

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 Mark Binns

Councillor David Dobbie

Councillor Paul Key

Councillor James Plastow

Councillor Michael Devine (sub)

Councillor Stephen Blogg

Councillor Paul Hooton

Councillor Doug Owles

Councillor Richard Thompson

Councillor Richard Doy (sub)

NOTICE IS HEREBY GIVEN and Members are summoned to attend a meeting of the Planning Committee of the Council to be held on **Tuesday 20 May 2025 at 6:30pm** in the meeting room, Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ at which the under mentioned business will be transacted.

Prior to the commencement of the meeting there will be a public forum when members of the public may speak on any item set out in the agenda for the meeting. A maximum of two individuals to address the Committee for a maximum of 3 minutes each. Only one person will be allowed to speak in support of a planning application and only one against, each for a maximum of 3 minutes.

AGENDA

PL26/001 Apologies for Absence

To note apologies for absence.

PL26/002 Vice Chair

To appoint Vice Chair for this committee.

PL26/003 Declarations of Interest

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

PL26/004 Dispensation Requests

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

PL26/005 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.

PL26/006 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 15 April 2025 (pages 4 to 8)

PL26/007 Planning Application

To consider planning application received.

[Application Ref No: WL/2025/00386 \(received 24/04/25\) any observations to make on the application, please make them by 26/05/2025](#)

[Proposal: Planning Application for the replacement of shopfront, windows and entrance door.](#)

[Location: 39 Heaton Street, Gainsborough](#)

PL26/008 Planning Application

To consider planning application received.

[Application Ref No: WL/2025/00431 \(received 09/05/25\) any observations to make on the application, please make them by 30/05/2025](#)

[Proposal: Advertisement consent to display 1no. fascia sign.](#)

[Location: 20 Hickman Street, Gainsborough](#)

PL26/009 Decision Notice

To note decision notice received.

Application Ref No: WL/2025/00275 GRANTED (delegated)

Proposal: Planning application for the removal and replacement of existing plant.

Location: WM Morrisons Supermarkets PLC, Heapham Road South, Gainsborough

Paper B (pages 9 to 24)

PL26/010 Decision Notice

To note decision notice received.

Application Ref No: WL/2025/00268 GRANTED (delegated)

Proposal: Planning application for change of use of the ground floor from shop Class (Ea) to Class (Eb) and Sui Generis – hot food and take-away.

Location: Old Filling Station, The Food Store, Heapham Road, Gainsborough

Paper C (pages 25 to 43)

PL26/011 Decision Notice

To note decision notice received.

Application Ref No: WL/2025/00074 GRANTED (delegated)

Proposal: Planning application for repairs to main building, demolition of existing greenhouse and extension of vegetable patch including the replacement of herras fencing with palisade fencing.

Location: Richmond House, Morton Terrace, Gainsborough

Paper D (pages 44 to 63)

PL26/012 Decision Notice

To note decision notice received.

Application Ref No: WL/2025/00075 GRANTED (delegated)

Proposal: Listed Building Consent for repairs to main building, demolition of existing greenhouse and extension of vegetable patch including the replacement

of herras fencing with palisade fencing.

Location: Richmond House, Morton Terrace, Gainsborough

Paper E (pages 64 to 68)

PL26/013 Street Naming Requests

To consider street naming requests received.

- i. Savoy Cinema, Gainsborough

Paper F (pages 69 to 72)

PL26/014 Tree Preservation Orders

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

PL26/015 Traffic Regulation Order

To consider consultation on proposed waiting restrictions on Sweyn Lane, Gainsborough.

Paper G (pages 73 to 75)

PL26/016 Traffic Regulation Order

To consider request from a member of the public regarding parking issues on Arkwright Street and Northolme.

Paper H (pages 76 to 78)

PL26/017 Definitive Map Modification Order (DMMO) Applications

- i. To consider fees associated to the application for a definitive map modification order for the footpath from the end of Mayfield Avenue to Margaret Close.
- ii. To approve Councillors to work with the Assistant Clerk to complete the application form and obtain evidence for the footpath from the end of Mayfield Avenue to Margaret Close.

Paper I (pages 79 to 94)

PL26/018 Asset of Community Value

To receive a verbal update on submitted Asset of Community Value application for land at Bracken Park.

PL26/019 Items for Notification

- i. LCC motion regarding powers to request 20mph speed limit update

PL26/020 Time and Date of Next Meeting

To note the date and time of the next Planning Committee meeting is scheduled for Tuesday 17 June 2025 at 6:30pm.

Rachel Allbones
Town Clerk
Richmond House
Gainsborough

Wednesday, 14 May 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 15 April 2025** at **6:30pm** in the meeting room, Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ.

Councillors Present: Councillor James Plastow (Chair)
 Councillor Sheila Bibb
 Councillor David Dobbie
 Councillor Paul Hooton (sub)
 Councillor Michael Devine (sub)
 Councillor Richard Doy
 Councillor Paul Key

In Attendance:
 Rachel Allbones
 Town Clerk

Also Present: Councillor Stephen Blogg

PL25/256 Apologies for Absence

Apologies for absence were received from Councillors J Ward, and K Woolley.

PL25/257 Declarations of Interest

No declarations of interest were made.

PL25/258 Dispensation Requests

No dispensation requests were received.

PL25/259 Items for Exclusion of Public and Press

No items for exclusion of public and press.

PL25/260 Minutes of the Previous Meeting (Paper A)

RESOLVED: that the minutes of the Planning Committee meeting held on Tuesday 18 March 2025 be approved as a as a true and accurate record and signed by the Chair.

Note: Councillors Devine, Dobbie and Key abstained from voting on the above resolution.

PL25/261 Planning Application

[Application Ref No: WL/2025/00268 \(received 14/03/25\) any observations to make on the application, please make them by 07/04/2025](#)

[Proposal: Planning application for change of use of the ground floor from shop Class \(Ea\) to Class \(Eb\) and Sui Generis – hot food and take-away.](#)

[Location: Old Filling Station, The Food Store, Heapham Road, Gainsborough](#)

RESOLVED: to support the application, but request that the car park is one way with set entry and exit points due to the potential increase in vehicular activity.

PL25/262 Planning Application

[Application Ref No: WL/2025/00269](#) (received 14/03/25) any observations to make on the application, please make them by 14/04/2025

[Proposal: Planning application for Change of use from a public house \(Sui generis\) to an antique shop \(Ea\) including reinstatement and repair of original features to existing listed building, and proposed new signage.](#)

[Location: 35 Lord Street, Gainsborough](#)

RESOLVED: to support the application.

PL25/263 Planning Application

[Application Ref No: WL/2025/00270](#) (received 14/03/25) any observations to make on the application, please make them by 14/04/2025

[Proposal: Listed building consent for Change of use from a public house \(Sui generis\) to an antique shop \(Ea\) including reinstatement and repair of original features to existing listed building, and proposed new signage.](#)

[Location: 35 Lord Street, Gainsborough](#)

RESOLVED: to support the application.

PL25/264 Planning Application

[Application Ref No: WL/2025/00275](#) (received 17/03/25) any observations to make on the application, please make them by 21/04/2025

[Proposal: Planning application for the removal and replacement of existing plant.](#)

[Location: WM Morrisons Supermarkets PLC, Heapham Road South, Gainsborough](#)

RESOLVED: to support the application.

PL25/265 Planning Application

[Application Ref No: WL/2025/00297](#) (received 24/03/25) any observations to make on the application, please make them by 28/04/2025

[Proposal: Planning application for single rear storey extension.](#)

[Location: 40 Bob Rainsforth Way, Gainsborough](#)

RESOLVED: to support the application.

Note: Councillor Key voted against the above resolution.

PL25/266 Planning Application

[Application Ref No: WL/2025/00326](#) (received 01/04/25) any observations to make on the application, please make them by 22/04/2025

[Proposal: Planning application for partial change of use to form three self-contained apartments, alterations to an existing retail unit, repairs to flat roof outbuildings, works to existing external doors and windows including the installation of a smoke vent to the roof, internal alterations and associated works.](#)

[Location: 33 Lord Street, Gainsborough](#)

RESOLVED: to request clarity as there are inconsistencies with the application form and the plans regarding 1 and 2 bedroom apartments.

PL25/267 Planning Application

[Application Ref No: WL/2025/00327](#) (received 01/04/25) any observations to make on the application, please make them by 22/04/2025

[Proposal: Listed building consent for partial change of use to form three self-contained apartments, alterations to an existing retail unit, repairs to flat roof outbuildings, works to existing external doors and windows including the installation of a smoke vent to the roof, internal alterations and associated works.](#)

[Location: 33 Lord Street, Gainsborough](#)

RESOLVED: to request clarity as there are inconsistencies with the application form and the plans regarding 1 and 2 bedroom apartments.

PL25/268 Planning Application

[Application Ref No: WL/2025/00348](#) (received 09/04/25) any observations to make on the application, please make them by 12/05/2025

[Proposal: Planning application for 16no. flats, secure bin storage and cycle storage, and off road parking for 6no vehicles.](#)

[Location: Land at North Street \(rear of former Friendship Hotel\), Gainsborough](#)

RESOLVED: not to comment on the application.

Note: Councillor Key voted against the above resolution.

PL25/269 Planning Application

[Application Ref No: WL/2025/00350](#) (received 09/04/25) any observations to make on the application, please make them by 12/05/2025

[Proposal: Planning application to erect two storey double garage to side and widening of existing access and dropped kerb.](#)

[Location: 10 Ulster Road, Gainsborough](#)

RESOLVED: to support the application.

PL25/270 Decision Notice (Paper B)

Application Ref No: WL/2025/00101 GRANTED (delegated)

Proposal: Planning application for change of use residential space to provide additional floor space to existing dental practice.

Location: 15 & 17 Spital Terrace, Gainsborough

RESOLVED: to NOTE the decision notice.

PL25/271 Decision Notice (Paper C)

Application Ref No: WL/2025/00140 GRANTED (delegated)

Proposal: Advertisement consent for 1no. internally illuminated double sided Totem sign, 2no. internally illuminated Drive thru free standing directional sign, 1no. internally illuminated free standing clearance bar frame sign, 1no. internally illuminated free standing menu board, 1no. Internally illuminated order canopy,

1no. internally illuminated free standing 5 panel menu board, 1no. Frosted window vinyl, 1no. Internally Illuminated wall mounted built up acrylic `Drive Thru` text signs, 1no. Internally illuminated wall mounted Roundel signs, 2no. Internally illuminated free standing No Entry/Thank You directional sign, 1no. internally illuminated wall mounted Wordmark sign, 1no. mobile order door graphic, 2no. window manifestation dot displays and 1no. Non-Illuminated Double sided banner frame

Location: Starbucks, Unit 3 Somerby Park Road, Gainsborough

RESOLVED: to NOTE the decision notice.

PL25/272 Decision Notice (Paper D)

Application Ref No: WL/2025/00257 GRANTED (delegated)

Proposal: Local Authority Consultation for a Pavement Cafe and Stalls Licence.

Location: Alfies Gainsborough Ltd, 2 Market Place, Gainsborough

RESOLVED: to NOTE the decision notice.

PL25/273 Street Naming Requests

No street naming requests were received.

PL25/274 Tree Preservation Orders

No tree preservation orders were received.

PL25/275 Land off Heapham Road Gainsborough – Proposed Stopping Up (Paper E)

RESOLVED: to consent to the application for stopping up the public highway to all traffic relating to land at Heapham Road, Gainsborough in a hope it will reduce the amount of fly tipping.

PL25/276 Items for Notification

- i. LCC motion regarding powers to request 20mph speed limit update
- ii. Baltic Mill update – Remove ask Councillor Dobbie is going to approach Councillor Young to contact the business owner and liaise with WLDC.
- iii. Update on Asset of Community Value submitted.

PL25/277 Time and Date of Next Meeting

RESOLVED: to **NOTE** the date and time of the next Planning Committee meeting is scheduled for Tuesday 20 May 2025 at 6:30pm.

The meeting closed at 7:37pm.

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

PAPER B

Planning Permission

Name and address of applicant

WM Morrisons Supermarkets Plc
C/O WHITTAM COX ARCHITECTS
CARRWOOD INDUSTRIAL ESTATE
CHESTERFIELD
UNITED KINGDOM
S41 9QB

Name and address of agent (if any)

Joanne Pollard
Whittam Cox Architects
CARRWOOD COURT
CARRWOOD ROAD
CHESTERFIELD
UNITED KINGDOM
S41 9QB

Part One – Particulars of application

Date of application:
12/03/2025

Application number:
WL/2025/00275

Particulars and location of development:

Proposal: Planning application for the removal and replacement of existing plant.

Location: WM MORRISONS SUPERMARKETS PLC, HEAPHAM ROAD SOUTH,
GAINSBOROUGH, DN21 1XY

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 must be carried out in accordance with the following proposed drawings:

- Location Plan PL01 received 12/03/2025;
- Proposed Site Plan PL02 received 12/03/2025;

- Proposed Elevations PL03 received 12/03/2025;
- Plant Layout 006 dated 06/02/2025.

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, Policy S53 of the Central Lincolnshire Local Plan 2023 and Policies NPP5, 6 and 7 of the Gainsborough Town Neighbourhood Plan.

3. The development hereby approved must only be carried out in accordance with the Plant Noise Impact Assessment Project Reference 93049 Rev 00 dated 25th March 2025 completed by Noise Solutions Ltd.

Reason: To protect the amenity of the adjacent neighbour's from undue noise to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan 2023.

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

None.

Notes to Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

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 West Lindsey District Council.

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 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/uksi/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/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

Reasons for granting permission

The proposed development has been assessed against policies S1 The Spatial Strategy and Settlement Hierarchy, S53 Design and Amenity, S60 protecting Biodiversity and Geodiversity, S56 Development on Land Affected by Contamination, S61 Biodiversity Opportunity and Delivering Measurable Net Gains and S62 Area of Outstanding Natural Beauty and Areas of Great Landscape Value of the Central Lincolnshire Local Plan 2023, as well as policies NPP 1 Sustainable Development, NPP 2 Protecting the Natural Environment and Enhancing

Biodiversity, NPP 5 Protecting the Landscape Character, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area of the Gainsborough Town Neighbourhood Plan. Consideration has also been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code.

The proposed development is considered acceptable as it would upgrade the existing facilities at the food store. The proposal would not have an unacceptable harmful visual impact on the character of the site, its surroundings, or the nearby AGLV, and would not harm the living conditions of neighbouring occupiers.

Working Practice Statement

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

Date: 25/04/2025

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.

Officers Report

Planning Application No: WL/2025/00275

PROPOSAL: Planning application for the removal and replacement of existing plant.

LOCATION: WM MORRISONS SUPERMARKETS PLC, HEAPHAM ROAD SOUTH, GAINSBOROUGH, DN21 1XY

WARD: GAINSBOROUGH EAST

TARGET DECISION DATE: 07/05/2025

CASE OFFICER: Holly Horton

Recommended Decision: Grant permission, subject to conditions.

Description:

The Site: The site is located within the market town on Gainsborough, and forms part of the wider site serving Morrisons supermarket. The site is adjoined to the south-east by the highway (Foxby Lane) with agricultural fields beyond which are allocated for residential development under Policy S70 of the CLLP as the Gainsborough Southern Neighbourhood SUE, and is currently noted to be an Area of Great Landscape Value. To the north-east of the site lies the highway (Heapham Road) with the 'Gainsborough Industrial Area' important established employment area (Policy S31) beyond.

The nearest residential dwelling to the site for the proposed plant is approximately 215 metres to the east/north-east. Mercury House (a business and conference centre) is located approximately 45 metres to the south-west of the site. The site also lies within a contaminated land buffer.

The Proposal: Planning permission is sought for the removal and replacement of the existing plant for new, to service the existing and new refrigeration equipment on the sales floor at Morrisons.

Relevant Planning History:

The site has lots of planning history but none relevant to the installation of plant equipment.

Representations:

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

Gainsborough Town Council: Have resolved to support the application.

Local residents: No representations received to date.

LCC Highways: No Objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development 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.

Comments: Planning application does not affect the public highway

LCC Archaeology: No archaeological input required.

Date System Checked: 25th April 2025.

Relevant Planning Policies:

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

Development Plan

- **Central Lincolnshire Local Plan 2023**

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S53 Design and Amenity
- S56 Development on Land Affected by Contamination
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- S62 Area of Outstanding Natural Beauty and Areas of Great Landscape Value

- **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 5 Protecting the Landscape Character
- NPP 6 Ensuring High Quality Design
- NPP 7 Ensuring High Quality Design in each Character Area

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

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

Main Considerations:

- Principle of Development
- Visual Impact
- Residential Amenity
- Biodiversity Net Gain
- Contamination

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 proposes to the removal and replacement of the existing plant for new, to service the existing and new refrigeration equipment on the sales floor at Morrisons, which are essential to the continuing operation of the supermarket.

The principle of the development is therefore acceptable subject to satisfying all other relevant material planning considerations.

Visual Impact

Policy S53 of the CLLP 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.

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

The proposed plant equipment would be visible from Foxby Lane to the south east, and glimpse views would also be visible from Heapham Road South at the junction with Foxby Lane, when travelling in a westerly direction. Despite this, the plant equipment would be set back from the highway by approximately 12 metres, and it would be viewed in the context of the existing food store and service yard, which currently operates with a number of goods carts being stored to the rear (south-eastern elevation), with a section of fencing with plant equipment and pipework visible to the side (south-west elevation).

It is acknowledged that the proposal would be visible in the context of the Area of Great Landscape Value (AGLV) to the south-east of the site beyond the highway, however due to the existing industrial/commercial nature of the surrounding area, it is not considered that the additional plant equipment in this location would unacceptably harm the AGLV.

As such, the introduction of plant equipment in this location would not be considered to have an unacceptably harmful visual impact on the site, surrounding area or AGLV, and would therefore accord with Policies S53 and S62 of the CLLP, as well as Policies NPP5, 6 and 7 of the Gainsborough Town NP, and the provisions of the NPPF.

Residential Amenity

Policy S53 of the Central Lincolnshire Local Plan states that all development must not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare.

The nearest residential dwelling to the site for the proposed plant is approximately 215 metres to the east/north-east. Mercury House (a business and conference centre) is located approximately 45 metres to the south-west of the site. The application has included a Noise Impact Assessment (NIA) completed by Noise Solutions Ltd dated 25th March 2025.

Paragraph 5.12 of the NIA states that plant noise emissions should be controlled as such that the rating level at the nearest residential windows does not exceed the representative background sound level, as shown in table 4 (below).

Table 4 Plant noise emissions limits at residences

Period	Cumulative plant rating level, dB(A)
Daytime (07.00 – 23.00 hours)	38
Night-time (23.00 – 07.00 hours)	32
Offices (07.00 – 23.00 hours)	50 (Specific sound level)

Table 5 below shows the results of the assessment at the identified receptors (R1 being the nearest dwelling and R2 being the nearest office use).

Table 5 Assessment of predicted noise levels at the nearest receptors

Receptor	Period	Predicted rating level at receptor, $L_{Aeq,T}$ (dB)	Design criterion (dB)	Difference (dB)
R1	Daytime (07.00 - 23.00 hours)	20	41	-21
	Night-time (23.00 - 07.00 hours)	20	39	-19
R2	Daytime (07.00 - 23.00 hours)	36*	50*	-14

*specific sound level, dB L_{Aeq}

The above predicted noise levels demonstrate that the noise emissions from the proposed plant would comply with the criteria in Table 4, and as such, would not have an unacceptably harmful noise impact on the occupiers of neighbouring dwellings or uses. The proposed development would therefore comply with policy S53 of the CLLP, and the provisions of the NPPF in this regard.

Biodiversity Net Gain

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 is also 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*”. However, the statutory legislation takes precedence over the policy in respect of any conflict.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 set out the exemptions in which the biodiversity gain planning condition would not apply.

The ‘De minimis exemption’ states that development that would not impact a priority habitat or would impact on-site habitat less than the following are considered to be exempt from providing biodiversity net gain:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows.

This application is for the installation of plant equipment on hardstanding as can be seen in the below photograph of the site taken on 20th March 2025.



Given the nature of the proposal, it is considered that the proposal would be exempt from delivering a biodiversity net gain.

Contaminated Land

The site is noted as being within the buffer of a site which is potentially contaminated, however due to the separation distances to the potential source of contaminated land, in this instance it is not considered to be reasonable or necessary to request any further information in this regard.

Conclusion and reason for decision:

The proposed development has been assessed against policies S1 The Spatial Strategy and Settlement Hierarchy, S53 Design and Amenity, S60 protecting Biodiversity and Geodiversity, S56 Development on Land Affected by Contamination, S61 Biodiversity Opportunity and Delivering Measurable Net Gains and S62 Area of Outstanding Natural Beauty and Areas of Great Landscape Value of the Central Lincolnshire Local Plan 2023, as well as policies NPP 1 Sustainable Development, NPP 2 Protecting the Natural Environment and Enhancing Biodiversity, NPP 5 Protecting the Landscape Character, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area of the Gainsborough Town Neighbourhood Plan. Consideration has also been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code.

The proposed development is considered acceptable as it would upgrade the existing facilities at the food store. The proposal would not have an unacceptable harmful visual impact on the character of the site, its surroundings, or the nearby AGLV, and would not harm the living conditions of neighbouring occupiers.

Recommended 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 must be carried out in accordance with the following proposed drawings:
 - Location Plan PL01 received 12/03/2025;
 - Proposed Site Plan PL02 received 12/03/2025;
 - Proposed Elevations PL03 received 12/03/2025;
 - Plant Layout 006 dated 06/02/2025.

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, Policy S53 of the Central Lincolnshire Local Plan 2023 and Policies NPP5, 6 and 7 of the Gainsborough Town Neighbourhood Plan.

3. The development hereby approved must only be carried out in accordance with the Plant Noise Impact Assessment Project Reference 93049 Rev 00 dated 25th March 2025 completed by Noise Solutions Ltd.

Reason: To protect the amenity of the adjacent neighbour's from undue noise to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan 2023.

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

None.

Notes to Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

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 West Lindsey District Council.

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/guidance/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>

Decision Level: Delegated

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: H.Horton

Date: 25 April 2025

Authorising Officer: G.Backovic **Date:** 25th April 2025

PAPER C

Planning Permission

Name and address of applicant

Mustafa Aksahin
OLD FILLING STATION, THE FOOD
STORE
HEAPHAM ROAD
GAINSBOROUGH
DN21 1SJ

Name and address of agent (if any)

Emrah Ozan
Architechnica LTD.
GRESLEY HOUSE, TEN POUND WALK
SF20
DONCASTER
UNITED KINGDOM
DN4 5HX

Part One – Particulars of application

Date of application:
10/03/2025

Application number:
WL/2025/00268

Particulars and location of development:

Proposal: Planning application for change of use of the ground floor from shop Class (Ea) to Class (Eb) and Sui Generis – hot food and take-away

Location: OLD FILLING STATION, THE FOOD STORE, HEAPHAM ROAD,
GAINSBOROUGH, DN21 1SJ

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 must be carried out in accordance with the following proposed drawings:
 - Architectural Building Elevations Rev 1 Opt 2 A203 received 24/04/2025
 - Architectural Building Elevations Rev 1 Opt 2 A204 received 24/04/2025

- Architectural Floor Plans Proposed A102 received 11/03/2025
- Location Plan reference PP-13842641v1 received 11/03/2025

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, Policy S53 of the Central Lincolnshire Local Plan 2023 and Policies NPP5, 6 and 7 of the Gainsborough Town Neighbourhood Plan.

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

3. The use hereby permitted shall only operate between the hours of:
11:00am-23:00pm Monday to Sunday including Bank Holidays.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

Notes to Applicant

Any proposed external advertising may require advertisement consent.

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

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 West Lindsey District Council.

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 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/uksi/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/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

Reasons for granting permission

The proposed development has been assessed against policies S1: The Spatial Strategy and Settlement Hierarchy, S13: Reducing Energy Consumption in Existing Buildings, S21: Flood Risk and Water Resources, S35: Network and Hierarchy of Centres, S40: District, Local and Village Centres, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the

Central Lincolnshire Local Plan 2023, as well as policies NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area of the Gainsborough Town Neighbourhood Plan. Consideration has also been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code.

In light of this assessment it is considered that subject to recommended conditions, the proposal is acceptable in principle and will not unacceptably harm the character and appearance of the site, or the street-scene context in which it would be viewed. It also would not have an unacceptable harmful impact on the living conditions of the residents of neighbouring properties.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by 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: 24/04/2025

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.

Officers Report

Planning Application No: WL/2025/00268

PROPOSAL: Planning application for change of use of the ground floor from shop Class (Ea) to Class (Eb) and Sui Generis – hot food and take-away

LOCATION:
OLD FILLING STATION, THE FOOD STORE
HEAPHAM ROAD
GAINSBOROUGH
DN21 1SJ

WARD: GAINSBOROUGH EAST

TARGET DECISION DATE: 05/05/2025

CASE OFFICER: Holly Horton

Recommended Decision: Grant permission, subject to conditions.

Description:

The Site: The application site lies within the town of Gainsborough, on the south-western side of Heapham Road. The site currently consists of a shop at ground floor level with associated storage, and living accommodation above at first floor level with 3no bedrooms, living room, kitchen and bathroom. The site is adjoined by 'Middlefield House' to the west/northwest which is a nursing home and by residential dwellings to the south. A fish and chip shop and hair salon lie to the immediate east of the site. A shared parking area lies to the north-east serving the small cluster of retail/commercial/food uses. The highway lies beyond that with residential dwellings on the opposite side. The site lies within an area of contaminated land due to the former use of the site as a filling station.

The Proposal: Planning permission is sought to change the use of part of the ground floor of the existing building (which currently consists of a shop use class Ea) to a hot food and takeaway provision (use class Eb and Sui Generis).

Relevant Planning History:

98/P/0822 - Planning application to convert existing car port into launderette, relocate roller door and erect en-suite shower room – Granted with conditions 04/02/1999

99/P/0613 - Planning application to change the use and alter existing garages to form beauty salon and additional storage areas – Granted with conditions 11/09/1997

W33/640/89 – Use premises as shop for sale of hot food – Conditional Consent 11/08/1989

W33/1442/88 – Erect two shops and two flats and garages – Conditional Outline Consent 19/01/1989

W33/420/88 - Extend shop to form double garage, store and additional living accommodation. – Unconditional Consent 20/05/1988

W33/738/82 - Change the use of petrol filling station building to shop with flat over including extension. – Condition Outline Consent 10/11/1982

Representations:

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

Gainsborough Town Council: Resolved to support the application, but request that the car park is one way with set entry and exit points due to the potential increase in vehicular activity.

Local residents: No representations received to date.

LCC Highways: No Objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development 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.

Comments: The site already has permission for Class Ea use and this will generate a comparable amount of trips. It is therefore not possible to raise an objection to the proposals based on traffic impact, in accordance with the NPPF.

LCC Archaeology: No archaeological input required.

Date System Checked: 24th April 2025

Relevant Planning Policies:

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

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 S35: Network and Hierarchy of Centres

Policy S40: District, Local and Village Centres

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S56: Development on Land Affected by Contamination

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

- **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 5 Protecting the Landscape Character

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

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

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

Main Considerations:

- Principle of Development
- Character and Visual Impact
- Residential Amenity
- Highway Safety and Parking
- Drainage
- Energy Efficiency
- Biodiversity Net Gain
- Contamination

Assessment:

Principle of Development

Policy S35 of the Central Lincolnshire Local Plan guides the provision of retail and other town centre uses (as defined in the NPPF). It categorises 'Heapham Road, Gainsborough' as a Tier 4 Local and Village Centre. Policy S35 states that:

'Development proposals for retail and/or other town centre uses will be directed to the Tier 1 to 4 centres identified in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole. Within local and village centres in Tier 4 of the hierarchy, the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs.'

Policy S40 of the CLLP which covers District, Local and Village Centres, states that:

'Development proposals for town centre uses under E Use Class including retail, leisure, health facilities and/or office development in or on the edge of a district, local or village centre as defined on the Policies Map will be supported in principle where it:

- a. contributes to the vitality and mix of uses in the centre and is compatible with the role of the centre;*
- b. is appropriate in scale for the centre and the development is of an appropriate design relating well to the character of the setting;*
- c. prioritises and promotes access by walking, cycling and public transport wherever possible;*
- d. will not result in road safety issues from on-street parking; and*

e. will not harm the amenity which occupiers of nearby properties may reasonably expect to enjoy.'

It continues to state that...

“Where a proposal will result in the loss of a shop of under 280sqm selling essential goods, including food, and is located farther than 1km from a similar shop, defined as a local community use under F2 Use Class, permission will not normally be granted unless a suitable alternative provision of a similar shop is included within the proposal or where evidence is provided clearly demonstrating that the shop has been appropriately marketed for a continuous period of 12 months or more without successful conclusion on terms that reflect the lawful use and condition of the premises – this evidence will be considered in the context of local market conditions and the state of the wider national economy.”

Paragraph 97 of the NPPF focuses specifically on hot food takeaways and states the following:

Local planning authorities should refuse applications for hot food takeaways and fast food outlets:

a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or

b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.

As the proposal is in a designated centre it is considered that paragraph 97 does not apply.

The proposed use being a hot food takeaway, would fall under use class E (b) as well as Sui Generis, therefore the policy above does not directly apply, however it is considered that the proposed development would provide additional business provision on a site that is in an appropriate location to provide such services, being an existing unit, and the development is proportionate to the location. It is noted that the proposal would result in the loss of a shop of under 280sqm selling essential goods, however there is a Lincolnshire Co-operative Food Store on Heapham Road, approximately 140 metres to the north east of the site, therefore it is clear that there is other adequate food shopping provision within 1km of the site.

In addition to this, the conversion of the building would bring back into use an existing vacant building (used as a shop when last occupied). Alongside this, there would be 8 full-time and 5 part-time employees which would provide employment opportunities for residents in West Lindsey.

The matters of local character, residential amenity and highway safety are set out in the following sections of this report and all have been found to be

acceptable. As the location of the use is within the local centre of 'Heapham Road, Gainsborough', the sequential test is not required. As such, the proposed change of use is considered to accord with Policies S35 and S40 of the Central Lincolnshire Local Plan.

Any proposed external advertising may require advertisement consent under a separate application. A note to the applicant will be included on the decision notice.

Character and Visual Impact

Local Plan Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics.

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

There would be no physical changes to the exterior of the building, other than the addition of a kitchen extraction system which includes an external flue. Concerns were raised by the case officer in relation to the size, scale and positioning of the proposed flue when viewed within the street scene. Amended drawings have since been received which now show a flue that is smaller in size and scale. As a result of the changes, the flue would no longer be a dominant feature within the street scene, and would assimilate in with the commercial/retail nature of this area of Heapham Road. As such, it is considered that the proposed exterior alterations would not have an unacceptably harmful impact upon the character of the building, the area, or the street scene context in which it would be viewed.

As stated above, an informative will be added on any grant of planning permission to inform the applicant that any new external advertising may require a separate application for advertisement consent.

Therefore, the proposal would accord with Policy S53 of the CLLP, Policy NPP5, 6 and 7 of the Neighbourhood Plan, and the provisions of the NPPF in this regard.

Residential Amenity

Policy S53 of the Central Lincolnshire Local Plan states that all development must not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare. In addition, it states that

development must be compatible with neighbouring land uses and not result in likely conflict with existing uses and that it must not result in adverse noise and vibration taking into account surrounding uses nor result in adverse impacts upon air quality from odour, fumes, smoke, dust and other sources.

There are a number of residential dwellings in the close vicinity of the site. The impact upon the occupiers of neighbouring dwellings is therefore a consideration.

The site currently consists of a shop at ground floor level with associated storage, and living accommodation above at first floor level with 3no bedrooms, living room, kitchen and bathroom. The site is adjoined by 'Middlefield House' to the west/northwest which is a nursing home and by residential dwellings to the south.

With regard to the occupancy of the living accommodation above the proposed hot food takeaway, the agent has stated the following:
"I wish to confirm the proposed use of the living accommodation. Our Client's intention that this accommodation will be utilised in connection with the operation of the takeaway business staff/management."

The operating hours of the proposed hot food takeaway are as follows:
11:00am-23:00pm Monday to Sunday including Bank Holidays.

There are no concerns in regards to overlooking, overshadowing, loss of light or over dominance due to the nature of the proposal. The main source of impact on amenity would be noise associated with the extraction unit that would be produced with the use of the unit as a hot food takeaway. Middlefield House adjoins the site to the west and the other nearby residential dwellings at their closest are approximately 30 metres from the proposed flue. The top of the extraction flue would be positioned approximately 8 metres above ground floor level and would be above the single storey element of the nursing home that forms the shared boundary. There would be a separation distance of approximately 6 metres between the flue and the main two-storey body of the nursing home. On this closest elevation, there is only one opening which is estimated to be approximately 7.5 metres from the flue. As such, it is considered that the separation distance between the two would be sufficient so as not to cause any unacceptably harmful noise impacts on the occupiers of the nursing home.

It should be noted that there have been no neighbour comments on the proposal.

It is considered reasonable and necessary to include a condition on the decision to restrict opening hours to those stated on the application form, in the interests of protecting the amenities of the occupiers of any nearby dwellings and residential uses.

Please note, were any noise issues to arise as a result of the development, these would be dealt with through separate Environmental Protection legislation.

Highway Safety and Parking

Policy S49 of the Central Lincolnshire Local Plan states that non-residential development should incorporate a level of car parking that is suitable for the proposed development, taking into account its location, its size, and its proposed use, including the expected number of employees, customers or visitors.

It is noted that Gainsborough Town Council have requested that the car park is one way with set entry and exit points due to the potential increase in vehicular activity.

The Local Highways Authority have been consulted and have not raised any objections to the proposal, commenting that *“the site already has permission for Class Ea use and this will generate a comparable amount of trips. It is therefore not be possible to raise an objection to the proposals based on traffic impact, in accordance with the NPPF”*. The existing retail units within this area of Heapham Road are served by a sufficient level of parking provision based on the proposed use, therefore it is considered that the proposal would accord with Policy S49 in this regard.

In regards to the comments made by the Town Council, it is not within the scope of this application to set entry and exit points for this area of parking which is served by multiple uses. As detailed above, the Highways Authority have not raised any objections to the proposal.

Drainage

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

Energy Efficiency

Policy S13: Reducing Energy Consumption in Existing Buildings encourages applicants to consider all opportunities to improve the energy efficiency of that building. The proposal is for the change of use of the existing ground floor from a shop to a hot food and takeaway use. Whilst it is noted that there may be an increased energy usage associated with the proposed use, policy S13 only encourages applicants to improve the energy efficiency of the building.

It is therefore considered that it would be unreasonable to request changes to the proposal given the nature of what is proposed, and as S13 only encourages applicants to considered improving the energy efficiency of the building, it is not considered to be reasonable or necessary to include conditions in this regard.

Biodiversity Net Gain

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 is also a requirement of local policy S61 of the CLLP which requires “*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*”. However, the statutory legislation takes precedence over the policy in respect of any conflict.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 set out the exemptions in which the biodiversity gain planning condition would not apply.

The ‘De minimis exemption’ states that development that would not impact a priority habitat or would impact on-site habitat less than the following are considered to be exempt from providing biodiversity net gain:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows.

It is noted that this application is for the change of use of an existing building. Given the nature of the proposal, it is considered that the proposal would be exempt from delivering a biodiversity net gain

Contamination

Policy S56 of the CLLP states that development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.

Due to the previous use of the site as a filling station, there may be potential for the land to be contaminated from its previous uses. However, as the application is for the change of use of an existing building, it is not considered to be reasonable or necessary to request any further information or include any conditions in this regard.

Conclusion and reason for decision:

The proposed development has been assessed against policies S1: The Spatial Strategy and Settlement Hierarchy, S13: Reducing Energy Consumption in Existing Buildings, S21: Flood Risk and Water Resources, S35: Network and Hierarchy of Centres, S40: District, Local and Village Centres, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan 2023, as well as policies NPP 1 Sustainable Development, NPP 6 Ensuring High Quality Design and NPP 7 Ensuring High Quality Design in each Character Area of the Gainsborough Town Neighbourhood Plan. Consideration has also been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code.

In light of this assessment it is considered that subject to recommended conditions, the proposal is acceptable in principle and will not unacceptably harm the character and appearance of the site, or the street-scene context in which it would be viewed. It also would not have an unacceptable harmful impact on the living conditions of the residents of neighbouring properties.

Recommended 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 must be carried out in accordance with the following proposed drawings:
 - Architectural Building Elevations Rev 1 Opt 2 A203 received 24/04/2025
 - Architectural Building Elevations Rev 1 Opt 2 A204 received 24/04/2025
 - Architectural Floor Plans Proposed A102 received 11/03/2025
 - Location Plan reference PP-13842641v1 received 11/03/2025

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, Policy S53 of the Central Lincolnshire Local Plan 2023 and Policies NPP5, 6 and 7 of the Gainsborough Town Neighbourhood Plan.

3. The use hereby permitted shall only operate between the hours of: 11:00am-23:00pm Monday to Sunday including Bank Holidays.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

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

None.

Notes to Applicant

Any proposed external advertising may require advertisement consent.

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

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 West Lindsey District Council.

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/guidance/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=paragra%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragra%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>

Decision Level: Delegated

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: H.Horton

Date: 24th April 2025

Authorising Officer: D Peck

Date: 24/04/2025

PAPER D

Planning Permission

Name and address of applicant

Rachel Allbones
Richmond House
Morton Terrace
Gainsborough
DN21 2RJ

Name and address of agent (if any)

Alan Scoffin
Ross Davy Associates
Pelham House
1 Grosvenor Street
Grimsby
DN32 0QH

Part One – Particulars of application

Date of application:
22/01/2025

Application number:
WL/2025/00074

Particulars and location of development:

Proposal: Planning application for repairs to main building, demolition of existing greenhouse and extension of vegetable patch including the replacement of herras fencing with palisade fencing

Location: Richmond House, Morton Terrace, Gainsborough DN21 2RJ

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 proposed drawings:

- RD:5775-01 Rev E dated 13th December 2024 – Site Plan
- RD:5775-03 dated 13th December 2024 – General Arrangement Site 2 Refurbishment Works

- RD:5775-04 dated 13th December 2024 – Entrance Door and Portico Site 2 Refurbishment Works
- RD:5775-05 dated 13th December 2024 – Remedial Brickwork Repairs Site 2 Refurbishment Works
- RD:5775-09 dated 13th December 2024 – Garden Store Site 3 Proposed General Arrangement

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, local policy S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No repairs to the brickwork must take place until a 1 metre by 1 metre sample lime mortar mix panel has been completed, inspected and approved in writing by the Local Planning Authority. The brickwork repairs must be completed in strict accordance with the approved mortar.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the listed building and the site to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The brickwork repairs and water damaged area works must be completed in strict accordance with the Historic Building Conservation Method Statement by Ross Davey Associates.

Reason: To ensure the brickwork repairs are completed using appropriate methods to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. All demolition works must be carried out by hand or by tools held in the hand. The use of any power-driven tools is strictly forbidden.

Reason: To ensure demolition works are completed in an appropriate manner to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. No powered tools of any type (for example, air-driven tools; electric angle grinders and so forth) must be used to cut back the masonry joints prior to repointing.

Reason: To ensure all repointing is done using an appropriate method to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough

Town Neighbourhood Plan and Section 66 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

Reasons for granting permission

The decision has been considered against S1 The Spatial Strategy and Settlement Hierarchy, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S53 Design and Amenity, S57 The Historic Environment and S61 Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local plan 2023-2043, policy 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 in the first instance. Consideration is additionally given to the duty set out 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 and the National Design Guide. It is considered that the proposed development would enhance the desirability of the Listed Building and its setting whilst maintaining its other special architectural features and historic interest. The proposal would improve the visual impact of the site and the surrounding area. It would not have an unacceptable harmful impact on the living conditions of neighbouring occupiers, biodiversity net gain, highway safety, archaeology or drainage.

Date: 30th April 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.

Officers Report

Planning Application No: WL/2025/00074 and WL/2025/00075

PROPOSAL:

WL/2025/00074 - Planning application for repairs to main building, demolition of existing greenhouse and extension of vegetable patch including the replacement of herras fencing with palisade fencing.

WL/2025/00075 – Listed building consent for repairs to main building, demolition of existing greenhouse and extension of vegetable patch including the replacement of herras fencing with palisade fencing.

LOCATION: Richmond House, Morton Terrace, Gainsborough DN21 2RJ

WARD: GAINSBOROUGH NORTH

WARD MEMBER(S):

APPLICANT NAME: Rachel Allbones - Gainsborough Town Council

TARGET DECISION DATE: 19th March 2025 (Extension until 30th April 2025)

CASE OFFICER: Ian Elliott

Recommended Decision:

WL/2025/00074 – Grant Permission Subject to Conditions

WL/2025/00075 – Grant Listed Building Consent

Site Description:

The site is a Grade II Listed Building (List Entry Number 1359740)¹ with surrounding gardens, outbuilding and Richmond Park Children's Play Area. The building is listed for its internal and external character and appearance. Richmond House is set back from and above the level of the highway and is currently used as a Registration Office. The southern elevation included an old timber conservatory which opened up to a garden area. Richmond House and its grounds provides screening in all directions including trees, hedging, fencing and walls. Neighbouring dwellings are adjacent or opposite to the east and west with a corner shop (currently closed) additionally to the west. To the south of the site is land which used to accommodate a nursing home (The Cedars). Queen Elizabeth's High School is to the north.

Proposal:

The application seeks permission for repairs to main building at Richmond House, demolition of existing greenhouse and extension of vegetable patch in the grounds including the replacement of herras fencing with palisade fencing.

The application as originally submitted included an area of palisade fencing near to the pavilion in the recreational area. This was formally removed in

¹ <https://historicengland.org.uk/listing/the-list/list-entry/1359740>

writing by the agent and the description of the development was amended accordingly.

Relevant Planning History:

W33/1150/79 – To erect a conservatory – 14/12/79 – Deemed Consent

137300 - Planning application to demolish an existing timber framed conservatory structure and erect new conservatory – 18/04/2018 - Granted time limit and other conditions

137301 - Listed building consent to demolish an existing timber framed conservatory structure and erect new conservatory – 18/04/18 - Granted time limit and other conditions

138101 - Request for confirmation of compliance with condition 2 of planning permission 137301 granted 18 April 2018 – 28/09/19 - Condition Discharge Pending

138102 - Request for confirmation of compliance with condition 2 of planning permission 137300 granted 18 April 2018 – 28/09/19 - Condition Discharge Partially

141269 - Request for confirmation of compliance with condition 2 of planning permission 137300 granted 18 April 2018 – 21/12/00 – Condition Discharged

141293 - Request for confirmation of compliance with condition 2 of listed building consent 137301 granted 18 April 2018 – 21/12/00 – Condition Discharged

143230 - Planning application to demolish timber framed conservatory, erect new conservatory including external steps & removal of internal doors – 04/08/21 - Granted with conditions

143231 - Listed building consent to demolish timber framed conservatory, erect new conservatory including external steps & removal of internal doors – 04/08/21 - Granted with conditions

145967 - Planning application to demolish an existing timber framed conservatory structure, provide a new external door and screen, external terrace with external steps, repairs to brickwork, replacement of external doors to the Mess Room, Tool Store, lobby, WC and demolition of an existing Aviary structure – 23/01/23 - Granted time limit plus conditions

145968 - Listed building consent to demolish an existing timber framed conservatory structure, provide a new external door and screen, external terrace with external steps, repairs to brickwork, replacement of external doors to the Mess Room, Tool Store, lobby, WC and demolition of an existing Aviary structure - 23/01/23 - Granted time limit plus conditions

WL/2024/00608 - Planning application to demolish an existing timber framed conservatory structure, provide new windows to replace existing doors to the Registration Office and Ceremony Room, repairs to brickwork - 02/10/2024 - Grant with conditions

WL/2024/00609 - Listed building consent to demolish an existing timber framed conservatory structure, provide new windows to replace existing doors to the Registration Office and Ceremony Room, repairs to brickwork - 02/10/2024 - Grant with conditions

Representations

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

Gainsborough Town Council: Supports

Local residents: No representation received to date

Historic England: Comment

No comment to make but advise to seek specialist advice from conservation and archaeological advisors.

Conservation Officer: No objection subject to conditions

Representation received 7th April 2025:

The new proposed palisade fence adjacent to the Open Pavilion introduces a modern fencing and creates a negative impact upon the setting. There is no justification for the harm of having a fence in this location and therefore this would not be supported by policy. This has now been removed from the proposal.

Overall, the proposal will preserve and enhance the historic environment and meet Policy S57 of the CLLP. I have no objection to this application subject to the following conditions:

1. The remedial brickwork repairs shall accord to the proposed plans and method statement. Any alterations shall be submitted to the LPA.
2. The water damaged areas of repair shall accord to the proposed plans and method statement. Any alterations shall be submitted to the LPA.
3. Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools.
4. Under no circumstances whatsoever are powered tools (for example, air-driven tools; electric angle grinders and so forth) to be used to cut back masonry joints prior to repointing.
5. Lime mortar mix and sample panel to be approved.

Representation received 12th March 2025:

The repairs to the water damaged area of the property are positive in retaining the architectural character of the listed building. The making good of the

brickwork as proposed would conserve and protect the listed building with minimal impact on the existing fabric.

The removal of the 20th century greenhouse has little impact on the historic or architectural interest of the listed building. The removal of the property and making good of any attached areas would preserve the property. An introduction of a vegetable planting area would enhance the character of the historically domestic garden space.

The introduction of the palisade fencing to the border near the poly tunnels will negatively impact upon the character of the listed building. This is, however, to replace the existing Heras fencing which is also negatively impacting upon the listed building. The Heras fencing is, in theory, temporary but has been in situ for a number of years and would be retained for the long term so the impact of the fence would be neutral to the setting with the existing approach

The new fencing, as with the existing Hera fencing, would be visibly modern but entirely reversible. The impact of the harm would be neutral to the existing setting and preserve the setting. The new proposed palisade fence adjacent to the Open Pavilion introduces a modern fencing and creates a negative impact upon the setting. There is no justification for the harm of having a fence in this location and therefore this would not be supported by policy. Further information is required for this purpose and reasoning for this part of the development.

LCC Archaeology: No objections

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.

Comments:

The proposals are remote from the public highway therefore will not create an unacceptable impact.

Principal Ecology and Wildlife Officer: No objections subject to conditions

Representation received 11th April 2025:

This can now be officially exempt from BNG under the de minimis threshold as the application although larger than 25m² will not impact 25m² or more of habitat with a score greater than 0 in the statutory, nor does it include habitat with a score greater than 0 that has been degraded since Jan 2020.

The NPPF does require there to be an enhancement but as the previous sealed surface greenhouse is to be removed and replaced by vegetated beds I am satisfied this would meet the requirement to show an increase in Biodiversity.

The only condition that will need to be applied is as such:

Any storage of materials, erection of additional structures or any other action related to the works associated with this permission must not detrimentally impact the underlying habitat within the red line boundary. Where impact is unavoidable, all impacts must be temporary, and the existing habitat must be returned to the same habitat type and condition that was present when the application was made [or better] within 2 years of works commencing.

Reason: To ensure the development remains compliant with biodiversity net gain exemptions in accordance with Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and local policy S60 of the Central Lincolnshire Local Plan 2023-2043.

The above is one condition we didn't discuss as they don't come up very often, let me know if you think we need to tweak it.

Representation received 30th January 2025:

So the greenhouse to veg patch area isn't an issue as it is sealed surface to "vegetated garden". The baseline has a value of 0 so BNG wouldn't be required

However, Google earth shows that the area intended for the new fencing had an ornamental hedgerow which has been removed. The degradation must be taken into account when determining if the "below the threshold" exemption applies. In this case over 5m of hedgerow has been lost so the exemption cannot be used. In addition although the actual loss of area habitat for the fence itself won't likely meet the 25m², it depends how the permission will impact the current (likely) modified grassland in the new enclosed area with the above in mind BNG is required.

With the red line as it currently is a full UKhab survey and BNG metric will need to be completed for the full site and 10% evidenced. It may be within the applicants interest to resubmit the red line boundary to only include the works and the space required to meet the 10% uplift

Date Checked: 29th April 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 Gainsborough Town Neighbourhood Plan (made 28th June 2021) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2023-2043**

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S53 Design and Amenity

S57 The Historic Environment

S61 Biodiversity Opportunity and Delivering Measurable Net Gains

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

- **Gainsborough Town Neighbourhood Plan**

Relevant policies of the NP are:

NPP6 Ensuring High Quality Design

NPP7 Ensuring High Quality Design in each Character Area

NPP18 Protecting and Enhancing Heritage Assets

Community Objective 4:

To implement a range of improvements to the historic buildings and spaces in the Town as part of a wider improvement programme for the Town Centre with the market place as the focal point and to protect the heritage across the parish and enhance (where possible).

Gainsborough Heritage and Character Assessment (GHCA) – Character Area TCA 01 (page 21-32)

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

- **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).
<https://www.gov.uk/government/publications/national-planningpolicy-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>

Draft Local Plan/Neighbourhood Plan/Minerals 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 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.

Listed Building Legal Duty

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Main Considerations:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Gainsborough Town Neighbourhood Plan
Heritage
Concluding Assessment
- Landscape and Visual Impact
- Residential Amenity
- Archaeology
- Highway Safety
- Biodiversity Net Gain

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.

Central Lincolnshire Local Plan 2012-2036:

Local policy S57 of the CLLP states that '*Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire*' and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of S57 it states that Permission to '*change the use of a Listed Building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting*'.

Gainsborough Town Neighbourhood Plan:

Policy NPP6 and NPP7 (Design Principles) set out criteria to ensure development is designed in an appropriate manner to its location and setting.

Policy NPP18 protects heritage assets from inappropriate and harmful development

Heritage:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 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 application has included a Design, Access and Heritage Statement which concludes that '*The refurbishment and repair works to the main building are to resolve the long term issues of water penetration following the repair of a leaking gutter and downpipe. The repair and replacement of both structural*

and decorative timber work both externally and internally and the removal of dry rot within the structure.

The area to the North East of the site is provided for gardening and vegetable plots with polytunnels. A modern greenhouse structure is to be removed to increase a vegetable planting area and a palisade security fence is to be installed in place of a temporary, insecure Heras fence”.

The Authority’s Conservation Officer has no objections to the development subject to conditions and concludes that “overall, the proposal will preserve and enhance the historic environment and meet Policy S57 of the CLLP”.

The proposal would:

- make necessary repairs to Richmond House to resolve issues caused by a leaking gutter and downpipe.
- Remove a modern greenhouse to increase the vegetable plot and to install a palisade fencing to replace existing temporary heras fencing.

Concluding Assessment

It is considered that the principle of the proposal is acceptable and the development would preserve and enhance the desirability of the Listed Building and its immediate setting. Therefore the development accords to local policy S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP18 of the Gainsborough Town Neighbourhood Plan, the statutory duty set out in section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the National Planning Policy Framework.

Landscape and Visual Impact

Local policy S53 of the CLLP sets out 10 criteria based on design and amenity. It is considered that criteria 1 (Context), 2 (Identity) and 3 (Built Form) of S53 are 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.

Section 5.2.1 (pg22) of the GHCA confirms that Richmond House is considered a key characteristic of character area TCA 01.

Given the heritage assessment above and subject to final details the proposal would not unacceptably harm the visual impact of the site or the surrounding area. The proposal therefore accords to local policy S53 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6 and NPP7 of the Gainsborough Town Neighbourhood Plan and the provisions of the National Planning Policy Framework.

Residential Amenity

The proposal is well separated from any other residential uses. Therefore the proposal will not harm the living conditions of nearby dwellings and accords to local policy S53 of the Central Lincolnshire Local Plan 2023-2043 and the provisions of the National Planning Policy Framework.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development. Therefore, the development accords to local policy LP25 of the Central Lincolnshire Local Plan 2023-2043, policy NPP18 of the Gainsborough Town Neighbourhood Plan and the provisions of the National Planning Policy Framework.

Highway Safety

The proposed development does not impact on the limited parking currently available on the site, particularly to the front of Richmond House. No objections have been received from the Local Highways Authority. The proposal therefore accords to local policy LP13 of the Central Lincolnshire Local Plan 2023-2043 and the provisions of the National Planning Policy Framework.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 sets out in law that 10% Biodiversity Net Gain (BNG) for minor developments is a statutory requirement after 2nd April 2024. This takes precedence over local policy S61 of the CLLP.

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

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

The Principal Ecology and Wildlife Officer (PEWO) has confirmed that the development is *“exempt from BNG under the de minimis threshold as the application although larger than 25m² will not impact 25m² or more of habitat with a score greater than 0 in the statutory, nor does it include habitat with a score greater than 0 that has been degraded since Jan 2020.”*

The PEWO is additionally satisfied that removing the greenhouse to expand the vegetable beds would provide an enhancement in biodiversity due to the sealed surface of the greenhouse to be removed. The case officer has discussed these recommendations with the PEWO and agrees with the stance taken. The development is therefore considered exempt from BNG but does provide some enhancement to biodiversity.

The PEWO has recommended the following condition:

Any storage of materials, erection of additional structures or any other action related to the works associated with this permission must not detrimentally impact the underlying habitat within the red line boundary. Where impact is unavoidable, all impacts must be temporary, and the existing habitat must be returned to the same habitat type and condition that was present when the application was made [or better] within 2 years of works commencing.

Reason: To ensure the development remains compliant with biodiversity net gain exemptions in accordance with Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and local policy S60 of the Central Lincolnshire Local Plan 2023-2043.

The recommendation to attach this condition is acknowledge, however it is the case officer's opinion that this condition would not be enforceable and would not meet the six conditions test set out in paragraph 57 of the NPPF.

Other Considerations:

Registration Office

The proposed development would improve the appearance and facilities available to the Registration Office, particularly when performing civil ceremonies.

Conclusion and reasons for decision:

Planning Application WL/2025/00074:

The decision has been considered against S1 The Spatial Strategy and Settlement Hierarchy, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S53 Design and Amenity, S57 The Historic Environment and S61 Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local plan 2023-2043, policy 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 in the first instance. Consideration is additionally given to the duty set out 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 and the National Design Guide. It is considered that the proposed development would enhance the desirability of the Listed Building and its setting whilst maintaining its other special architectural features and historic interest. The proposal would improve the visual impact of the site and the surrounding area. It would not have an unacceptable harmful impact on the living conditions of neighbouring occupiers, biodiversity net gain, highway safety, archaeology or drainage.

Listed Building Consent WL/2025/00075:

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as

amended. In light of this assessment, the proposal is considered as an enhancement to the desirability of the Listed Building and its setting. Furthermore the proposed development will preserve the desirability of the special architectural features or historic interest it possesses.

Recommended Conditions

Planning Application WL/2025/00074:

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 proposed drawings:
 - RD:5775-01 Rev E dated 13th December 2024 – Site Plan
 - RD:5775-03 dated 13th December 2024 – General Arrangement Site 2 Refurbishment Works
 - RD:5775-04 dated 13th December 2024 – Entrance Door and Portico Site 2 Refurbishment Works
 - RD:5775-05 dated 13th December 2024 – Remedial Brickwork Repairs Site 2 Refurbishment Works
 - RD:5775-09 dated 13th December 2024 – Garden Store Site 3 Proposed General Arrangement

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, local policy S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No repairs to the brickwork must take place until a 1 metre by 1 metre sample lime mortar mix panel has been completed, inspected and approved in writing by the Local Planning Authority. The brickwork repairs must be completed in strict accordance with the approved mortar.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the listed building and the site to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The brickwork repairs and water damaged area works must be completed in strict accordance with the Historic Building Conservation Method Statement by Ross Davey Associates.

Reason: To ensure the brickwork repairs are completed using appropriate methods to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. All demolition works must be carried out by hand or by tools held in the hand. The use of any power-driven tools is strictly forbidden.

Reason: To ensure demolition works are completed in an appropriate manner to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. No powered tools of any type (for example, air-driven tools; electric angle grinders and so forth) must be used to cut back the masonry joints prior to repointing.

Reason: To ensure all repointing is done using an appropriate method to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 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

Listed Building Consent WL/2025/00075:

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 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 proposed drawings:
 - RD:5775-01 Rev E dated 13th December 2024 – Site Plan
 - RD:5775-03 dated 13th December 2024 – General Arrangement Site 2 Refurbishment Works
 - RD:5775-04 dated 13th December 2024 – Entrance Door and Portico Site 2 Refurbishment Works
 - RD:5775-05 dated 13th December 2024 – Remedial Brickwork Repairs Site 2 Refurbishment Works
 - RD:5775-09 dated 13th December 2024 – Garden Store Site 3 Proposed General Arrangement

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 to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

3. No repairs to the brickwork must take place until a 1 metre by 1 metre sample lime mortar mix panel has been completed, inspected and approved in writing by the Local Planning Authority. The brickwork repairs must be completed in strict accordance with the approved mortar.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

4. The brickwork repairs and water damaged area works must be completed in strict accordance with the Historic Building Conservation Method Statement by Ross Davey Associates.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

5. All demolition works must be carried out by hand or by tools held in the hand. The use of any power-driven tools is strictly forbidden.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

6. No powered tools of any type (for example, air-driven tools; electric angle grinders and so forth) must be used to cut back the masonry joints prior to repointing.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building 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

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

Standard Letter Special Letter Draft enclosed

Prepared by: Ian Elliott

Date: 29th April 2025

Signed: 

Authorising Officer: Josh Turner

Date: 29/04/2025

PAPER E

Listed Building Consent

Name and address of applicant

Rachel Allbones
Richmond House
Morton Terrace
Gainsborough
DN21 2RJ

Name and address of agent (if any)

Ross Davy Associates
Alan Scoffin
Pelham House
1 Grosvenor Street
Grimsby
United Kingdom
DN32 0QH

Part I – Particulars of application

Date of application

22/01/2025

Application no

WL/2025/00075

Particulars and location of development

Proposal: Listed Building Consent for repairs to main building, demolition of existing greenhouse and extension of vegetable patch including the replacement of herras fencing with palisade fencing

Location: Richmond House, Morton Terrace, Gainsborough, DN21 2RJ

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

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 proposed drawings:

- RD:5775-01 Rev E dated 13th December 2024 – Site Plan
- RD:5775-03 dated 13th December 2024 – General Arrangement Site 2 Refurbishment Works

- RD:5775-04 dated 13th December 2024 – Entrance Door and Portico Site 2 Refurbishment Works
- RD:5775-05 dated 13th December 2024 – Remedial Brickwork Repairs Site 2 Refurbishment Works
- RD:5775-09 dated 13th December 2024 – Garden Store Site 3 Proposed General Arrangement

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 to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

3. No repairs to the brickwork must take place until a 1 metre by 1 metre sample lime mortar mix panel has been completed, inspected and approved in writing by the Local Planning Authority. The brickwork repairs must be completed in strict accordance with the approved mortar.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

4. The brickwork repairs and water damaged area works must be completed in strict accordance with the Historic Building Conservation Method Statement by Ross Davey Associates.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

5. All demolition works must be carried out by hand or by tools held in the hand. The use of any power-driven tools is strictly forbidden.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

6. No powered tools of any type (for example, air-driven tools; electric angle grinders and so forth) must be used to cut back the masonry joints prior to repointing.

Reason: To ensure the development proceeds in accordance with the approved plans to safeguard the fabric and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.

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

NONE

Notes to the Applicant

NONE

Reasons for Granting Consent:

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

Working Practice Statement

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

Date: 30th April 2025

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.

PAPER F

From: Daniel Garfoot
Sent: 28 April 2025 09:27
To: Town Clerk <townclerk@gainsborough-tc.gov.uk>
Cc: Sally Grindrod-Smith; Vicki Stevens
Subject: Savoy Cinema, Gainsborough - Application for Street naming

Dear Sirs / Madam

We have been requested by West Lindsey Council to write to you regarding the street naming of the new passage we are creating between The Market Square and Lidl as we come to the completion of the new cinema I have attached a plan of the project it is located on the old site of the Lindsey Centre (The old Lincolnshire Co-op superstore).

We are proposing to call the passageway "Marshalls Walk"

The are construction the Cinema and 3 retail units as we are proposing the addresses as follows:

Cinema = Savoy Gainsborough, 1 Marshall's Walk DN21 2BP
Unit A = 2 Marshall's Walk DN21 2BP
Unit B = 3 Marshall's Walk DN21 2BP
Unit C = 17 Market Place DN21 2BP

I would be grateful if you could confirm as soon as possible if our proposed street name is acceptable as we need to register the properties with various statutory suppliers prior to opening which we are looking to do in June of this year.

I would be grateful if you could confirm receipt of this e-mail and also let me know when you think a decision on this could be made.

Kind regards

Daniel Garfoot BSc (Hons) MRICS
Director

The logo for Eddisons, featuring the word "Eddisons" in a bold, blue, sans-serif font. The letter 'i' in "Eddisons" has a small red dot above it.

26 Westgate | Lincoln | LN1 3BD



H	Drawing updated to suit revised substation position.	05.02.25
G	REVISED GRP SUBSTATION LOCATION ADDED	01.11.24
F	UPDATED FLOOR PLANS ADDED	01.02.24
	CONSTRUCTION ISSUE	27.11.23
E	Drawing updated to suit local authority comments.	04.05.23
D	TENDER ISSUE	12.04.23
C	REVISED RED LINE BOUNDARY	04.04.23
B	REVISED ENTRANCE	23.03.23
A	CARPARK LAYOUT REVISED	17.03.23
Revision	Description	Date



www.nbdarchitects.co.uk Tel 01625 575550

Client SAVOY CINEMAS

Project GAINSBOROUGH

Drawing PROPOSED SITE PLAN

Drawing No. 1883\GB-019 Revision H

Scale 1:200@A1 Date 22.02.23 Drawn T.J.L.














This drawing is copyright of N.B.D.A. Ltd. and should not be reproduced without permission. Dimensions should not be scaled off this drawing. All dimensions should be checked on site.

A1 Drawing

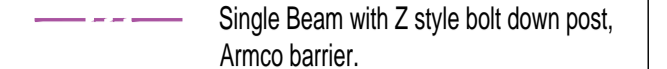


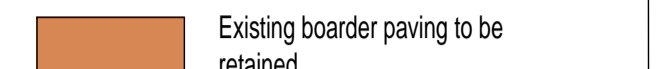

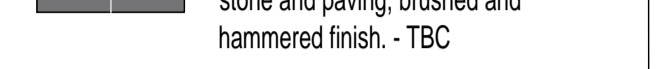
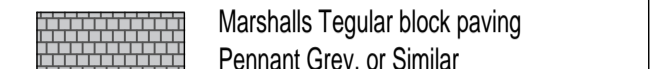
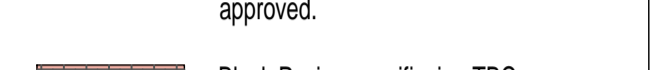
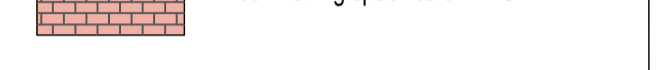
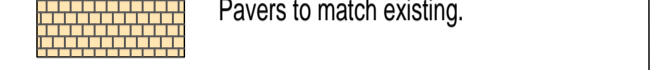
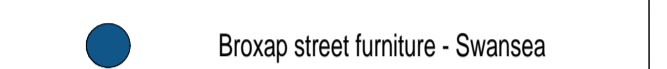
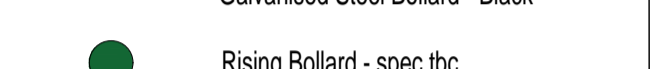
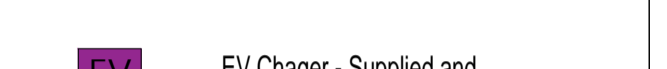
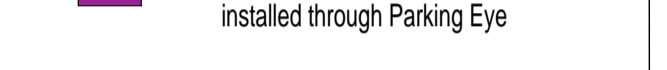
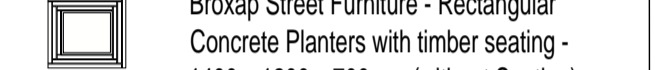
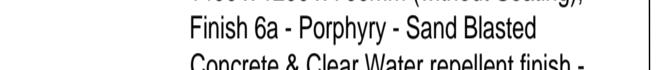
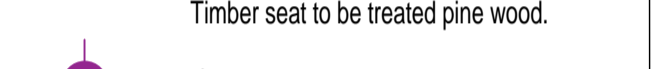
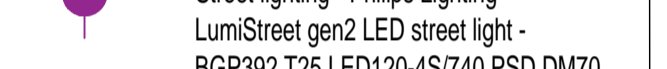
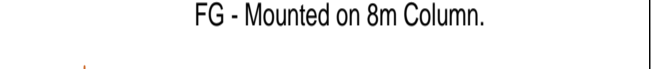

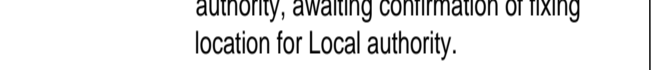
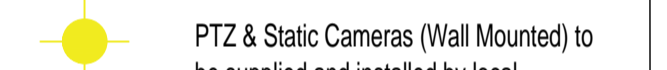

PLANTING KEY

-  6no. Carex Morrowi 'ICE DANCE'
-  6no. Hemerocallis 'BELA LUGOSI'
-  6no. Carex Comans 'AMAZON MIST'
-  7no. Verbena 'BONARIENSIS'
-  9no. Crocosmia 'LUCIFER'
-  6no. Hebe Mette
-  3no. Hebe Pinguifolia

KEY

-  Metal Automatic swing Electric double security gate, 4700mm wide, finished in black RAL 9005, gate to be linked back to managers office, gate to be opening view push button linked to intercom with 3no. fob access.
-  Metal Gate in back to be to be self closing with digi lock, gate to be minimum 1200 clear opening. Gate to be access controlled via digi lock.
-  Timber Hit and Miss Fence with Min 1200mm clear opening gate to allow 1100L bin to pass through - gate to be self closing with Digi Lock access control. Fencing to be painted RAL 7012 Basalt Grey.
-  Timber Hit and Miss Fencing 2200mm high with 2400mm wide double gate opening, to allow access for deliveries and bins. Fencing to be Painted RAL 7012 Basalt Grey. Gates to Have panic bars with key override.
-  Main car park signage, supplied by Parking Eye, signage poles to be supplied by Parking Eye, Installed by Main Contractor.
-  Staff car park signage, supplied by Parking Eye, signage poles to be supplied by Parking Eye, Installed by Main Contractor.
-  Directional Arrow Road markings to be painted on car park.
-  Existing Grassed area to be retained
-  Existing path way to be retained and with new proposed adjoining.
-  New drop kerb to be installed to connect with existing & Existing bollards to be removed.
-  Existing grassed are to be removed and new tarmac installed.
-  Existing step in pavement to be removed and new drop kerb installed
-  ANPR Camera

LANDSCAPE FINISHES

-  Single Beam with Z style bolt down post, Armo barrier.
-  New turf / Planting
-  New Tarmac
-  Existing boarder paving to be retained.
-  Kobra - Hardscape - Commercial stone and paving, brushed and hammered finish - TBC
-  Marshalls Tegular block paving Pennant Grey, or Similar approved.
-  Block Paving specifaion TBC.
-  Pavers to match existing.
-  Broxap street furniture - Swansea Galvanised Steel Bollard - Black
-  Rising Bollard - spec tbc
-  EV Chager - Supplied and installed through Parking Eye
-  Broxap Street Furniture - Rectangular Concrete Planters with timber seating - 1400 x 1200 x 700mm (without Seating), Finish 6a - Porphyry - Sand Blasted Concrete & Clear Water repellent finish - Timber seat to be treated pine wood.
-  Street lighting - Philips Lighting LumStreet gen2 LED street light - BGP392 T25 LED120-4S/740 PSD DM70 FG - Mounted on 8m Column.
-  PTZ & Static Cameras (Column Mounted) to be supplied and installed by local authority, awaiting confirmation of fixing location for Local authority.
-  PTZ & Static Cameras (Wall Mounted) to be supplied and installed by local authority.
-  Static Cameras (Wall Mounted) to be supplied and installed by local authority. Main contractor to supply 1no. - 75mm dia duct and draw string through unit B to camera position.
-  Wall Mounted CCTV Camera, supplied and installed by GRS. Inline with Savvy construction drawing E018 - CCTV Ground Floor
-  Bin - Manutan - 33-l outdoor bin - vepabins (BOL0H 755), or similar approved.
-  Feature Planter constructed from treated timber sleepers.
-  50mm Pin kerb
-  250mm Concrete Kerb
-  Dropped kerb
-  Denote existing wall to be fully re-pointed and painted - paint colour tbc.



Q	Drawing updated to suit Revised ANPR Positions.	04.03.25
P	Updated to suit comments.	20.02.25
Revision	Description	Date



www.nbdarchitects.co.uk Tel 01625 575550

Client SAVOY CINEMAS

Project GAINSBOROUGH

Drawing PROPOSED SITE PLAN
PROPOSED FINISHES PLAN

Drawing No. 1883GB-094 Revision Q
Scale 1:200@A1 Date 27.03.23 Drawn T.J.L.

This drawing is copyright of N.B.D.A. Ltd. and should not be reproduced without permission. Dimensions should not be scaled off this drawing. All dimensions should be checked on site.

A1 Drawing

PAPER G

Lincolnshire County Council
Place Directorate
Highways Services
Minor Works & Traffic Team
County Offices
Newland
Lincoln LN1 1YL

Ref: RG/283 FAO Roxanne Greaves
Date: 15/04/25

Tel: 01522 782070
Email: TRO@lincolnshire.gov.uk

Dear Sir/Madam

RE: GAINSBOROUGH, SWEYN LANE – PROPOSED NO WAITING AT ANY TIME

Lincolnshire County Council recently received a request to review parking issues on Sweyn Lane in the vicinity of The Gainsborough Academy and Aegir S. Community School.

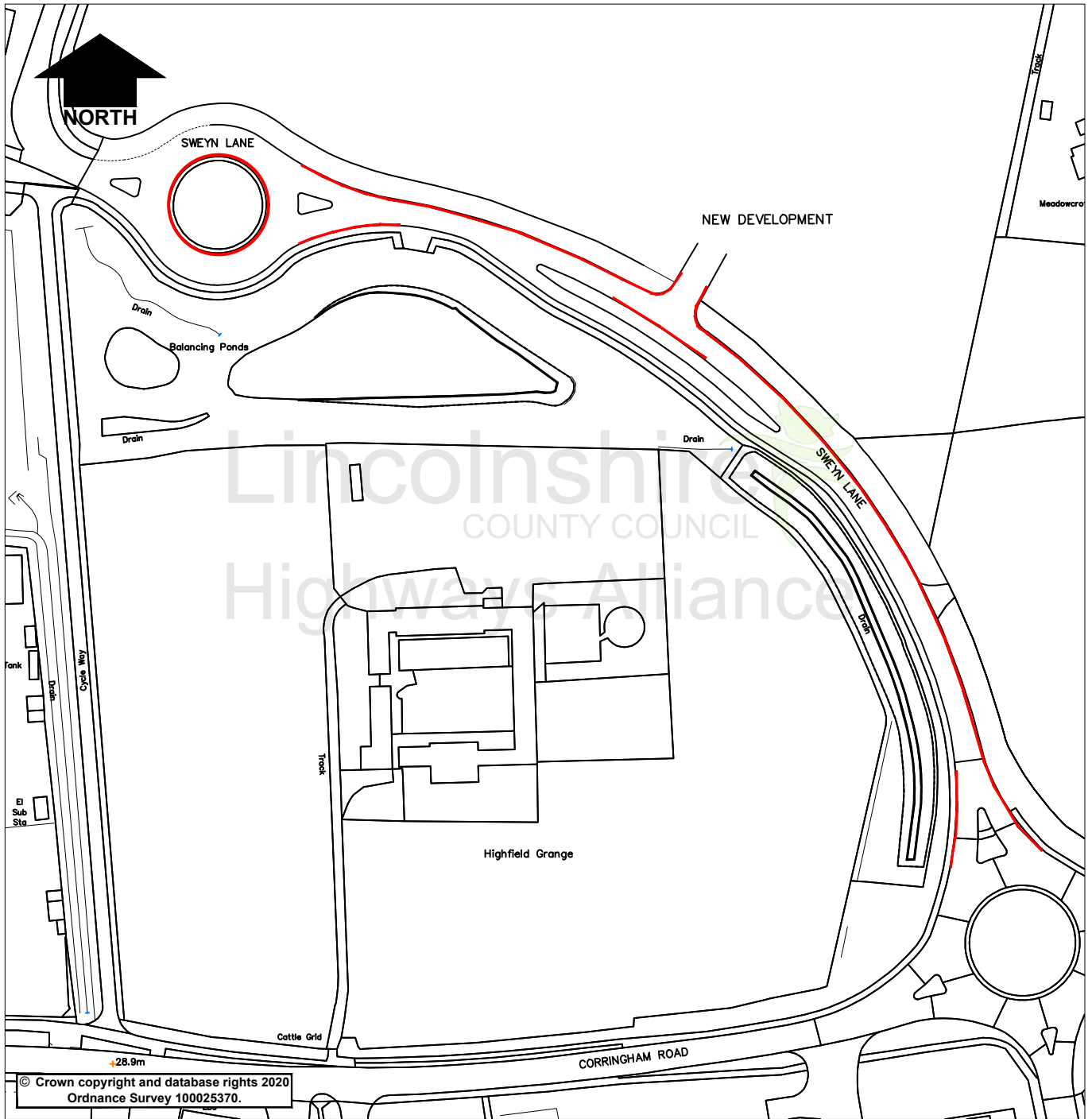
Investigations have shown that inconsiderate and dangerous parking is occurring at the roundabout and along Sweyn Lane, causing visibility and safety concerns for all road users.

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 **20th May 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

Lincolnshire
 COUNTY COUNCIL
Highways Alliance

Lancaster House
 36 Orchard Street
 Lincoln
 LN1 1XX

Rev.	Description	Drawn	Ch'kd	Auth	Date
	Project	Gainsborough - Sweyn Lane		Drawn	Date
				RG	March 25
	Status	Project No.	283		Ch'kd
					Date
	Drawing Title	Proposed No Waiting at Any Time			Scale
					NTS
	Drawing No.	RG/283/001		Rev.	0

PAPER H

Parking issues on Arkwright Street and Northholme.

Complaint from local resident.

I live on Arkwright Street parking problems on other streets around the area as well. This is tonight's because football on look how they parked on the local paths surely shouldn't be allowed.

- **General Rule:**

The Highway Code prohibits parking on pavements in London.

- **Outside London:**

While the Highway Code generally advises against it, local councils can make pavement parking an offense using Traffic Regulation Orders.

- **Enforcement:**

The police and local council civil enforcement officers can issue fines for pavement parking.

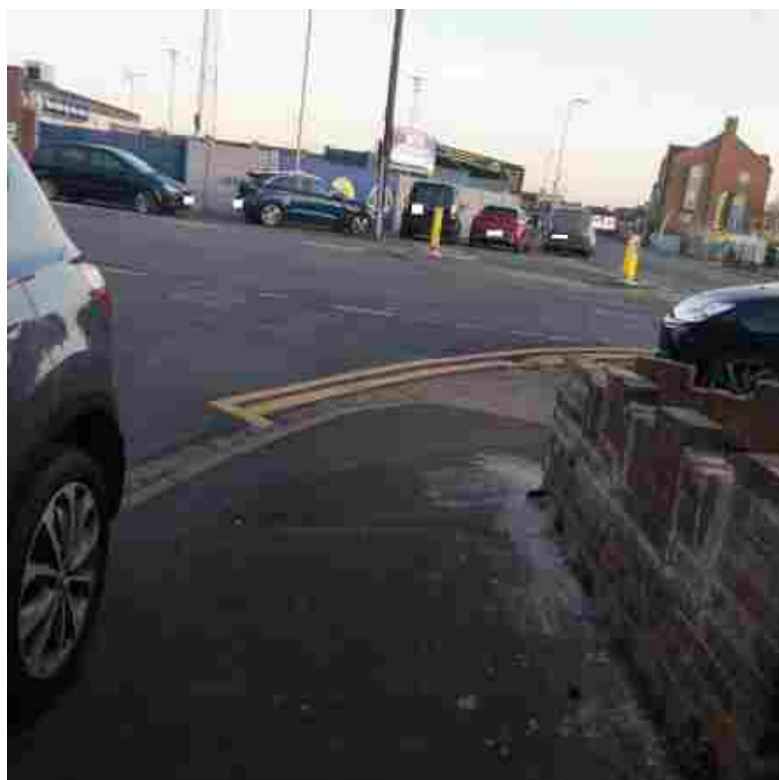
- **Obstruction:**

Even if not explicitly prohibited by a TRO, parking on the pavement can still be considered an obstruction if it causes a hazard or inconvenience.

- **Legal Rights:**

The public has the right to use the full width of the highway, which includes pavements, and parking on them can infringe this right.

Photos from resident below.





PAPER I

**Officer Report to the
Planning Committee**

Report Author: Natasha Gardener
Report Date: 12.05.2025



Gainsborough
TOWN COUNCIL

Subject: Definitive Map Modification Order – Charges

1. Summary

To consider the charges applicable to the Definitive Map Modification Order (DMMO) process and whether the administration support as outlined on the charges sheet is needed, if so, whether to request budget allowance from Full Council to fund the application.

2. Background

At the Planning Committee meeting on Tuesday 18th March 2025 it was resolved:

RESOLVED: to submit an application for the footpath from the end of Mayfield Avenue to Margaret Close.

Post meeting, the Assistant Clerk reviewed the process for submitting a DMMO and found while making a DMMO application is free, there are administration charges which may apply (please see 'Public path orders 'right to apply (RtA)' applications – subject to regulations'.

The Planning Committee does not currently have a budgetary allowance, and consequently no funds to proceed with the application if the administrative support/guidance as outlined is required.

3. Cost

Please see Appendix A. Rights of way – Fees and charges – Lincolnshire County Council, specifically 'Public path orders 'right to apply (RtA)' applications – subject to regulations'.

4. Recommendation

To consider: -

- i. After reviewing the charges, to consider if administrative support as outlined on the charges sheet is needed.
- ii. If so, whether to request a budget from Council to fund the application.

Rights of way

Contents

Page 8 / 9

[Public rights of way](#)

[Electronic working copy definitive map](#)

[Report a problem](#)

[Request a change](#)

[Request land protection](#)

[Temporary closures](#)

[Definitive map applications landowner guidance](#)

Fees and charges

[Lincolnshire Joint Local Access Forum](#)

Fees and charges

Landowner statements and declarations

Landowner deposits: Highways Act Section 31(6)

Service description	2025 to 2026 fee
Service description: Receipt and processing of deposited map and statement (of any size)	2025 to 2026 fee: £154
Service description: Fee for each additional unconnected land parcel	2025 to 2026 fee: £20
Service description: Receipt and processing of declaration that follows an initial deposited map and statement within four weeks	2025 to 2026 fee: £47
Service description: Receipt and processing of declaration that follows an initial deposited map and statement (once deposit already registered)	2025 to 2026 fee: £101



Landowner deposits: Commons Act 2006, Section 15(a) Landowner Statements (or combined Highways Act 1980 and Commons Act 2006 deposit)

Service description	2025 to 2026 fee
Service description: Receipt and processing of deposited map and statement (of any size), including site visit and up to two notices	2025 to 2026 fee: £259
Service description: Fee for each additional unconnected land parcel	2025 to 2026 fee: £58

Public path orders (PPOs) - excluding 'right to apply' applications

Stage	Service description	2025 to 2026 fee
Stage: Stage one: pre-application advice (optional)	Service description: Provision of advice to the applicant and site visit to discuss the proposal. The fee covers a two-hour site meeting. If further meetings are required or the site meeting is particular distant from Lincoln, there may be an additional charge for which applicants will be made aware.	2025 to 2026 fee: £240
Stage: Stage two: application processing and initial consultation	Service description: Application processing, land ownership checks, site survey, provision of work estimates, preparation of draft plan and and undertaking of informal consultations. The fee covers a two-hour site meeting. If further meetings are required or the site meeting is particular distant from Lincoln, there may be an additional charge for which applicants will be made aware.	2025 to 2026 fee: £1,184
Stage: Stage three: PPO preparation and publication	Service description: Final clarification of route with applicant, drafting of order, sealing of order, advertising notice in local press, posting notices on site, receive, record and acknowledge responses to the advertising of the notice.	2025 to 2026 fee: £1,197
Stage: Stage four: PPO confirmation	Service description: Confirm and seal the order, advertise confirmation in local press, post notices on site.	2025 to 2026 fee: £987

Stage	Service description	2025 to 2026 fee
Stage: Current PPOs - cost for making a route available for public use	Service description: Works required to make the route available for public use.	2025 to 2026 fee: Full cost recovery

Public path orders 'right to apply (RtA)' applications - subject to regulations

Stage	Service description	2025 to 2026 fee
Stage: RtA stage one: pre-application advice (optional)	Service description: Provision of advice to the applicant and site visit to discuss the proposal	2025 to 2026 fee: £240
Stage: RtA stage two: application processing and initial consultation	Service description: Application processing, land ownership checks, site survey, provision of work estimates, preparation of draft plan and and undertaking of informal consultations. The fee covers a two-hour site meeting. If further meetings are required or the site meeting is particular distant from Lincoln, there may be an additional charge for which applicants will be made aware.	2025 to 2026 fee: £1,184
Stage: RtA stage three: PPO preparation and publication	Service description: Final clarification of route with applicant, drafting of order, sealing of order, advertising notice in local press, posting notices on site, receive, record and acknowledge responses to the advertising of the notice. The fee covers a two-hour site meeting. If further meetings are required or the site meeting is particular distant from Lincoln, there may be an additional charge for which applicants will be made aware.	2025 to 2026 fee: £1,197 plus one local newspaper advertisement
Stage: RtA stage four (opposed orders): negotiation of	Service description: Attempt withdrawal of objections, consideration of forwarding order to	2025 to 2026 fee: £326

Stage	Service description	2025 to 2026 fee
withdrawal of objections	Planning Inspectorate, preparation of a decision report.	
Stage: RtA stage five: (opposed orders): preparation of case and referral to planning inspectorate (estimated time)	Service description: Preparation of various documents for a public inquiry or formal hearing.	2025 to 2026 fee: £864
Stage: RtA stage six: (opposed orders): presentation of case to planning inspectorate at public inquiry	Service description: Representation at public inquiry or formal hearing.	2025 to 2026 fee: Full cost recovery (POA)
Stage: RtA stage seven: PPO confirmation	Service description: Confirm and seal the order, advertise confirmation in local press, post notices on site.	2025 to 2026 fee: £987 plus one local newspaper advertisement

Enforcement

Service description	2025 to 2026 fee
Service description: Area maintenance team costs (per hour inclusive of equipment and vehicle costs)	2025 to 2026 fee: £77.37
Service description: Senior public rights of way officer charge out rate (per hour)	2025 to 2026 fee: £44.89
Service description: Public rights of way officer charge out rate (per hour)	2025 to 2026 fee: £32.67

Local planning authority (LPA) PPO checking service

Service description	2025 to 2026 fee
Service description: Senior definitive map officer charge out rate (per hour)	2025 to 2026 fee: £43.14
Service description: Definitive map officer charge out rate (per hour)	2025 to 2026 fee: £35.29

Previous

Definitive map applications landowner guidance

Next

Lincolnshire Joint Local Access Forum

Public rights of way and access

Address: Place

Lancaster House

36 Orchard Street

Lincoln

LN1 1XX

Telephone: [01522 782 070](tel:01522782070)

Email: countryside_access@lincolnshire.gov.uk



All content © 2025 Lincolnshire County Council. All Rights Reserved.
Designed and Powered by **Jadu**.

Definitive Map Modification Order Public Rights of Way: User Evidence Form

Important – please read

The purpose of this form is to establish if an unrecorded public right of way exists, or whether a recorded public right of way should be amended in the Definitive Map and Statement of Public Rights of Way. It comprises two parts:

- Part 1 – Your name, telephone number and email address
- Part 2 – Your evidence of use of the claimed route

Please complete all questions on this form as fully, carefully and precisely as possible, as it will form important legal evidence. Please mark the precise route you took on the map where requested, using a thin nib pen and showing clearly on which side of boundaries you passed.

Individuals should complete their own forms where possible, as the value of their evidence could be reduced if the form is completed by someone else without good reason. This form should be completed by one person only.

Freedom of Information and Privacy Notice

The information you provide in questions 1-7 in Part 2 of the form may be released on request prior to the County Council's determination of the modification order application or case, but your name and address would be withheld at this stage. However, the County Council must make the whole of Part 2 of the form (including your name and address) available for public inspection and provide copies of it on request where:

- a definitive map modification order is made seeking the addition of the route as a public right of way to the Definitive Map and Statement, or
- an appeal is lodged with the Planning Inspectorate against the County Council's decision not to make a definitive map modification order.

Please refer to the Public Rights of Way Privacy Notice (available at www.lincolnshire.gov.uk/directory-record/70029/public-rights-of-way) for information on how the County Council processes your personal data. If you need this information or would like to request a copy of this form in an alternative format or a different language, please contact the Public Rights of Way and Access Section on 01522 782070 or by email at countryside_access@lincolnshire.gov.uk.

PART 1 – Your name, telephone number and email address

The County Council might need to contact you to clarify certain aspects of your evidence given in Part 2 of the form or in relation to procedural matters concerning the investigation of the definitive map modification order application or case. Your title, telephone number and email address you give below will remain confidential and would just be used by the County Council in connection with the investigation of the route. Please leave this part of the form blank if you prefer to be contacted by post only.

Title:
Full Name:
Daytime telephone number:
Email address:

Definitive Map Modification Order Public Rights of Way: User Evidence Form

PART 2: Your evidence

Witness details

Full Name.....

Address.....

Postcode.....

Description of the route

1a. Description of the route.

b. Please mark the route you have used clearly on the map provided, with a red dashed line as follows: - - - - -

c. Please sign and date the map where requested.

From:.....

.....

To:.....

.....

2a. Does the route have a local name, of which you are aware?

b. Has the route always followed the same line? If not, please mark any alternative routes you have used on the map provided using a blue dashed line: - - - - -

Yes No Name.....

Yes No

Date and reason for alternative route (or deviation)

.....

3. When you have used the route, was it clearly identifiable on the ground?

Yes No

Reason route was not visible.....

.....

4a. How wide was the route?

b. Did this width apply to the whole of the route?

Width.....metres/feet (please delete as appropriate)

Yes No

If No please give further details.....

.....

Gates/stiles

5. Have there ever been any gates or stiles on the route over the period of your use? Yes No

If Yes, please mark the location concerned on the map with a "G". If more than one gate/stile was present, please mark them G1, G2, G3 etc. on the map.

Please complete this table for each gate/stile you have marked:

Notation on map	Type of gate (e.g. hand, field, kissing, equestrian) or stile	Dates present		Was the gate ever locked (please gives dates if so)?
		From	To	
G				
G1				
G2				
G3				

Obstructions

6. Has anything impeded your passage along the route over the period of your use (e.g. barriers, obstructions, narrow gaps, non-bridged watercourses, undergrowth)? Yes No

If Yes, please mark the location concerned on the map with an "O". If more than one obstruction was present, please mark them O1, O2, O3 etc. on the map.

Please complete this table for each obstruction you have marked:

Notation on map	Type of obstruction and details of how you overcame it	Dates present	
		From	To
O			
O1			
O2			
O3			

Notices/signs

7. Have there ever been any notices/signs along the route over the period of your use? Yes No

If Yes, please mark the location concerned on the map with an "N". If more than one notice/sign was present, please mark them N1, N2, N3 etc. on the map.

Please complete this table for each notice/sign you have marked:

Notation on map	Wording of notice	Dates present	
		From	To
N			
N1			
N2			
N3			

Your use of the route

8. How did you become aware of the route?

.....

9. For what purpose did you use the route (please list all reasons for use e.g. pleasure, travel to work or school etc.)? Please complete this table with details. If use was to travel to a workplace or school, please give the place's name.

Purpose	Details of use	Dates used	
		From	To

10. Were there ever any extended periods of time when you did not use the route (please give details, including dates)?

Yes No
 Details.....

11. If you no longer use the route, why did you stop using it?	Reason.....
---	-------------------------------

12. By what means did you use the route? Please complete this table with details:

Means of use	Please tick if used	Dates used		Frequency (e.g. daily, 4 times a yr)
		From	To	
Foot				
Horseback				
Bicycle				
Horse drawn carriage/trap				
Motor vehicle				
Other (please specify):				

Nature of use

13a. Have you ever been stopped or turned back by anyone when using the route?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. If Yes, please give details of the date you were stopped and by whom, where, and how you were stopped.	Date stopped.....Details.....

14. Did you openly use the route? Or did you attempt to use it without being seen by the landowner or occupier (if so, please give details)?	<input type="checkbox"/> Open <input type="checkbox"/> Attempted to use the route without being seen (details):.....
---	---

15a. Have you ever been given permission to use the route, whether or not you actually requested it?	<input type="checkbox"/> Yes <input type="checkbox"/> No By whom?..... Date permission given.....
b. If so, please give details:	Details.....

<p>16a. Did you ever have any connection with any of the landowners/occupiers of the route, or with their employees (e.g. relative, friend etc.)?</p> <p>b. If so, please give the dates over which you were connected to them, and their name and address. Please also mark the area of land concerned on the attached map.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How connected.....</p> <p>From.....To..... Name:..... Address:</p>
--	--

<p>17a. Whilst using the route, were you ever an employee of the landowner or tenant?</p> <p>b. If so, who employed you and between which dates?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Name of employer..... FromTo.....</p>
--	---

<p>18a. If you were an employee of the landowner or tenant, did you receive any instructions from your employer regarding use of the route by the public?</p> <p>b. If so, what was the instruction, who gave it to you, and when was it given?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Date instruction given..... Details.....</p>
---	--

Landownership, tenancy and occupancy

<p>19a. Do you know who owns and/or occupies the land affected by the Application?</p> <p>b. If so, please give details of their name and address, using a separate sheet of paper if necessary.</p> <p>c. Did you see or have any contact with the landowner/occupier when you were using the route (e.g. saw them, waved, spoke to them etc)?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Name..... Address.....</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes please give details:.....</p>
--	---

20a. Are you or have you ever been an owner, tenant or occupier of any or all of the land crossed by the route?

No Landowner Tenant Occupier

b. If so, between which dates?

FromTo.....

c. If so, did you give any instructions regarding use of the route by the public?

Yes No

d. If so, what was the instruction, who did you instruct, and when was it given?

Date instruction given.....

Details.....

.....

e. If you were a landowner or tenant, did you recognise that the route was a public right of way? If so what was the status of the route?

Yes No

Footpath Bridleway Restricted Byway

Byway Open to All Traffic

Miscellaneous

Would you like to provide any additional information:

Declaration

I hereby certify that, to the best of my knowledge and belief, the information held within this form is true.

Signature:..... **Date:**.....

In the event that a definitive map modification order is made seeking to record the route as a public right of way, there may be a public hearing or inquiry. This would be held locally or virtually, and your evidence will be more valuable if you are prepared to attend and give evidence in person.

I am willing...

I am not willing...

to attend a hearing or public inquiry, to stand by what I have written, and to answer questions there, if required to do so.

Please return this form, with maps and any additional sheets of paper securely attached, to:

Lincolnshire County Council
Public Rights of Way and Access
County Offices
Newland
LINCOLN
LN1 1YL