



PL.05 14/15
<b>Planning Committee</b>
<b>20 August 2014</b>

**Subject: Planning applications for determination**

Report by:

Director of Regeneration and Planning

Contact Officer:

Zoë Raygen  
Acting Area Team Manager  
01427 676673

Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices

**RECOMMENDATION(S): Each item has its own recommendation**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

**Equality and Diversity including Human Rights :** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment :** None arising from this report.

**Climate Related Risks and Opportunities :** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

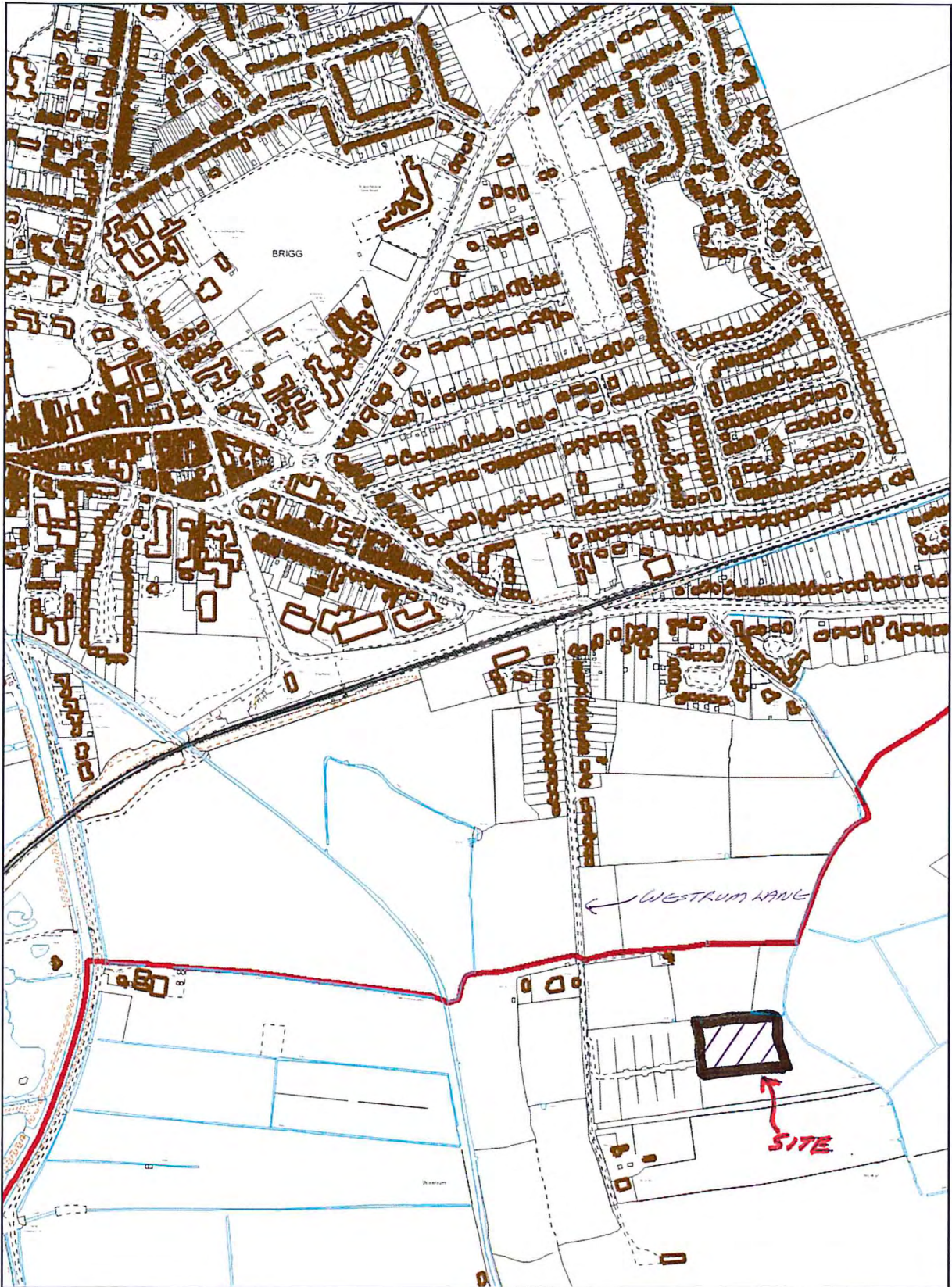
**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**



## **Officer's Report**

### **Planning Application No: 131377**

**PROPOSAL:** Planning application for change of use of land for siting of 6 permanent Gypsy and traveller pitches and 4 transit pitches for a total of 24 additional caravans. Also, the change of use of dayroom building to dwelling.

**LOCATION:** Westrum Park Westrum Lane Brigg DN20 9EY

**WARD:** Kelsey

**WARD MEMBER(S):** Councillor Strange

**APPLICANT NAME:** Mr S Smith

**TARGET DECISION DATE:** 29/07/2014

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Simon Sharp

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to conditions is delegated to the Chief Operating Officer upon the resolution of the issue pertaining to the discharge of foul water from the development and if such an issue is not resolved within 6 months from the date of this meeting, the matter will be reported back to the next available meeting of the Planning Committee.

---

#### **Description**

**Site-** The site is rectangular in shape and directly to the east of the existing 10 pitch Gypsy and Traveller site. The site has a Brigg, North Lincolnshire address but actually falls within Bigby parish in West Lindsey; it is located off the unadopted section of Westrum Lane, some 110m south of the district and county boundary with the unitary North Lincolnshire Council area and 900m south of the junction with Bigby High Road (A1084) in Brigg.

Westrum Lane serves many dwellings within North Lincolnshire and, along the unadopted section, it also serves a roofing business and two dwellinghouses in addition to the application site. These two dwellinghouses, Roselyn and York Cottage, are to the southwest of the site, further along Westrum Lane. Roselyn is the closest, beyond the existing pitches.

**Proposal –** The development proposed is in two parts:-

1. The change of use of a rough grassed area of the field beyond the existing pitches to permit the siting of 6 permanent Gypsy and traveller pitches and 4 transit pitches for a total of 24 additional caravans.
2. The change of use of the existing dayroom building to a dwelling.

The plans under consideration were received 3<sup>rd</sup> June 2014.

**Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011:**

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

**Relevant history:**

**121121-** Planning Application for change of use of land to residential caravan site, including construction of road and hardstandings and retention of buildings and cess tank – Granted subject to conditions 2<sup>nd</sup> August 2010.

This permission was implemented and there are 10 pitches already permitted. It followed the dismissal of an enforcement appeal in 2008.

**Representations**

**Chairman/Ward member(s):** Councillor Strange states:-

I wish to object on the grounds of overlooking, loss of privacy on neighbouring properties, visual amenity, impact on highway safety, traffic generation, landscaping, road access, scale and dominance, impact on community and other services and impact on character.

If granted, the expansion of numbers of pitches would lead to many other people on site, the population of Westrum Lane would be greatly increased with even more large vehicles passing through a residential area with a comparatively narrow road and a very poor outlet at the railway crossing. Also this development, in the open countryside, is completely against our planning policies. I am aware of the effect of an even larger park might have on West Lindsey's properties and their residents who were living adjacent before the present park was allowed. I feel the present situation should stand but numbers should not be allowed to increase.

**Bigby Parish Council – Object**

“My Council strongly objects to this application. Members feel that it is a blatant attempt to manipulate the planning laws to get a residential unit on the site having relatively recently got permission for a "day unit". it was pretty obvious what the original intention was.

Additionally Members are concerned about the increase in traffic flow and size

of vehicles in a very restricted area presenting highway safety issues. Access to the site is restricted and it is near to the railway giving cause for concern about access.

Loss of privacy to existing properties together with a dominating visual impact such an increase in the site would present.

The site is in open countryside and it is felt that such a development if allowed would be in opposition to the current planning policy. “

**Brigg Town Council** – “No comments.”

**Sir Edward Leigh MP (the site is within Sir Edward’s constituency)** – The proposed increase is unacceptable and will adversely affect the lives of local people, including my constituents. I understand that the District Council’s failure to provide alternative sites for Travellers may influence the decision. I encourage the District Council to fulfil such needs elsewhere rather than create mega-sites which will prove more objectionable.

**Andrew Percy MP (MP for Brigg)** – If this application is approved, there would be significant issues around increased traffic flow which would potentially result in a highway safety issue as well as causing a disruptive impact upon the local community.

If granted, the scale and dominance of this application would result in overlooking/loss of privacy for neighbouring properties resulting in a detrimental impact upon the visual amenity of the area.

In addition there would also be an impact on community and other services as well as a detrimental effect on the character as the population of Westrum Lane would be greatly increased.

**Local residents:** Objections received from Roselyn, Westrum Lane and Nos. 20, 22 and 28 Westrum Lane plus one anonymous objector:-

- You will recall that in 2007, the unauthorised occupation of this area by travellers was followed by an inquiry chaired by an inspector appointed by the Secretary of State. The inspector turned down the appeal for permanent residence of 14 caravans and one several grounds. One of the most important was the limited access to the site along Westrum Lane which cannot carry through traffic and for which there is no provision of a footway. He did not comment on the fact that access from Bigby Road on to Westrum Lane is over a blind corner across a level crossing.
- Westrum Lane has already experienced an increase in LGV traffic since we moved here in 2008. The addition of four transit caravan pitches and the resultant movement of large wheel-base vehicles and trailers will potentially make the junction of Westrum Lane and Bigby High Road at the level crossing more difficult to navigate. It is already a tight junction for cars and vans. Also the 90 degree bend outside RBM (on Westrum Lane) with Network Rail and other parked vehicles often present on the road, means that the additional caravan movement can only exacerbate what is already a difficult junction to navigate. Westrum Lane is essentially a cul-de-sac with just one entry/exit.

- I find it somewhat ironic that I should be asked to comment on this application. I was not informed about nor asked to comment on the original application to build a day room application 129305. I take it that change of use of the land was granted in the decision to allow the day room to be built.
- As the present application is for change of use of the day room to residential use and the further 10 pitches (6 static + 4 transit), will this mean that the change of use will make the whole area building land.
- My general observation at this stage is that this application has not been brought to my attention by West Lindsey as the planning authority, and that I do not therefore feel I am being consulted to an acceptable level. When the Council was considering the original development at Westrum Park a number of years ago, it wrote to me along with other Westrum Lane residents asking me for my views. And I responded in writing on more than one occasion. That opportunity has not been presented to me or to my immediate neighbours with this follow-up application. Since I live two houses away from the development, I fail to see why my views are now less relevant to the council than before - all of the traffic to and from the site comes past my property. I would welcome an explanation as to why the council is treating local residents differently to before. It is purely by chance that I have become aware of the application - and that the 'public consultation is underway'. Some clarity regarding the process and timescales for determining this application would also be appreciated.

NB The case officer subsequently contacted this representative and clarified that consultations had been carried out in accordance with Regulations.

## **WLDC Housing**

The Central Lincolnshire Gypsy and Traveller Accommodation Assessment 2013 indicates that there is a need for 43 additional pitches in the district over the next 20 years. This equates to an annualized need of 2.2 pitches.

This need is broken down into a trajectory at table 9.9 of the assessment. This identifies the need for additional pitches as:

- 2013-18 13 pitches
- 2018-23 9 pitches
- 2023-28 10 pitches
- 2028-33 11 pitches

The provision of additional pitches at the Westrum Lane site will contribute to the meeting of this initial need and ensure that appropriate provision is made in terms of pitch size and facilities in line with the existing provision on the site.

Pitches are defined in the assessment on page xi as an “area on a site developed for a family unit to live. Page 140 of the report suggests that based on CLG guidance, it is determined that a pitch of approximately 325 square metres would take into account all minimum separation distance requirements between caravans and pitch boundaries as stipulated in guidance and safety regulations for caravan development. A pitch size of at least 500 square metres would comfortably accommodate the following on-pitch facilities:

- Hard standing for 1 touring/mobile caravan and 1 static caravan
- 2 car parking spaces
- 1 amenity block
- Hard standing for storage shed and drying
- Garden/amenity area

The report also recommends that existing provision should be reviewed in regards to expansion and highlights that the Westrum Lane site is one that could be expanded to meet some of the additional need identified.

There is currently no transit provision in the district and the introduction of this will provide an additional option for Gypsy and Travellers in the area. In line with the site as a whole, this transit provision would need to be supported by good local on site management.

**LCC Highways** - The proposed development is to be served directly from a private, un-adopted and sub-standard carriageway, which falls outside the parameters laid out in Lincolnshire's Design Guide for Residential Areas, particularly in terms of width, pedestrian access, lack of turning head and footway provision.

The Highway Authority would not therefore, wish to see vehicle movements along it intensified through further development unless the applicant were to upgrade Westrum Lane to an adoptable standard.

**LCC Archaeology:** No objections/comments

**North Lincolnshire Council:** No objections in principle to this development providing:

1. The occupation of the site is restricted to Gypsies and Travellers as defined in the Housing Act 2004 and that conditions are applied to ensure this restriction is maintained.
2. The occupation of the site is restricted to Gypsies and Travellers genuinely from the locality, thus assisting with the provision of additional pitches to meet the needs identified in both authorities needs assessments.
3. The latest North Lincolnshire Gypsy and Traveller Needs Assessment (August 2012) identifies a need of 10 pitches for the period 2012 – 2017 and requirement for an extra 13 transit pitches over the same period. This and previous assessments have included Westrum Lane as meeting demands in Brigg and North Lincolnshire as it is in close proximity, the current residents have links to Brigg and they currently use the services of the town in meeting



their everyday needs. The Council therefore deems that it is appropriate to consider the site within its accommodation assessments.

4. Under the Duty to Cooperate the Council would welcome further discussions with WLDC to establish a joint approach to be agreed. It is the Council's view that a joint approach to identifying needs can assist both Council's in meeting the demands that are apparent on the Westrum Lane site.
5. That NLC's Highways and Transportation section have been consulted and raise no objections to the proposed change of use of the land (see below).

**North Lincolnshire Council (Highways):** Comments awaited.

### **Relevant Planning Policies:**

#### **The Development Plan**

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans 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). The following policies are considered relevant and assessed for their consistency with the NPPF:-

STRAT 1 Development Requiring Planning Permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 3 Settlement hierarchy  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT 9 Phasing of Housing Development and Release of Land  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT 12 Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

CORE 10 Open Space and Landscaping  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

RES 1 Housing Layout and Design  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES 5 Provision of play space/recreational facilities in new residential development.  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES6 Affordable housing provision  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>

RES17 – Residential mobile home parks  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res17>

CRT19 – Caravan sites

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt19>

NBE 14 Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

## National

- National Planning Policy Framework (2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Planning policy for traveller sites (DCLG) (2012)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6078/2113371.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6078/2113371.pdf)
- National Planning Policy Guidance (2014)  
<http://planningguidance.planningportal.gov.uk/>

## Other local relevant considerations

- Central Lincolnshire Gypsy and Traveller Accommodation Assessment (2014)  
<http://www.west-lindsey.gov.uk/your-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/committee-information-post-april-2011/prosperous-communities-committee/prosperous-communities-committee-reports/prosperous-communities-committee/119481.article>
- Gypsy and Traveller Accommodation Assessment – Challenge and Improvement Task Panel Feedback  
[http://connect.west-lindsey.public-tv/document/PAPER\\_E\\_GTAA\\_PCC\\_Report\\_Task\\_Panel\\_Feedback\\_June\\_2014.pdf](http://connect.west-lindsey.public-tv/document/PAPER_E_GTAA_PCC_Report_Task_Panel_Feedback_June_2014.pdf)

## **Assessment:**

### **Introduction**

The application not only proposes the siting of 6 permanent Gypsy and traveller pitches and 4 transit pitches, but also the change of use of a dayroom building to dwelling. The dayroom is a brick structure that constituted operational development when it was built rather than merely a use of land. The following assessment considers not only the principle of the Gypsy and traveller pitches but also the separate principle of the use of the building as a dwelling in this open countryside location.

For the purposes of assessment of this application, the definition of Gypsies and Travellers is that defined in paragraph 2 of Annex 1 of the Department for Communities and Local Government's Planning Policy for traveller sites:-

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*

Paragraph 3 of the Annex clarifies that for the purposes of this planning policy, “travellers” means “Gypsies and travellers” and “travelling showpeople” as defined above.

### **Principle – Gypsy and Traveller pitches – policy context**

The Local Plan Review contains a suite of strategic policies that are designed to provide a policy framework to deliver development in appropriate locations to respond to need and the Council’s objectives.

The site lies within the open countryside as defined by policy STRAT3 and therefore policy STRAT12 applies. It is written in the prohibitive form, stating that development should not be permitted in such locations unless there is justification for it being in that location or it can be supported by other plan policies.

The contents page of the adopted Local Plan Review refers the decision maker to policies CRT19, RES16 and RES17 when considering applications for Gypsy and traveller developments and it is therefore these policies that are examined to establish whether any policy support can be given to the development in this open countryside setting and, irrespective of the conclusions, whether this is consistent with the provisions of the NPPF and the national traveller policy.

Policy CRT19 provides a series of criteria against which proposed developments for caravan sites should be judged. Members are advised that, whilst the contents page of the Local Plan Review signposts the decision maker to this policy, it appears to be more geared towards tourist caravan sites for holiday uses and temporary agricultural workers’ caravans rather than Gypsy and traveller sites per se. It does contain a series of criteria relating to scale, setting and ancillary development; these are relevant material considerations and are considered later in this report but are not related to the strategic locational assessment of the principle of the proposal.

Policies RES16 and RES17 refer to developments for individual mobile homes and mobile home parks respectively. Any permission for the permanent pitches applied for here would permit the siting of mobile homes within the site, as is the case within the existing permitted pitches. Although not a “park” as such, policy RES17 is of more relevance than policy RES16 as the application is for multiple rather than individual homes. Policy RES17 advises that planning permission will only be granted for mobile homes provided they conform with policies for the location of permanent residential dwellings. The justification for this policy in paragraph 1.97 states that this is because their impact on the infrastructure of the area is similar to that of conventional houses; residents of mobile homes require the same access to services and facilities such as health, education, employment and retail.

There is a degree of consistency with the sustainability principles of the NPPF here (the NPPF and national policy replacing the government circulars referred to in the justification for the policy); a development not accessible to services and facilities without a heavy reliance on the car is not environmentally or social sustainable and if there isn't the local infrastructure to support the development, then it is not economically sustainable. There is also a high degree of consistency with paragraph 23 of policy H of the national DCLG policy. The latter states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. It continues by advising that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

There are also important considerations cited in paragraph 23 of policy H of the national policy which are absent from the saved Local Plan Review policies. These relate to whether there is an unmet need, personal circumstances and that permission should not be withheld just because of the lack of local connection.

It is noted at this point that the resolutions of the Council's Prosperous Communities Committee will be referred to in this assessment although the resolution primarily applies to the site allocations process within the forthcoming Central Lincolnshire Local Plan rather than determination of this application. However, officers acknowledge that members rejected the officer recommendation to prioritise site extensions when the Task Panel reported in July of this year. The fact that the proposal is an extension to an existing site is therefore afforded no more and no less weight as a consideration than if a totally new site was being proposed.

Similarly the Committee's resolution that the location of Gypsy and traveller sites should be fairly and equitably distributed across Central Lincolnshire and other neighbouring council areas is noted, albeit members are advised that this proposed development must be considered on its own merits and in the context of the presumption in favour of sustainable development in the NPPF.

In this context, the principle is assessed against the following criteria, the first four derived from the national policy, that of sustainability derived from the local plan as well as the national policy.

*The personal circumstances of the applicant:-*

There are no personal circumstances that can be afforded weight as a consideration to support the principle of the pitches.

*The availability (or lack) of alternative accommodation for the applicant:*

The applicant already lives on one of the pitches of the existing, adjacent site and has no need for alternative accommodation.

*The existing level of local provision and need for sites*

Of the existing provision within West Lindsey, 10 pitches exist on the adjoining site and there are 4 pitches at Kettleby approximately 2.5km to the northeast, 1 pitch at Claxby, 2 pitches at Blyton and 7 pitches at Upton. There are also pitches with Brigg within North Lincolnshire within 2km of the site. Members will note that there is a geographical spread of the locations across the district but there is a particular concentration in the Brigg area. This concentration comprises of the North Lincolnshire sites within Brigg, the existing Westrum Lane site and that at Kettleby This reflects the historical and traditional importance of this Brigg corridor for Gypsies and travellers.

With regard to outstanding need, this has been identified as 43 pitches over the next 20 years with 13 of these pitches being an immediate need.

The outstanding need must be afforded significant weight as a material consideration.

It is also considered that weight must be afforded to the consideration that the proposed pitches, due to their location close to this area of traditional and historical importance for Gypsies and travellers, are highly likely to be delivered in the next 5 years. There would be less certainty about deliverability with sites away from this area and a high probability that the need would remain unmet (including the immediate need).

Therefore, although no more and no less weight is afforded to the fact that the proposal constitutes an extension of an existing site, weight is afforded to the location within a historical and traditional Gypsy and traveller area and this is likely to result in early delivery to meet need.

With regards to the specific transit provision, it is noted that the Council's manager for the Strategic Housing team states that "there is currently no transit provision in the district and the introduction of this will provide an additional option for Gypsy and Travellers in the area."

The provision adjoining an existing, well managed site will provide significant potential for a well managed site; the applicant is an owner/occupier of the adjoining permanent pitch and this provides a basis for effective oversight of the transit provision. The location within an area of traditional and historical importance for Gypsies and travellers will also mean that the site is well placed to respond to the likely demand derived from such an area.

*Applications for sites should be determined from any travellers and not just those with local connections.*

The applicant does have a local connection but the proposed pitches are not necessarily going to be used by people with a local connection. However, as stated by the national policy, this should not prevent the Council from determining the application.

*The sustainability of the development and impact on infrastructure noting that deficiency in none area of sustainability (social, environmental and economic)*

*does not render the development unacceptable and that a balanced assessment needs to be undertaken.*

This multifaceted criteria echoes that against which proposals for dwellinghouses would be considered. In this regard members are reminded that the strategic (STRAT) policies of the Council are not afforded weight when housing proposals are assessed and locations on greenfield sites outside of settlement limits can be acceptable locations for housing if the development is sustainable. Members are also reminded that a deficiency in one area of sustainability does not render a proposal unacceptable; a balance assessments needs to be made.

One of the key components of environmental, social and economic sustainability is the ability access existing key infrastructure and be near to and have the ability to interact with the settled community without necessarily relying on the car.

In this context the case officer measured and then timed a walk between the site and various existing services/facilities/infrastructure in Brigg (the walk undertaken at a pace to reflect various abilities and ages):-

Facility/service	Distance (m)	Time (minutes)
Town centre (Wrawby St)	1,500m	22 mins
Doctor's surgery (Bridge St)	1,800m	26 mins
Secondary school (Sir John Nelthorpe)	1,600m	23 mins
Primary school (Sir John Nelthorpe)	1,600m	23 mins
Main bus stops with buses to Scunthorpe (Cary Lane)	1,700m	24 mins
Areas of existing houses (settled community)	300m	4 mins
Main employment areas outside of town centre (Ancholme Business Park)	2,400m	31 mins

The walk is level with no variation of more than 5m. It is noted that to access the school, one would need to cross the A1084 road but this is common to students walking from many existing residential areas of Brigg.

It is acknowledged that the walking distances to these services and facilities are relatively significant. Whilst the Department for Transport provides no set distance as being reasonable, it is noted in this case that there is no alternative public transport and 280m of the walk is along the unadopted section of Westrum Lane and without a metalled surface, lighting or drainage and is a substandard width for adoption. Lincolnshire County Highways Authority have expressed concerns for this very reason.

Nevertheless, within West Lindsey there are very few, if any available sites that would provide for lower distances to such services and facilities that are outside of flood risk areas. Only sites adjoining the urban area of Lincoln, Gainsborough, Market Rasen, Welton and Caistor would be near to shops, primary and secondary schools as well as doctor's surgeries. That is not to say other sites in West Lindsey would not be appropriate and permitted examples exist in Blyton and Upton in more rural locations. However, it is contended that the relative proximity to the Brigg services affords a relatively high degree of sustainability. It is noted for example that the applications site is actually

closer to Brigg town centre than Summergangs Lane is to Gainsborough town centre.

The poor standard of the unadopted section of Westrum Lane is a material consideration that results in this aspect of the assessment being finely balanced. It also has implications for the consideration of highway safety. However it is noted that, even with the additional traffic that will result from the development, Westrum Lane will still be lightly trafficked. It is also straight with good clear visibility. In this context the development is considered to be within a sustainable location with access to existing infrastructure that, due to the modest scale of the development, will not be adversely impacted upon. It would also be a location that would enable the potential for social interaction with the settled community.

### **Principle (the proposed dwellinghouse)**

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives

The site lies within the open countryside as defined by the Local Plan Review. The proposed dwellinghouse would therefore appear to be at conflict with the policies STRAT3 and STRAT12. It also appears to conflict with the sequential approach outlined in policy STRAT9, the site being considered to fall within the lowest category, E (greenfield land) albeit that the land is not in productive agricultural use.

However, members may recall from the reports for the larger housing sites that have been recently considered, that paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The relevant policies include STRAT3, STRAT6 and STRAT9

The supply position is no longer derived from the Local Plan Review position which has been superseded for development management purposes; Central Lincolnshire is now recognised as the constituted authority for the housing and can only identify a deliverable supply of land for 7,912 dwellings across the area, equivalent to 3.5 years' supply. The provision is evidenced by need including net migration into the area from other parts of the country, changing household size and a desire for growth sustainably to create critical mass to support existing services and facilities and to create an attractive housing mix to provide a catalyst for inward investment and the delivery of enhanced and new infrastructure and employment provision. This undersupply position is underpinned by the fact that completions within West Lindsey have fallen from a peak in 2008-9 of 1006 dwellings per annum to 250 in 2012/13.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council and the undersupply of only 3.5 years' deliverable supply must be afforded significant weight as a material consideration and the strategic policies of the Local Plan Review afforded very little weight

Indeed, given the persistent under supply of housing it would be appropriate to apply the 20% buffer in addition to the 5 year deliverable supply requirement. In this context the principle of the dwelling can be supported if it is considered to be sustainable (with a balanced overview being taken on sustainability with a deficiency in one area not rendering the development unacceptable).

### **Highway safety and access (for both the pitches and the dwellinghouse)**

This is a material consideration detailed in policy STRAT1 of the Local Plan Review that has consistency with the provisions of the NPPF and is afforded significant weight.

Some members may recall that, for the appeal in 2008, the Council appointed ARUP to advise on the highway implications of the development. They advised that, normally for a development generating a similar amount of traffic, it would be a requirement that the access was constructed to an adoptable standard. However, they advised that, although 10 pitches would generate relatively light traffic, it would be reasonable for the road to be used as a shared vehicular/pedestrian space with a width of 4.5m (albeit with traffic calming because of the straight alignment of the road).

The adopted section of Westrum Lane complies with this standard. However, the unadopted section (lying within both North Lincolnshire and West Lindsey) remains as a stone surfaced track. It has been widened and resurfaced since the enforcement appeal and now varies in width from between 4.5 to 6m. This width does enable vehicles to safely pass pedestrians as well as cars passing in the opposite direction.

However, it is acknowledged that two larger heavy goods vehicles would not be able to pass and the surfacing falls significantly short of an adoptable standard. The section is also not lit, a particular consideration during winter months when darkness affects school travel times and the typical working day commuting times. The surface is also susceptible to degradation due to its loose construction and would have a substantially shorter design life than a normal bound road pavement design. The surface is also considered to be less preferable than a bound pavement for emergency service vehicles and members will note the comments from the County Highways Authority

Nevertheless, the use of Westrum Lane has been viewed by the case officer at various times of the day including after nightfall. The straight alignment means that visibility is good. The stone surfacing also keeps speeds down whilst it also appears that the Lane has been maintained in a relatively level condition. Indeed, although not as smooth as a bound pavement, it is considered to be appropriate for the level of usage generated by the site if extended with the number of pitches proposed and the new dwellinghouse.

### **Visual impact (pitches only)**

This a material consideration detailed in policy STRAT1 of the West Lindsey Local Plan First Review 2006 that is considered to be consistent with the provisions of the NPPF and afforded significant weight.



Only the visual impact of the pitches is considered as the dwellinghouse building is already on site as a dayroom (which has the benefit of full planning permission). The dwellinghouse would enjoy permitted development rights upon occupation that are currently not afforded to the dayroom but the extensions and alterations currently permitted by these rights would not materially affect the impact of the building. For example they would not permit a two storey extension or a roof lift. Restricting permitted development rights by condition would therefore not be reasonable and pass the tests for a condition contained within the NPPG.

With regard to the pitches, the existing site is very different in character to the land around it; the site is characterised by a central gravel roadway flanked by the pitches, all of which are occupied by static and touring caravans. These caravans are single storey, metal sided and roofed and, at the time of the officer's visits, were gloss white in appearance with some various detailing such as painted colour or "chrome" metal banding. This results in them being clearly visible when within the site and also at odds with the prevailing green pasture surrounding the site. However, the bunding and hedging on the western boundary of the existing site, the existence of mature hedging on the northern and southern boundaries and the lack of public footpaths or other public vantage points within the vicinity result in the existing site being not at all prominent within the landscape. The flat topography within the surrounding landscape assists with this shielding from public view as there are no public vantage points that are elevated to afford views over the boundary hedges and into the site.

The same considerations are considered to apply for the proposed pitches. It is reasonable to assume that a similar character of caravans would occupy the additional pitches, albeit that the transit pitches will be occupied by touring rather than static caravans. The hedges on the northern and southern boundaries that shield the existing site continue eastwards and would therefore also shield the new pitches from view. The extended site would be shielded from view from Westrum Lane to the west by the caravans on the existing pitches and the bund and hedge adjoining the lane. There is also a hedge along the eastern boundary of the site.

### **Flooding and surface and foul water drainage (for both the pitches and the dwellinghouse)**

This is a material consideration detailed in the National Planning Policy Framework, the accompanying Technical Guidance and policy NBE14 of the Local Plan Review. There are three strands to consider; fluvial flooding, surface water drainage and foul water drainage.

With regards to fluvial flooding it is national policy contained within the NPPF and its accompanying Technical Guidance to locate development in areas where there is the lowest probability of flooding. This is particularly important when the use is classified as being "more vulnerable" to such flooding. This includes the dwellinghouse proposed and the caravans within the pitches. In this instance the sites falls within zone 1, the area defined by the Environment Agency as at least probability of flooding. In this regard the

proposal passes the sequential test and no other mitigation will be required. The proposal also accords with policy NBE14 of the Local Plan Review in this context.

In terms of surface water drainage the applicant is proposing to use soakaways. No percolation test has been undertaken but there is nothing to suggest that such a system would not work or the use of a small sustainable drainage solution; there will still be a relatively large area covered by impermeable surfaces. Nevertheless, it is reasonable to require exact details to be approved prior to commencement of the development. This can be agreed by condition.

Concerns have been expressed with regard to foul water discharge from the existing site. This site uses septic tanks and there is an inference that these are currently discharging untreated effluent into the beck to the east of the site. This is currently being investigated.

Sequentially, the most sustainable and preferred method for dealing with foul water is via the adopted mains if it is practicable to do so. The nearest main is along the adopted section of Westrum Lane in Brigg. Some members may recall that it was demonstrated for the existing pitches that it was not practicable to connect them to the mains because of the distance to the sewer and the limited quantum of pitches then proposed. The doubling in size of the number of pitches changes this and members are advised that more work is required to investigate whether a connection to the mains is now practicable, especially as the proposed package treatment plants would also discharge into the beck (albeit with treated water).

The officer's recommendation reflects the need for this issue to be resolved before granting planning permission.

### **Residential amenity**

Comments have been made in the representations from the ward councillor, local residents and the MPs relating to loss of privacy and overlooking. Residential amenity is a material consideration. The nearest residential properties that could be potentially affected are the existing pitches, none of the occupiers of which have objected. These pitches are all laid out with front boundary wall to provide defensible space and a level of privacy. The plots are also relatively spacious.

Of the other houses occupied by the settled community, the nearest are on Westrum Lane but these are separated from the proposed pitches by the existing pitches. The closest dwelling, Roselyn, is a not unsubstantial 80m from the site and screened by a mature hedge.

The separation distance will also ensure no loss of amenity in terms of noise and disturbance and/or overshadowing.

The additional traffic generated by the development could increase levels of noise and disturbance. However, upon further examination, it is noted that vehicles going to and from the application site will not use the length of Westrum Lane that passes the two existing dwellinghouses to the southwest of the existing pitches. The existing pitches are shielded from the access roadway by a wall (as already referenced earlier in this section).

## **Other matters**

References are made in the representations to the existence of the dayroom, the lack of consultation about it and a perceived pre-determination of the current application.

The correct consultation was carried out and the day room has the benefit of permission. At the time of the officer's last site visit, it was not being used as a dwelling, nor had any of the applied for pitches been laid out and no indication has been given by officers to the applicant or any other party as to what the outcome of this Committee consideration will be.

## **Conclusion**

The application has been assessed against the provisions of the development plan in the first instance, specifically saved policies STRAT 1, STRAT 3, STRAT 9, STRAT 12, CORE 10, RES 1, RES 5, RES6, RES17, CRT19 and NBE 14 of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. Such material considerations that have been afforded significant weight include the National Planning Policy Framework (2012), Planning policy for traveller sites (DCLG) (2012), the National Planning Policy Guidance (2014) and the Central Lincolnshire Gypsy and Traveller Accommodation Assessment (2014). Each development plan policy has been considered for its consistency with the National Planning Policy Framework and the weight afforded to the policy adjusted accordingly; the more consistency, the more weight.

In light of this assessment it is considered that the development is acceptable. The proposed pitches respond to an unmet identified need and are considered to be a sustainable development subject to conditions and the satisfactory resolution of the foul water discharge issue. The dwellinghouse is also considered acceptable; weight has been afforded to the lack of deliverable housing supply and the dwelling is, on balance, considered to be a sustainable form of development.

## **Recommendation**

**That the decision to grant planning permission subject to the following conditions is delegated to the Chief Operating Officer upon the resolution of the issue pertaining to the discharge of foul water from the development and if such an issue is not resolved within 6 months from the date of this meeting, the matter will be reported back to the next available meeting of the Planning Committee**

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

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

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

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

2. Notwithstanding the submitted particulars, no development shall be commenced until details of a scheme for surface water drainage has been submitted to and approved in writing by the local planning authority.

Reason : To ensure that a sustainable method of draining surface water is agreed and implemented that does not increase the risk of flooding and to accord with the provisions of the National Planning Policy Framework 2012.

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

3. With the exception of the detailed matters referred to by the conditions of this permission, the development hereby approved shall be carried out in accordance with the drawings and other application particulars received on 3<sup>rd</sup> June 2014

Reason: For the avoidance of doubt and to clarify that the development is only acceptable following the deletion of the detached garage building originally proposed and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

4. The additional dwelling hereby approved shall not be first occupied until the approved surface water required by condition 2 has been completed. It shall thereafter be retained.

Reason : To ensure that a sustainable method of draining surface water is agreed and implemented that does not increase the risk of flooding and to accord with the provisions of the National Planning Policy Framework 2012.

5. The pitches hereby granted shall not be occupied by any persons other than Gypsies and travellers as defined in paragraph 2 of Annex 1 of the

Department for Communities and Local Government's Planning Policy for traveller sites (2012). For the avoidance of doubt this is persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: The acceptability of the pitches is predicated on them responding to the need for such pitches for the Gypsy and traveller community and to accord with the National Planning Policy Framework (2012), Planning policy for traveller sites (DCLG) (2012), the National Planning Policy Guidance (2014) and the Central Lincolnshire Gypsy and Traveller Accommodation Assessment (2014).

6. No less than 4 of the pitches shall be transit pitches and no more than 24 caravans shall occupy the pitches granted by this permission at any one time

Reason: The acceptability of the pitches is predicated on them responding to the need for such pitches for the Gypsy and traveller community and to accord with the National Planning Policy Framework (2012), Planning policy for traveller sites (DCLG) (2012), the National Planning Policy Guidance (2014) and the Central Lincolnshire Gypsy and Traveller Accommodation Assessment (2014).

7. A condition relating to the implementation of the foul water drainage system before first use of the pitches and/or the dwellinghouse.

Reason: In the interests of sustainability and to accord with the provisions of policy NBE14 of the West Lindsey Local Plan First Review 2006, the National Planning Policy Framework (2012), the National Planning Policy Guidance (2014)

### **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



## **Officer's Report Application Nos: 131219 (planning) & 131220 (listed building consent)**

### **PROPOSAL:**

**A: 131219 - Planning application for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access.**

**B: 131220 - Listed Building Consent for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access**

**LOCATION: Sun Inn Hotel, 1 North Street, Gainsborough, Lincolnshire  
DN21 2HP**

**WARD: Gainsborough South West**

**WARD MEMBER(S): Cllrs Rainsforth and Young**

**APPLICANT NAME: Dransfield Properties Limited**

**TARGET DECISION DATE: 10/07/2014**

**DEVELOPMENT TYPE: Small Major - all others**

### **RECOMMENDED DECISION**

- A. Refuse planning permission**
- B. Refuse listed building consent**

### **Key points**

**Members are aware that planning decisions need to be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the National Planning Policy Framework provides the most up to date guidance in this matter and is a material consideration. However the Framework emphasises both the importance of contributing to a competitive economy and the protection and enhancement of the historic environment. Appropriate weight needs to be given to both of these requirements. In addition to the Framework there is a statutory requirement to the desirability of preserving a listed building or its setting or any features of special or historic interest which it possesses together with the requirement to preserve or enhance the character and appearance of the Conservation Area.**

**Officers are very supportive of this opportunity to regenerate this part of Gainsborough and secure economic benefits and have held meetings with the applicant to try and secure a compromise way forward which could be achieved through alterations to the scheme which would secure the economic benefits and protect the historic assets. However, the applicant wishes to have the application considered in its current form.**

**Reluctantly therefore Officers have balanced the statutory requirements and Framework guidance and consider that the substantial harm to the historic assets outweighs the economic benefits that would be secured.**

**Description:**

**Site** – The Sun Hotel is a vacant property on the corner of North Street and Market Street in the heart of Gainsborough. It is an amalgamation of a number of elements; the largest structure is the three storey, painted brick, Victorian hotel building on the North Street frontage. This is not listed. To the north and set back from the frontage is a two storey attached outbuilding dating from the same era that members may recall was last used as a separate restaurant. The building on the corner of North Street and Market Street is late Victorian or possibly Edwardian and visually echoes the architecture of the Victorian main building. It is also three storeys in height. These elements are also not listed. The final element prominent within the public domain is the two storey, grade II listed building at No. 37, Market Street.

Internally, the layout has evolved over a number of decades and walls removed or relocated to create two planning units; the hotel with public bars on the ground floor, letting rooms and a manager's flat on the upper floors, and the separate restaurant in the outbuildings.

It is noted that No. 37, Market Street is listed with No. 35, the statutory listing stating:-

*“Early-mid C19. 3 storeys and 2 storeys in brick, but same height. Pantile roof. No 35 has 1 window with rusticated lintel on 2 storeys, hung sashes with glazing bars to top floor, modern to 1st above modern shop front. Round-headed rusticated passage entry. No 37 has 2 windows, rusticated lintels, lengthened, above C19 shop front.*

*Nos 25 to 39 (odd) form a group, Nos 27 and 39 being of local interest.”*

**Proposal** – The effect of granting both applications would be to permit the demolition of all buildings on the site and the erection of a new four storey hotel building with facades onto both Market Street and North Street. The plans include an ashlar (dressed stone) faced plinth at ground floor level on both facades with brick above, detailed with dressed stone quoins, cills and lintel key stones. The architecture is Neo-Classical in style, the ashlar dressing being accompanied by single centred round arched windows on the ground floor and six-over-six vertically hung sashes on the upper floors.

The building would accommodate a 51-bed hotel, the bedrooms arranged over all four floors but with the reception area, dining area, kitchen, staff and servicing areas on the ground floor.

The hotel is intended to be operated as a “Premier Inn” with the use of the dining area restricted to hotel guests for breakfast. Nevertheless, the hotel



use (class C1 as defined by the amended Use Classes Order 1987) would permit the use of the dining area for non-guests and during evenings.

**Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011:**

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

**Relevant history:**

The proposal was the subject of a pre-application enquiry.

**Representations:**

**Chairman/Ward member(s):** No comments received.

**Gainsborough Town Council:** (for planning and lbc): No objection, save for concerns about the impact of deliveries and collections on public safety in Roseway car park. Otherwise a good application with a design that will enhance and compliment the area.

**Gainsborough Town Partnership:** The Gainsborough Town Partnership offers its endorsement and support for the planning application. GTP is part of the Lincolnshire Chamber of Commerce, which has 1,000 active members across Lincolnshire, including around 40 in Gainsborough. GTP and the Chamber understand the economic benefits that the development will bring to local businesses in Gainsborough. Through the Chamber's tourism and hospitality projects, which include Visit Lincoln, Visit East Lincolnshire and the Boston Visitor Economy Partnership to date, our support for Gainsborough's new hotel development is based on a strong foundation and understanding of what Lincolnshire's local visitor economy needs to grow and prosper. Gainsborough Town Partnership, and the Lincolnshire Chamber of Commerce, will also be able to promote the development to our members and partner organisations using our existing channels of communication.

We support the application for the following reasons:

- The Lincolnshire Chamber of Commerce conducts quarterly economic business surveys which take a health check on the local business economy. Results from the survey shows that business confidence in Lincolnshire is the highest it has been since the survey started in 2008. We believe that local business confidence will be boosted further in

Gainsborough when Dransfield Properties invests £3 million into transforming the former Sun Inn.

- Our members and partner organisations tell us that there is demand in Gainsborough for quality hotel accommodation. Gainsborough is home to a number of large, sometimes international, businesses who regularly host visitors from overseas. With the current limitations on suitable accommodation, these visitors have to seek accommodation outside of Gainsborough, often staying in Scunthorpe or Lincoln.
- A new development will also create new job opportunities in Gainsborough, plus new supply chains which will have a positive knock on effect to current businesses in the town and surrounding area.
- GTP thinks that the design of the new building is sympathetic to the town's existing architecture and will play a key role in making the town more attractive to visitors and local residents. Building on GTP's plans to increase footfall into Gainsborough, making the town more attractive will create spin-off benefits as people spend more time in Gainsborough generating an increase in retail and leisure spend. We also feel that Gainsborough currently lacks a suitable night-time-economy and evening scene, which we hope that the addition of a new hotel will kick-start.
- The Sun Inn property has been vacant for some time and currently creates an unattractive entrance into the heart of the town centre for visitors and local residents. The new hotel will fit into the historic street scene, replicating nearby properties of a similar design.
- GTP is actively working on improving the visitor economy in Gainsborough and feels that a new hotel will give local businesses and the visitor economy a significant boost, complementing the work that is already being done.

The application from Dransfield Properties therefore has the full support of the Lincolnshire Chamber of Commerce and also the Gainsborough Town Partnership.

**Lincolnshire Chamber of Commerce** – The Chamber has 1,000 active members across Lincolnshire including around 40 in Gainsborough. It understands the economic benefits that the development will bring to local businesses. Through the Chamber's tourism and hospitality projects, which include Visit Lincoln, Visit East Lincolnshire and the Boston Visitor Economy Partnership to date, our support for Gainsborough's new hotel development is based on a strong foundation and understanding that Lincolnshire's visitor economy needs to grow and prosper.

The Chamber conducts quarterly economic business surveys which take a health check on the local business economy. Results from the survey show that business confidence in Lincolnshire is the highest it has been since the

survey started in 2008. We believe that local business confidence in Gainsborough will be boosted further in Gainsborough when Dransfield Properties invests £3 million into transforming the former Sun Inn.

The Chamber specifically echoes the views of the GTP for reasoning behind its support.

**Local business** - Written Representations of support have been received from Ping, EminoX, Brown's, Riverside Training, Elite Signs, Smiffy's, Stallard Kane, Horsley's, Gainsborough Trinity FC, Gainsborough Golf Club, Martin & Co., KAL Group, Keypoint Uk Ltd. and Think Umbrella, the support citing the following reasons:-

- This is an essential facility; Gainsborough has lacked accommodation facilities such as this and it is great to see the town being further developed.
- The lack of such a hotel restricts local businesses.
- The proposed hotel development is a great step forward for this town and something that will benefit all major stakeholders and business operators within the town. Such a facility has been long awaited.
- The design element is very pleasing, fitting in with the surrounding developments and visually improving one of the main roads through the town.
- A national operator investing in the town is also welcomed and it shows the potential this town has. We need more of this type of development in order to get rid of empty, decaying units.
- We feel the development will benefit the town through the tourism that it will generate.

**English Heritage** (for planning and lbc): English Heritage objects to the application for listed building consent and recommends refusal of listed building consent and planning permission. If, notwithstanding our advice, your Authority is minded to grant consent, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with Circular 08/2009. However, we consider that there is scope for the redevelopment of the site whilst retaining both 37 and 39 Market Street, as described above. Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

**Environment Agency** (for planning): Final comments to follow

**LCC Archaeology** (for planning): Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring

of all groundworks, with the ability to stop and fully record archaeological features.

**LCC Highways** (for planning): No objection subject to a condition requiring implementation and retention thereafter of the servicing area.

**LCC Public Rights of Way** (planning): There is expected to be no encroachment on a public right of way.

**Lincolnshire Historic Buildings Committee** (for planning and lbc): The Design and Access Statement justifying the demolition appears to rely solely on the written description from the Listed Building entry, in particular the now infilled passageway and the rusticated lintels. But the description is intended only to enable the viewer to identify the building.

The facade has changed over the years and the architectural value of the elevation has diminished. This does not preclude, however, the survival of early fabric elsewhere in the building which may justify its retention together with the restoration of the facade. The Committee would ask that this issue be fully considered and justified by the applicant. Without this we suggest that the applicant has failed to take account of the requirements of the National Planning Policy Framework relating to development affecting the historic environment.

Furthermore, notwithstanding that a tall four storey development has taken place to the east of the road junction here, it is clear that buildings have historically and traditionally reduced in height from here to the town centre. The height of the proposed building, therefore, should be to a maximum of three, rather than four stories. As designed it is our opinion that it would have an adverse effect on the character and appearance of the Conservation Area.

**Lincolnshire Police** (for planning) – No objection.

**WLDC Environmental Protection** (for planning): - There are bedrooms located on the ground floor in a area demarked as Flood Zone 3 and a suggestion is that this ought to be resisted especially as they are likely to be allocated to the disabled.

Appropriate investigation needs to be assured as regards potential for contamination in respect of this area of made land and local land use of a potentially contaminative nature.

Proposed service Delivery Route - there is potential for nuisance to clients as well as neighbouring residential property that arising out of noise associated with collections, deliveries and external handling and preparations and this will need appropriate mitigation including, as appropriate an hours restriction.

**WLDC Strategic Growth and Tourism** - Following a number of discussions over the past few months, West Lindsey Growth Team is supportive in principle, subject to normal planning considerations, of the above application from both an economic and tourism viewpoint.

The visitor economy is a major sector in West Lindsey bringing into the area around £93m in revenue and supporting c1550 full time jobs (STEAM data 2012). The provision of quality accommodation is an important element for future sustainable development within Gainsborough and the district and any initiative which promotes this will add value to the current product as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper.

In this application it is important to acknowledge that provision of quality accommodation is a support facility, bringing visitors who will undoubtedly aid the economy of the district for both local businesses and residents.

The proposal will complement the existing town centre 'offer' and help to address the known shortfall in 'leisure/evening economy' provision within Gainsborough (leisure uses represent only 13.8% floorspace in Gainsborough compared to 22.7% national average<sup>1</sup>).

The development will also make a significant contribution to the regeneration of the town centre by bringing back a vacant site (in a strategic location) into economic use and through the creation of new job opportunities.

It is recognised that this development is of key importance to the continued regeneration of Gainsborough's Town Centre for the following reasons:

- a) Bruton Knowles report dated July 2014 acknowledges the requirement for a national chain hotel operator in the town centre and that "business stays" will form a key component of the hotel's business
- b) Anecdotal feedback from the international companies with operations in Gainsborough eg Ping, Eminox, Regal, Coveris etc have identified a need for a hotel as all their business visitors currently stay in hotels in Lincoln and Scunthorpe.
- c) As there are no national hotel chains in the rest of West Lindsey, the nearest being Lincoln; anecdotal information leads us to believe there is considerable latent need for this type of accommodation which it is difficult to quantify.
- d) Robin Hood/Doncaster airport is within 30 mins drive of Gainsborough, and there are no larger hotels between there and Lincoln so the airport consultative committee were very interested in the possibility of a hotel when informed of the potential development.
- e) The development of a key site in the town centre has the potential to link with Gainsborough Town Centre regeneration and the second phase of the public realm scheme in Market Street. This development will further improve the street scene in that area, which in turn will attract new businesses to occupy the currently vacant shops.
- f) Improve links between Marshall's Yard and Market Place

h) The development will create both full and part time job opportunities for local residents in the tertiary sector.

i) This development is seen as a catalyst for attracting new retail and leisure businesses to Gainsborough Town Centre (as acknowledged in the Bruton Knowles report).

We are aware that one of the buildings on the site is a listed property, however it is only a small part of the proposed development and it has, over the years been significantly altered, so it is felt by the Strategic Growth officers that with amended plans and improved active frontage, the regeneration and economic development potential outweighs retention of this building.

The Strategic Growth Team therefore support this application as it is seen as being an economic anchor for the continued regeneration of Gainsborough Town Centre.

**WLDC Design and Conservation** (for planning and lbc): No. 37 Market Street is a grade II listed building dating from the early to mid 19<sup>th</sup> century. The principal elevation includes a round-headed rusticated passage entry and 2 windows with rusticated lintels. Whilst the building has suffered some alteration it is clearly recognisable from its listing description, retaining key architectural elements with reinstatement of missing elements achievable through a restoration scheme which is not uncommon in market towns such as Gainsborough

The application site is also within the Britannia Works Conservation Area, designated 1999, which is characterised by properties dating from the Victorian period of expansion which populated this area of Gainsborough. The Heritage Statement submitted with the application notes on page 19 that, abutting an earlier building on the corner of North Street and Market Street is an “elegant 3 storey brick building” which remains on site today as a substantial part of the Sun Inn. The Sun Hotel, as a hotel development is a good example of the history and development of the area and its positive contribution to the character and appearance of the Conservation Area is acknowledged.

The assets noted above are also within the setting of the adjacent grade II \* listed County Court Building, and are considered to enhance this setting by reinforcing the historic streetscene and informing the historic development of this area of the town

The demolition of the listed building is considered to be substantial harm, and the demolition of the Sun Inn as a locally important building within the Conservation Area is considered to be substantial harm, as defined in para 138 of the NPPF.

Section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 requires the Local Authority in considering whether to grant planning permission for development which affects a listed building or its setting to 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. In respect of Conservations Areas, Section 72 (1) also requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework is mindful of these requirements, and the guidance included in chapter 12 for the consideration of development which will harm heritage assets is explicit.

Paragraph 133 states that where proposed development which would lead to substantial harm or loss consent should be refused unless it can be demonstrated that this level of harm is necessary to achieve substantial public benefits that outweigh that loss or, all of the following:

- the nature of the heritage asset prevents all reasonable use of the site,
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation,
- conservation by grant funding or some other form of charitable or public ownership is demonstrably not possible
- the harm or loss is outweighed by the benefits of bringing the site back into use.

It is considered that the application has failed to justify the level of harm proposed by not meeting the above tests. Furthermore, given that the proposed use is a hotel and the current use of the site is for the same purpose, the opportunity to restore and as necessary seek to extend the existing buildings into the available space to the rear of the site has not been utilised. The interior of the no. 37 at the ground floor has already been altered and provides flexibility of space which would benefit has and would continue to benefit a hotel use.

With regards to the proposed hotel, it is considered that the submission fails to make a proper assessment of the impact of the new building on the setting of the nearby listed buildings and the character and appearance of the Conservation Area. The proposed hotel has a monolithic design which cannot be perceived as taking into account the established grain and scale of Market Street in particular. Key views are absent from the submission including along Market Street towards the site and it is a concern that the submitted drawings suggest that the views looking east will be dominated by a 4 storey blank elevation abutting no. 35. Views along North Street towards the grade II \* listed County Court Building are also required to fully assess the impact of the new development.

In conclusion, it is considered that this application is fundamentally not in accordance with the guidance contained within the NPPF which requires in para 131 that Local Planning Authorities in determining applications should take account of the desirability of sustaining and enhancing the significance of heritage assets, putting them to viable uses consistent with their conservation, recognising the positive contribution that the conservation of heritage assets and paragraph 132 which requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that significance can be harmed or lost through alteration or destruction or by development in it

setting. Harm should have a clear and convincing justification. Furthermore the proposal is not in accordance with the statutory requirements contained in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

The above comments have been made by the Conservation and Environment Section on the basis only of the information available to them as an internal consultee. The comments are made from a conservation perspective and do not take into account other material considerations that may influence any decision made upon this application.

### **Relevant Planning Policies:**

#### **Statute (planning and lbc)**

The statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account in determining these applications

As the site is within a conservation area (Gainsborough town centre), the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must also be taken into account in determining the applications.

#### **The Development Plan (planning only)**

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans 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).

The site is within the town centre boundary and settlement limit defined in the Plan. Therefore the relevant policies to be considered for their consistency with the NPPF are:-

STRAT1 Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

MT 1 Market Towns

<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm#mt1>

RTC 1 Town Centre Development

<http://www2.west-lindsey.gov.uk/localplan/written/cpt10.htm#rtc1>

NBE14 Waste water disposal



<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

### **National (planning and lbc)**

National Planning Policy Framework (2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

National Planning Policy Guidance (2014)

<http://planningguidance.planningportal.gov.uk/>

### **Other**

Central Lincolnshire City and Town Centre Study (2012)

<http://www.lincolnshire.gov.uk//Download/64896>

Strategy and Plan for Development of Serviced Visitor Accommodation in Lincolnshire (2009)

<http://southeastlincslocalplan.org/wordpress/wp-content/uploads/2012/01/Strategy-and-Plan-for-Development-of-Serviced-Visitor-Accommodation-in-Lincolnshire-March-2009.pdf>

### **Assessment**

#### **Principle (planning only)**

The principle can be supported for the following reasons:-

1. The development will assist with meeting the objectives of policy MT1 of the Local Plan Review which states that Gainsborough will be a priority for regeneration and investment activity and that planning permission will be granted for development proposals that assist in the social and environmental regeneration or economic development. This is consistent with the principles of economic and social sustainability cited in the NPPF (para 7 refers). The justification for policy MT1 states that Gainsborough is a priority for investment and regeneration because there should be a clustering of services and facilities in order to serve both the town and its wider hinterland. It continues by observing that the physical decay is a factor behind the decline in the social fabric of the town and the consequences of the physical and social decline of Gainsborough is a number of sizable vacant previously developed sites around the core of the town. The Plan therefore proposes to revitalise the town centre and introduce, implement, encourage and achieve the overall regeneration of Gainsborough by bringing back into valuable use vacant, previously developed land and buildings and by guiding appropriate development to the most suitable sites.

This site is one such vacant building that remains despite regeneration in some parts of the town since the Plan's publication. The building has unfortunately suffered from a lack of investment even when it was in

use. Being on a main thoroughfare, on a prominent location in a landmark setting, this site is important for Gainsborough's economy:-

- a. A visually poor site, with a lack of investment creates a poor image for passing visitors who will not be prompted to linger in the town and spend money.
  - b. The site in its current state does not assist public and private organisations and businesses trying to market and promote the town and tarnishes and detracts from the value of the investment that has been made through projects such as the town centre public realm enhancements and Marshall's Yard.
  - c. A visually poor site does not assist when existing businesses are trying to attract custom and new orders.
2. There is a need for a hotel within the town. It is accepted that there is a small hotel within the town that has won awards; The Hickman Hill Hotel. There are also existing buildings with hotel uses, the application site being one example, the White Hart Hotel being another. However, the evidence unequivocally suggests a deficit in the quantum of quality hotel accommodation on offer. This is not only evidenced in the written representations received from Gainsborough businesses and the Chamber of Commerce but also from discussions between the Council's Strategic Growth Team and the manufacturing businesses in the town that underpin and are so important to its economy. It is also evidenced in the section 5.07 of the Central Lincolnshire City and Town Study, page 9 of the 2009 Strategy for Serviced Accommodation and within the Bruton Knowles report referenced by the the Council's Strategic Growth team. The Central Lincolnshire City and Town Study states that there is a shortfall in leisure services, both in the number of leisure service operators and the quantum of floorspace dedicated to this sector in comparison to the national average.
  3. A hotel is a town centre use as defined by the NPPF and the town centre is the sequentially preferred location for such uses as stated by policy RTC1 of the Local Plan Review. The justification for the policy notes that it is positively worded and designed to strengthen the role of town centres and a mix of land use including hotels should compliment the main shopping uses. Therefore, there is support form policy RTC1. This policy is consistent with the provisions of the NPPF; paragraph 24 of the latter states Local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
  4. The east end of Market Street is a very important area for linking the traditional Market Square/Church Street/Lord Street/Silver Street and Marshall's Yard areas of the town centre. Bringing a hotel use back to this location with a design fit for the twenty-first century, would assist in cementing the linkages and footfall between the two areas of the town centre.

5. The majority of the site has an extant, existing use as a hotel (class C1 of the Use Classes Order 1987). The proposed Premier Inn would not constitute a material change in the use of the majority of the land, merely an intensification of the use.
6. A proportion of the demand for serviced accommodation can only be met through branded chains (some business accounts and leisure guests will only use such branded accommodation). There are no such national hotel chains in Gainsborough or the rest of West Lindsey, the nearest being Lincoln. The town therefore misses out on this particular sector of demand.
7. Robin Hood/Doncaster airport is within 30 mins drive of Gainsborough, and there are no larger hotels between there and Lincoln so the airport consultative committee were very interested in the possibility of a hotel when informed of the potential development

In summary the principle of a hotel of this scale and nature in this location is not only supported but will bring significant benefits.

### **Design and impact on Heritage Assets (planning and lbc)**

There are three sets of heritage assets that need careful consideration here; the grade II status of part of the application site building, the setting of adjoining and nearby listed buildings (specifically the grade II\* listed Old Courthouse and the grade II listed No. 35), and the location within a designated conservation area.

There are no saved policies relating to heritage assets, but the duties relating to development affecting listed buildings and conservation areas has already been cited in this report. Paragraph 131 of the NPPF advises that local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 133 states that where proposed development which would lead to substantial harm or loss, consent should be refused unless it can be demonstrated that this level of harm is necessary to achieve substantial public benefits that outweigh that loss or, all of the following:

- the nature of the heritage asset prevents all reasonable use of the site,
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation,

- conservation by grant funding or some other form of charitable or public ownership is demonstrably not possible
- the harm or loss is outweighed by the benefits of bringing the site back into use.

The impact on each heritage asset is considered in this context below

*Application site listed building* – The architectural and historical significance of the asset is derived from more than just the elements listed in the listing schedule (annex A of the NPPF refers). No. 37, Market Street dates from the early nineteenth century. The overall form of the gabled building remains as originally built, albeit extended with a flat roofed rear projection. Much of the original roof structure remains though and the roof covering is still clay pantiles. The façade includes remnants of the nineteenth century shop front referred to in the listing; there are stone pedestals that would have supported the pilasters. A round headed, rusticated arch also remains, this arch representing the original end of a passage running under the first floor to the area now occupied by the Roseway car park. Such passages are typical of the burgage plots that characterised Gainsborough; they are part of its distinct historic character, much of which has been lost. In the mid-nineteenth century the town, whilst important economically, was physically very compact with over half of the population living in the yard area housing within these burgage plots accessed by these covered passageways from the street.

Two windows also remain at first floor with splayed, rusticated lintels. The interior is much altered; at some point in the twentieth century the ground floor, including the covered passage, was incorporated into the ground floor of the Sun Hotel building. Within the bar area it is not easily legible as to where the listed building starts; an opening nearly the same width as the room itself exists with uniform furnishing and decoration throughout. Upstairs, the first floor of the listed building was last used as the manager's flat for the hotel. This flat extends into the flat roofed section previously referenced in this report. There are a few elements of the original or at least nineteenth century fabric visible; floorboards, joists, one fire surround and the roof structure.

Despite the interventions, the narrow width of the building, its shape, the passageway, the modest scale and its original roofscape are all clearly legible, the significance of this heritage asset derived from these qualities and its grouping with No. 35, Market Street (within the same listing) and the continuation of buildings of a similar era heading westwards along Market Street. Demolition of No. 37 would result in substantial harm to this asset, as defined in paragraph 138 of the NPPF removing all of the fabric cited above and any trace of the site having been occupied by a narrow nineteenth century building, so significant and representative of this part of Gainsborough's history and architecture. In this regard, as noted by the Council's Design and Conservation Officer and English Heritage, there is clear scope due to the interventions made in the past, to adapt No. 37 so it becomes an integral part of the new hotel, without significant compromise to the layout and functions of the development but crucially retaining the form and fabric that so much contributes to the significance of the heritage asset. The

flexibility provided by the open plan existing bar area is just one example and there is no justification put forward by the applicant as to why such a significant intervention as demolition has been proposed without fully exploring lesser interventions such as adaptation.

*Setting of other listed buildings* – The former County Court building is directly opposite the application site on Market Street. It is grade II\* listed; only 5.5% of listed buildings are of such a listing and have been graded as such because they are defined by English Heritage as being “particularly important buildings of national importance and more than special interest.” The building was built as a courthouse in the mid eighteenth century. Gainsborough was a very compact town, largely built on the medieval street pattern until Victorian expansion. Buildings of importance from the periods predating the Victorian era, and those from it, therefore were built on these older streets, their functional importance and the importance of the town reflected in their positioning, scale, architectural language and detailing. The Courthouse (now the headquarters of a manufacturing business), still retains its imposing position within not one, but four streetscenes due to its corner positioning on the intersection of Market Street, Beaumont Street, North Street and Spring Gardens. Whilst much of its significance is undoubtedly derived from its neo-Classical external elevations and interior, it is also derived from its setting and the subservience in terms of positioning and scale of surrounding buildings. Dated 1759 and by E Hawksmore, the 3 storey building in red brick with keystones, hung sashes a carved, modillioned cornice and stone coped parapet, dominates and bookends the view when approaching from the north along North Street. This is achieved by the staggered nature of the Market Street/Spring Gardens/North Street/Beaumont Street intersection which results in the Courthouse building being the view stop. Its significance is preserved by the subservient scale and detailing of the Sun Hotel building and the fact that the more recent Marshall Court building, whilst four storeys in height, is obscured from this view by the more modest, three storey nineteenth century terrace on the east side of North Street. The positioning and scale of the Sun Hotel is of particular note as it draws the eye along its façade to the Court House building and the combination of perspective, detailing, orientation and scale clearly provide the setting of prominence of the Courthouse. The Sun Hotel is not plain, indeed it retains detailing of architectural note such as the pediment on the splayed corner of the building or the ground floor corbelled cornice above the windows, but its scale and detailing do not compete with the Courthouse. The legibility of the history of this end of Market Street is also clear with each building being an architectural embodiment of its age.

The introduction of the proposed building would challenge this setting and result in substantial harm. The proposal is approximately 16m tall above street level to the top of the roof parapet compared with 9m to the eaves and 10.5m to the setback ridge of the existing Sun Hotel building. This substantial difference in height and consequential detrimental impact to the setting of the Courthouse is accentuated by the grand neo-Classical motifs employed in the design of the proposal; the ashlar dressing being accompanied by single centred round arched windows on the ground floor and six-over-six vertically

hung sashes on the upper floors. This competes with, rather than respects, the setting of the Courthouse. There are similar issues with the views from along Market Street from the west and from Spring Gardens from the east. The view from the north side of Market Street will not appreciably change due to the curvature of the street, but from the south side the new building will loom over and dominate the Courthouse due to its height, the mass of brickwork extending above the much lower gabled No. 35 Market Street and the relatively narrow width of Market Street. It is suggested that members note the modest scale of Nos. 35 and 37, Market Street and the grade II listed Friends' Meeting House in this regard. The latter will also be dominated in scale by the new building.

From Spring Gardens the impact is as appreciable; Marshall Court and this Council's own offices are both tall but their siting and footprints results in them "fanning out" and away from the Beaumont Street façade of the Courthouse leaving the latter as the prominent viewstop to reinforce its significance. Whilst the existing Sun Hotel building is closely visible to the right of this view, the subservient scale and detailing preserve the setting of the Courthouse as does the fact the scale drops further as the eye is drawn along the street frontage of Nos. 37 and then 35, Market Street. The imposing scale and architecture of the proposal will reverse this relationship and not preserve the setting.

*Preservation and/or enhancement of the character and appearance of the Conservation Area* - The site lies within the Britannia Works conservation area which was designated by this Council in 1999 as an area of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance. The significance of this designated heritage asset is described in the 'Britannia Works Conservation Area Appraisal' (1999) which is a material consideration in determining this application for planning permission. The Appraisal describes the importance of the 18<sup>th</sup> and 19<sup>th</sup> century commercial and residential development in the conservation area to the east of the Market Place, including along Market Street and around the important junction of Market Street/Spring Gardens and Beaumont Street/North Street. The Appraisal also notes the positive contribution to the character and appearance of the conservation area of good examples of architectural detailing in brick and stone with arches above windows and doors being particularly distinctive. Despite its poor condition and vacancy, the Victorian main Sun Hotel building makes a positive contribution to the significance of the conservation area and through its historical associations which illustrate the important later Victorian phase of commercial development in the conservation area. It is named on 19<sup>th</sup> century maps of the area. Number 37 Market Street also makes a positive contribution to the significance of the conservation area through its characteristic two storey form and fabric which reveals the earlier 19<sup>th</sup> century development of the area, and through its surviving decorative features as already referenced earlier in this report.

The report has also already referenced the impact that the new building would have on key views in the town centre. The impact would not only be detrimental to the setting of the listed buildings but would also neither preserve or enhance the character and appearance of the Conservation Area.

The Sun Hotel, as a hotel development is a good example of the history and development of the area and its positive contribution to the character and appearance of the Conservation Area is acknowledged. The proposed architecture is a pastiche and blurs the legibility of this historic corner.

### **Highways and access (planning only – not relevant to listed building consent)**

This is a material consideration detailed in criteria ii. to v. of policy STRAT1 of the Local Plan Review. These criteria seek to maximise sustainability through the use of non-car based trips and ensure safety to all highway users when trips are made associated with the development proposed. These criteria are considered to be consistent with the sustainability principles of the NPPF and are therefore afforded significant weight.

The site is considered to be within a sustainable town centre location where reliance on the cars to access the hotel would not be necessary.

Nevertheless, it is inevitable that many trips by guests to the site would be made by car and the applicant proposes to utilise a public car park for such purposes. This is not unusual for this model of serviced accommodation in city and town centre settings. Here it is proposed to use the Council owned Roseway car park not only for guests' cars but also for HGV service access to the rear of the new building. Core tests have been undertaken at the applicant's expense to evidence that the car park structure is capable of supporting the sustained loading from the 7.5 tonne HGVs that are intended to be used by the operator for laundry, catering etc. A swept path analysis has also been undertaken to demonstrate that the HGVs can safely negotiate the car park from the access to Roseway to the rear of the application site. This analysis does show the loss of 3 car parking spaces and 3 of the 5 bicycle racks. The latter could be relocated elsewhere in the car park. However, the limited space within the confines of the car park would mean that the three car park spaces could not be relocated. Roseway car park is the most popular of the Council's town centre car parks with the highest percentage of filled spaces. The loss of 3 spaces represents just 5% of the 57 spaces currently available and affects none of the spaces for disabled drivers. Whilst this loss is a material consideration, given the availability of other car parks in convenient locations, including surface car parks, it is not considered that the loss of 3 spaces will detrimentally affect the viability and vitality of the car park. The loss is heavily outweighed by the proposed regeneration of the Sun Hotel site.

The County Highways Authority do not have an objection to the proposal but advise that, in the event of the planning permission being granted, the permission is subject to a condition requiring the implementation of the revisions to the car park. Given that the latter is within this Council's control, there are prospects that the requirements of such a condition could be fulfilled.

### **Drainage and flood risk (planning not listed building consent)**

These are material considerations partly detailed in policy NBE14 of the Local Plan Review which states that development will not be permitted which would generate foul sewage or surface water run-off in excess of the capacity of the sewage system works or plant or ultimate receiving land drainage system.

There is some consistency with the provisions of the NPPF here, but the latter goes much further in terms of providing guidance on how the sustainability of dealing with flood risk, surface and foul water is derived.

With regards to fluvial flooding, the site falls within flood zone 3a as defined by the Environment Agency. This is the area at highest probability of flooding outside of the functional flood plain. The NPPF provides a “sequential” test to steer development away from areas at higher risk of flooding. Paragraph 101 states that “development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.” The test needs to be complied with because, although site is already a hotel, the proposal includes a significant increase in the number of bedrooms and also proposes ground floor bedrooms. The normal default area for search for available sites is the district but, in this instance, it is considered that only available sites within the town centre are appropriate and should be considered. This is because that proposal is a town centre use and the NPPF also includes another sequential approach (as already detailed in this report) stating that such uses should be located in the town centre first to protect town centre viability and vitality. In this context it is noted that all of the available sites within the town centre are within flood zone 3 (such as Caskgate Street, Bridge Street, Lord Street etc) and therefore at no lesser risk of fluvial flooding than the application site. Furthermore, the application site abuts flood zones 1 and 2 and is the least likely site of the town centre sites within flood zone 3a to flood. In this context the site passes the sequential test. However, as the use proposed is within flood zone 3 and is a more vulnerable use as defined by table 2 of paragraph 66 of the NPPG (Reference ID: 7-066-20140306) then the Exception test detailed in the NPPF is also applied. Paragraph 102 of the latter states that for the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The NPPF states that both elements of the test will have to be passed for development to be allocated or permitted. In this context, it is considered that the wider sustainability benefits of the proposal have already been assessed in this report; the significant benefits of the location of a hotel fit for the twenty-first century being outweighed, on balance, by the significant harm to heritage assets.



With regards to the second criteria, a site specific flood risk assessment has been undertaken and discussions are on-going between the applicant, the Council and the Environment Agency. Revisions to mitigate flood risk have been submitted by the applicant but the Council is yet to receive written verification as to their acceptability or otherwise from the Environment Agency. However, your officer advises that a solution is possible and, therefore, if members are minded to grant planning permission, then such a resolution delegates the authority to do so to officers subject to the acceptable resolution of the issue.

In terms of surface water drainage, it is noted that the application form states that surface water will drain to the main sewer as existing. This is the least preferable solution in terms of sustainability as cited by the NPPF. The redevelopment of the site does, in principle, provide the potential for a more sustainable system to be employed. However, a hotel of this size, responding to an evidenced need, requires a large footprint unless additional floors are added. The latter is not financially viable and, as already cited in this report, the height of the building is already considered to harm designated heritage assets. It is also acknowledged that the site is already completely covered in impermeable surfaces (the building and yard) and therefore there is unlikely to be an increase in the amount and rate of surface water runoff from the site.

### **Residential amenity**

This is a material consideration detailed in criteria vi and viii of policy STRAT1 of the Local Plan Review and considered consistent with the provisions of the NPPF.

The only dwellings that could be potentially affected are those within the Marshall Court development on the opposite side of North Street and the flats above the shops backing onto Roseway car park. The former are not considered to be significantly affected; there is already overlooking from the existing hotel room and noise and disturbance levels are higher than average due to the A159 and the general hubbub of this busy town centre pedestrian and vehicular intersection. Overshadowing from the taller proposed building will affect light levels, particularly on winter afternoons when the sun will be behind the new building. Nevertheless, on balance, amenity will not be significantly affected to these occupiers.

Deliveries via Roseway car park could have some affect on the flats on Church Street but this is likely to be limited and could be restricted to daytime by condition if members were minded to grant planning permission.

### **Conclusion**

**A. Planning application 131219** - The application for planning permission has been considered against the duties within sections 66 and 72 of the Listed Buildings Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, as well as to preserve or enhance the character and appearance of the Britannia Works Conservation

Area. It has also been considered against the provisions of the development plan, specifically saved policies STRAT1, MT1, RTC1 and NBE14 of the West Lindsey Local Plan First Review 2006, each policy being considered for its consistency with the National Planning Policy Framework (2012) and the weight afforded to the policy adjusted accordingly (the more consistency, the more weight given). The National Planning Policy Framework itself is afforded significant weight as a material consideration as is the accompanying National Planning Practice Guidance (2014).

In light of this assessment it is considered that, whilst there are significant benefits in terms of vitality, regeneration and sustainability to securing a hotel of the size proposed in this town centre location, nevertheless the harm to designated heritage assets will be significant and, given the duties in the Act, this is an overriding issue and one that, on balance, must result in the refusal of the application.

If members are minded to grant permission, then it is advised that the power to do should be delegated to officers to permit the resolution of the outstanding issue relating to flood mitigation.

**B. Listed Building Consent 131220** – The application for listed building consent has been considered against the duty contained within section 16 of the Listed Buildings Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This special regard has been undertaken using the advice contained within the National Planning Policy Framework (2012) and the National Planning Practice Guidance (2014).

In light of this assessment it is considered that the proposed works, which constitute the total demolition of No. 37, Market Street, will have significant harm to the significance of this designated heritage asset. This significance is derived from the retention of much of its external wall fabric and decorative detailing, and its form, modest scale and narrow width which illustrates the earlier 19<sup>th</sup> century development on Market Street on narrow plots running back from the street front.

Members are advised that, if they are minded to grant listed building consent, this power does not currently rest with the authority; the application would need to be notified to the Secretary of State who would decide whether they wish the application to be referred to them.

### **Recommendation**

#### **A. Refuse planning permission 131219 for the following reasons:-**

1. The development would result in substantial harm to and loss of the listed building at 37, Market Street resulting from its total demolition which would irrevocably remove the qualities that contribute to its significance, namely its form, modest scale and narrow width which illustrates the earlier 19<sup>th</sup> century development on Market Street on narrow plots running back from the street

front and the remaining external detailing, including the arched entrance to the covered passage. As a result the proposal would not accord with the provisions of the National Planning Policy Framework 2012.

2. The development would result in substantial harm to the setting of the grade II\* County Courthouse building on the corner of Market Street and Beaumont Street, this harm resulting from the scale, proximity and imposing architecture proposed. The scale and architecture would challenge the importance of the County Courthouse which is a particularly important buildings of national importance and more than special interest. As a result the proposal would not accord with the provisions of the National Planning Policy Framework 2012.

3. The development would neither preserve nor enhance the character and appearance of the Britannia Works Conservation Area due to the total demolition of buildings that characterise the form, scale, architecture and layout of nineteenth century Gainsborough. As a result the proposal would not accord with the provisions of the National Planning Policy Framework 2012.

#### **B. Refuse listed building consent 131220 for the following reasons**

1. In the opinion of the local planning authority, there has been no demonstration as to why the substantial harm to the listed building at 37, Market Street is necessary to achieve substantial public benefits that outweigh that harm. The nature of the heritage asset does not prevent use of the building as part of a new hotel and it has not been demonstrated why a less intrusive intervention would not provide for a viable use of the heritage asset. In this regard the proposed works are contrary to the provisions of the National Planning Policy Framework 2012.

#### **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