



PL.12 15/16

**Planning Committee**

**Date 10 February 2016**

**Subject: Riverside Gateway Local Development Order Consultation**

Report by:	Strategic Lead – Economic Development & Neighbourhoods
Contact Officer:	Eve Fawcett-Moralee Strategic Lead – Economic Development & Neighbourhoods 01427676535 <a href="mailto:eve.fawcett-moralee@west-lindsey.gov.uk">eve.fawcett-moralee@west-lindsey.gov.uk</a>
Purpose / Summary:	The Riverside Gateway site is the first of the Housing Zone strategic sites to be brought forward using the Local Development Order (LDO) mechanism. This report seeks endorsement for the LDO for approval for consultation.

**RECOMMENDATION(S):**

- (1) That members agree to endorse the Riverside Gateway Local Development Order prior to Consultation**

## IMPLICATIONS

### **Legal:**

The draft Local Development Order (LDO) would, if adopted, grant outline planning permission for a residential-led of land at Carr Lane to incentivise development as part of the Housing Zone programme. The LDO requires further future submission of Reserved Matters applications to provide details of development and this will be carried out using Council's existing statutory powers in planning.

### **Financial :** [FIN/128/16](#)

£150,000 has been received as Section 31 grant funding for the delivery of two LDOs. The funding will be used for staffing, appraisal, site investigation and masterplanning on the Riverside Gateway and Riverside North sites.

### **Staffing :**

Two staff have been recruited to focus on major projects and Housing Zone objectives, the drafting of the LDO also includes support from Homes and Communities Agency, Atlas and specialist consultants.

### **Equality and Diversity including Human Rights :**

This report has no direct equality and diversity implications.

### **Risk Assessment :**

#### **Implementation**

Local housing market – house prices are relatively low in Gainsborough, especially in the South West Ward. The LDO aspires to create a higher end product which takes advantage of its riverside location.

New mechanism – the LDO, as a delivery mechanism for housing development, is a relatively new concept. Officers have prepared the Riverside Gateway LDO to equate to a traditional Outline Planning Permission in order to assist with the confidence of developers and funders in utilising the delivery mechanism.

Viability – the remediation and site reclamation costs will require “gap” funding to pump priming this development.

**Climate Related Risks and Opportunities :**

The majority of the proposed development is within Flood Zone 3 and the mitigation strategy may have an impact on flood risk, this is detailed in Section 2.5.5.

**Title and Location of any Background Papers used in the preparation of this report:**

Draft Local Development Order (Appendix 1)

Statement of Reasons (Appendix 2)

Technical Background Information (available through [elaine.poon@west-lindsey.gov.uk](mailto:elaine.poon@west-lindsey.gov.uk)) :

- Preliminary Ecology Appraisal (Atkins)
- Flood Risk Assessment (Peter Brett Associates)
- Topographical Survey (Longden Design)
- Preliminary Archaeological Advice (Lincolnshire County Council)
- Heritage and Conservation Impact Assessment (West Lindsey District Council)
- Transport Assessment (Mouchel)
- Phase I Site Investigation Report (Atkins)
- Phase I, II Environmental and Geotechnical Assessment (Delta Simons)
- Draft Design Guide (Peter Brett Associates)
- Financial Appraisal (Peter Brett Associates)

**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**

**x**

**Key Decision:**

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

**Yes**

**No**

**x**

## **Executive Summary**

The Council was awarded Housing Zone status in 2015 for Greater Gainsborough and the Riverside Gateway site at Carr Lane is the first of the strategic site to be brought forward. The site is located on Carr Lane/ Lea Road and is one of the most visible derelict sites on a main route into Gainsborough. It is proposed that a Local Development Order be made to grant Outline Planning Permission to the site for housing led redevelopment of up to 450 dwellings. Local Development Order is a new mechanism promoted by the Government to encourage development by simplifying and de-risking the planning process to incentivise landowners and developers to bring forward development at an accelerated pace.

Various planning considerations have been assessed by officers and officers consider the impact of the proposed development could be mitigated by conditions contained within the LDO. It is recommended that the LDO be endorsed for consultation.

# **1 Background**

## **1.1 Previous Decision**

On 22 July 2015 Prosperous Communities Committee were updated on the progress being made on the 'Greater Gainsborough' Housing Zone and the proposed Local Development Order (LDO) for land at Carr Lane, identified as Riverside Gateway, which is the most visible strategic site included in the Housing Zone.

It was also noted that the Council had been successful in achieving additional funding via the LDO Incentive scheme to further support the delivery of the Housing Zone. LDOs are a tool that can be used by local planning authorities to encourage development in a specific area (especially brownfield sites) by simplifying and de-risking the planning process to incentivise landowners and developers to bring forward development at an accelerated pace.

Prosperous Communities Committee will, on 2 February 2015, decide whether to refer the LDO to the Planning Committee for endorsement prior to public consultation.

## **1.2 Legislative background**

LDOs were introduced in 2006 through the Planning and Compulsory Purchase Act 2004. LDOs grant planning permission for specific types of development as detailed in the Order. These primary powers were amended by s188 of the Planning Act 2008 in June 2009.

The detailed legislative framework for LDOs is contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning act 1990 (as amended) and in Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO).

The Growth and Infrastructure Act 2013 removed the requirement to consult with the Secretary of state prior to adoption and enables local planning authorities to adopt an LDO following consultation, subject to the requirement to the notify the Secretary of State, through the National Planning Casework Unit, as soon as practicable after adoption.

## **1.3 Wider Vision**

The LDO scheme has been informed by the wider master plan vision for Greater Gainsborough's regeneration. This vision seeks to regenerate the town's brownfield sites using the Housing Zone designation, in tandem with the renewal of the town centre through a heritage led masterplan, improvements to the public realm and terraced housing stock in the South West and North Wards and the creation of two urban extensions to the town. Collectively these initiatives are designed to meet the Council's housing target (Emerging Central Lincolnshire Local

Plan) which equates to a 46% increase in the number of new homes in Gainsborough by 2036.

This transformational change will require a step change in the type and quality of development in Gainsborough. Instrumental to delivering this vision is the development and animation of the riverfront, specifically the reconnection of the town with its riverfront. Riverside Gateway is the most visible brownfield site in Greater Gainsborough, securing development here is therefore regarded as a high priority.

Housing Zone status and the LDO Incentive scheme have assisted the Council in preparing a local development order for the Riverside Gatewaysite. If made, the LDO is expected to help create the developer confidence required to bring forward detailed development proposals. The intention is to create a high quality urban riverfront development with a strong design rationale informed by the historic industrial character of the site. The Council is encouraging a mix of uses and building heights through the use of parameter plans and design principles. The aspiration to develop a marina on land to the south of the LDO is the subject of a separate but complementary stream of work.

The objectives of the Riverside Gateway LDO are to:

- Deliver up to 450 units;
- Create a generous riverside walk (linear park), new open space, water features and a range of other uses (flexible Use Classes A1, 2, 3, 4, D1 and 2);
- Maximise the viability of the site and accelerate its redevelopment (Construction to commence 2017);
- Animate the riverfront through the creation of a riverside walk (linear park);
- Stimulate a new urban housing market to build upon the earlier riverfront developments to the north of the site (delivered in the early 2000 market upturn) to assist in the promotion of Gainsborough as a significant and new housing location;
- Create a distinctive place based on the site's historic, urban and riverfront character with an appropriate density, layout, massing, height, landscape and access.

## **2 Local Development Order**

The LDO proposes to grant outline planning permission for a residential led redevelopment of an existing brownfield site at Carr Lane, Gainsborough, referred hereto as the LDO site or Riverside Gateway.

Detailed design is to be submitted to the Local Planning Authority for approval in the form of reserved matters applications, which will give landowners/developers the ability to work up their own designs for development. Reserved matters applications will have to comply with Parameter Plans (Appendix 2 of the LDO) and Design Principles (Appendix 4 of the LDO) which together will ensure that the LDO proposals will be developed in an acceptable way.

## 2.1 The Site

The site is vacant brownfield land (4.6 ha in area) located west of Carr Lane, Gainsborough. It is bounded by the River Trent to the west, and nos. 4 & 6 Lea Road to the north, and extends down to Carr Lane roundabout to the south. This large brownfield site dominates the views of the town on the southern approach from the River Trent Bridge.

The boundary of the LDO site is depicted in red line in Figure 1 below.



Figure 1: LDO Site Boundary

Directly north of the site is the Maltings Bar and Restaurant and south west of the site is the Kerry's Ingredients Factory. East of the site is primarily residential in character, dominated by two storey Victorian terrace houses (known as the Ashcroft road within the South West ward). The River Trent forms the site's western boundary facing

towards the settlement of Saundby within the district of Bassetlaw, Nottinghamshire.

The site is predominantly vacant and was historically used for a variety of industrial purposes. There are several existing buildings within the site including the former Marshalls power station (a red brick industrial building), and 3 semi-detached houses on Lea Road which are to be demolished as part of the LDO proposals.

The northern portion of the site (from the north to southern boundary of the former Lea Road School) is located within the Gainsborough Riverside Conservation Area.

Excluded from the LDO site is both Lea Road school (a locally designated heritage asset in the Council's ownership) which will be restored and converted as part of separate scheme outside of the scope of the LDO development proposals, and numbers 10-20 Lea Road as they are in neither the ownership of the Council or the majority landowner of the LDO site and do not prejudice the LDO development proposals.

The site is regarded as a sustainable location being within walking distance of Gainsborough Town Centre and Gainsborough Lea Road train station, which provides rail services to Doncaster, Retford, Lincoln and Sheffield; and is in close proximity to several bus routes.

## **2.2 Development Proposed to be Permitted**

The type (defined by Planning Use Classes) and maximum quantum of development proposed by the LDO includes:

- Use Class C3 – Dwellinghouses (up to 450 dwellings); and
- Use Class A1 – Shops, Use Classes A2 – Financial and Professional Services, A3 – Restaurant and Cafes, A4 – Drinking Establishments, Use Classes D1 – Non-residential Institutions and D2 – Assembly and Leisure (maximum GIA of 500 sqm, with each unit not exceeding 250 sqm)

The LDO will also grant outline planning permission for associated infrastructure and site preparation works.

## **2.3 Local Development Order Timescales**

The LDO will remain in force for a period of 5 years from the date of adoption.

## **2.4 Relevant Planning History**

The LDO site does not benefit from any extant planning consent.



## 2.5 Development Considerations

### 2.5.1 Relevant Planning Policies

The draft LDO has been prepared having had regard to the following planning policies:

- Existing Policies
  - o National Planning Policy Framework (March 2012) (NPPF)
  - o West Lindsey Local Plan First Review (saved policies) (saved in 2009)(existing Local Plan) – The saved policies of the Local Plan remains the statutory development plan for the district, and should be considered a material consideration. Due weight should be given to relevant policies in the existing Local Plan according to their degree of consistency with the NPPF.
  
- Emerging Policies
  - o The NPPF (paragraph 216) states that decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight it may be given). The Further Draft Central Lincolnshire Local Plan (emerging Local Plan) has undergone six weeks of consultation and if adopted, will replaced the existing Local Plan. Therefore, certain weight may also be attached to the emerging Local Plan.
  
- Guidance
  - o Planning Practice Guidance (as updated)
  - o Planning Advisory Service technical advice on preparing an LDO (September 2015)

### 2.5.2 Principle of Development

The site is a brownfield site on a major gateway (Lea Road) into the Gainsborough town and settlement. The majority of the site has historically been utilised for industrial uses, with most of the previous industrial buildings being demolished by the landowners in 2004. The site has been vacant since the demolition and has been derelict and blighting an important entry point to Gainsborough.

Paragraph 14 of the NPPF introduces the principle of presumption in favour of sustainable development and this is also reflected in draft Policy LP1 of the emerging Local Plan. Paragraph 17 of the NPPF also encourages the effective use of land by reusing brownfield land, provided that it is not of high environmental value. This is supported by the existing Local Plan's policy SUS15, which supports the redevelopment of derelict, underutilised and previously developed land

back into beneficial use and this is further supported by draft Policy LP41 in the emerging Local Plan which encourages the regeneration of Gainsborough.

Policies STRAT3 and MT1 of the existing Local Plan identifies Gainsborough as the primary settlement and directs the majority of growth in the district to Gainsborough. The existing Local Plan contains 'brownfield first' policies, including Policy STRAT4 which supports the granting of planning permission for new residential development within the Gainsborough settlement on previously developed land; and STRAT9, which encourages the release of housing land through prioritising previously developed land. The emerging Local Plan continues to direct the majority of growth towards market towns, with Gainsborough expected to accommodate a large percent of growth.

The site is identified within Policy STRAT14 – Mixed Use Allocations of the existing Local Plan as Mixed Use Allocations G(M)5 – Carr Lane, Bridge Street as being designated for water basin marina and associated housing, commercial and leisure uses (with the housing element identified as 100 dwellings). The LDO proposals do not include a marina, although the LDO does not preclude future proposals for a marina on adjoining land which would need to be the subject of a separate planning application.

Chapter 2 (paragraphs 23-27) of the NPPF seeks to ensure the vitality of town centres, where town centre uses (such as retail, offices, leisure and entertainment facilities etc...) should be encouraged to be located within town centres, and if they could not be accommodated within the town centre, in edge of centre sites before out of centre locations should be considered. Paragraph 24 and 26 of the NPPF specifies that a sequential test should be carried out when assessing applications for main town centre uses outside of town centres, local planning authorities should also require an impact assessment to be carried out if the proposed floorspace exceeds 2500 sqm to protect the vitality of the town centre.

The site is not located within the defined town centre and the LDO proposes certain 'main town centre' uses (as defined in the NPPF), including retail, restaurant, bars and potential entertainment uses. The Council's Policy RTC9 generally supports new A3 and A4 uses provided that they would not harm the vitality and viability of the defined town centre by encouraging a concentration of similar non-class A1 uses.

It is noted that the emerging Local Plan's Policy LP6 states that for edge of centre retail and/or other town centre uses, a sequential test and impact assessment should be carried out for development which provides a floorspace greater than 500 sqm. The LDO's proposed town centre uses, if brought forward, will fall below threshold indicated in the draft policy.

It is considered that as a residential led redevelopment, with its quantum of dwellings proposed, will generate some local requirement for retail/

town centre uses. The level and variety of 'main town centre' uses proposed, combined with the restrictions on the maximum floorspace (which limits a combined floorspace to 500 sqm), is not anticipated to have an adverse impact on the vitality of the town centre.

### 2.5.3 Character and Setting

The LDO grants outline planning permission, with all matters reserved. This means that layout, scale, appearance, means of access and/ hard and soft landscaping will be provided in one or more reserved matters applications. The scale, height and massing of the potential development will be dictated by the parameter plans attached to the LDO. Reserved matters applications will also have to be supported by a design and access statement setting out how detailed proposals comply with the parameter plans and the design principles attached to the LDO.

Policy CORE10 envisages that new development will provide landscaping within its design, in addition, Policy RES5 of the existing Local Plan expects the provision of play space and recreation facilities in new residential development and Policy CR2 expects open spaces, play and sports provision. Whilst these matters will not be addressed at the outline planning stage, it is expected that the eventual development will provide sufficient landscaped playspace and recreation space.

In addition, a 8 metre linear riverside walk is required by condition, partly to ensure pedestrian and cycle access on the riverside and to ensure the ground anchors for the flood defence will not be compromised, the continuation of the riverside walk will further enhance the amenity of nearby residents. The riverside walk is also envisaged in draft Policy LP40 and LP41 of the emerging Local Plan.

The maximum parameters have been developed with the intention of reinstating the scale and building rhythm of the former industrial buildings which once stood on site.

In terms of density, Policy RES1 of the existing Local Plan seek a minimum density of 30 dwellings per hectare but a density of 50 dwellings per hectare in town centres. It is considered that in such a sustainable location, close to town centre, a much higher density is justifiable and achieve with an absolute minimum density of 40 dwellings per hectare.

Policy CRT20 seeks that development will not lead to the unacceptable loss to the landscape character, nature conservation importance or recreational roles of the watercourse corridors throughout the plan area. The site is not located within an area identified as an Area of Great Landscape value, in accordance with Policy NBE10. However, it is considered the proposal (acknowledging detailed design will be approved in the further reserved matters stage), will be an improvement on the current blighted and vacant landscape.

#### 2.5.4 Housing Type and Tenure

The LDO does not specify housing type or tenure. There is currently no detailed planning policy directing the housing type sought, however, Policy RES2 in the existing Local Plan seeks that a range of housing types, sizes, styles and densities be provided. The future reserved matters applications submitted pursuant to the LDP will provide further details on the type of housing sought and Council will also have an opportunity at that stage to comment on its suitability.

Whilst Policy RES6 of the existing Local Plan seeks a target of 25% affordable housing, draft policy LP11 of the emerging Local Plan seeks a 20% contribution (both subject to negotiations). The proposed LDO does not secure the provision of any affordable housing and this position is accepted by Council as the Financial Appraisal, prepared by Peter Brett Associates, shows that the proposed scheme cannot viably provide any affordable housing.

#### 2.5.5 Flood Risk and Drainage

Paragraph 103 of the NPPF provides general guidance when assessing a planning application in flood risk area. Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- *Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.*

Emerging Local Plan's draft policy LP14 echoes the policies stated in the NPPF and supports the incorporation of Sustainable Drainage Systems.

The majority of the site lies within Flood Zone 3 as mapped by the Environment Agency. However, the site is also identified as benefitting from flood defence, including the recent £16.7 million upgrade completed in 2010.

A Flood Risk Assessment has been prepared by Peter Brett Associates, which shows that there is a potential for flooding from River Trent in the 1 in 1,000 year event and in the event of the flood defences being breached. The Flood Risk Assessment proposes ground raising of between 7 to 7.5m AOD to locate new development above the modelled flood levels. Flood modelling has also been carried out which confirmed

that there is no adverse impact on the extent of the floodplain and flood depths elsewhere as a result of the ground raising within the site.

A sequential test and exception test has also been carried out by Council officers. The proposed LDO has significant regeneration benefit and as the majority of the town, west of A159 is located within Flood Zone 3, with some unavailable town centre sites within Flood Zone 2, it has been demonstrated that there are no sequentially preferable sites which are available, viable and deliverable and can accommodate the quantum of development proposed, in addition to providing a significant regeneration benefit to the town.

The Humber Carr Drain, managed by the Scunthorpe and Gainsborough Internal Drainage Board (IDB), directly runs across the site, from Carr Lane towards the River Trent, through the Paul Malt Pumping Station. The drain is currently culverted and the IDB has requested that no works within 9 metres to the edge of the drain without approval from the IDB. Should this mean no development could occur, this would significantly reduce the developable area and render the proposal unviable. The IDB has indicated that due to the age and lack of maintenance of the existing drain, they would be open to realignment of the drain. Hence, a condition is therefore proposed to ensure the culvert is incorporated into the design and engineering solution, in accordance with Policy NBE16 of the existing Local Plan.

#### 2.5.6 Contamination and Land Stability

Paragraph 121 of the NPPF dictates that planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land stability and that after remediation, the land should not be capable of being determined as contaminated land. Policy NBE19 of the existing Local Plan requires appropriate site investigation and risk assessment to be carried out to assess risks to human health and environmental receptors.

Two geoenvironmental reports have been prepared, one is a Phase I Desktop report prepared by Atkins and the other is a combined Phase I and II Land Contamination Investigation report prepared by Delta Simons which includes intrusive site investigations.

Despite its industrial past, both reports determined that there are no significantly elevated concentrations of targeted contaminants, and the site could be remediated with some 'hot spot' removal and top soil replacement. It has also been identified that there are very low risk of contaminants leaching through soils and migration through groundwater, which satisfies Policy NBE19 of the existing Local Plan. There has been identified surface asbestos which must be removed and disposed of. The Delta Simons report also identifies that there are ground gas risks which could be mitigated through conditions. Conditions are proposed to ensure remediation will commence prior to commencement is completed prior to occupation.

Policy NBE19a of the existing Local Plan ensures that land must be shown to be physically capable of accommodating the proposed development. It is found that traditional raft foundation may not be suitable for the site and piling foundations may be necessary to ensure future development will not suffer from substantial subsidence. Officers also note the presence of ground anchors from the flood defence on site. Preliminary advice from the Environment Agency states that the anchors were designed and built with the possibility of future development on site in mind and, whilst a flood defence licence would be necessary in the construction stage, the Environment Agency has not raised any concerns about the proposed LDO at this stage. A condition is proposed to ensure that ground instability issues are addressed prior to commencement.

### 2.5.7 Transport and Access

Paragraph 29 of the NPPF acknowledges the importance of sustainable transport. Paragraph 32 of the NPPF and Policy SUS2 of the existing Local Plan both require all developments that generate a significant amount of movement to be supported by a Transport Assessment. In support of the LDO, a Transport Assessment has been commissioned and prepared by Mouchel. The Transport Assessment concludes that, based on a future year scenario at 2021, with the proposed mitigation measures, there will be no severe impacts on the local highway network as a result of the development. The Transport Assessment proposes the amendment of the Flood Road signal-controlled junction by banning the left turn from Lea Road to Flood Road, which will divert traffic through the Thorndike Way roundabout, which will continue to operate within capacity. The proposed mitigation approach has been agreed with the Lincolnshire County Council as the Highway Authority and will be sought through a s278 agreement, secured in the proposed conditions.

Policy SUS1 of the existing Local Plan seeks that large scale development proposals are located in sustainable location which can be easily served by existing or expandable public transport service, and where there are good local pedestrian and cycle links available or to be provided. The site is within walking distance of the Gainsborough Town Centre and the Gainsborough Lea Road station, which provides regular public transport access to nearby towns of Doncaster, Retford, Lincoln and Sheffield. It is considered a sustainable location for residential purposes due to its proximity to existing infrastructure and easy access to the town centre. Therefore, it is proposed that the residential car parking ratio of the site should be limited to 1 car parking space per unit to encourage the take up of sustainable transport modes. In addition, a draft Travel Plan has also been prepared to provide further encouragement. Details such as provision of cycle parking spaces are expected to be provided with the submission of reserved matters applications.

Policy SUS4 of the existing Local Plan requires the needs of cyclists and pedestrian to be considered. Whilst details of connectivity within the site

are yet to be provided, a condition is proposed to ensure the delivery of a riverside linear park to provide pedestrian and cyclist access. The linear park is envisaged to be capable of being connected to the existing riverside walk, subject to potential funding being secured.

#### 2.5.8 Services and Infrastructure

Policy STRAT1 of the existing Local Plan seeks to ensure that there is adequate availability and capacity of infrastructure to adequately serve the development. Policy NBE14 seeks to ensure that foul sewage and surface water run-off are planned for. Conditions are proposed to ensure further details on foul sewage and surface water run-off are submitted to and approved by the Council. Preliminary consultation has commenced with various infrastructure providers and no major hard infrastructure requirement has been requested. The infrastructure providers will be consulted again during the formal consultation stage to ensure infrastructure needs are reflected in the LDO. The NHS and Lincolnshire County Council's education section have asked for financial contributions for health and education purposes which are currently being reviewed in the context of scheme viability and the practical issues around how any such sums could be secured given the PPG advice that Section 106 planning obligations cannot be required under a Local Development Order.

#### 2.5.9 Archaeology and Heritage

The northern portion of the site (from the North to southern boundary of the former Lea Road School) is located within the Gainsborough Riverside Conservation Area, with both the former Lea Road School and former Marshalls Power Station identified as non listed 'important buildings' within the Conservation Area Appraisal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty in planning in respect of any buildings or other land in a conservation area and requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. This is also reflected in the NPPF, where in Chapter 12 (paragraphs 126- 141) emphasises the importance of conserving and enhancing the historic environment.

The former Lea Road School has been specifically excluded from the LDO boundary. The former school is currently in the Council's ownership and the Council has initiated investigations into the feasibility of converting the former school for residential use which would be the subject of a separate planning application. The former Marshalls Power Station has been substantially altered over the years and fallen into disrepair. The Heritage and Conservation Area Impact Assessment prepared by the Council's Conservation Officer identifies that the former power station has suffered from a lack of investment over the years and that some of the structures to the rear display structural distress. The Conservation Officer is not oppose to potential demolition of the former power station as part of the LDO proposals.

The site is also within the settings of the Grade II listed Gainsborough Bridge (or otherwise known as Trent Bridge), its former Toll Lodges and 2 Lea Road, an early 19th Century 2 storey red brick house.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities (when considering whether 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, and to give considerable importance and weight to any finding of harm to the listed building or its setting.

In accordance with paragraph 133 of the NPPF, proposed development should have less than substantial harm to the designated heritage asset.

Having taken into account the Heritage and Conservation Area Impact Assessment and having paid special attention and regard to the desirability of preserving or enhancing designated heritage assets, officers are of the view that there will not be any harm to designated heritage assets or their setting. Whilst acknowledging that the detailed design has not yet been provided, the reuse of the site in accordance with the Parameter Plans and Design Principles enshrined in the LDO means that the proposals provide an opportunity to enhance the conservation area and the setting of the aforementioned listed buildings, in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Preliminary archaeology advice has been sought from Lincolnshire County Council and the County Council is satisfied that archaeological matters can be conditioned so that a written scheme of archaeological investigation will be submitted to and approved in writing by the Council prior to commencement.

#### 2.5.10 Ecology

Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity and proposed development which is likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) should not normally be permitted. Policy NBE11 of the existing Local Plan also seeks to ensure development will not adversely impact on an SSSI site.

As identified in the Preliminary Ecological Appraisal prepared by Atkins, there are several designated sites within 1km of the site and there are predicted to be no likely significant effects from the LDO proposals on any of the designated sites.

Whilst the Preliminary Ecological Appraisal identified potential effects on the Beckingham Marshes SINC, primarily due to nesting birds, a



condition is proposed to ensure that there will be no loss of any nesting bird habitat during nesting seasons and officers are of the view that there will be no residual likely significant effects.

The Lea Marsh SSSI site is located approximately 1.2km south east of the site but preliminary advice from Natural England indicates that due to the separation by the railway line, it is unlikely that the LDO proposals would result in any significant effects on the SSSI.

The Preliminary Ecological Appraisal also identified the site as potential habitat for several protected species, including: great crested newts, bats, badgers, otters and water voles. Condition is proposed to require suitable habitat surveys to be carried out prior to commencement of any development to ensure their protection during the development and for the retention of existing or provision of alternative habitat.

### 2.5.11 Amenity

Policy RES1 of the existing Local Plan requires the impact on the amenities of nearby residential properties be considered.

#### Noise

The NPPF recognises that development will often create some noise, paragraph 123 states that development decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The development proposed by the Draft LDO is primarily residential in nature and is not expected to generate significant noise levels. However, it is acknowledged that there will be noise impact during construction and conditions are proposed to mitigate and minimise such impact.

Due to its proximity to the main road, railway and industrial use, a condition is proposed requiring a noise impact assessment to be submitted to and approved by Council prior to development.

#### Air Quality

There is no identified air quality issue within West Lindsey District Council and in accordance with the latest 'Updating and Screening Assessment for West Lindsey District Council', dated August 2015, there is no Air Quality Management Area within the Council.

It is, however, acknowledged that some of the proposed uses, such as A3 – Restaurants and Cafes and A4 – Drinking Establishments, may generate cooking fume. Therefore a condition is proposed to mitigate such impact.

#### Operation Hours and Servicing Arrangement

It is proposed to restrict the operational and servicing hours and to seek further information on the servicing arrangement to minimise impact on residential amenities.

## **2.6 Conditions to be Imposed**

The development which is proposed to be authorised by the LDO is subject to the limitations and conditions detailed in Schedule 1, Parts 1 to 4 of the LDO, and the general conditions set out in Schedule 2 of the LDO.

The conditions primarily relates to:

- Timing and phasing of development;
- The quantum of development; and
- Mitigation measures or requirement of additional information to ensure the proposed development would be acceptable in planning terms

## **2.7 Environmental Impact Assessment**

Developments which are likely to have an impact on the environment are required to be subject to an Environmental Impact Assessment (EIA).

Regulation 29(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the EIA Regulations) provides that where a local planning authority proposes to grant permission by local development order for development falling within Schedule 2 of the EIA Regulations, the local planning authority should not make the LDO unless they have adopted a screening opinion and, if required, an Environmental Statement has been prepared in relation to the LDO.

The uses and scale of development that are to be permitted within this LDO exceeds the threshold stated in 10(b)(ii) of Schedule 2 of the Regulations, where 'the development includes more than 150 dwellings'. Therefore, in accordance with the EIA Regulations, an EIA screening opinion has been sought from the Local Planning Authority and the LDO will not be made until the LPA has adopted its screening opinion.

## **3 Next Steps**

### **3.1 Requirement to consult**

Article 38 the Town and Country Planning (Development Management Procedure)(England) Order 2015 ("DMPO") provides that where a local planning authority proposes to make a LDO it must:

- prepare a draft of the LDO and a statement of reasons for making the LDO;
- consult certain specified bodies and persons whose interests the authority considers would be affected by the LDO;

- take into account representations made in response to such consultation in considering what modifications should be made to the draft LDO or whether the LDO should be adopted.

### 3.2 Consultation Timeline

If approved for consultation, consultation on the Draft LDO and Statement of Reasons will commence consultation in accordance with Article 38 of the DMPO

The Consultation Period must be no less than 28 days and a copy of the Draft LDO and Statement of Reasons will be available for inspection in the Council's office and be published on the Council's website. The Draft LDO and Statement of Reasons will also be locally advertised and officers will organise two drop in sessions for interested members of the public to view the documents and to raise any questions.

The Council will take into account representations made in response to consultation in considering what modifications should be made to the Draft LDO or whether the LDO should be adopted. Any modifications and decision to adopt the LDO will be considered at the 3 May 2015 Prosperous Communities Committee. If adopted by the Council, the final LDO and Statement of Reasons would be sent to the Secretary of State in accordance with Article 38(11) of the DMPO.

## 4 Conclusions

The Gateway Riverside site is the first of the Strategic Sites to be delivered in the 'Greater Gainsborough' Housing Zone. If made, the LDO would encourage development by simplifying and de-risking the planning process, thereby incentivising landowners and developers to accelerate housing-led development on this key brownfield site which has been blighted and neglected over the years. The LDO proposals would bring significant regeneration benefits to Gainsborough, especially to the South West Ward and officers consider the proposed development (subject to the conditions proposed) would not have adverse impacts in planning terms.



## **SCHEDULE 1**

### **PERMITTED DEVELOPMENT**

#### **PART 1 - RESIDENTIAL DEVELOPMENT**

##### **Permitted Development**

Development consisting of the erection of a Building or Buildings within Use Class C3 (dwellinghouses).

##### **Development not permitted**

Development is not permitted by Part 1 if that development would result in either:

1. the total amount of floorspace in Use Class C3 within the Riverside Gateway Area exceeding 40,051 square metres GEA; or
2. the total amount of dwellings in Use Class C3 within the Riverside Gateway Area exceeding 450.

##### **Conditions**

Development is permitted by Part 1 subject to the following condition –

1. The minimum density for each Phase must be at least 40 dwellings per hectare.

#### **PART 2 – NON-RESIDENTIAL**

##### **Permitted Development**

Development consisting of:

1. the erection of a Building or Buildings within Use Class A1;
2. the erection of a Building or Buildings within Use Class A2;
3. the erection of a Building or Buildings within Use Class A3;
4. the erection of a Building or Buildings within Use Class A4;
5. the erection of a Building or Buildings within Use Class D1; and
6. the erection of a Building or Buildings within Use Class D2.

##### **Development not permitted**

Development is not permitted by Part 2 if that development would result in the total amount of floorspace within Use Classes A1, A2, A3, A4, D1 and/or D2 within the Riverside Gateway Area exceeding 500 square metres GIA.

##### **Conditions**

Development is permitted by Part 2 subject to the following conditions –

1. No individual unit within Use Class A1, A2, A3, A4, D1 and/or D2 shall exceed 250 square metres GIA.

Reason: To ensure that the scale of retail floor space provided is commensurate in scale to the proposed development. To protect the vitality of town centres, and to accord with Chapter 2 of the National Planning Policy Framework.

2. All floorspace accommodating uses within Use Classes A1, A2, A3, A4, D1 and D2 shall be provided at ground floor level.

Reason: To create active frontages in line with the design objectives in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006.

3. Hours of operation and hours of deliveries of the approved A1, A2, A3, A4, D1 and D2 uses must be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the relevant Building. The hours of delivery and operation must be as approved unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006.

### **PART 3 – ASSOCIATED INFRASTRUCTURE**

#### **Permitted Development**

Development consisting of:

1. the constructions of roads, pavements, walkways, street lighting and street furniture;
2. the construction of areas and facilities for vehicle parking, bicycle parking and servicing;
3. hard and soft landscaping, including the erection of fences, gates, walls, securing barriers and security gatehouses;
4. the construction, extension demolition or alternation of foul and surface water drainage infrastructure, including sewage treatment works, pumps, tanks, conduits, swales, pipes, drains, ditches, channels and ponds;
5. the construction, extension demolition or alternation of utilities infrastructure, including telecommunications, gas, electricity, water (including any substations or pumping stations);

#### **Development not permitted**

Development is not permitted by Part 3 if it is not primarily to serve the development permitted by Parts 1 or 2.

### **PART 4 – SITE PREPARATION WORKS**

#### **Permitted Development**

Development consisting of:

1. any operations or engineering necessary for the remediation of land within the Riverside Gateway Area, including excavation and the construction, extension, demolition or alteration of remediation compounds for the stockpiling, sorting and treatment of excavated materials;
2. any operations or engineering necessary to clear or raise the level of any land within the Riverside Gateway Area.

**Development not permitted**

Development is not permitted by Part 3 if it is not primarily to enable the development permitted by Parts 1, 2 or 3.

## SCHEDULE 2

### GENERAL CONDITIONS

All development is permitted by the Order is subject to the following conditions –

#### Phasing plan

1. No applications for the approval of Reserved Matters shall be submitted pursuant to General Condition 2 until a detailed phasing plan has been submitted to and approved by the Local Planning Authority for the Riverside Gateway Site in its entirety that is in compliance with the Parameter Plans. Such phasing plan shall identify geographical phases and relationship to the delivery of infrastructure (including public access routes and public realm) and facilities. Applications for the approval of Reserved Matters shall be in accordance with the approved phasing plan unless otherwise agreed by the Local Planning Authority. Nothing in this condition shall prevent the submission of a phasing plan which shows Riverside Gateway Site in its entirety as a single phase.

Reason: To ensure the development is delivered in a coordinated and appropriate manner, in accordance with the saved Policy STRAT1 of the West Lindsey Local Plan First Review June 2006.

#### Reserved Matters

2. Applications for the approval of Reserved Matters shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this Order and no development shall commence in any Phase until Reserved Matters have been approved for that Phase.

Reason: In order that the detailed matters are submitted within a reasonable time period and to reflect the support provided by the Local Planning Authority to facilitate the regeneration of the brownfield site.

3. Applications for the approval of Reserved Matters shall be in compliance with the Parameter Plans and shall be accompanied by a Design and Access Statement which shall explain how the proposed development accords with the Parameter Plans and the Design Principles. The Design and Access Statement shall also include the following:
  - A townscape analysis of the height, massing, scale, form and materials of existing adjacent development fronting onto Lea Road and within the wider Gainsborough Riverside Conservation Area;
  - Demonstrate how the proposed development will respond positively to the character and local distinctiveness of the adjacent/nearby development fronting onto Lea Road;
  - For any development proposed within or adjacent to the boundary of the Gainsborough Riverside Conservation Area demonstrate how the proposed development will preserve and enhance the character, appearance and setting of the Gainsborough Riverside Conservation Area.
  - For any development proposed within the setting of one or more listed buildings, demonstrate how the proposed development will enhance the setting of the relevant listed building(s).

Reason: The Local Development Order grants permission in outline only and the Local Planning Authority wishes to ensure that the final details are appropriate for the locality in terms of visual and residential amenity, reflect the scale and nature of development assessed and that they respond positively to the character and



appearance of the area and preserve and enhance the character, appearance and setting of the Gainsborough Riverside Conservation Area. This is in accordance with Policies STRAT1 and NBE1 of the West Lindsey Local Plan First Review June 2006

#### Landscaping

4. No development shall commence within each Phase until a landscaping scheme including details of the size, species and position or density of all planting, and the proposed time of planting with such Phase, has been submitted to and approved in writing by the Local Planning Authority. The landscaping of each Phase, in accordance with the approved scheme, must be implemented to the satisfaction of the Local Planning Authority prior to the first occupation of each Phase.

Reason: In the interest of visual and residential amenity in accordance with West Lindsey Local Plan First Review Policy STRAT1, CORE 10 and RES1.

5. No development shall commence within each Phase until a schedule of landscape maintenance for a minimum period of five years from the completion of the development of that Phase has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and the development shall be carried out to the satisfaction of the Local Planning Authority in accordance with the approved details.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with West Lindsey Local Plan First Review Policies STRAT 1, CORE 10 and RES1).

#### Flood mitigation and drainage

6. No development shall commence within each Phase until a surface water drainage scheme for such Phase, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should include:

- (a) Details to demonstrate how run-off will be safely conveyed and attenuated during storms up to and including the 100 year critical storm event, with an allowance for climate, from all hard surfaced areas within the development into existing local drainage infrastructure and watercourse system without exceeding the run off rate for an undeveloped site, following the principles within the submitted Drainage Strategy;
- (b) Attenuation details and discharge rates to demonstrate that rates would not exceed 1.4 litres per second per hectare, at [a minimum] rate of 5 litres per second;
- (c) Details of the timetable for, and any phasing of, implementation of the surface water drainage scheme; and
- (d) Details of how the surface water drainage scheme shall be maintained and managed after completion for the lifetime of the development including any arrangements for adoption by any public body or Statutory Undertaker and any arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved surface water drainage scheme and no dwelling occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

7. No development shall commence within each Phase until a scheme for the disposal of foul waters for such Phase has been submitted to and approved in writing by the Local Planning Authority. No development shall be occupied in each Phase until the works have been carried out in accordance with the scheme approved under this condition.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with West Lindsey Local Plan saved Policy NBE14.

8. No development shall commence within each Phase until details of the finished floor levels of the development in such Phase have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with those details so approved.

Reason: To prevent the increased risk of flooding and to accord with the provisions of the National Planning Policy Framework 2012.

9. No development shall commence within each Phase until a detailed site specific flood risk assessment has been submitted to and approved in writing by the Local Planning Authority for such Phase and the development shall only be carried out in accordance with those details so approved.

Reason: To prevent the increased risk of flooding, and to accord with the provisions of the National Planning Policy Framework 2012.

10. No development shall commence until a detailed strategy for management of the Humber Carr Drain (including realignment, if necessary) has been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with those details so approved.

Reason: To ensure adequate easement and access for future maintenance and to accord with Policy STRAT1 of the West Lindsey Local Plan First Review.

11. No development shall commence within each Phase until details to ensure adequate easement and access for future maintenance of the existing water mains for such Phase have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with those details so approved.

Reason: To ensure adequate easement and access for future maintenance and to accord with Policy STRAT1 of the West Lindsey Local Plan First Review.

#### Contamination and Land Stability

12. No development shall commence until a remediation strategy, based the Environmental and Geotechnical Assessment, prepared by Delta Simons, project number 15/0897.01, dated December 2015, has submitted to and approved in writing by the Local Planning Authority. The remediation strategy should comprise an options appraisal, remediation objectives, details of the proposed remediation and verification works, mitigation measures, licences/ consents and contingency measures. The

measures approved in that strategy shall be fully implemented before the development is first occupied.

Upon completion of the remediation works, a closure report must be submitted to and approved in writing by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Environmental Health Manager in accordance with West Lindsey Local Plan First Review Policy STRAT1.

13. No development shall commence until a Ground Gas Risk Assessment, including a monitoring scheme, prepared in accordance with C665/BS:8485:2015 (or a document which supersedes BS:8485:2015) has been carried out and approved in writing by the Local Planning Authority. The monitoring scheme will comprise, as a minimum, of 12 rounds over a 6 months period and must take into account changes to ground gas regime due to the impact of the development. Any identified problems must be remediated, the proposed remediation must be agreed with the Local Planning Authority and be implemented prior to first occupation and remain thereafter.

Reason: To ensure gas contamination will not present a risk to human health and environmental receptors in accordance with Policy NBE19 of the West Lindsey Local Plan First Review 2006.

14. No development shall commence within each Phase until a scheme to deal with any instability of the ground within such Phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on-site investigations and an assessment to identify the extent of unstable ground and the measures to be taken to avoid risk to buildings when the site is developed. The approved scheme shall be fully implemented and completed before the first occupation of each Phase.

Reason: In The interest of public safety and the residential amenities of future occupiers in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1 and NBE19a.

#### Transport and Access

15. The maximum number of residential car parking spaces to be provided in each Phase shall be 1 per 1 dwelling or 450 spaces, whichever is less.

Reason: To promote sustainable transport in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1 and SUS1.

16. No development shall commence within each Phase until a travel plan for such Phase has been submitted and approved in writing by the Local Planning Authority. Nothing in this condition shall prevent the submission of a single travel plan for multiple Phases. Each travel plan shall include:

- Baseline mode split data, along with a commitment to undertake a travel survey within 3 months of 50% occupation;
- SMART targets for mode shift in favour of sustainable methods of transport, if this is not available from TRICS then this can be determined from the 2011 Census data;

- Commitment to undertake annual travel surveys, monitoring and the review process;
- Action plan containing measures to address the identified issues and targets, a timescale for implementation of each of the measures and a responsible person for each measure; and
- Commitment to providing secure cycle storage, particularly for the apartments.

The development shall thereafter be implemented and occupied in accordance with the approved travel plan(s).

Reason: In order to maximise the sustainability of the development in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1 and SUS1.

17. Before any development hereby permitted is occupied, the roads and/or footways providing access to that development from an existing public highway shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, with the exception of the carriageway and footway surface courses.

The carriageway and footway surface courses for each Phase shall be completed within a year from the date upon which the construction is commenced for each Phase.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with the West Lindsey Local Plan First Review 2006 Policy STRAT1.

18. No development shall commence until the traffic mitigation measures identified in the Transport Assessment prepared by Mouchel have been committed through the completion of a Highways Agreement. No occupation of the development can take place until the traffic mitigation measures have been completed.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with the West Lindsey Local Plan First Review 2006 Policy STRAT1.

19. The development must provide an 8m buffer to the east of the flood defence and to provide an unobstructed pedestrian and cycle corridor as a continuation of the Riverside Walk. The pedestrian access must be open to the public at all times with the exception of Permitted Closures.

Reason: To ensure safe pedestrian access to the site and each dwelling/building and to adhere to the Council's vision for a Riverside Walk and to accord with the West Lindsey Local Plan First Review 2006 Policy STRAT1 and SUS4.

#### Archaeology

20. No development shall commence within each Phase until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority for each Phase. This scheme shall include the following :

- (a) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- (b) A methodology and timetable of site investigation and recording.
- (c) Provision for site analysis.

- (d) Provision for publication and dissemination of analysis and records.
- (e) Provision for archive deposition.
- (f) Nomination of a competent person/organisation to undertake the work.
- (g) The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

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

- 21. The Local Planning Authority shall be notified in writing of the intention to commence the archaeological investigation in accordance with the approved written scheme referred to in General Condition 20 at least 14 days before the said commencement. No variation shall take place without prior written consent of the Local Planning Authority and all archaeological site work shall be undertaken in accordance with the written scheme required by General Condition 20.
- 22. Reason: In order to facilitate appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

#### Ecology

- 23. No development shall commence until a survey for the presence of any Great Crested Newts, Bats, Badgers, Otters and Water Voles, reptiles and invertebrates at the site has been carried out, submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified person. If any evidence of any of the above species is found, then the report shall include measures for their protection during the development and for the retention of existing or provision of alternative habitat. The approved measures shall be implemented in strict accordance with the approved details.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10.

- 24. No development shall commence involving the loss of any hedgerow, tree or shrub between 1st March and 31st August in any year until a detailed survey has been undertaken to check for the existence of nesting birds. Where nests are found, a 4 metre exclusion zone shall be created around the nests until breeding is completed. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any works involving the removal of the hedgerow, tree or shrub take place.

Reason: In the interest of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE10.

#### Waste Management Strategy

- 25. No development shall commence in each Phase until a written waste management plan, confirming how demolition and construction waste for such Phase will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The development of each Phase shall be carried out in strict accordance with the approved waste management plan. Nothing in

this condition shall prevent the submission of a single waste management plan for multiple Phases.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

#### Air and Noise Quality

26. No development shall commence within each Phase until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority for such Phase, which shall include details of any noise mitigation measures required. The development of each Phase shall be carried out in accordance the mitigation measures set out in the relevant approved noise impact assessment and those measures shall be maintained as such for the life of the development.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) having regard to the noise implications from the nearby road, railway and industrial use and to accord with National Planning Policy Framework and in accordance with West Lindsey Local Plan Policy STRAT1 and NBE17.

27. No Use Classes A3 or A4 development shall commence until a scheme for the extraction and filtration of all cooking fumes has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and thereafter retained.

Reason: To safeguard the residential amenities of nearby residents in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE17.

#### Construction

28. No development shall commence within each Phase, including any works of demolition, until a construction method statement for such Phase has been submitted to and approved in writing by the Local Planning Authority. The approved construction method statement shall be adhered to throughout the construction period. The construction method statement shall provide details of:

- (a) The parking of vehicles of site operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials used in constructing the development;
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) Wheel washing facilities;
- (f) Measures to control the emission of noise, dust and dirt during construction;
- (g) A scheme for recycling/ disposing of waste resulting from demolition and construction works; and
- (h) The means of access and routeing for demolition and construction traffic.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction of the development and to accord with West Lindsey Local Plan First Review 2006 Policy STRAT1.

29. Demolition and/or construction works shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays; and between the hours of 0800 and 1300 on Saturdays; and at no time at Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1.

## INFORMATIVES

1. The Illustrative Plans attached to this Order as Appendix 3 show one way in which the development hereby permitted could be brought forward in compliance with the Parameter Plans and Design Principles. They are intended to inform potential developers and provide background as to how the Parameter Plans have been derived.
2. If development is commenced pursuant to this Order after the Council adopts a CIL charging schedule, then such development may be liable to pay community infrastructure levy (unless a zero rate applies).

**SCHEDULE 3**  
**INTERPRETATION**

1. Terms used in this Order have the following meanings:

Building	includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building
Design Principles	means the design principles attached to this Order as <b>Appendix 4</b>
General Conditions	means the conditions identified in Schedule 2 of the Order
GIA	means 'Gross Internal Area' as calculated in accordance with the <i>RICS Code of Measuring Practice</i> (sixth edition 2007).
GEA	means 'Gross External Area' as calculated in accordance with the <i>RICS Code of Measuring Practice</i> (sixth edition 2007).
Highways Agreement	means an agreement with the Lincolnshire County Council pursuant to sections 38/278 of the Highways Act 1980
Parameter Plans	means the plans attached to this Order as <b>Appendix 2</b>
Permitted Closures	means <ul style="list-style-type: none"> <li>• closures in the case of emergency where such closure is in the interests of public safety or otherwise for reasons of public safety;</li> <li>• temporary closures where such closure is required for the purposes of essential maintenance, repair, cleansing or resurfacing works;</li> <li>• closure for a maximum of one day per year to assert rights of proprietorship;</li> <li>• any other closure not covered by the above to which the Local Planning Authority's prior written approval has been obtained</li> </ul>
Phase	means a geographical phase of the Riverside Gateway Area to be approved by the Local Planning Authority pursuant



	to General Condition 1 as part of the detailed phasing plan
Reserved Matters	means details to be submitted for approval pursuant to General Condition 2 in relation to layout, scale, appearance, means of access and/ hard and soft landscaping
Riverside Gateway Area	means the area shown edged red on the plan attached to this Order as <b>Appendix 1</b> being the Order area

**APPENDIX 1**  
**Plan of LDO Area**



Figure A.1: Plan of LDO Red Line Boundary

**APPENDIX 2**  
**Parameter Plans**



**Figure B.1:** Access, Open Space and Extent of Potential Development area



Figure B.2: Maximum Height Plan

APPENDIX 3  
Illustrative Plans



Figure C.4: Illustrative Land Use Plan



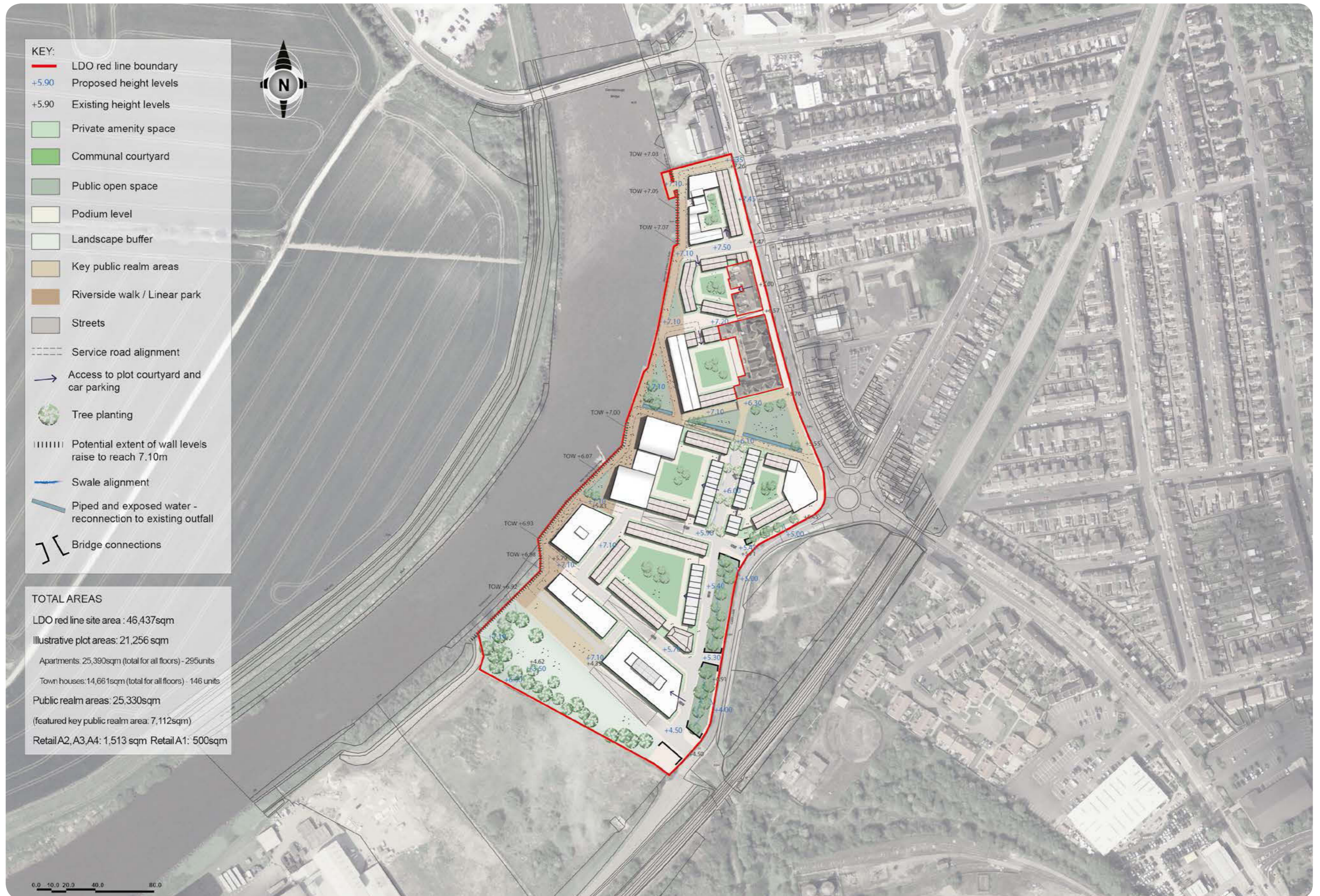


Figure C.3: Illustrative Masterplan : Purpose to demonstrate that the LDO is a workable and deliverable scheme.

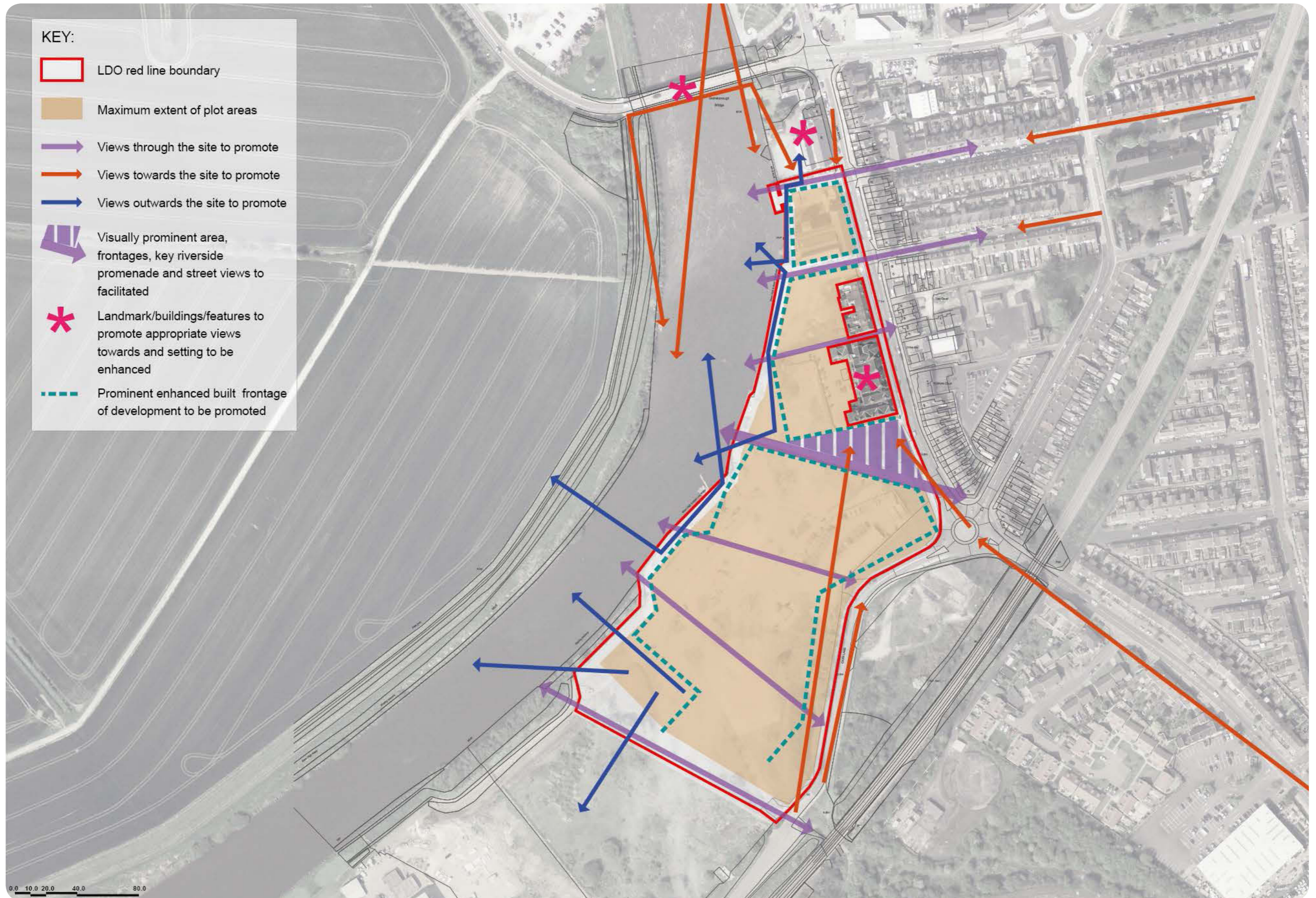


Figure C.2: Key Views

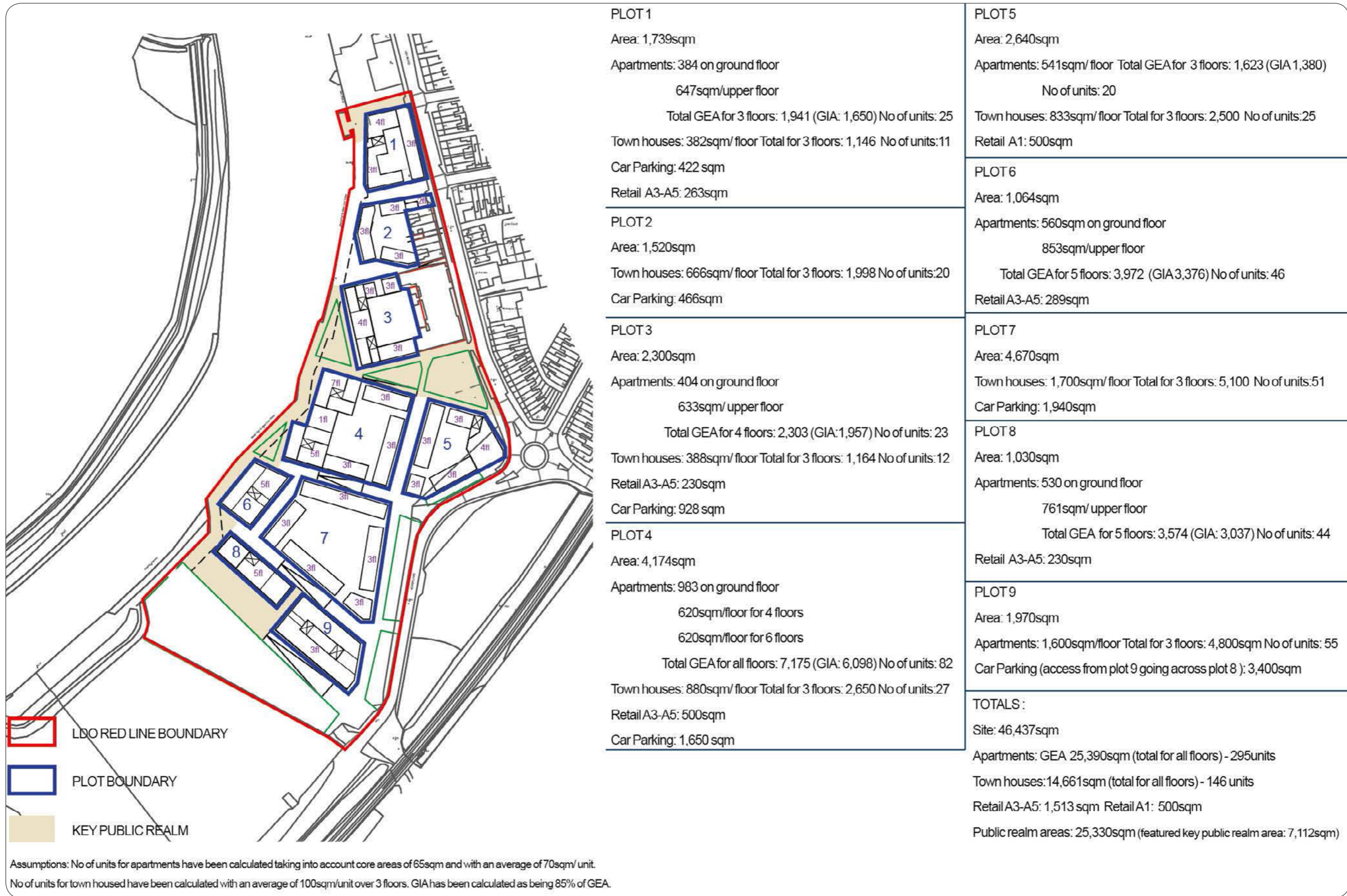


Figure C.5: Illustrative Plan showing potential Quantum of Development

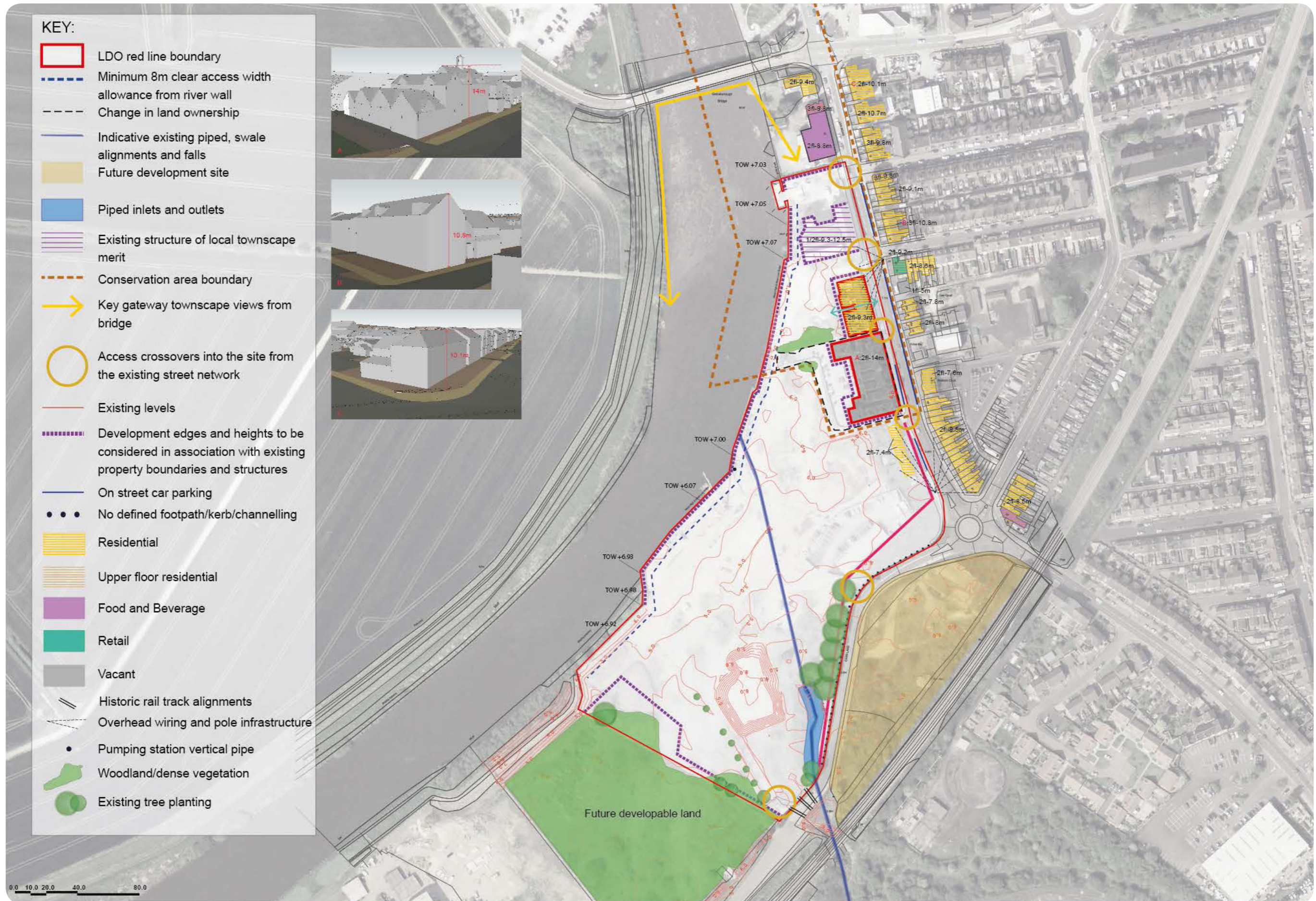


Figure C.1: Site Constraints and Opportunities plan

## APPENDIX 4

### Design Principles

Reserved matters applications should comply with the design principles set out below. If a reserved matters application is submitted in respect of part only of the site, the applicant should demonstrate either that the design principles will be achieved on that part of the site or that the reserved matters application facilitates the achievement of such design principles on the remainder of the site.

#### General

1. Take full advantage of the site's riverside location to create a destination and a development with a 'sense of place' which opens up the riverside to residents and the public, as well as improves the quality of the local environment in terms of high quality layout and design

#### Built form

1. Allow a minimum eight metre buffer from the river wall for maintenance service and to ensure integrity of flood defence structure
2. Allow a minimum 15 metre distance between active frontages of proposed and existing properties
3. Establish surface levels to ensure to meet equally accessible grades and facilitate appropriate flood mitigation strategy
4. Development heights should respond to the existing heights in the surrounding area

#### Public access/public realm

5. Establish a minimum of three direct publicly accessible routes between Carr Lane/Lea Road and river promenade
6. Where development plots are proposed up to or close to the maximum development plot area indicated on Parameter Plan: Access, Open Space and Extent of Potential Development Area, additional linkages to be introduced as secondary publicly accessible routes
7. Extend existing surrounding street network into new development to enable full integration
8. Establish a key river front walkway with high quality public realm and shared accessibility
9. Establish a key public realm space as part of a network of connected public realm spaces which should be designed to be:
  - a. attractive, welcoming, safe and well furnished
  - b. positively fronted and over looked by surrounding development or existing built up edges
  - c. equally accessible and have an appropriate scale and proportion to adjacent built heights
  - d. activated by street and park furnishings, play facilities, lighting, greening
  - e. in accordance an overall public realm strategy with the use of an appropriate and coordinated materials palette

#### External appearance

10. The external appearance of the development should:
  - a. Be locally distinctive
  - b. Incorporate innovative and creative solutions

- c. Convey a high quality design which is simple and functional in appearance
- d. Utilise sensitive materials that aid legibility and consistency with proposed street scene
- e. Include main entrances to apartment buildings which are clearly expressed and identifiable
- f. Include fenestration to be appropriate to the residential setting
- g. Be designed so that the façade treatment of prominent buildings uses less visually obtrusive materials and colour palette

#### Landscaping

- 11. The landscaping of the development should adhere to the following guiding principles:
  - a. Maximising biodiversity opportunities and facilitate a tree planting framework that uses the right trees for the right place and growing conditions
  - b. Integrating green and blue infrastructure and functioning as social spaces
  - c. Promoting key views
  - d. Usable private amenity and private communal spaces
  - e. Recreational opportunities and natural play opportunities encouraged
  - f. Landscaping planting to soften and integrate residential plots into the street scene
  - g. Increase the perception of public access to green spaces and the river within the development
  - h. Increase the opportunity for the river to play a significant role within the development through the provision of a new promenade
  - i. Use the landscape to reinforce legibility and identify appropriate movement hierarchy to contribute to a unified public realm
  - j. Maintain existing trees and extend tree cover as opportunities arise
  - k. Street lighting from buildings and streets should minimise light pollution and potential disturbance to wildlife
  - l. Use porous paving materials to reduce surface run off

# **Statement of Reasons in support of consultation draft Riverside Gateway Development Order 2016**

**February 2016**

## **1. Introduction**

### **1.1. Context**

West Lindsey District Council (the Council) with the support of the Homes and Communities Agency (HCA), is promoting the redevelopment of a number of derelict/disused brownfield sites within Greater Gainsborough and along the riverfront under the Housing Zone initiative. The 'Greater Gainsborough Housing Zone' was one of a number of areas designated by the Government in 2015 and provides the Council access to additional borrowing/funding sources and professional support from the HCA. The purpose of Housing Zones is to stimulate and accelerate housing development.

### **1.2. Housing Zone and Local Development Order**

Riverside Gateway is one of two strategic brownfield riverfront sites identified in the Housing Zone to be developed, providing a catalyst for the wider regeneration of Greater Gainsborough. Housing Zones are expected to deliver a minimum of 750 units in most circumstances to expedite delivery of housing on brownfield land through providing access to the Housing Zone recoverable investment loan funding; HCA professional staff support; and dedicated brokerage support from central government to help remove barriers that are preventing schemes from moving forward.

In conjunction with obtaining Housing Zone status, the Council secured the ability to use the "Local Development Order Incentive", specifically designed to incentivise the delivery of housing on brownfield land. A Local Development Order (LDO) grants planning permission for specific types of development and can be made subject to conditions. The purpose of an LDO is to simplify and speed up the planning process by providing certainty about the type of development which are permitted within a specific area and reducing the potential risks associated with the formal planning process, encouraging development to come forward in that area. The Riverside Gateway LDO is the first of two LDOs being promoted by the Council with the support of the HCA in Greater Gainsborough.

The Council will adopt the Riverside Gateway LDO under the *Town and Country Planning Act 1990 (as amended)*. Once adopted, the LDO will grant outline planning consent for residential-led development, subject to a number of limitations and conditions including compliance with parameter plans and design principles appended to the LDO. The Council is promoting this LDO to enable the landowner and/or developers to bring forward development proposals in line with the wider regeneration proposals for Gainsborough. An indicative proposal is set out on the illustrative plans appended to the LDO which shows one way in which development could be brought forward on the site in accordance with the parameter plans.

### **1.3. Limitations**

The LDO provides outline planning consent for only those uses specified in Schedule 1, Parts 1 to 4 of the Order. It does not remove the need to obtain other statutory consents from the Council or other organisations, such as Building Regulations, highways consents or environmental permits.

The LDO does not limit any person's ability to submit planning applications for alternative development on the LDO site.

## **2. Local Development Order Site**

The site is vacant brownfield land (4.6 ha in area) located west of Carr Lane, Gainsborough. It is bounded by the River Trent to the West, nos. 4 & 6 Lea Road to the North, and extends down to Carr Lane roundabout to the South. This large brownfield site dominates the views of the town on the southern approach from the River Trent Bridge.

The boundary of the LDO site is depicted in red line in Figure 1 below.





Figure 1: LDO Site Boundary

Directly north of the site is the Maltings Bar and Restaurant and south west of the site is the Kerry's Ingredients Factory. East of the site is primarily residential in character, dominated by two storey Victorian terrace houses (known as the Ashcroft road within the South West ward). The River Trent forms the site's western boundary facing towards the settlement of Saundby within the district of Bassetlaw, Nottinghamshire.

The site is predominantly vacant and was historically used for a variety of industrial purposes. There are several existing buildings within the site including the former Marshalls power station (a red brick industrial building) and 3 semi-detached houses on Lea Road which are to be demolished as part of the LDO development proposals.

The northern portion of the site (from the north to southern boundary of the former Lea Road School) is located within the Gainsborough Riverside Conservation Area.

Excluded from the LDO site is both Lea Road school (a locally designated heritage asset in the Council's ownership) which will be restored and converted as part of separate scheme outside of the scope of the LDO development proposals, and numbers 10-20 Lea

Road as they are in neither the ownership of the Council or the majority landowner of the LDO site and do not prejudice the LDO development proposals.

The site is regarded as a sustainable location being within walking distance of Gainsborough Town Centre and Gainsborough Lea Road train station, which provides rail services to Doncaster, Retford, Lincoln and Sheffield; and is in close proximity to several bus routes.

### **3. Why develop Riverside Gateway**

The site and land south of the site is allocated for residential use, with a marina and associated mixed uses in the West Lindsey Local Plan First Review (June 2006). The landowners put forward proposals for a residential scheme and marina in 2003 and 2004, which was supported in principle but failed to provide necessary technical supporting information. These proposals set out a strong vision for the site, based on a high density apartment led scheme, but suffered from viability issues which were exacerbated during the last recession. As such the site has been derelict for a number of years.

The Housing Zone status and LDO process has enabled the Council to expedite the planning process to inform a viable form of development of this brownfield site. The LDO will therefore provide the development confidence required, for the landowners and/or developers to bring forward detailed development proposals. The vision of the LDO is to create a high quality urban riverfront development with a strong design rationale informed by the historic industrial character of the site. The Council is encouraging a mix of building types and heights subject to the limitations and conditions set out in the LDO (including the parameter plans and design principles).

The LDO development proposals have been informed by and complement the wider masterplan vision for Greater Gainsborough's regeneration. This vision seeks to regenerate the town's brownfield sites using the Housing Zone designation, in tandem with the renewal of the town centre through a heritage led masterplan, improvements to the public realm and terraced housing stock in the South West and North Wards and the creation of two urban extensions to the town. Collectively these initiatives are designed to meet the Council's housing target (Emerging Central Lincolnshire Local Plan) which equates to a 46% increase in the number of new homes in Gainsborough by 2036.

The LDO provides the opportunity for a conservation-led regeneration of this formerly industrial quarter. Instrumental to delivering this vision is high quality development and animation of the riverfront, specifically the reconnection of the town with its riverfront. Riverside Gateway is the most visible brownfield site in Greater Gainsborough, securing development here is therefore regarded as a high priority.

The objectives of the Riverside Gateway LDO are to:

- Deliver up to 450 new homes (contributing to the Housing Zone objectives) along with a range of ground floor uses (flexible Use Classes A1, 2, 3, 4, D1 and/or 2);
- Provide an attractive riverside walk (linear park), new open space and water features, animating the riverfront;
- Maximise the viability of the site, encouraging accelerated redevelopment;
- Stimulate a new urban housing market, building upon earlier riverfront developments to the north of the site (north of the Trent Bridge) and assist in the promotion of Gainsborough as a significant and new housing location;
- Set out parameter plans and design principles ensuring a distinctive place, based on the site's historic, urban and riverfront character, is provided with an appropriate density, layout, massing, height, landscape and access.

#### **4. Description of Development to be Permitted**

This section provides a summary of the development granted planning permission by the LDO. The LDO and appendices should be reviewed in full to ascertain the precise development permitted.

The LDO will grant outline planning permission, with all matters reserved, for residential led development with the following uses:

- Use Class C3 – Dwelling houses (up to 450 dwellings);
- Use Class A1 – Shops, Use Classes A2 – Financial and Professional Services, A3 – Restaurant and Cafes, A4 – Drinking Establishments, Use Classes D1 – Non-residential Institutions and D2 – Assembly and Leisure (maximum GIA of 500 sqm, with each unit not exceeding 250 sqm)

The LDO will also grant outline planning permission for associated infrastructure and site preparation works.

The development is subject to the limitations and conditions detailed in Schedule 1, Parts 1 to 4 of the LDO, and the general conditions set out in Schedule 2 of the LDO. In addition, development must comply with the parameter plans at Appendix 2 of the LDO.

Appendix 3 of the LDO includes illustrative plans (which show one way of achieving the wider regeneration vision) and Design Principles (against which reserved matters will be assessed).

#### **5. Local Development Order Timescales**

The LDO takes effect on the date it is adopted by the Council and will be valid for a 5 year period, following which the LDO will expire.

Provided reserved matters approval has been obtained, any development commenced under the LDO but not completed by its expiry is permitted to be completed but must be done so within a reasonable timescale. Any proposed development not commenced before its expiry will require express planning permission and therefore a formal planning application will need to be submitted to the Council.

Following the expiry of the LDO, no new uses or change of use will be permitted, unless permitted by virtue of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (as amended).

Following the expiry of the LDO, the Council may consider reintroducing the LDO with or without revisions.

The Council has the power to revoke or modify the LDO at any time before its expiry or could be directed to do so by the Secretary of State. Revocation or modification of the LDO would be subject to notification via the Council's website and local press notice.

## **6. Legislative Framework**

LDOs were introduced in 2006 through the *Planning and Compulsory Purchase Act 2004*. LDOs grant planning permission for specific types of development as detailed in the Order. These primary powers were amended by s188 of the *Planning Act 2008* in June 2009.

The detailed legislative framework for LDOs is contained in sections 61A to 61D and Schedule 4A of the *Town and Country Planning Act 1990 (as amended)* and in Articles 38 and 41 of the *Town and Country Planning (Development Management Procedure) (England) Order 2015* (the DMPO).

Article 38(1) of the DMPO states that where a local planning authority proposes to make a LDO they shall first prepare:

- a draft order; and
- a statement of their reasons for making the order.

Article 38(2) states that the statement of reasons must contain:

- a description of the development which the order would permit; and
- a plan or statement identifying the land to which the order would relate.

This document satisfies the requirements of Article 38(1) and 38(2) of the DMPO.

The *Growth and Infrastructure Act 2013* removed the requirement to consult with the Secretary of state prior to adoption and enables local planning authorities to approve an LDO immediately. The requirement was replaced by the notification to the Secretary of State, through the National Planning Casework Unit, as soon as practicable after adoption.

## **7. Statement of Relevant Planning Policies**

The relevant planning policies considered for the LDO are as follows:

### National Planning Policy Framework

- Paragraph 14 – Presumption in favour of sustainable development
- Paragraph 17 – Core planning principles
- Paragraphs 23-27 – Ensuring the vitality of town centres
- Paragraph 29 – Promoting sustainable transport
- Paragraph 32 – Provision of Transport Assessment
- Paragraph 103 – Flood risk
- Paragraph 118 – Determine impact on Biodiversity
- Paragraph 121 – Contamination
- Paragraph 123 – Noise impact
- Paragraphs 125 – 141 – Conserving and enhancing the historic environment

### West Lindsey Local Plan First Review 2006

- STRAT1 – Development Requiring Planning Permissions
- STRAT9 – Phasing of Housing Development and Release of Land
- STRAT14 – Mixed Use Allocations
- STRAT19 – Infrastructure Requirements
- SUS1 – Development Proposals and Transport Choice
- SUS4 – Cycle and Pedestrian Routes in Development Proposals
- SUS5 – Cycle Parking Facilities
- SUS13 – Hazardous Proposals
- SUS15 – Derelict, Under-Utilised and Previously Developed Land
- MT1 – Market Towns
- RES1 – Housing Layout and Design
- RES2 – Range of Housing Provision in All Housing Schemes
- RES4 – Provision of New Recreational Facilities in Connection with Allocated Housing Sites
- RES6 – Affordable Housing
- CORE10 – Open Space and Landscaping within Developments
- CRT2 – Standards for Open Space Sports Provision
- CRT20 – Watercourse Corridors
- RTC9 – Restaurants & Cafes, Drinking Establishments and Hot Food Takeaways
- NBE11 – Development Affecting Sites of Special Scientific Interest and National Nature Reserves
- NBE14 – Waste Water Disposal
- NBE15 – Water Quality and Supply
- NBE16 – Culverting Watercourses

- NBE17 – Control of Potentially Polluting Uses
- NBE19 – Landfill and Contaminated Land
- NBE19a – Unstable Land

Further Draft local Plan – October 2015 (emerging document not adopted by Council)

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – The Spatial Strategy and Settlement Hierarchy
- LP3 – Level and Distribution of Growth
- LP6 – Retail and Town Centres in Central Lincolnshire
- LP9 – Health and Wellbeing
- LP11 – Meeting Housing Needs
- LP12 – Infrastructure to Support Growth
- LP13 – Transport
- LP14 – Managing Water Resources and Flood Risk
- LP15 – Community Facilities
- LP16 – Development on Land affected by Contamination
- LP17 – Landscape, Townscape and Views
- LP23 – Biodiversity and Geodiversity
- LP24 – The Historic Environment
- LP25 – Design and Amenity
- LP26 – Open Space, Sports and Recreation Facilities
- LP40 – Gainsborough Riverside
- LP41 – Regeneration of Gainsborough

## 8. Environmental Impact Assessment

Developments which are likely to have an impact on the environment are required to be subject to an Environmental Impact Assessment (EIA).

Regulation 29(2) of the *Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)* (the EIA Regulations) provides that where a local planning authority proposes to grant permission by local development order for development falling within Schedule 2 of the EIA Regulations, the local planning authority should not make the LDO unless they have adopted a screening opinion and, if required, an Environmental Statement has been prepared in relation to the LDO.

The uses and scale of development that are to be permitted within this LDO exceeds the threshold stated in 10(b)(ii) of Schedule 2 of the Regulations, where *'the development includes more than 150 dwellings'*. Therefore, in accordance with the EIA Regulations, an EIA screening opinion has been sought from the Local Planning Authority and the LDO will not be made until the LPA has adopted its screening opinion.

## 9. Planning History

The LDO site does not benefit from any extant planning consent.

## 10. Development Considerations

### Principle of Development

The site is a brownfield site on a major gateway (Lea Road) into the Gainsborough town and settlement. The majority of the site has historically been utilised for industrial uses, with most of the previous industrial buildings being demolished by the landowners in 2004. The site has been vacant since the demolition and has been derelict and blighting an important entry point to Gainsborough.

Paragraph 14 of the NPPF introduces the principle of presumption in favour of sustainable development and this is also reflected in draft Policy LP1 of the emerging Local Plan. Paragraph 17 also encourages the effective use of land by reusing brownfield land, provided that it is not of high environmental value. This is supported by the existing Local Plan's policy SUS15, which supports the redevelopment of derelict, underutilised and previously developed land back into beneficial use and this is further supported by draft Policy LP41 in the emerging Local Plan which encourages the regeneration of Gainsborough.

Policies STRAT3 and MT1 of the existing Local Plan identifies Gainsborough as the primary settlement and directs the majority of growth in the district to Gainsborough. The existing Local Plan contains 'brownfield first' policies, including Policy STRAT4 which supports the granting of planning permission for new residential development within the Gainsborough settlement on previously developed land; and STRAT9, which encourages the release of housing land through prioritising previously developed land. The emerging Local Plan continues to direct the majority of growth towards market towns, with Gainsborough expected to accommodate a large percent of growth.

The site is identified within Policy STRAT14 – Mixed Use Allocations of the existing Local Plan as Mixed Use Allocations G(M)5 – Carr Lane, Bridge Street as being designated for water basin marina and associated housing, commercial and leisure uses (with the housing element identified as 100 dwellings). The LDO proposals do not include a marina, although the LDO does not preclude future proposals for a marina on adjoining land which would need to be the subject of a separate planning application.

Chapter 2 (paragraphs 23-27) of the NPPF seeks to ensure the vitality of town centres, where town centre uses (such as retail, offices,

leisure and entertainment facilities etc...) should be encouraged to be located within town centres, and if they could not be accommodated within the town centre, in edge of centre sites before out of centre locations should be considered. Paragraph 24 and 26 of the NPPF specifies that a sequential test should be carried out when assessing applications for main town centre uses outside of town centres, local planning authorities should also require an impact assessment to be carried out if the proposed floorspace exceeds 2500 sqm to protect the vitality of the town centre.

The site is not located within the defined town centre and the LDO proposes certain 'main town centre' uses (as defined in the NPPF), including retail, restaurant, bars and potential entertainment uses. The Council's Policy RTC9 generally supports new A3 and A4 uses provided that they would not harm the vitality and viability of the defined town centre by encouraging a concentration of similar non-class A1 uses.

It is noted that the emerging Local Plan's Policy LP6 states that for edge of centre retail and/or other town centre uses, a sequential test and impact assessment should be carried out for development which provides a floorspace greater than 500 sqm. The LDOs proposed town centre uses, if brought forward, will fall below threshold indicated in the draft policy.

It is considered that as a residential-led redevelopment, with its quantum of dwellings proposed, will generate some local requirement for retail/ town centre uses. The level and variety of 'main town centre' uses proposed, combined with the restrictions on the maximum floorspace (which limits a combined floorspace to 500 sqm), is not anticipated to have an adverse impact on the vitality of the town centre.

### Character and Setting

The LDO grants outline planning permission, with all matters reserved. This means that layout, scale, appearance, means of access and/ hard and soft landscaping will be provided in one or more reserved matters applications. The scale, height and massing of the potential development will be dictated by the parameter plans attached to the LDO. Reserved matters applications will also have to be supported by a design and access statement setting out how detailed proposals comply with the parameter plans and the design principles attached to the LDO.

Policy CORE10 envisages that new development will provide landscaping within its design, in addition, Policy RES5 of the existing Local Plan expects the provision of play space and recreation facilities in new residential development and Policy CR2 expects open spaces, play and sports provision. Whilst these matters will not be addressed



at the outline planning stage, it is expected that the eventual development will provide sufficient landscaped playspace and recreation space.

In addition, a 8 metre linear riverside walk is been required in the condition, partly to ensure pedestrian and cycle access on the riverside and to ensure the ground anchors for the flood defence will not be compromised, the continuation of the riverside walk will further enhance the amenity of nearby residents. The riverside walk is also envisaged in draft Policy LP40 and LP41 of the emerging Local Plan.

The maximum parameters have been developed with the intention of reinstating the scale and building rhythm of the former industrial buildings which once stood on site.

In terms of density, Policy RES1 of the existing Local Plan seeks a minimum density of 30 dwellings per hectare but a density of 50 dwellings per hectare in town centres. It is considered that in such a sustainable location, close to town centre, a much higher density is justifiable and achieve with an absolute minimum density of 40 dwellings per hectare.

Policy CRT20 seeks that development will not lead to the unacceptable loss to the landscape character, nature conservation importance or recreational roles of the watercourse corridors throughout the plan area. The site is not located within an area identified as an Area of Great Landscape value, in accordance with Policy NBE10. However, it is considered the proposal (acknowledging detailed design will be approved in the further reserved matters stage), will be an improvement on the current blighted and vacant landscape.

### Housing Type and Tenure

The LDO does not specify housing type or tenure. There is currently no detailed planning policy directing the housing type sought, however, Policy RES2 in the existing Local Plan seeks that a range of housing types, sizes, styles and densities be provided. The future reserved matters applications submitted pursuant to the LDO will provide further details on the type of housing sought and Council will also have an opportunity at that stage to comment on its suitability.

Whilst Policy RES6 of the existing Local Plan seeks a target of 25% affordable housing, draft policy LP11 of the emerging Local Plan seeks a 20% contribution (both subject to negotiations). The proposed LDO does not secure the provision any affordable housing and this position is accepted by Council as the Financial Appraisal, prepared by Peter Brett Associates, shows that the proposed scheme cannot viably provide any affordable housing.

## Flood Risk and Drainage

Paragraph 103 of the NPPF provides general guidance when assessing a planning application in flood risk area. Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Emerging Local Plan's draft policy LP14 echoes the policies stated in the NPPF and supports the incorporation of Sustainable Drainage Systems.

The majority of the site lies within Flood Zone 3 as mapped by the Environment Agency. However, the site is also identified as benefitting from flood defence, including the recent £16.7 million upgrade completed in 2010.

A Flood Risk Assessment has been prepared by Peter Brett Associates, which shows that there is a potential for flooding from River Trent in the 1 in 1,000 year event and in the event of the flood defences being breached. The Flood Risk Assessment proposes ground raising of between 7 to 7.5m AOD to locate new development above the modelled flood levels. Flood modelling has also been carried out which confirmed that there is no adverse impact on the extent of the floodplain and flood depths elsewhere as a result of the ground raising within the site.

A sequential test and exception test has also been carried out by Council officers. The proposed LDO has significant regeneration benefit and, as the majority of the town west of A159 is located within Flood Zone 3, with some unavailable town centre sites within Flood Zone 2, it has been demonstrated that there are no sequentially preferable sites which are available, viable and deliverable and can accommodate the quantum of development proposed, in addition to providing a significant regeneration benefit to the town.

The Humber Carr Drain, managed by the Scunthorpe and Gainsborough Internal Drainage Board (IDB), directly runs across the site, from Carr Lane towards the River Trent, through the Paul Malt

Pumping Station. The drain is currently culverted and the IDB has requested that no works within 9 metres to the edge of the drain without approval from the IDB. Should this mean no development could occur, this would significantly reduce the developable area and render the proposal unviable. The IDB has indicated that due to the age and lack of maintenance of the existing drain, they would be open to realignment of the drain. A condition is therefore proposed to ensure the culvert is incorporated into the design and engineering solution, in accordance with Policy NBE16 of the existing Local Plan.

#### Contamination and Land Stability

Paragraph 121 of the NPPF dictates that planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land stability and that after remediation, the land should not be capable of being determined as contaminated land. Policy NBE19 of the existing Local Plan requires appropriate site investigation and risk assessment to be carried out to assess risks to human health and environmental receptors.

Two geoenvironmental reports have been prepared, one is a Phase I Desktop report prepared by Atkins and the other is a combined Phase I and II Land Contamination Investigation report prepared by Delta Simons which includes intrusive site investigations.

Despite its industrial past, both reports determined that there are no significantly elevated concentrations of targeted contaminants, and the site could be remediated with some 'hot spot' removal and top soil replacement. It has also been identified that there are very low risk of contaminants leaching through soils and migration through groundwater, which satisfies Policy NBE19 of the existing Local Plan. There has been identified surface asbestos which must be removed and disposed of. The Delta Simons report also identifies that there are ground gas risks which could be mitigated through conditions. Conditions are proposed to ensure remediation will commence prior to commencement is completed prior to occupation.

Policy NBE19a of the existing Local Plan ensures that land must be shown to be physically capable of accommodating the proposed development. It is found that traditional raft foundation may not be suitable for the site and piling foundations may be necessary to ensure future development will not suffer from substantial subsidence. Officers also note the presence of ground anchors from the flood defence on site. Preliminary advice from the Environment Agency states that the anchors were designed and built with the possibility of future development on site in mind and, whilst a flood defence licence would be necessary in the construction stage, the Environment Agency has not raised any concerns about the proposed LDO at this stage. A condition is proposed to ensure that ground instability issues are addressed prior to commencement.

## Transport and Access

Paragraph 29 of the NPPF acknowledges the importance of sustainable transport. Paragraph 32 of the NPPF and Policy SUS2 of the existing Local Plan both require all developments that generate a significant amount of movement to be supported by a Transport Assessment. In support of the LDO, a Transport Assessment has been commissioned and prepared by Mouchel. The Transport Assessment concludes that, based on a future year scenario at 2021, with the proposed mitigation measures, there will be no severe impacts on the local highway network as a result of the development. The Transport Assessment proposes the amendment of the Flood Road signal-controlled junction by banning the left turn from Lea Road to Flood Road, which will divert traffic through the Thorndike Way roundabout, which will continue to operate within capacity. The proposed mitigation approach has been agreed with the Lincolnshire County Council as the Highway Authority and will be sought through a s278 agreement, secured in the proposed conditions.

Policy SUS1 of the existing Local Plan seeks that large scale development proposals are located in a sustainable location which can be easily served by existing or expandable public transport service, and where there are good local pedestrian and cycle links available or to be provided. The site is within walking distance of the Gainsborough Town Centre and the Gainsborough Lea Road station, which provides regular public transport access to nearby towns of Doncaster, Retford, Lincoln and Sheffield. It is considered a sustainable location for residential purposes due to its proximity to existing infrastructure and easy access to the town centre. Therefore, it is proposed that the residential car parking ratio of the site should be limited to 1 car parking space per unit to encourage the take up of sustainable transport modes. In addition, a draft Travel Plan has also been prepared to provide further encouragement. Details such as provision of cycle parking spaces are expected to be provided with the submission of reserved matters applications.

Policy SUS4 of the existing Local Plan requires the needs of cyclists and pedestrians to be considered. Whilst details of connectivity within the site are yet to be provided, it is proposed that a condition be imposed to ensure the delivery of a riverside linear park to provide pedestrian and cyclist access. The linear park is envisaged to be capable of being connected to the existing riverside walk, subject to potential funding being secured.

## Services and Infrastructure

Policy STRAT1 of the existing Local Plan seeks to ensure that there is adequate availability and capacity of infrastructure to adequately serve the development. Policy NBE14 seeks to ensure that foul sewage and surface water run-off are planned for. Conditions are proposed to ensure further details on foul sewage and surface water

run-off are submitted to and approved by the Council. Preliminary consultation has commenced with various infrastructure providers and no major hard infrastructure requirement has been requested. The infrastructure providers will be consulted again during the formal consultation stage to ensure infrastructure needs are reflected in the LDO.

### Archaeology and Heritage

The northern portion of the site (from the North to southern boundary of the former Lea Road School) is located within the Gainsborough Riverside Conservation Area, with both the former Lea Road School and former Marshalls Power Station identified as non listed 'important buildings' within the Conservation Area Appraisal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty in planning in respect of any buildings or other land in a conservation area and requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. This is also reflected in the NPPF, where in Chapter 12 (paragraphs 126- 141) emphasises the importance of conserving and enhancing the historic environment.

The former Lea Road School has been specifically excluded from the LDO boundary. The former school is currently in the Council's ownership and the Council has initiated investigations into the feasibility of converting the former school for residential use which would be the subject of a separate planning application. The former Marshalls Power Station has been substantially altered over the years and fallen into disrepair. The Heritage and Conservation Area Impact Assessment prepared by the Council's Conservation Officer identifies that the former power station has suffered from a lack of investment over the years and that some of the structures to the rear display structural distress. The Conservation Officer is not oppose to potential demolition of the former power station as part of the LDO proposals.

The site is also within the settings of the Grade II listed Gainsborough Bridge (or otherwise known as Trent Bridge), its former Toll Lodges and 2 Lea Road, an early 19th Century 2 storey red brick house.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities (when considering whether 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, and to give considerable importance and weight to any finding of harm to the listed building or its setting.

In accordance with paragraph 133 of the NPPF, proposed development should have less than substantial harm to the designated heritage asset.

Having taken into account the Heritage and Conservation Area Impact Assessment and having paid special attention and regard to the desirability of preserving or enhancing designated heritage assets, officers are of the view that there will not be any harm to designated heritage assets or their setting. Whilst acknowledging that the detailed design has not yet been provided, the reuse of the site in accordance with the Parameter Plans and Design Principles enshrined in the LDO means that the proposals provide an opportunity to enhance the conservation area and the setting of the aforementioned listed buildings, in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Preliminary archaeology advice has been sought from Lincolnshire County Council and the County Council is satisfied that archaeological matters can be conditioned so that a written scheme of archaeological investigation will be submitted to and approved in writing by the Council prior to commencement.

### Ecology

Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity and proposed development which is likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) should not normally be permitted. Policy NBE11 of the existing Local Plan also seeks to ensure development will not adversely impact on an SSSI site.

As identified in the Preliminary Ecological Appraisal prepared by Atkins, there are several designated sites within 1km of the site and there are predicted to be no likely significant effects from the LDO proposals on any of the designated sites.

Whilst the Preliminary Ecological Appraisal identified potential effects on the Beckingham Marshes SINC, primarily due to nesting birds, a condition is proposed to ensure that there will be no loss of any nesting bird habitat during nesting seasons and officers are of the view that there will be no residual likely significant effects.

The Lea Marsh SSSI site is located approximately 1.2km south east of the site but preliminary advice from Natural England indicates that due to the separation by the railway line, it is unlikely that the LDO proposals would result in any significant effects on the SSSI.

The Preliminary Ecological Appraisal also identified the site as potential habitat for several protected species, including: great crested newts, bats, badgers, otters and water voles. A condition is proposed

to require suitable habitat surveys to be carried out prior to commencement of any development to ensure their protection during the development and for the retention of existing or provision of alternative habitat.

### Amenity

Policy RES1 of the existing Local Plan requires the impact on the amenities of nearby residential properties be considered.

### *Noise*

The NPPF recognises that development will often create some noise, paragraph 123 seek that development decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The development proposed by the draft LDO is primarily residential in nature and is not expected to generate significant noise levels. However, it is acknowledged that there will be noise impact during construction and conditions are proposed to mitigate and minimise such impact.

Due to its proximity to the main road, railway and industrial use, a condition is proposed requiring a noise impact assessment to be submitted to and approved by Council prior to development.

### *Air Quality*

There is no identified air quality issue within West Lindsey District Council and in accordance with the latest 'Updating and Screening Assessment for West Lindsey District Council', dated August 2015, there is no Air Quality Management Area within the Council.

It is, however, acknowledged that some of the proposed uses, such as A3 – Restaurants and Cafes and A4 – Drinking Establishments, may generate cooking fume. Therefore a condition is proposed to mitigate such impact.

### *Operation Hours and Servicing Arrangement*

It is proposed to restrict the operational and servicing hours and to seek further information on the servicing arrangement to minimise impact on residential amenities.

## **11. Consultation Process**

The Council has worked closely with the key statutory consultees, including Lincolnshire County Council, Environment Agency, Internal Drainage Board and the Council's Environmental Health team and Conservation Officer during the drafting and promoting of the LDO and has considered and, where appropriate, incorporated their comments into the LDO proposal.

Preliminary advice has also been sought from various agencies, including Natural England, Historic England, Health and Safety Executive, and various infrastructure providers (power, water, sewerage, education, rail etc.).

In addition, the Housing Zone and LDO proposals have been discussed and consulted on with the local community (via GAIN and Town Matters, two Gainsborough wide stakeholder Forums) and with the Town Council for Gainsborough.

The draft LDO will be consulted on in accordance with Article 38 of the *Town and Country Planning (Development Management Procedure)(England) Order 2015*. In addition a local drop-in event and exhibition will be held in a public venue in February/March 2016.

Consultation responses will be taken into account by the Council in accordance with Article 38(10) in considering what modifications should be made to the draft LDO or whether the LDO should be adopted. If adopted, the LDO will be submitted to the Secretary of State in accordance with Article 38(11).