19/12/2024

Delegated X

PAPER J

Planning Permission

Name and address of applicant

Shy Harris
23 CHURCH CLOSE
MILTON MALSOR
NN7 3AJ

Name and address of agent (if any)

Adam Fulton
Hodson Architects
THE OLD POST OFFICE
YARRA ROAD
CLEETHORPES
DN35 8LS

Part One – Particulars of application

Date of application:
18/07/2024

Application number:
WL/2024/00763

Particulars and location of development:

Proposal: Planning application for 3no. dwellings and the conversion of the existing water tower into 1no. dwelling.

Location:

COX'S WATER TOWER
HEAPHAM ROAD
GAINSBOROUGH

Part Two – Particulars of decision

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

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

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

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

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

2. No development hereby permitted until a written Habitat Management and Maintenance Plan [HMMP] in accordance with [Preliminary Ecological Appraisal (dated June 2024) and Bio-diversity Net Gain Report (dated 24 July 2024) and prepared by [Wold Ecology Ltd] is be submitted to and approved in writing by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site and must be strictly adhered to and implemented in full for a minimum of 30 years following the initial completion period approved pursuant to condition [10]. The HMMP must contain the following:

- 1. a non-technical summary;

2. the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];
3. the details of funding, resources and mechanisms for long term delivery of the [HMMP].
4. the planned habitat creation and enhancement works for the initial completion period to create or improve habitat.
5. the management measures to maintain habitat for a period of 30 years from the completion of initial habitat creation work;
6. the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority
 - i. Reporting to the LPA required for years [1, 3, 5, 10, 15, 20, 25, 30] following the completion period.
 - ii. Reports to the LPA should use the Natural England HMMP Monitoring report template (Word) supplemented with either an updated Statutory Metric showing gains to date or Natural England HMMP Monitoring report template (Excel). Photo evidence must also be provided.
 - iii. All reports must be submitted no later than September 1st on each reporting year
7. the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Applicants are advised to use the Natural England HMMP Template found at <https://publications.naturalengland.org.uk/publication/5813530037846016>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 [and CLLP policy 61].

3. No development shall take place until a methodology with sectional detail at a scale of 1:20 showing the existing and proposed boundary wall treatment for the new and blocked up private access driveways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials for the repair of the curtilage listed wall/railing (Grade II) in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

4. No development shall take place until protective fencing (BS 5837: 2012) has been erected around the outer limits of the Root Protection Areas (RPAs) shown on the Proposed Site Plan (Drawing No. RDS 11786 / 03 I dated 25/10/2024). The fencing shall be erected before the development is commenced and thereafter retained until completion of the development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To safeguard trees during construction works, in the interest of visual amenity and the health of the tree to accord with the National Planning Policy Framework and Policy S66 of the Central Lincolnshire Local Plan.

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings and documents: Drawing No. No. 635.06 F dated 14/11/2024, 635.07 D dated 22/10/2024, 635.01 B dated 26/04/2024 and First Floor Extract Details and Sections for the Proposed Water Tower Staircase received 10/12/2024. 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.

6. No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new brickwork (apart from the Water Tower), showing the coursing of the brickwork, colour, style and texture of the mortar and bond of the brickwork have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the locality and the setting of several Listed Buildings in accordance with the NPPF and Policies S53 and S57 of the Central Lincolnshire Local Plan.

7. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials for the 3No. new dwellings have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the locality and the setting of several Listed Buildings in accordance with the NPPF and Policies S53 and S57 of the Central Lincolnshire Local Plan.

8. No development, other than to foundations level shall take place until full details of all external doors and windows for the 3No. new dwellings and the Water Tower at a scale of no less than 1:20 with sections through vertically and horizontally and glazing bars at scale of 1:10 to include method of opening, cills, headers and lintels, colour and finish are submitted and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials for the Grade II Water Tower and to safeguard the character and appearance of the locality and the setting of several Listed Buildings in accordance with the NPPF and Policies S53 and S57 of the Central Lincolnshire Local Plan.

9. The Biodiversity Gain Plan shall be prepared in accordance with the Preliminary Ecological Appraisal (dated June 2024) and Bio-diversity Net Gain Report (dated 24 July 2024) prepared by Wold Ecology Ltd.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 [and CLLP policy 61].

10. Notice in writing shall be given to the Council within 15 working days of the Initial habitat

creation and enhancement works as set out in the [HMMP] being completed.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 [and CLLP policy 61].

11. The development hereby permitted shall be undertaken in accordance with the details set out in the submitted Energy and Sustainability Statement submitted by 'The PES' dated 16/12/2024 unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt this includes the standards set for the performance of the fabric of the building, the utilisation of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S7 of the Central Lincolnshire Local Plan.

12. Prior to occupation of the 3no, new dwellings hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy and Sustainability Statement submitted by 'The PES' dated 16/12/2024 and approved 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 S7 of the Central Lincolnshire Local Plan.

13. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

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

14. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan

15. Prior to occupation of the approved dwellings (3no. new dwellings) evidence must be submitted to the local planning authority that rainwater harvesting butts of a minimum 100 litres has been installed.

Reason: In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

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

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

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

17. 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.

18. 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 domestic oil tanks or domestic gas tanks must be placed within the curtilage of the dwelling(s) hereby approved.

Reason: In the interests of energy efficiency to accord with the National Planning Policy Framework and local policy S6 and S7 of the Central Lincolnshire Local Plan 2023.

19. Within seven days of the new accesses being brought into use, the original access to the water tower and the unoriginal access to the south of one of the proposed new access points shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the water tower which will now be accessed via the new private access to plots 2 and 3, in the interests of road safety in accordance with the NPPF and Policies S47 of the Central Lincolnshire Local Plan

20. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G and H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the buildings, no new hardstanding, chimney's or flues, microwave antenna and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the setting of the Grade II Listed Water Tower and to safeguard the character and appearance of the proposed dwellings and their surroundings in accordance with the NPPF and Policy S53 and S57 of the Central Lincolnshire Local Plan.

21. None of the 3No. new dwellings shall be occupied before the above conditions (where relevant) have been discharged and the Grade II Listed Water Tower has been fully restored in accordance with the discharged conditions.

Reason: To ensure the use appropriate repair and restoration of the Grade II Listed Water Tower is completed in full in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Listed Building Consent WL/2024/00764

See conditions attached to Listed Building Consent (WL/2024/00764) also.

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan² has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be [insert name of the planning authority].

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by³:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state⁵.

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

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

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

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

¹ listed exemptions from Statutory BNG and transitional arrangements can be found

at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain-exempt-developments). The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

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

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

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

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

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

Highways

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>

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>

Reducing Energy Consumption in Existing Buildings (Water Tower)

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>

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, S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S13: Reducing Energy Consumption in Existing Buildings, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S23: Meeting Accommodation Needs, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, 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 and the policies contained within the Gainsborough Neighbourhood Plan (NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area, NPP 8 A Mix of Housing Types and NPP 18 Protecting and Enhancing Heritage Assets and against Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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 the above assessment it is considered that the principle of development in this location within the developed footprint of Gainsborough can be supported. The proposal would not have a detrimental impact on the living conditions of future occupiers of the proposed dwellings or the residential amenity of neighbouring occupiers. Furthermore, the proposal would not harm the special architectural or historic interest of the Listed Building or its setting. The proposal will also preserve the setting of other Listed Buildings within the vicinity of the site. Matters of highway safety and drainage are also considered to be acceptable.

Working Practice statement

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

Date: 19/12/2024

Signed:



Ian Knowles
Chief Executive 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). 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 six 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 www.planningportal.gov.uk/pcs. 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 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

Officers Report

Planning Application No: WL/2024/00763

PROPOSAL: Planning application for 3no. dwellings and the conversion of the existing water tower into 1no. dwelling

LOCATION: COX'S WATER TOWER HEAPHAM ROAD GAINSBOROUGH

WARD: Gainsborough East

APPLICANT NAME: Shy Harris

TARGET DECISION DATE: 20/12/2024

DEVELOPMENT TYPE: Minor Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

Description: The site is located at the Water Tower, Cox's Hill within the developed footprint of Gainsborough. The Water tower was built by Henry Riley, Engineer, in 1897-8, of polychromatic brickwork and stone dressings and details. The structure is in the late Victorian Gothic style, set behind a low brick wall with stone dressings with cast iron railings, stone piers and cast iron gates of the same date which front Heapham Road.

The tower consisting of five storeys, and is a very familiar landmark structure in the locality, is of sufficient architectural and historic merit to be grade II listed. In close proximity to the site are other listed buildings, including the Lodge to Summerhill House, Hickman Hill and its separately listed gates and piers. Undesignated heritage assets in close proximity include the adjacent cemetery.

The site is rectangular in shape and is accessed off Heapham Road with the tower located towards the front (eastern) boundary of the site fronting Heapham Road (towards the middle of the site). The rest of the site is cleared and is given over to mud which now has weeds growing through, with a low mud bund surrounding the site on its northern, southern and western boundaries with trees beyond. There are also several trees on the western boundary behind the aforementioned low brick wall and cast iron railings boundary treatment.

The application seeks planning permission to convert the Grade II Listed Water tower to 1no, 2 bed dwelling over 4 floors (with the third floor having a mezzanine level) and to erect 3no. 5 bed 2 storey flat roofed dwellings (with living roofs) to the rear (north west) of the tower to be located behind a high brick wall with bunding which will be planted. The converted tower will benefit from an outside terrace to the rear (north west) and will be accessed via a new external staircase off this terrace to an existing door in the rear (north west) elevation of the tower.

The site will be accessed off Heapham Road via a new opening to the east of

the tower and the original gates and piers (which will remain closed) which will lead to parking court for the converted tower to the south of the tower. This access will also be used to access Plots 2 and 3 beyond. An unoriginal access to the south of this proposed access will be filled in with the brick, stone and railings taken from the proposed new access.

Another new access is proposed off Heapham Road located towards the northern boundary of the site and will be used to access Plot 1. Each of the 3 new builds will have a 2-car garage and a 3-car car port and gardens to the west.

Amended plans have been in response to comments made by Lincolnshire County Council Highways and the WLDC Conservation Officer.

Relevant history:

W33/LB/29/93 - Consent to demolish reservoir and pump building. Approved 15/09/93.

121033 - Planning Application for residential development of 6 no. new dwellings and the conversion and extension to existing tower to 1 no. dwelling together with associated vehicular access and parking. Withdrawn by applicant 30/3/09.

121034 - Listed Building Consent for extension to existing tower, refurbishment and alterations to existing tower to provide living accommodation. Withdrawn by applicant 30/3/09.

130436 - Planning application for conversion of existing water tower to 1no. dwelling, erection of 2no. dwellings and associated works. Approved 5/12/13.

130437 - Listed building consent for conversion of existing water tower to 1no. dwelling, erection of 2no. dwellings and associated works. Approved 5/12/13.

134390 - Planning application for the conversion and extension of existing water tower to form 1no. dwelling and erection of 2no. further dwellings with associated landscaping and vehicular access. Refused 29/7/16.

134391 - Listed building consent for the conversion and extension of existing water tower to form 1no. dwelling and erection of 2no. further dwellings with associated landscaping and vehicular access. Refused 29/7/16.

135599 - Planning application for the conversion of the existing water tower to form a dwelling and two further dwellings with associated landscaping and vehicular access. Refused 23/3/17.

135600 - Listed building consent for conversion of the existing water tower to form a dwelling. Refused 23/3/17.

139174 - Planning application for the conversion of existing water tower to form 1no. dwelling and erect 5no. dwellings with associated landscaping and vehicle access. Refused 09/05/19.

139175 - Listed building consent for the conversion of existing water tower to form 1no. dwelling and erect 5no. dwellings with associated landscaping and vehicle access. Refused 09/05/19.

146625 - Pre-application enquiry to erect 3no. dwellings and conversion of the grade 2 listed water tower to Air B&B with associated landscaping & parking including formalising the existing bunding & erect new boundary wall atop the bunding. Advice given 29/06/2023 *'Subject to a detailed Historic Impact Assessment being submitted with the application, it is considered that the proposal has the potential to preserve the impact to and the setting of the Listed Building.'*

Further comments 29/01/2024 from the Conservation Officer:

'I can confirm that I wish to redact my comments regarding retaining with the existing stairs in the Water Tower. Having viewed them in person, they are not of significant architectural merit or structurally sound enough to consider retention. The pitch of the stairs is also steep and unsafe for use so retention would restrict any reuse of the building.'

The ball finial and handrails details do offer some architectural merit, however, and I would like to see this recorded and replicated in the new stairs.

The principle of the proposal seeks to protect and enhance the historic environment of the listed building and it would be supported by Policy S57. Any further details or designs can be reviewed through the official planning application process.'

WL/2024/00764 - Listed building consent for 3no. dwellings and the conversion of the existing water tower into 1no. dwelling. To be determined in tandem with this application.

Representations:

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

Gainsborough Town Council: My Council has the following "material considerations" and comments to make on the proposal:

RESOLVED: to raise concerns about overlooking and loss of privacy of existing properties. Concerns regarding the junction at the top of the hill specifically vehicular access and highway safety.

Local residents/Occupiers: Hillcrest, Summer Hill objects for the following reasons:

We live at Hillcrest, Summer Hill, immediately opposite Cox's Water Tower and are very concerned regarding our privacy and traffic management if the tower and surrounding land is converted into dwellings. I voiced my concerns at Gainsborough Town Council Planning Meeting.

The water tower is a lovely feature however if converted the occupants would have clear view into our garden, all the more so due to the close proximity of Hillcrest and Cox's Water Tower. Occupants would also be able to see straight into our two first floor bedrooms that look onto the main road and the first floor bathroom. On ground level the new occupants could see into our dining room, sitting room, bathroom and sunroom with relative ease. We have trees and fences between Hillcrest and the main road which work for privacy from the public pavement but the Water Tower windows look over these with ease, giving a clear line of sight and a complete invasion of our privacy.

Any vehicles exiting the proposed site would have very limited time to enter traffic. The existence of the junction onto Summer Hill and currently in construction new 64 dwellings on the main road, Heapham Road, also needs to be considered if a further road access point is proposed. I understand accidents have previously occurred towards the roundabout on Heapham Road and the soon massive increase in vehicles from the 64 new dwellings is yet to be fully realised. With potentially 128 new vehicles (2per new House) using Heapham Road, increased traffic load would make joining Heapham Road from Summer Hill more difficult and if a new access point was incorporated by Cox's Water Tower adding potentially 8-10 more vehicles, this would likely become dangerous.

LCC Highways and Lead Local Flood Authority: The proposal is for 3 dwellings and the conversion of the water tower into 1 dwelling.

The proposals provide adequate parking provision and turning facilities within the site.

The existing access to the water tower will be stopped up with access to the tower being via the new private drive to plots 2 and 3.

The access points are of sufficient width to serve the proposals.

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 and therefore does not wish to object to this planning application. One condition and two informatives are suggested.

Conservation Officer: 29/10/2024: Cox's Water Tower is a grade II listed building, built in 1897-8 by Henry Riley. The Tower is a hexagonal shape built

with red brick, yellow brick panels, sandstone dressings, iron framed windows, and lead roof.

To the north of the development site is the grade II listed Lodge to Summer Hill House. The property is a single storey lodge built in yellow brick and a slate roof. There is a datestone of 1832 over the door. To the east is the grade II listed Summer Hill House. A late 18th century house built with brick walls and slate roof. To the west is the grade II listed Hickman Hill. A late 18th or early 19th century house built with brick walls and slate roof.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Overall, the proposal is a positive approach that retains much of the historic fabric and character.

The setting around the water tower is also positive to the retention and enhancement to the heritage of the site. The design reinstates the brick wall and bund visual of the reservoir from outside of the site. This reintroduces the picturesque postcard views from the principal elevation.

There are some areas of harm to features of high significance proposed, but the Heritage Statement provides good justification and evidence for the proposals and I agree that some key areas of harm, such as a new stairwell are necessary to enable reuse of the building.

However, I do have some concerns that need addressing:

I agree with the HS that the original brickwork is of high architectural significance. The HS also indicates that the paint is a later addition and via the site visit, I would agree from the evidence seen on my site visit. Further investigation would be required to evidence and justify the need for painting the walls. Without sufficient justification, the proposal to paint the walls with masonry paint would negatively impact the character and is difficult to reverse without potentially causing damage. The masonry paint should be removed from the proposal or be given a thorough justification.

The new floor surfaces/ceiling finishes with plywood will have a similar negative impact to the visuals as the existing chipboard. The floor would have been floorboards which is, and traditionally was, the visual from the floor below. The plywood would not preserve or enhance the character so this would not meet Policy S57. I would expect to see floorboard being reinstated to preserve and enhance the character.

On the first floor, there is a timber rail with damaged iron fittings and iron hooks. Please can you confirm these details are to be retained in situ on the plans or provide detail of how there will be retained?

Please confirm the access to plots 2 & 3 are using the existing opening in the boundary wall as the site plans state a new opening.

25/11/2024: Thank you for the additional information and response to my earlier comments. I now have no objections to this application subject to conditions:

- 1) Prior to any works on the roof and rainwater goods on the Water Tower, a condition survey and methodology for repairs and maintenance shall be submitted to and approved in writing by the Local Planning Authority.
- 2) Prior to any “Doff” cleaning to the internal masonry walls, a methodology of the cleaning works and procedures shall be submitted to and approved in writing by the Local Planning Authority. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.
- 3) Prior to any internal painting of masonry walls within the Water Tower, a methodology including detailed plan indicating areas of exposed internal brickwork for feature walls shall be submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to works to existing windows, a condition survey of all windows shall be undertaken with a methodology of work for each window submitted to and approved in writing by the Local Planning Authority.
- 5) The proposed mortar mix shall be submitted to and approved in writing by the Local Planning Authority. A sample or palette of samples shall be provided on site to find the best matching colour. The methodology for repointing shall follow the details in the “Mortar Mixes & Repointing” specification in the Water Tower Section drawing no. 2371.PRT102.
- 6) Prior to any works, a level 2 historic building record as detailed in Historic England’s Understanding Historic Buildings: A guide to Good Recording Practice (2016) shall be submitted to and approved in writing by the Local Planning Authority.
- 7) A methodology for the maintenance and retention of the significant existing features identified in the Heritage Statement shall be submitted to and approved in writing by the Local Planning Authority.
- 8) All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.
- 9) Prior to installation, a sample of the replacement facing brickwork to the Water Tower shall be provided on site showing the proposed – - brick type, size, colour, texture face-bond; - and pointing mortar mix, The joint thickness

and finish profile of the replacement brickwork shall match exactly the surrounding existing finish.

10) No works above DPC level to plots 1-3 shall begin until all external facing materials to the new plots have been submitted.

11) Prior to installation, drawings to a scale of 1:20 fully detailing the following new or replacement windows, doors, surrounds shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval. materials; decorative/ protective finish; cross sections for glazing bars, sills, heads and so forth. at a scale of 1:10; method of opening; method of glazing. colour scheme.

12) A methodology with sectional detail at a scale of 1:20 showing the existing and proposed boundary wall treatment for the new and blocked up private access driveways shall be submitted to and approved in writing by the Local Planning Authority.

11/12/2024: The proposed details for the external staircase are satisfactory subject to a condition for details (materials, type, manufacturer etc).

Trees and Landscape Officer: No representations received to date.

Historic England: No representations received to date.

Archaeology: Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains.

This office has previously commented on similar proposals for conversion of the water tower. Although we would usually recommend full historic building recording is carried out prior to such extensive alterations, we remain satisfied that the previous Heritage Statement was sufficiently detailed to provide a record of the interior of the water tower prior to conversion. Consequently, no further archaeological input is necessary for this application.

Checked: 19/12/2024.

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).

Development Plan:

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution
 Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns
 Policy S6: Design Principles for Efficient Buildings
 Policy S7: Reducing Energy Consumption – Residential Development
 Policy S12: Water Efficiency and Sustainable Water Management
 Policy S13: Reducing Energy Consumption in Existing Buildings
 Policy S20: Resilient and Adaptable Design
 Policy S21: Flood Risk and Water Resources
 Policy S23: Meeting Accommodation Needs
 Policy S47: Accessibility and Transport
 Policy S49: Parking Provision
 Policy S53: Design and Amenity
 Policy S56: Development on Land Affected by Contamination
 Policy S57: The Historic Environment
 Policy S60: Protecting Biodiversity and Geodiversity
 Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
 Policy S66: Trees, Woodland and Hedgerows

Gainsborough Neighbourhood Plan:

NPP 1 Sustainable Development
 NPP 6 Ensuring High Quality Design
 NPP 7 Ensuring High Quality Design in each Character Area
 NPP 8 A Mix of Housing Types
 NPP 18 Protecting and Enhancing Heritage Assets

Lincolnshire Minerals and Waste Plan

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

The application site is within a Site Specific Mineral Safeguarding Area (MSA). Policy M12 applies. The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

Draft Minerals and Waste Local Plan (DMWLP)

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan. The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24th September 2024. The Draft Plan has not been adopted as yet but once adopted will cover the period to 2041. T

The consulted draft plan includes the following relevant policy:

SM15: Safeguarding of Mineral Resources

The draft plan would have some limited weight in the decision-making process.

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.

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

LB Legal Duty

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Main issues

- Principle of Development
- Listed Buildings
- Residential Amenity
- Visual Impact
- Highway Safety and Car Parking
- Garden Space, Landscaping and Boundary Treatments
- Climate Change/Energy Efficiency
- Ecology and Biodiversity
- Trees
- Other Matters

Assessment:

Principle of Development

It is proposed to convert a Grade II Listed Water tower to 1no, 2 bed dwelling over 4 floors (with the third floor having a mezzanine level) and to erect 3no. 5 bed 2 storey flat roofed dwellings. The site is located within the developed footprint of Gainsborough.

Gainsborough is designated as a Main Town within Policy S1 of the CLLP. Policy S1 states that: *'To maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan and any applicable neighbourhood plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.'*

Policy S3 of the CLLP relates to new housing in the Main Towns of Central Lincolnshire and states that: *Within the developed footprint* of the Lincoln Urban Area and Main Towns and Market Towns, development proposals at appropriate locations** not specifically identified as an allocation or an area for change in this plan will be supported in principle.*

This site is located within the developed footprint of Gainsborough in an appropriate location. Therefore, the principle of residential development on this site is accepted in accordance with the NPPF and policies S1 and S3 of the Central Lincolnshire Local Plan.

Listed Buildings

The site is located at the Water Tower, Cox's Hill within the developed footprint of Gainsborough. The Water tower was built by Henry Riley, Engineer, in 1897-8, of polychromatic brickwork and stone dressings and details. The structure is in the late Victorian Gothic style, set behind a low brick wall with stone dressings with cast iron railings, stone piers and cast iron gates of the same date which front Heapham Road.

The tower consisting of five storeys, and is a very familiar landmark structure in the locality, is of sufficient architectural and historic merit to be grade II listed. In close proximity to the site are other listed buildings, including the Lodge to Summerhill House, Hickman Hill and its separately listed gates and piers. Undesignated heritage assets in close proximity include the adjacent cemetery.

The application seeks planning permission to convert the Grade II Listed Water tower to 1no. 2 bed dwelling over 4 floors (with the third floor having a mezzanine level) and to erect 3no. 5 bed 2 storey flat roofed dwellings (with living roofs) to the rear (north west) of the tower to be located behind a high brick wall with bunding which will be planted. The converted tower will benefit from an outside terrace to the rear (north west) and will be accessed via a new external staircase off this terrace to an existing door in the rear (north west) elevation of the tower.

S.66 of the Listed Buildings Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall:

“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The Courts¹ have interpreted “preserving” means to do no harm.

Paragraph 203 of the NPPF states that Local Planning Authorities in determining applications, should take account of:

*‘a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.’*

¹ Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] (EWCA Civ 137)

Policy S57 of the Central Lincolnshire Local Plan states that *‘Development proposals that affect the setting of a Listed Building will, in principle, be supported where they make a positive contribution to, or better reveal the significance of the Listed Building.’*

The application will utilise existing openings in the conversion of the Grade II Listed tower to a 2 bed dwelling over four floors (with a mezzanine level on the third floor) and will provide a parking court to the side (south) of the tower and an outside terrace and stairs to access the tower will be located to the rear (north west). A new access point will be created to the south of the tower (with the materials from this opening being used to fill in an un-original opening further to the south) which will access the aforementioned parking court for the converted water tower and to plots 2 and 3 (new build dwellings) beyond.

The original access gates close to the tower will be closed and another new access will be created located towards the northern boundary of the site to access plot 1 (new build dwelling).

The three new 2 storey flat roofed dwellings will be located behind a high brick wall and bunding to the rear (north west) of the water tower which will be a re-imagining of the reservoir which used to occupy the site. When viewed from the streetscene the water tower and ornate railings will be viewed with the proposed brick wall and bunding (to be planted) beyond with the proposed new dwellings hidden from the street scene.

The full scope of the works shown on the proposed plans have been reviewed by the councils Conservation Officer and have been found to be acceptable (subject to suggested conditions) in terms of the impact on historic fabric and that they would preserve the special historic interest of the water tower and its setting. The proposal will also preserve the setting of other nearby listed buildings.

It is considered that the proposed approach to development (subject to conditions) would achieve the key heritage aims of the NPPF in that it would put an existing deteriorating Heritage Asset into a viable use to enable its ongoing conservation. It is considered that the proposal would not harm the special architectural or historic interest of the Listed Building or its setting (and that of nearby Listed Buildings and structures). The proposal would accord to Statutory Duties, the policies within the Development Plan (namely Policy S57 of the Central Lincolnshire Local Plan) and Section 16 of the NPPF.

Residential Amenity

Local Plan Policy S53 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. It further states that development must provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces.

The application seeks planning permission to convert the Grade II Listed Water tower to 1no, 2 bed dwelling over 4 floors (with the third floor having a mezzanine level) and to erect 3no. 5 bed 2 storey flat roofed dwellings (with living roofs) to the rear (north west) of the tower to be located behind a high brick wall with bunding which will be planted. Two new access points will be created off Heapham Road to access the proposed dwellings.

In terms of the existing water tower which is to be converted to 1no, 2 bed dwelling there are no issues of over dominance or loss of light. Existing openings will be utilised in the conversion of the tower. The nearest neighbouring dwelling is 'Hillcrest, Summer Hill' which is located approximately 20 metres at its nearest point from the base of the tower and whose main outside amenity space to the rear (south east) is located approximately 16.9 metres from the base of the tower at its nearest point. The north east elevation fronting Heapham Road and the east elevation of the hexagonal shaped tower are the only elevations that overlook this neighbouring dwelling. The north east elevation will have no openings on the ground, first or second floors and will have a window overlooking a landing and staircase on the third floor and the mezzanine level on the third floor. The base of this window is located approximately 12.8 metres above the ground and due to this height, the separation distance to Hillcrest, Summer Hill (approximately 19.74 metres away) and the proposed use of the rooms this window will serve there are no unacceptably harmful overlooking issues. Likewise, the fourth floor will have two windows to a staircase on this elevation with the base of these windows being approximately 16.4 metres above the ground and due to this height, the separation distance Hillcrest and the use of the room the windows will serve there are no unacceptably harmful overlooking issues.

The east elevation of the tower will have a solid door at ground floor level, a small window to a landing at both first floor (approximately 4.8 metres above the ground) and second floor level (approximately 8.6 metres above the ground), no openings at third floor level or the mezzanine level on this floor and two windows (approximately 16.4 metres above the ground) to a landing/staircase at fourth floor level. These windows will only have glimpse views of the far portion of the garden (approximately 26 metres away) afforded to Hillcrest, Summerhill and due to this separation distance, the height of the windows and the use of the rooms the windows will serve there are no overlooking issues.

The rear (north west) elevation of the tower will look over the flat roofs of the proposed new dwellings with the gardens afforded to these proposed dwellings being located approximately 25 metres away from this elevation of the tower. The north west and south east elevations of the tower will be located approximately 22 metres away from the garden of Plot 1 and 3 respectively. There are no openings on the ground floor of this elevation and the openings on the first floor will be blocked by the proposed high brick wall and bund behind the tower. There are three small windows to a bedroom on the second floor level with the base of these windows being approximately 8.4 metres above ground floor level. No openings on the third floor level and the

mezzanine on the third floor and 6 windows in these elevations at fourth floor level to a lounge with the base of these windows located approximately 16.4 metres from ground level. Owing to the use of the rooms (including the proposed lounge which has openings at approximately 16.4 metres above ground level) and the separation distance from the water tower to the garden areas afforded the proposed new dwellings there are no overlooking issues.

It is therefore considered that the proposal will not harm the living conditions of future occupiers of the proposed dwellings or the residential amenity of neighbouring occupiers in compliance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

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’*. It further states that development should *‘contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness’*, and should *‘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.’* In addition, development must *‘achieve a density not only appropriate for its context but also taking into account its accessibility.’*

The application seeks planning permission to convert the Grade II Listed Water tower to 1no. 2 bed dwelling over 4 floors (with the third floor having a mezzanine level) and to erect 3no. 5 bed 2 storey flat roofed dwellings (with living roofs) to the rear (north west) of the tower to be located behind a high brick wall with bunding which will be planted. The converted tower will benefit from an outside terrace to the rear (north west) and will be accessed via a new external staircase off this terrace to an existing door in the rear (north west) elevation of the tower.

The application will utilise existing openings in the conversion of the Grade II Listed Water Tower. Two new access points are proposed off Heapham Road to the south of the tower and towards the northern boundary of the site.

The three new 2 storey flat roofed dwellings will be located behind a high brick wall and bunding to the rear (north west) of the water tower which will be a re-imagining of the reservoir which used to occupy the site. When viewed from the streetscene the water tower and ornate railings will be viewed with the proposed brick wall and bunding (to be planted) beyond with the proposed new dwellings hidden from the street scene.

It is therefore considered that the proposal will not harm the character and appearance of the street-scene in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within Policy S21. This policy (S21) also contains drainage guidance.

The method for disposing of foul sewerage is via the mains sewer and surface water will be dealt with via a sustainable drainage system/soakaways. The appropriateness of the intended method(s) cannot be assessed at this stage. If permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended.

A condition would also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

It is considered that Policy S21 is consistent with the drainage guidance of the NPPF and can be attached full weight

Highway Safety and Car Parking

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users.

The application proposes to convert the existing water tower to a two bed dwelling which will be accessed to the south off Heapham Road leading to a parking court for 2/3 cars and a turning area. This access will also be used to access Plots 2 and 3 which are proposed 5 bed new build dwellings which will each have turning areas, a garage for two cars and a car port for 3 cars. Finally an access off Heapham Road located to the north of the site will be used to access Plot 1 which is also a 5 bed new build dwelling which will have a turning area, a garage for two cars and a car port for 3 cars.

Policy S49 states that for a dwelling with 2 bedrooms in this location there should be off-street parking provision for 2 cars. It also states that for a dwelling with 5 bedrooms in this location there should be off-street parking provision for 3 cars. The proposed car parking for the converted water tower and new build dwellings is therefore adequate.

Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Following the submission of amended plans, Lincolnshire County Council Highways Authority do not object to the proposal.

Overall, the proposed access, parking and turning arrangements are acceptable and the proposal is considered to accord with Policy S47 and S49 of the Central Lincolnshire Local Plan and the NPPF. If it is minded to grant permission the condition and two informatives suggested by the Highways Authority will be attached to the decision notice.

Garden Space, Landscaping and Boundary Treatments

The proposed 2 bed converted water tower will have an outside terrace to the rear (north west) of the building and the proposed 5 bed dwellings will each have a large garden to the rear (west). It is considered that the development provides for an acceptable amount of private amenity space for the proposed converted water tower and new dwellings as well as off road car parking and turning areas for the proposed dwellings.

The existing low wall and fencing on the eastern boundary of the site with Heapham Road will be retained and the existing bunding around the other boundaries of the site will be formulated with planting. There are also boundary treatments between the proposed new dwellings (currently shown as hedgerows) and a wall with bunding that will be formulated with planting separating the proposed converted water tower from the proposed new build dwellings. There is also other bund walling within the site and walling around the proposed parking court for the converted water tower.

If permission were to be granted a condition would be attached to the decision notice which would require a scheme of landscaping/boundary treatments to be submitted and approved by the Local Planning Authority.

Climate Change/Energy Efficiency:

Policy S13 of the CLLP is applicable to the proposed conversion of the water tower to a 2 bed dwelling (see other matters below).

Local policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that:

“Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6”.

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling (“not in excess of 60 kWh/m²/yr”).

An Energy and Sustainability Statement has been submitted by ‘The PES’ dated the 16/12/2024. The baseline results have shown that if the new build dwellings were built to a standard to meet only the minimum requirements of the 2021 building regulations, the total amount of CO₂ regulated emissions would be 5,815Kg/year.

The results of the assessment of suitable technologies relative to the nature, locations and type of development suggest that heat pump technology should be used to supply the heating and domestic hot water to the new houses, the use of waste water heat recovery and a 26.4kWp PV would also be installed.

The SAP models (reproduced at Appendix A of the above report), show a final gross emission level of -1119Kg/year representing a total 119.2% reduction in regulated emissions over the baseline model when considered against Part L Schedule 1 to the Building Regulations 2021.

In addition, the build fabric, and Heating Ventilation and Air Conditioning (HVAC) solution has been developed to ensure that the proposal is able to comply with the recently released Part L 2021 and meeting the annual heat demand requirements and, going a long way to meeting the EUI aspirations of the Central Lincolnshire Local Plan as summarised below:

Building Type	Energy Use Intensity (kWh/m ² /year)	Space Heating (kWh/m ² /year)	On-Site Electrical Generation (kWh/m ² /year)
Residential	24.20	13.26	26.61

Based on the design proposals, improvements to the fabric of the dwelling and introduction of advanced renewable technologies, it is therefore considered that subject to conditions the development would accord to the requirements of local policy S6 and S7 of the CLLP and the provisions of the NPPF.

Ecology & Biodiversity

Biodiversity Net Gain (BNG) is mandatory on minor developments from 2nd April 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It requires that development must deliver a net gain of 10% to ensure that habitats for wildlife are left in a measurably better state than they were before the development. This was formerly a requirement of local policy S61 of the CLLP which required “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". This has now been formally superseded by national regulations, however it is still a policy requirement of the CLLP to get a 10% net gain.

The proposed development has been accompanied by a Preliminary Ecological Appraisal (Wold Ecology Ltd dated June 2024), a Bio-diversity Net Gain Report (Wold Ecology Ltd dated 24 July 2024) and a Biodiversity Net Gain calculation which has concluded that a net gain of 14.5% could be achieved mainly through the proposed landscaping to the site in the form of planted bunds around and within the site, the gardens to the proposed new dwellings and living roofs on the roof of the proposed dwellings. The site of the proposed converted water tower and new build dwellings is mainly given over to mud with weeds growing through it.

The proposed Site Layout/Block Plan (Drawing No. RDS 11786 / 03 G dated 09/09/2024) will be conditioned accordingly if it is minded to grant permission, alongside a landscaping condition and a condition in regards to the recommendations contained within the PEA.

It is therefore considered that the proposed development would be in accordance with Policies S60 and S61 of the Central Lincolnshire Local Plan and paragraph 180 of the NPPF. There is no mechanism for the Local Planning Authority to guarantee or enforce that the fallback scheme achieves the same level of bio-diversity net gain

Trees

An Arboricultural Report and Impact Assessment (AWA Tree Consultants carried out in June 2024) has been submitted with this application and an amended plan has been received (Drawing No. 2371. PR001 Proposed Site Plan dated 05/11/2024) which shows that all the trees within the site will be retained apart from two trees (T38 and T39 lower value Ash and Cypress) which will be removed by the proposed northern access to the site. The plan also shows that none of the proposed development within the site is located with the Root Protection Areas (RPAs) of trees within or adjoining the site apart from small areas of the RPAs of trees bordering the proposed northern access to the site.

In addition the Arboricultural Report states that one large dead sycamore tree (T29) on the west boundary of the site has major decay and major cavities. West Lindsey have provided a public notice to fell the tree on the grounds of the close proximity to a power line.

The Root Protection Areas (RPAs) shown on Drawing No. 2371. PR001 Proposed Site Plan dated 05/11/2024 shall have protective fencing around the outer limits of the RPAs to British Standards to protect the trees during the construction phase. An appropriate condition will be attached to the decision notice if it is minded to grant permission. The proposal is considered to conform to the NPPF and Policy S66 of the Central Lincolnshire Local Plan in this respect.

Other Matters:

Water Butts

If it is minded to grant permission a condition should be attached to the decision notice as per Policy S12 of the Central Lincolnshire Local Plan to secure 100 litre water butts for each of the proposed dwellings.

Permitted Development

Certain permitted development rights will be removed if it is minded to grant permission to enable any such proposals to be assessed in terms of their impact on the setting of the Grade II Listed Water Tower and to safeguard the character and appearance of the proposed dwellings and their surroundings in accordance with the NPPF and Policy S53 and S57 of the Central Lincolnshire Local Plan.

Minerals Resource

Guidance contained within paragraph 215-223 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’. Policy M12 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

“Mineral sites (excluding dormant sites) and associated infrastructure that supports the supply of minerals in the County will be safeguarded against development that would unnecessarily sterilise the sites and infrastructure or prejudice or jeopardise their use by creating incompatible land uses nearby.”

The site is in a Site Specific Minerals Safeguarding Area and comprises a small area of land (approximately 0.44 Hectares in size) with a Grade II Listed Water Tower located within it. No mineral extraction company would be interested in extracting from this site for the following reasons:

- a) The site is too close to existing dwellings and the noise, dust and vibration nuisance would be too great.
- b) The owner of the land would not be willing to make the land available for mineral extraction and the other adjoining residents would not find a quarry an acceptable neighbour to their houses.
- c) The site contains a Grade II Listed Water Tower and there is a legal duty to protect such buildings and their settings. Any form of mineral extraction from the site would have a negative impact on this listed building.
- d) In view of the above it is highly unlikely that planning permission would be granted for this use in this residential location.

The development therefore accords with policy M12 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M12 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

Contaminated Land:

The site is located within a contaminated land buffer zone. If it is minded to grant permission an appropriate condition will be attached to the decision notice.

Reducing Energy Consumption in Existing Buildings (Water Tower):

It is proposed to convert an existing water tower to a 2 bed dwelling, with Policy S13 of the Central Lincolnshire Local Plan encouraging 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.

Conclusions and reasons for decision:

The decision has been considered against policies S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution, S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S13: Reducing Energy Consumption in Existing Buildings, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S23: Meeting Accommodation Needs, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, 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 and the policies contained within the Gainsborough Neighbourhood Plan (NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area, NPP 8 A Mix of Housing Types and NPP 18 Protecting and Enhancing Heritage Assets and against Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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 the above assessment it is considered that the principle of development in this location within the developed footprint of Gainsborough can be supported. The proposal would not have a detrimental impact on the living conditions of future occupiers of the proposed dwellings or the residential amenity of neighbouring occupiers. Furthermore, the proposal would not harm the special architectural or historic interest of the Listed

Building or its setting. The proposal will also preserve the setting of other Listed Buildings within the vicinity of the site. Matters of highway safety and drainage are also considered to be acceptable.

It is recommended that planning permission is granted subject to the following conditions and informatives:

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

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

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

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

2. No development hereby permitted until a written Habitat Management and Maintenance Plan [HMMP] in accordance with [Preliminary Ecological Appraisal (dated June 2024) and Bio-diversity Net Gain Report (dated 24 July 2024) and prepared by [Wold Ecology Ltd] is be submitted to and approved in writing by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site and must be strictly adhered to and implemented in full for a minimum of 30 years following the initial completion period approved pursuant to condition [10]. The HMMP must contain the following:

1. a non-technical summary;
2. the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];
3. the details of funding, resources and mechanisms for long term delivery of the [HMMP].
4. the planned habitat creation and enhancement works for the initial completion period to create or improve habitat.
5. the management measures to maintain habitat for a period of 30 years from the completion of initial habitat creation work;
6. the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority
 - i. Reporting to the LPA required for years [1, 3, 5, 10, 15, 20, 25, 30] following the completion period.
 - ii. Reports to the LPA should use the Natural England HMMP Monitoring report template (Word) supplemented with either an updated Statutory Metric showing gains to date or Natural

England HMMP Monitoring report template (Excel). Photo evidence must also be provided.

- iii. All reports must be submitted no later than September 1st on each reporting year

- 7. the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Applicants are advised to use the Natural England HMMP Template found at <https://publications.naturalengland.org.uk/publication/5813530037846016>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 [and CLLP policy 61].

3. No development shall take place until a methodology with sectional detail at a scale of 1:20 showing the existing and proposed boundary wall treatment for the new and blocked up private access driveways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials for the repair of the curtilage listed wall/railing (Grade II) in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

4. No development shall take place until protective fencing (BS 5837: 2012) has been erected around the outer limits of the Root Protection Areas (RPAs) shown on the Proposed Site Plan (Drawing No. RDS 11786 / 03 I dated 25/10/2024). The fencing shall be erected before the development is commenced and thereafter retained until completion of the development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To safeguard trees during construction works, in the interest of visual amenity and the health of the tree to accord with the National Planning Policy Framework and Policy S66 of the Central Lincolnshire Local Plan.

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings and documents: Drawing No. No. 635.06 F dated 14/11/2024, 635.07 D dated 22/10/2024, 635.01 B dated 26/04/2024 and First Floor Extract Details and Sections for the Proposed Water Tower Staircase received 10/12/2024. 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.

6. No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new brickwork (apart from the Water Tower), showing the coursing of the brickwork, colour, style and texture of the mortar and bond of the brickwork have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the locality and the setting of several Listed Buildings in accordance with the NPPF and Policies S53 and S57 of the Central Lincolnshire Local Plan.

7. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials for the 3No. new dwellings have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the locality and the setting of several Listed Buildings in accordance with the NPPF and Policies S53 and S57 of the Central Lincolnshire Local Plan.

8. No development, other than to foundations level shall take place until full details of all external doors and windows for the 3No. new dwellings and the Water Tower at a scale of no less than 1:20 with sections through vertically and horizontally and glazing bars at scale of 1:10 to include method of opening, cills, headers and lintels, colour and finish are submitted and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials for the Grade II Water Tower and to safeguard the character and appearance of the locality and the setting of several Listed Buildings in accordance with the NPPF and Policies S53 and S57 of the Central Lincolnshire Local Plan.

9. The Biodiversity Gain Plan shall be prepared in accordance with the Preliminary Ecological Appraisal (dated June 2024) and Bio-diversity Net Gain Report (dated 24 July 2024) prepared by Wold Ecology Ltd.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 [and CLLP policy 61].

10. Notice in writing shall be given to the Council within 15 working days of the Initial habitat creation and enhancement works as set out in the [HMMP] being completed.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 [and CLLP policy 61].

11. The development hereby permitted shall be undertaken in accordance with the details set out in the submitted Energy and Sustainability Statement submitted by 'The PES' dated 16/12/2024 unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt this includes the standards set for the performance of the fabric of the building, the utilisation of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S7 of the Central Lincolnshire Local Plan.

12. Prior to occupation of the 3no, new dwellings hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy and Sustainability Statement submitted by 'The PES' dated 16/12/2024 and approved 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 S7 of the Central Lincolnshire Local Plan.

13. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

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

14. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan

15. Prior to occupation of the approved dwellings (3no. new dwellings) evidence must be submitted to the local planning authority that rainwater harvesting butts of a minimum 100 litres has been installed.

Reason: In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

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

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

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

17. 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.

18. 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 domestic oil tanks or domestic gas tanks must be placed within the curtilage of the dwelling(s) hereby approved.

Reason: In the interests of energy efficiency to accord with the National Planning Policy Framework and local policy S6 and S7 of the Central Lincolnshire Local Plan 2023.

19. Within seven days of the new accesses being brought into use, the original access to the water tower and the unoriginal access to the south of one of the proposed new access points shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the water tower which will now be accessed via the new private access to plots 2 and 3, in the interests of road safety in accordance with the NPPF and Policies S47 of the Central Lincolnshire Local Plan

20. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G and H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the buildings, no new hardstanding, chimney's or flues, microwave antenna and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the setting of the Grade II Listed Water Tower and to safeguard the character and appearance of the proposed dwellings and their surroundings in accordance with the NPPF and Policy S53 and S57 of the Central Lincolnshire Local Plan.

21. None of the 3No. new dwellings shall be occupied before the above conditions (where relevant) have been discharged and the Grade II Listed Water Tower has been fully restored in accordance with the discharged conditions.

Reason: To ensure the use appropriate repair and restoration of the Grade II Listed Water Tower is completed in full in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Listed Building Consent WL/2024/00764

See conditions attached to Listed Building Consent (WL/2024/00764) also.

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan² has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be [insert name of the planning authority].

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by³:

(a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;

- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state⁵.

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

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

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

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

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

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

³ Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%20\(15\),Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%20(15),Biodiversity%20gain%20plan,-14)

⁴ Irreplaceable habitats for the purposed of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024.

A full list of irreplaceable habitats can be

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

⁵Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of

your application [https://www.legislation.gov.uk/ukxi/2015/595#:~:text=Addition al%20content%20of%20plan](https://www.legislation.gov.uk/ukxi/2015/595#:~:text=Addition%20content%20of%20plan)

Highways

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>

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>

Reducing Energy Consumption in Existing Buildings (Water Tower)

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>

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.

Referrals: Local residents/Occupiers: Hillcrest, Summer Hill (who spoke at Gainsborough Town Council Planning Meeting hence the observations made by the Town Council):

Is it a planning matter?

Yes, residential amenity and highways are planning matters.

Potential traffic impacts from other developments within Gainsborough are not material to the determination of this application.

Is it relevant to the application?

Yes.

Are the planning matters finely balanced?

No. The above report has fully assessed the residential impact of the proposed development and it is considered that the proposal will not harm the living conditions of future occupiers of the proposed dwellings or the residential amenity of neighbouring occupiers.

The report has also assessed the proposed access, parking and turning arrangements which have been found to be acceptable. Lincolnshire County Council Highways Authority do not object to the proposal.

Prepared by : Richard Green

Date: 19/12/2024

Signed: **R,J,Green**

Authorising Officer: Ian Elliott

Date: 19/12/2024

Delegated X

PAPER K

Listed Building Consent

Name and address of applicant

Jonathan Gale
3 LAUNDRY COTTAGES
THONOCK ROAD
THONOCK
GAINSBOROUGH
DN21 3HR

Name and address of agent (if any)

Part I – Particulars of application

Date of application
29/10/2024

Application no WL/2024/00897

Particulars and location of development

Proposal: Listed building consent for the creation of 3no. flats to the upper three storeys with internal modifications including the erection of timber stud partitions the addition of 2no. internal stair cases, 9no. skylights & the widening & replacement of the South West elevation access door being variation of condition 2 of listed building consent 148060 granted 28 May 2024- Alterations to approved plans.

Location:

16 SILVER STREET
GAINSBOROUGH
DN21 2DP

Part II – Particulars of decision

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

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

1.The development hereby permitted shall be begun before 23rd May 2027.

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 works commenced:

None.

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

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 plans and documents:

- Site Location Plan 2752- A2 04b

- Proposed Elevations 2752- A2 05b
- Proposed Floor Plans 9565-02
- Proposed Floor Plans 9565- 01- rec 17/12/2024
- Proposed Sections 9565- 03
- Window Details 2752-A2 06a
- Lincoln Clay Interlocking Pantile Spec Sheet
- GTEC ceiling systems Spec Sheet

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.

3. All new windows and doors to be installed shall proceed in accordance with the details as submitted as part of this application as shown on the following documents;

- Window detail letter from Eastfield Joinery;
- Windows detail drawings x 2 at scale 1:20 and 1:1.

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

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

4. The new rooflights and rain water goods to be installed shall proceed in accordance with the details as submitted as part of this application, as shown on the following documents;

- Keylight Conservation roof light detail;
- Hargreaves cast iron rainwater goods.

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

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

5. The new internal staircases for the second and third floors shall proceed in accordance with the details submitted as part of this application.

- Stair detail letter from Eastfield Joinery;
- Stair detail drawings x 2.

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

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

6. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution

and finished appearance unless otherwise approved in writing by the Local Planning Authority.

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

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

None.

Notes to the Applicant

None.

Reasons for Granting Consent:

The proposed works have been considered against the duty contained within Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), and the advice given in Chapter 16 of the National Planning Policy Framework. In light of this assessment, it is considered that the proposal will respect the character and appearance of the historic fabric of the Listed Building. The proposal will therefore preserve the desirability and special character of the listed building, its setting and the special architectural features or historic interest it possesses.

Working Practice Statement

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

Date: 17/12/2024

Signed:



Ian Knowles
Chief Executive and Head of Paid Service

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

Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to

conditions, then you can appeal to the Secretary of State in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990.

- **If you want to appeal against your local planning authority's decision 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 or online at: <https://acp.planninginspectorate.gov.uk>.**
- If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district, in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.
- In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.
- **Only the applicant possesses the right to appeal the decision.**

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

Officers Report

Planning Application No: WL/2024/00896

AND

Listed Building Consent No: WL/2024/00897

PROPOSAL: Planning application and Listed Building Consent for the creation of 3no. flats to the upper three storeys with internal modifications including the erection of timber stud partitions the addition of 2no. internal stair cases, 9no. skylights & the widening & replacement of the South West elevation access door being variation of condition 2 of planning permission 148059 and listed building consent 148060 granted 28 May 2024 – Alterations to approved plans.

LOCATION:

16 SILVER STREET
GAINSBOROUGH
DN21 2DP

WARD: GAINSBOROUGH SOUTH WEST

TARGET DECISION DATE: 24/12/2024

CASE OFFICER: Danielle Peck

Recommended Decision: Grant planning permission and listed building consent with conditions.

Site Description: The site is a Grade II listed building within Gainsborough Town Centre and the Town Centre Conservation Area. The property is a four storey building that fronts the northern side of Silver Street, one of the main pedestrian thoroughfares in Gainsborough town centre. The building also has a two storey wing to the rear which is attached to the 8 Jolly Brewers Public House.

The site is located within the Gainsborough Primary Shopping Area, it is within the Gainsborough Town Conservation Area and is within close proximity to a number of other Listed Buildings, namely;

- 18,21A, 23-25 and 27 Silver Street- Grade II Listed;
- Elswitha Hall, Caskgate Street- Grade II* Listed.

The Proposal:

The application is a Section 73 to vary the plans condition 2 (approved plans) of planning permission 148059. A variation to Condition 2 (approved plans) of the Listed building consent 148060 is also sought under Section 19 of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990.

The proposed amendments to the scheme are as follows;

- Install new ceiling to flat one- not including timber panelled room;
- Drylining and insulation of external walls- 50mm Celotex impermeable rigid insulation with vapour control and new plaster finish;
- Alteration of structural steel work within the wall of flat 1;
- Alteration to stairs.

The applications have also been submitted with proposed material and window details which are proposed to be used in the development.

Relevant Planning History

WL/2024/00717 and 00718- Planning application and listed building consent for the installation of awning. GC

148059- Planning application for the creation of 3no. flats to the upper three storeys with internal modifications including the erection of timber stud partitions the addition of 2no. internal stair cases, 5no. skylights & the widening & replacement of the South West elevation access door. GC 23/05/2024

148060- Listed Building Consent for the creation of 3no. flats to the upper three storeys with internal modifications including the erection of timber stud partitions the addition of 2no. internal stair cases, 5no. skylights & the widening & replacement of the South West elevation access door. GC 23/05/2024

140810 Planning application to create flat in upper floors - resubmission of planning permission 135144. Granted with conditions 06/05/2020.

140811 Listed Building Consent to create flat in upper floors- resubmission of listed building consent 135145. Granted with conditions 06/05/2020.

135144 – Planning application to create flat in upper floors. Granted April 2017. **135145** – Listed Building Consent application to create flat in upper floors. Granted April 2017.

W/A/1/87 – Display illuminating box sign granted 17/02/87 (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/LB/39/86 – Extend the building granted 16/12/86 at 16 Silver Street (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/850/86 – Extend office accommodation 15/12/86 (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/135/83 – Extend building to form store granted 14/09/83 (whole of ship court including range of buildings to the north west of present 16 Silver

Street).

W33/776/80 – Extension to offices granted 19/08/80 (whole of ship court including range of buildings to the north west of present 16 Silver Street).

W33/408/75 – Conversion into offices (including toilet and kitchen) granted 21/07/75 (16 Silver Street). **W33/153/75** – Change of use of estate agents office with accommodation above granted 17/04/75 (16 Silver Street).

Representations

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

Gainsborough Town Council: Gainsborough Town Council Planning Committee resolved to support and to request any further information available regarding the steel structure.

Local residents/Third Party Representations: No representations received to date.

LCC Highways and Lead Local Flood Authority: No objections. The variations refer to internal changes therefore they do not have an impact on the public highway.

LCC Archaeology: No representations received to date.

Historic England: No comments to make. Recommend referring to Conservation Officer.

WLDC Conservation Officer:

16/12/2024 Verbal Comments - The note on the plan showing the stairs is now acceptable. The information provided in relation to the details/materials/finishes for the new sets of stairs (Condition no. 5) is also acceptable.

13/12/2024- 16 Silver Street is a townhouse within the historic core of Gainsborough. The property is located within the Gainsborough Town Centre Conservation Area.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

16 Silver Street is a grade II listed property built in the 18th century. It has 4 storeys with a pantile roof with a rendered front and red brick side walls. It is listed with a group interest linked with 16, 18, and 22 to form a group value of heritage assets.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The medieval marketplace of Gainsborough is on the HER (Monument record MLI91549) which was granted in 1204. The layout and structure of the built environment is similar to that of its medieval layout.

Condition 3 (148060) - Window details acceptable

Condition 4 (148060) – Skylight and rainwater goods acceptable

Condition 5 (148060) – Stair details require sectional drawings as requested in the condition.

Reroofing with Lincoln Red Clay Pantiles replaces the modern concrete tiles which is an enhancement on the listed building and conservation area.

The proposed “store” on the first floor has the stairs to be retained, this must clearly show and note the stairs are retained and boarded with the cylinder. This was shown on the previously approved plans.

The proposed structural work illustrated on section A-A and B-B are within an area already altered with modern intervention with steelwork and structural alterations. The work here will alter the layout but not the existing character.

The proposal will preserve the heritage asset and enable the optimum viable use as required by the NPPF and Policy S57 of the CLLP.

I have no objections to this application, but I want the clarity of the stairs being retained first. I would expect any pre-existing conditions that are not discharged or ongoing to be in place.

Date Checked: 17/12/2024

Relevant Planning Policies and Legislation:

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

Development Plan

• Central Lincolnshire Local Plan 2023 (CLLP)

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns

Policy S6: Design Principles for Efficient Buildings

Policy S13: Reducing Energy Consumption in Existing Buildings
Policy S20: Resilient and Adaptable Design
Policy S21: Flood Risk and Water Resources
Policy S23: Meeting Accommodation Needs
Policy S35: Network and Hierarchy of Centres
Policy S37: Gainsborough Town Centre and Primary Shopping Area
Policy NS41: City and Town Centre Frontages
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S57: The Historic Environment

• **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
NPP 8 A Mix of Housing Types
NPP 18 Protecting and Enhancing Heritage Assets
NPP 19 Improving the Vitality of the Town Centre

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

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

National policy & guidance (Material Consideration)

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

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

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

• National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

• National Design Guide (2019)

<https://www.gov.uk/government/publications/national-design-guide>

• National Design Code (2021)

<https://www.gov.uk/government/publications/national-model-design-code>

- ***Draft Minerals and Waste Local Plan (DMWLP)***

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan.

The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24th September 2024.

The Draft Plan has not been adopted as yet but once adopted will cover the period to 2041. The consulted draft plan includes the following relevant policy:

SM15: Safeguarding of Mineral Resources.

The draft plan would have some limited weight in the decision-making process

Other

Sections 16, 66 of the Planning (Listed Building & Conservation Areas) act 1990- The 'Act'.

Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

Gainsborough Town Conservation Area Appraisal

Main Issues:

- Principle of Development;
- The Impact of the changes on the host Listed Building, the Conservation Area and Setting of Listed Buildings;
- Assessment of Conditions under 148059 and 148060.

Assessment:

Principle of the Development:

The principle of development here has already been established by the granting of planning permission 148059 and listed building consent reference 148060. The principle of development will not be revisited as part of these applications.

The Impact of the changes on the host Listed Building, the Conservation Area and Setting of Listed Buildings

The host building is Grade II Listed. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The site is located within the Gainsborough Town Conservation Area and is within the setting of numerous other listed buildings namely;

- 18,21A, 23-25 and 27 Silver Street- Grade II Listed;
- Elswitha Hall, Caskgate Street- Grade II* Listed.

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Setting is more than views; it is how the building is experienced.

In addition to this, the site is located within Gainsborough Town Conservation area and therefore Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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

On going discussions with the planning officer, conservation officer and applicant have taken place since the granting of application references 148059 and 148060 which has led to the submission of these applications.

The proposed amendments predominantly comprise of internal changes to the host Listed Building, as follows;

- Install new ceiling to flat one- not including timber panelled room;
- Drylining and insulation of external walls- 50mm Celotex impermeable rigid insulation with vapour control and new plaster finish;
- Alteration of structural steel work within the wall of flat 1;
- Alteration to stairs.

The applications have also been submitted with proposed material and window details which are proposed to be used in the development.

The alterations and materials have been reviewed by the Councils Conservation officer whom has no objections to the proposals. Within the comments received the Conservation Officer requested that the retention of the staircase was made clear on the plans. An amended plan has now been submitted (17/12/2024) to reflect this. The alterations are considered to be acceptable in terms of the impact upon the fabric of the host listed building and would preserve its special architectural and historic features it possesses. The proposals are also considered to preserve the setting of the nearby listed

Buildings and the Conservation Area. It is considered that the proposed works are in accordance with the Statutory Duties contained within the 'Act', Policy S57 of the CLLP, Policy NPP18 of the NP as well as the provisions of the NPPF.

Other matters:

The proposed amendments to the scheme would not impact residential amenity, the character of the area, highway safety or mineral resource.

Assessment of Conditions under 148059 and 148060

148059- Planning permission conditions

Condition 1- Time

Remains relevant and will be altered to state three years from the granting of permission 148059.

Condition 2- Approved Plans

Will be varied as part of this application to include new plan details.

Condition 3- Window and Door Details

Condition 3 required details of the new windows and doors to be submitted for approval. The details submitted as part of this application are considered to be acceptable. The wording of the condition will be amended to reflect this.

Condition 4- Roof light and RWG

Condition 4 required details of the proposed roof lights and rainwater goods to be submitted for approval. The details submitted as part of this application are considered to be acceptable. The wording of the condition will be amended to reflect this.

Condition 5- Stair Details- second and third floors

Condition 5 required details of the proposed new stairs to be submitted for approval. The details submitted as part of this application are considered to be acceptable. The wording of the condition will be amended to reflect this.

Condition 6- Instructional condition for any new works to match.

Remains relevant, will be carried over.

148060- Listed Building Consent Conditions

Condition 1- Time

Remains relevant and will be altered to state three years from the granting of listed building consent 148060.

Condition 2- Approved Plans

Will be varied as part of this application to include new plan details.

Condition 3- Window and Door Details

Condition 3 required details of the new windows and doors to be submitted for approval. The details submitted as part of this application are considered to be acceptable. The wording of the condition will be amended to reflect this.

Condition 4- Roof light and RWG

Condition 4 required details of the proposed roof lights and rain water goods to be submitted for approval. The details submitted as part of this application are considered to be acceptable. The wording of the condition will be amended to reflect this.

Condition 5- Stair Details- second and third floors

Condition 5 required details of the proposed new stairs to be submitted for approval. The details submitted as part of this application are considered to be acceptable. The wording of the condition will be amended to reflect this.

Condition 6- Instructional condition for any new works to match.

Remains relevant, will be carried over.

Planning Permission : The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S2: Growth Levels and Distribution, Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S20: Resilient and Adaptable Design, Policy S21: Flood Risk and Water Resources, Policy S23: Meeting Accommodation Needs, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S57: The Historic Environment of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan and the statutory duties contained within the 'Act' in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment, it is considered that the proposed internal amendments are acceptable in terms of their impact upon the host building. The proposed amendments to the scheme would not impact residential amenity, the character of the area, highway safety or mineral resource. It is recommended that planning permission is granted subject to conditions.

Listed Building Consent Variation Conclusion: The proposed works have been considered against the duty contained within Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), and the advice given in Chapter 16 of the National Planning Policy Framework. In light of this assessment, it is considered that the proposal will respect the character and appearance of the historic fabric of the Listed Building. The proposal will therefore preserve the desirability and special character of the listed building, its setting and the special architectural features or historic interest it possesses. Accordingly, a grant of Listed Building Consent is considered acceptable.

Decision Level: Delegated

RECOMMENDATION- Grant planning permission with conditions - 00896

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

1.The development hereby permitted shall be begun before 23rd May 2027.

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 plans and documents:

- Site Location Plan 2752- A2 04b
- Proposed Elevations 2752- A2 05b
- Proposed Floor Plans 9565-02
- Proposed Floor Plans 9565- 01- rec 17/12/2024
- Proposed Sections 9565- 03
- Window Details 2752-A2 06a
- Lincoln Clay Interlocking Pantile Spec Sheet
- GTEC ceiling systems Spec Sheet

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.

3. All new windows and doors to be installed shall proceed in accordance with the details as submitted as part of this application as shown on the following documents;

- Window detail letter from Eastfield Joinery;
- Windows detail drawings x 2 at scale 1:20 and 1:1.

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

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

4. The new rooflights and rain water goods to be installed shall proceed in accordance with the details as submitted as part of this application, as shown on the following documents;

- Keylight Conservation roof light detail;
- Hargreaves cast iron rainwater goods.

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

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

5. The new internal staircases for the second and third floors shall proceed in accordance with the details submitted as part of this application.

- Stair detail letter from Eastfield Joinery;
- Stair detail drawings x 2.

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

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

6.All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

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

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

None.

RECOMMENDATION- Grant listed building consent with conditions - 00897

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

1.The development hereby permitted shall be begun before 23rd May 2027.

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

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

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 plans and documents:

- Site Location Plan 2752- A2 04b
- Proposed Elevations 2752- A2 05b
- Proposed Floor Plans 9565-02
- Proposed Floor Plans 9565- 01- rec 17/12/2024
- Proposed Sections 9565- 03
- Window Details 2752-A2 06a
- Lincoln Clay Interlocking Pantile Spec Sheet
- GTEC ceiling systems Spec Sheet

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

3. All new windows and doors to be installed shall proceed in accordance with the details as submitted as part of this application as shown on the following documents;

- Window detail letter from Eastfield Joinery;
- Windows detail drawings x 2 at scale 1:20 and 1:1.

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

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

4. The new rooflights and rain water goods to be installed shall proceed in accordance with the details as submitted as part of this application, as shown on the following documents;

- Keylight Conservation roof light detail;
- Hargreaves cast iron rainwater goods.

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

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

5. The new internal staircases for the second and third floors shall proceed in accordance with the details submitted as part of this application.

- Stair detail letter from Eastfield Joinery;
- Stair detail drawings x 2.

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

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

6. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

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

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

None.

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 : Danielle Peck

Date : 17/12/2024

R. Jackson

Authorising Office
17/12/2024

..... Date:

PAPER L

Planning Permission

Name and address of applicant

Jonathan Gale
3 LAUNDRY COTTAGES
THONOCK ROAD
THONOCK
GAINSBOROUGH
DN21 3HR

Name and address of agent (if any)

Part One – Particulars of application

Date of application:
29/10/2024

Application number:
WL/2024/00896

Particulars and location of development:

Proposal: Planning application for the creation of 3no. flats to the upper three storeys with internal modifications including the erection of timber stud partitions the addition of 2no. internal stair cases, 9no. skylights & the widening & replacement of the South West elevation access door being variation of conditions 2 of planning permission 148059 granted 28 May 2024 - Alterations to approved plans.

Location:

16 SILVER STREET
GAINSBOROUGH
DN21 2DP

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 23rd May 2027.

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 plans and documents:

- Site Location Plan 2752- A2 04b
- Proposed Elevations 2752- A2 05b
- Proposed Floor Plans 9565-02
- Proposed Floor Plans 9565- 01- rec 17/12/2024
- Proposed Sections 9565- 03
- Window Details 2752-A2 06a
- Lincoln Clay Interlocking Pantile Spec Sheet
- GTEC ceiling systems Spec Sheet

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.

3. All new windows and doors to be installed shall proceed in accordance with the details as submitted as part of this application as shown on the following documents;

- Window detail letter from Eastfield Joinery;
- Windows detail drawings x 2 at scale 1:20 and 1:1.

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

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

4. The new rooflights and rain water goods to be installed shall proceed in accordance with the details as submitted as part of this application, as shown on the following documents;

- Keylight Conservation roof light detail;
- Hargreaves cast iron rainwater goods.

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

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

5. The new internal staircases for the second and third floors shall proceed in accordance with the details submitted as part of this application.

- Stair detail letter from Eastfield Joinery;
- Stair detail drawings x 2.

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

Reason: To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies

S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

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

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

None.

Notes to the Applicant

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 application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S2: Growth Levels and Distribution, Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S20: Resilient and Adaptable Design, Policy S21: Flood Risk and Water Resources, Policy S23: Meeting Accommodation Needs, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S57: The Historic Environment of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan and the statutory duties contained within the 'Act' in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment, it is considered that the proposed internal amendments are acceptable in terms of their impact upon the host building. The proposed amendments to the scheme would not impact residential amenity, the character of the area, highway safety or mineral resource.

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: 17/12/2024

Signed:



Ian Knowles
Chief Executive and 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). 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 six 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 www.planningportal.gov.uk/pcs. 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 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

PAPER M

Planning Permission

Name and address of applicant

The Shortis Group 186-200 Salhouse
Road
Norwich
Norfolk
NR7 9AH

Name and address of agent (if any)

Arthur Consultancy Services 11 St Marys Court
Carleton Forehoe
Norwich, Norfolk
NR9 4AL

Part One – Particulars of application

Date of application:
21/02/2024

Application number:
WL/2024/00111

Particulars and location of development:

Proposal: Planning application to remove and replace portal frame building.

Location:

Wilco Motosave Ltd 2 Southolme
Gainsborough
Lincolnshire
DN21 2EQ

Part Two – Particulars of decision

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

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

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

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

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

2. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

a. A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework and Policy S57 of the Central Lincolnshire Local Plan.

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

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

- D2607-ACS-ZZ-ZZ-DR-A-0002 P01 (Red Line) dated 19/01/2024
- D2607-ACS-ZZ-ZZ-DR-A-0104 P02 dated 19/01/2024
- D2607-ACS-ZZ-ZZ-DR-A-0100 P01 dated 11/12/2024
- D2607-ACS-ZZ-ZZ-DR-A-0100 P04 dated 26/09/2024
- D2607-ACS-ZZ-ZZ-DR-A-0102 P04 dated 25/09/2024.

The works shall be in accordance with the details shown on the approved plans and in any other 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.

4. The materials used in the development shall match those stated on the application form.

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.

5. The development shall be carried out in accordance with the submitted Flood Resilience Measures document compiled by Arthur Consultancy Services (ref: D2607-ACS-ZZ-XX-RP-C-0003-P01, Rev P01, dated December 2024) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 6.05 metres above Ordnance Datum (AOD) as stipulated under point 2.5 on page 7.

- The resistance and resilience measures proposed in tables 5.4 and 5.6 on page 10 shall be implemented into the final design.
- There shall be a place of refuge located above the staff office allowing refuge for staff and customers during a breach event if site evacuation cannot be carried out in advance. This is stipulated within table 5.6 on page 10.

These mitigation measures shall be fully implemented prior to occupation and subsequently 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, to protect the business during times of flood and to ensure there is a place of refuge for staff and customers during an extreme flood event in line with Policy S21 of the Central Lincolnshire Local Plan

6. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and 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:

7. The use hereby permitted under this permission shall not operate outside the following times:

- Monday to Friday: 9.00am to 17.30pm
- Saturday: 9:00am to 17:00pm
- Sunday and Bank Holidays: 10:00am to 16:00pm

Reason: To protect the amenities of adjoining occupiers and the locality in general in accordance with the NPPF and Policy S57 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

- For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.
- To get help during a flood, visit <https://www.gov.uk/help-during-flood>
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

Asbestos

Building Control will be involved in signing off this application in terms of building regulations. However, if removal of asbestos is done according to HSE rules (<https://www.hse.gov.uk/asbestos/information.htm>), it will not usually fall into the category

where it must be notified to the enforcing authority (HSE or Local Authority, depending on the premises) this would only happen if there was likely to be exposure beyond the "action level" given in the Regulations (<http://www.legislation.gov.uk/ukxi/2012/632/contents/made>).

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL. Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Reasons for granting permission

The decision has been considered against policy S1: The Spatial Strategy and Settlement Hierarchy, S6: Design Principles for Efficient Buildings, S8: Reducing Energy Consumption – Non-Residential Buildings, S11: Embodied Carbon, S21: Flood Risk and Water Resources, S33: Non-designated Employment Proposals within Identified Settlements, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S57: The Historic Environment and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan in the first instance and policies contained within the Gainsborough Town Neighbourhood Plan (Policy NPP1: Sustainable Development, NPP6: Ensuring High Quality Design, NPP7: Ensuring High Quality Design in each Character Area and NPP 18 Protecting and Enhancing Heritage Assets and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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, it is considered that the proposal to replace an existing vehicle repair workshop with a new vehicle repair workshop building accords with Policy S33 of the Central Lincolnshire Local Plan.

Furthermore, the proposed development will not harm the character and appearance of the locality, nor the living conditions of future and neighbouring occupiers and will not adversely affect the highway network or increase the risk of flooding/contamination or affect the setting of nearby listed buildings.

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: 09/01/2025

Signed:



Ian Knowles
Chief Executive and 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). 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 six 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 www.planningportal.gov.uk/pcs. 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 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

PAPER N

Lincolnshire County Council
Place Directorate
Highways Services
Minor Works & Traffic Team
County Offices
Newland
Lincoln LN1 1YL

Ref: RG/274 FAO Roxanne Greaves
Date: 13/01/24

Tel: 01522 782070
Email: TRO@lincolnshire.gov.uk

Dear Sir/Madam

RE: GAINSBOROUGH, TOOLEY STREET – PROPOSED WAITING RESTRICTIONS

Lincolnshire County Council recently received a request to review the waiting restrictions at the above location.

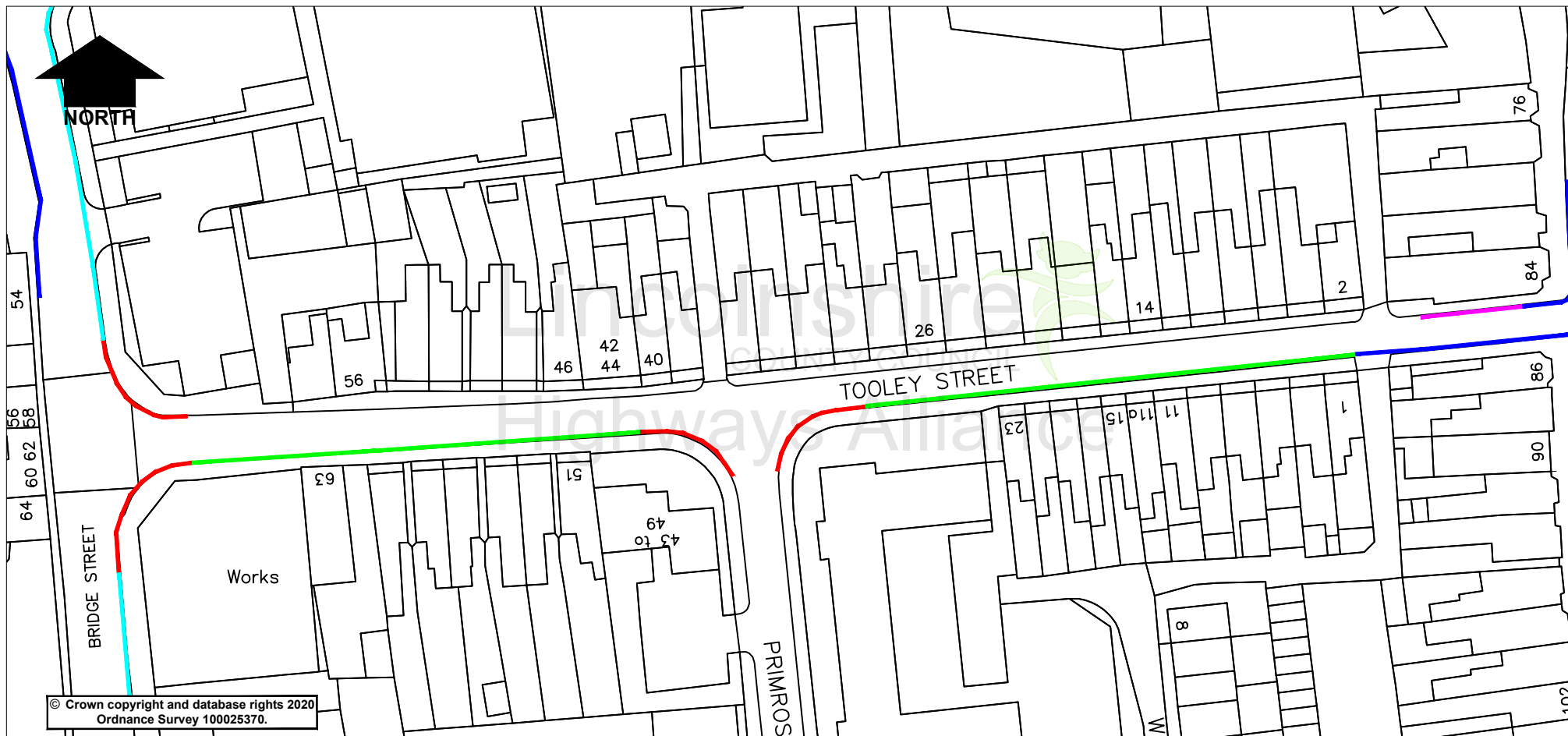
Investigations have shown that inconsiderate and dangerous parking is occurring at the junctions, causing visibility and safety concerns for all road users. Vehicles are also parking on both sides of the carriageway and partially obstructing the footway, which is making it difficult for larger vehicles to pass due to it being a one-way street and leaving little room for pedestrians to pass safely.

The proposal is shown on the attached plan, and I look forward to receiving any comments you may wish to make. If I do not receive a response by **10th February 2025**, I will assume that you have no objections to the proposal.

Yours faithfully

R Greaves

For Programme Leader Minor Works & Traffic



Key

- Proposed No Waiting at Any Time
- Existing No Waiting at Any Time
- Proposed No Waiting Mon-Sat 8am-6pm
- Existing No Waiting Mon-Sat 8am-6pm
- Existing Limited Waiting Mon-Sat 8am-6pm, 1 hour, no return within 1 hour

Project		Gainsborough, Tooley Street		Drawn	Ch'kd	Auth	Date
Status	Project No.	274		RG			Dec 24
Drawing Title		Proposed Waiting Restrictions		Ch'kd			Date
Drawing No.		RG/274/001		Auth			Traced
				Rev.	0		Scale
							NTS

PAPER O

Lincolnshire County Council
Place Directorate
Highways Services
Minor Works & Traffic Team
County Offices
Newland
Lincoln LN1 1YL

Ref: RH/161 - FAO Rachael Hayward
Date: 07 January 2025

Tel: 01522 782070
Email: TRO@lincolnshire.gov.uk

Dear Sir / Madam

RE: PARK SPRINGS ROAD & PILGRIMS APPROACH GAINSBOROUGH – PROPOSED WAITING RESTRICTIONS

Lincolnshire County Council recently received a request to review the waiting restrictions at the above locations.

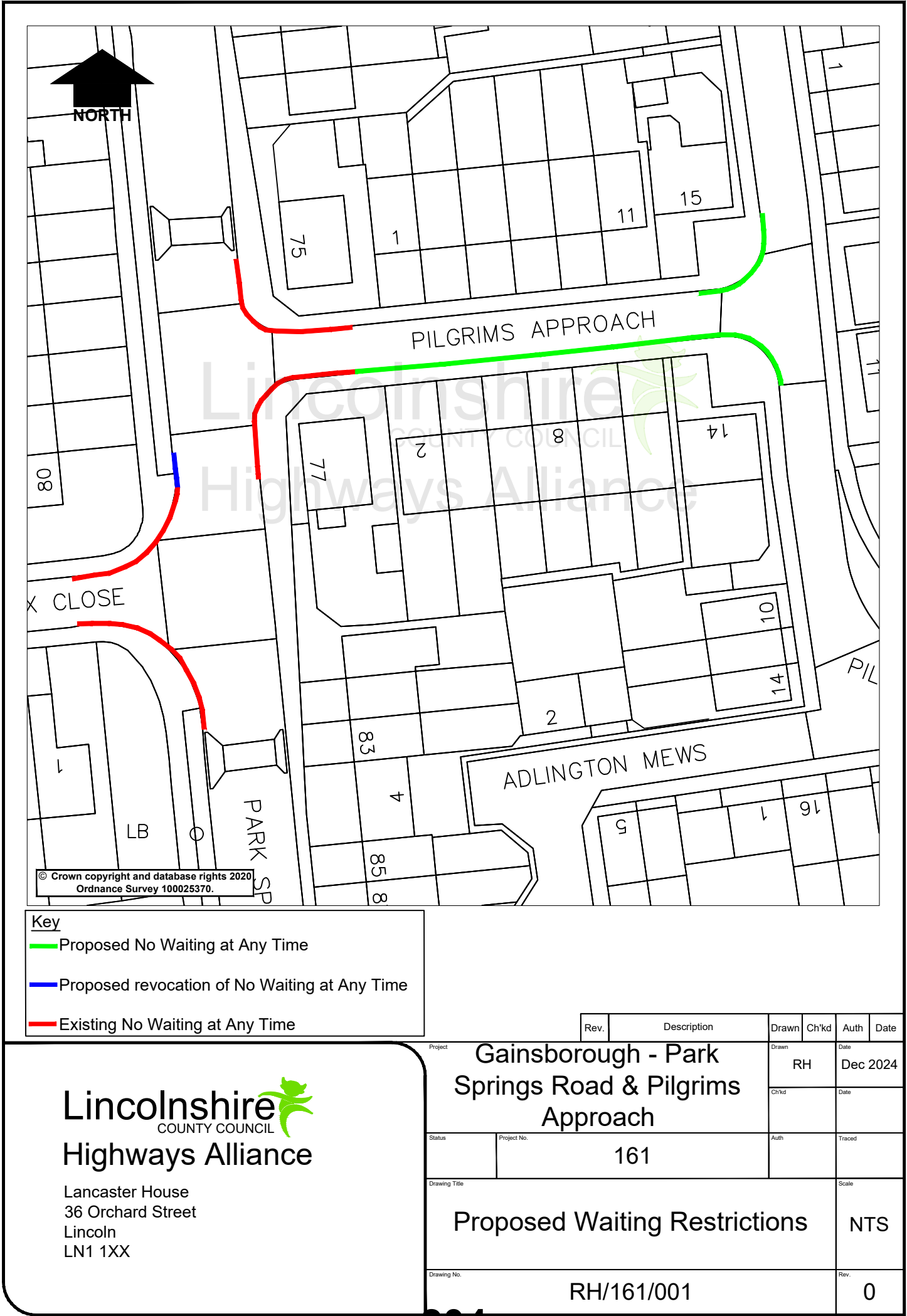
Investigations have shown that inconsiderate parking is occurring, causing visibility and safety concerns for all road users on Pilgrims Approach. This is the only route into Brooklands for emergency service vehicles so unrestricted access is required at all times. We are also proposing to remove some no waiting at any time restrictions on Park Springs Road.

The proposal is shown on the attached plan, and I look forward to receiving any comments you may wish to make. If I do not receive a response by **04 February 2025**, I will assume that you have no objections to the proposal.

Yours Faithfully



For Programme Leader Minor Works & Traffic



© Crown copyright and database rights 2020
Ordnance Survey 100025370.

Key

- Proposed No Waiting at Any Time
- Proposed revocation of No Waiting at Any Time
- Existing No Waiting at Any Time

Lincolnshire
COUNTY COUNCIL
Highways Alliance

Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

Rev.		Description		Drawn	Ch'kd	Auth	Date
Project Gainsborough - Park Springs Road & Pilgrims Approach				Drawn	Date		
				RH		Dec 2024	
				Ch'kd		Date	
Status		Project No.		161		Auth	Traced
Drawing Title						Scale	
Proposed Waiting Restrictions						NTS	
Drawing No.						Rev.	
RH/161/001						0	

PAPER P

From:

Sent: 12 December 2024 11:47

To: Natasha Gardener

Subject: Re: Request via phone call

Hello my name is [REDACTED] my address is [REDACTED] [Cromwell street Gainsborough](#) I am asking if we can have double yellow lines outside are garage drop curb as I keep reporting a couple that keeps parking outside are garage they do not care or listen to me and I keep reporting this problem but no one listens to me. I feel this is the only way I can stop them doing this I have asked them in the past all I get is verbal abuse from them.

On Thu, 12 Dec 2024, 2:12 pm Natasha Gardener, <natasha.gardener@gainsborough-tc.gov.uk> wrote:

Good afternoon,

Thank you for your email – the details have been received and we've made an enquiry to Lincolnshire County Council.

Please note, we're awaiting a response, their automated response does mention it can take over a week for processing, so there may be a delay.

We'll be in touch with an update as soon as possible.

Kind Regards

Natasha Gardener

Assistant Clerk

01427 811573 | Direct number: 01427 392466

Richmond House | Richmond Park | Morton Terrace | Gainsborough | Lincolnshire | DN21 2RJ

From:

Sent: 12 December 2024 14:14

To: Natasha Gardener

Subject: Re: Request via phone call

Ok thanks

On Fri, Dec 20, 2024, 9:59 AM Natasha Gardener <natasha.gardener@gainsborough-tc.gov.uk> wrote:

Good morning,

Thank you for your patience – please note, we have first contacted Lincolnshire County Council Highways regarding the blocked dropped kerb and they have informed us of the

following and also provided a link that can be used for reporting. Below includes part of their response:

“Please note where there are parking restrictions within the highway and vehicles are contravening those restrictions, you can report this directly to the Civil Parking Enforcement Team, by using their online reporting tool at www.lincolnshire.gov.uk/faultreporting/nuisanceparking

There are occasions where vehicles are parked in areas where there are no restrictions. In these cases we are unable to enforce, and we would advise that if a vehicle is causing an obstruction, that you contact the Police directly on 101 to report these incidences. There is no contravention for causing an obstruction under Civil Parking legislation.”

We proceeded to clarify if a blocked dropped kerb would fall under contravening restrictions, and it was confirmed it was a matter their parking enforcement team would review, they also mentioned the following:

“Just for information, the driveway must be completely blocked allowing no vehicular access for enforcement to take place.

Enforcement will also apply to the property owners vehicle if it is found to be parked across the access.”

Hopefully the above is useful, however if you have any further concerns, please let us know.
Kind Regards

Natasha Gardener
Assistant Clerk

01427 811573 | Direct number: 01427 392466
Richmond House | Richmond Park | Morton Terrace | Gainsborough | Lincolnshire | DN21 2RJ

From:
Sent: 20 December 2024 10:20
To: Natasha Gardener
Subject: Re: Request via phone call

I am not Happy that you think it ok for anyone to park outside are garage. Think it rude if anyone does I will move them on! And use reasonable Force! Feel like no one cares, I want double yellow lines outside are garage please.