

AGENDA

This meeting will be webcast live and the video archive published on our website

Planning Committee
Wednesday, 29th April, 2026 at 6.30 pm
Council Chamber - The Guildhall

Members:

- Councillor Ian Fleetwood (Chairman)
- Councillor Jacob Flear (Vice-Chairman)
- Councillor John Barrett
- Councillor Matthew Boles
- Councillor Karen Carless
- Councillor David Dobbie
- Councillor Adam Duguid
- Councillor Sabastian Hague
- Councillor Peter Morris
- Councillor Tom Smith
- Councillor Jim Snee

1. Apologies for Absence

2. Public Participation Period

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

3. To Approve the Minutes of the Previous Meeting (PAGES 3 - 25)

- i) Meeting of the Planning Committee held on Wednesday, 4 March 2026, previously circulated.

4. Declarations of Interest

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy**

Note – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. **Planning Applications for Determination**

- i) WL/2025/01067 - Ship Court, Silver Street, (PAGES 26 - 44)
Gainsborough

7. **Determination of Appeals**

There are no determination of appeals to note.

Paul Burkinshaw
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 21 April 2026

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 4 March 2026 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Jacob Flear (Vice-Chairman)
Councillor John Barrett
Councillor Karen Carless
Councillor Adam Duguid
Councillor Peter Morris
Councillor Roger Patterson
Councillor Jim Snee

In Attendance:
Russell Clarkson Development Management Team Manager
Ian Elliott Development Management Team Leader
Vicky Maplethorpe Development Management Officer
Martha Rees Legal Advisor
Molly Spencer Democratic & Civic Officer

Also in Attendance: 11 members of the public

Apologies: Councillor Matthew Boles
Councillor Tom Smith

Membership: Councillor Roger Patterson was appointed substitute for Councillor Tom Smith

80 PUBLIC PARTICIPATION PERIOD

There was no public participation.

81 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The Chairman advised that there had been an amendment to the minutes since publication. Item 75 in the minutes from the 7 January meeting had originally read "Councillor P. Morris declared a non-pecuniary interest in agenda item 6a, application WL/2024/00898, in that he was the Ward Member for the application and was registered to speak as Ward Member; he stated he would not vote against the application."

The minutes were amended to read "A non-pecuniary interest was declared by Councillor P. Morris in relation to agenda item 6a, application WL/2024/00898, as he was the Ward Member and was registered to speak. He left the Council Chamber for the duration of the item and did not vote."

RESOLVED that the minutes of the Planning Committee meeting held on Wednesday, 7 January 2026, be confirmed and signed as an accurate record.

82 DECLARATIONS OF INTEREST

A non-pecuniary interest was declared by Councillor K Carless in relation to agenda item 6a, application WL/2025/01244, as she was the Ward Member and was registered to speak. She left the Council Chamber for the duration of the item and did not vote.

83 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members were thanked for attending the previous month's NPPF briefing. It was reported that Officers were working with Lincolnshire colleagues to prepare a response to the Government's deadline of 10 March 2026.

Regarding neighbourhood plans, it was advised that the Saxilby and Ingleby Review examination had been completed, and the examiner's report and decision statement were expected to be published shortly.

For Ingham, the examination was underway and the examiner had issued a clarification note to the Parish Council in relation to elements of their draft plan.

The Grasby and Searby Regulation 16 submission was being consulted on by West Lindsey on behalf of the parish, with the consultation period running until 13 March 2026.

Finally, the Sudbrooke Review had been submitted, with consultation scheduled to run until 7 April 2026.

84 WL/2025/01244 - 80 WALLKERITH ROAD, MORTON, GAINSBOROUGH

It was noted that, within the officer's report on page 15, the planning application history reference WL/2025/957 related to 70 Walkerith Road and not to the application site. The reference had been included due to its proximity to the application site and because it had been submitted by the same applicant. Members were also advised that the extension and garage conversion shown within the presentation photographs had already been completed.

The Officer then introduced the presentation. The application was for a change of use from a dwelling house to a children's home, including a single storey rear extension and the conversion of the existing garage. The location of the application site within Morton, off Walkerith Road, was identified.

The Chairman thanked the Officer for their updates and presentation and welcomed the first speaker Councillor Bruce Allison as Parish Council representative to address the

Committee.

Councillor Allison referred to Sections 1 and 23 of the Central Lincolnshire Local Plan (CLLP) and the Morton Neighbourhood Plan, stating that a children's residential care facility within a Tier 5 village would not provide sufficient facilities for the likely occupants. It was stated that the application focused on the physical alterations to the property rather than on the proposed change of use.

Reference was made to neighbourhood plan policies requiring that development should not adversely affect the amenity of nearby residents, including matters of massing, overlooking, and noise. The speaker noted that Morton predominantly provided facilities for an older population, as set out in paragraph 2.10 of the Morton Neighbourhood Plan, and was considered distinct from Gainsborough.

Concerns were expressed that Morton Playing Field was not accessible during school hours or before 6pm, and that the nearest well-equipped play area was at Richmond Park, approximately 1.5 kilometres from the application site with no safe crossing points. It was further stated that there was no direct transport to the West Lindsey Leisure Centre. The speaker questioned the purpose of local planning policies if the tier system was not adhered to and suggested that allowing the development would create a precedent for similar proposals not supported within a Tier 5 settlement.

Policy 53 of the CLLP was cited, together with Ofsted guidance, noting that children's homes should avoid over-concentration to prevent cumulative adverse impacts on residential areas and local services. It was stated that Morton, with a population of 1,325, already accommodated one children's residential facility, one care home for adults with mental health needs, and two large adult residential care homes. The speaker contended that these existing facilities had not been fully considered within the application.

Reference was also made to Policies 47 and 49 of the Local Plan, which required safe and well-designed access. Walkerith Road was described as a busy route, with locally collected vehicle data indicating over 1,000 vehicle movements per day, speeds averaging 37 mph, and some recorded at up to 73 mph in a 30-mph zone. The speaker stated that Ofsted advised against locating such developments near busy roads.

It was further stated that the proposal required three off-street parking spaces but only provided two. Concerns were raised regarding the proximity of the site to the junction of Nursery Vale and the potential for hazardous on-street parking. Reference was made to complaints about obstruction caused by contractor vehicles during the build phase. The speaker disputed the assumption that an average household would generate three vehicles, noting that the proposed use would attract additional staff and visitors, increasing parking demand, as evidenced at other care establishments in the village.

Finally, reference was made to Section 21 of the CLLP regarding flood risk. It was stated that the flood risk assessment related only to the extension and not to the proposed change of use. The speaker contended that the National Planning Policy Framework required an assessment of the whole building.

The Chairman thanked Councillor Allison for his comments and invited the second speaker, the applicant to address the Committee.

Reference was made to comments from the previous meeting held on 10 December 2025, during which a Member of the Committee had observed that a household in a village could comprise a family with several children and that such circumstances would not constitute a planning matter. The applicant stated that this principle was central to the proposal, asserting that the application was for a family home and that the key planning issue was whether the use would be materially different from any other dwelling in the street. It was highlighted that Officers, including County Council Highways Officers, had concluded that it would not.

The applicant noted that the Officer report confirmed the proposed use would not be dissimilar to a C3 dwelling, with levels of activity, comings and goings, and noise reflective of ordinary family life. The only difference identified was that the home would be regulated and inspected by Ofsted, operating under strict statutory requirements and a higher standard of oversight than a typical private household.

The applicant provided context regarding engagement with neighbours and the Parish Council. It was stated that the Parish Council had been contacted proactively in July 2025, prior to the submission of the application, with an offer to attend a meeting and discuss the proposal. It was reported that although an initial acknowledgement was received, no further contact was made. The applicant stated that it was therefore disappointing to later see comments on the planning portal suggesting a lack of transparency. Evidence of the earlier correspondence was referred to.

The applicant reported meeting two Parish Councillors at an open day at a local school, during which it was suggested that confusion may have arisen between Morton and Marton. The applicant stated that they accepted this explanation and again offered to attend a meeting, including the possibility of an extraordinary meeting, although this invitation was not taken up. Attempts to engage with neighbours were also detailed, including an arranged evening for discussion, which only two residents attended.

Where concerns had been raised, the applicant stated that action had been taken. In relation to drainage, a neighbour had queried capacity, and a drainage report had been commissioned, which identified no issues. The applicant stated that there was no planning basis to suggest that a children's home of this scale would place any greater demand on drainage infrastructure than a typical family dwelling.

Reference was made to concerns raised regarding interpretation of Local Plan policy relating to residential care accommodation. The applicant stated that the policy could not reasonably be interpreted to imply that individuals requiring assistance should be excluded from certain settlements, as this would misapply the policy and risk discriminatory outcomes. Reference was also made to similar proposals in Doncaster and Morton, which had been approved, with the applicant stating that consistency in decision-making was important.

The applicant emphasised that planning decisions must be based on land-use impacts rather than assumptions about future occupants. It was stated that there was no evidence of material harm, and that professional advice supported approval. The home would be carefully managed and subject to regular oversight.

The Chairman thanked the speaker and invited the third speaker, an objector, to address the Committee.

An objector addressed the Committee and advised that they lived adjacent to the application site at 78 Walkerith Road. The speaker raised concerns regarding the cumulative impact of the proposal when considered alongside the existing children's home at 70 Walkerith Road. It was stated that Walkerith Road was a quiet residential street of family homes and that a C2 children's home was not comparable to a typical dwelling due to 24-hour staffing, shift changes, and visits from external professionals.

The speaker expressed concern that these activities would result in disturbance during the night and early mornings, affecting both their own amenity and that of nearby residents, including elderly neighbours. It was stated that the proposal would lead to a change in character from residential to institutional.

The speaker expressed concern about loss of residential amenity, stating that the rear extension overlooked their property and affected privacy within their home and garden. It was felt that increased occupation and staff presence would increase overlooking and general activity. The speaker noted that they had invested significantly in their property and had chosen the location because of its quiet residential character. It was stated that the proposal could affect the value of their property and their willingness to continue investing in it.

Concerns were also raised regarding personal safety and anxiety. The speaker advised that they lived alone for much of the time and felt that the presence of a staffed children's home next door could increase their anxiety and reduce their sense of security. It was stated that peace and safety in their home were important and that the intensified use would affect their day-to-day living conditions.

Highway and access issues were highlighted. The speaker reported that Walkerith Road was narrow and already struggled with access and referred to ongoing issues with

construction vehicles obstructing driveways during the build phase. Evidence was said to be available. It was stated that staff vehicles and visitors would worsen congestion and that emergency access was a concern. The speaker considered the location unsuitable for what they viewed as an intensive use.

Drainage and infrastructure concerns were also raised. The speaker stated that there had been past problems with blocked drains and that Yorkshire Water had previously been required to attend to an issue affecting properties along the road. It was felt that a more intensive residential use would place additional strain on the drainage system, which the speaker did not believe could cope.

Further concerns regarding transparency were raised. The speaker stated that residents had initially been informed that the property would remain a family home. It was alleged that development work had continued after a previous refusal, causing noise and disturbance, and it was suggested that aspects of the build quality warranted scrutiny. The speaker stated they held evidence relating to these matters.

The Chairman thanked the speaker and invited the final speaker Councillor K. Carless to address the Committee.

Councillor Carless addressed the Committee in her capacity as Ward Member. She stated that her comments were made from the perspective of a corporate parent and regarding the safeguarding and wellbeing of vulnerable children. She emphasised the need for the Committee to be confident that the intentions and implications of the proposal would serve the best interests of children who might reside in the property.

Councillor Carless advised that private provider models for children's residential care had been a concern of hers for some time. She noted her experience as a volunteer contact worker in Gainsborough, working with another vulnerable cohort requiring safe and supervised environments. She highlighted that Morton already accommodated two residential elderly care homes and a mental health care facility, all of which were openly established and identifiable within the community. She questioned why the children's home model proposed by the applicant was not similarly identifiable to residents.

Concern was expressed regarding the number of residential properties acquired by the provider, Illuminate Care Group, and by another private provider in the area. Councillor Carless stated that residents should be aware of the presence of such homes within their communities, as local awareness could contribute to safeguarding. She queried the applicant's description of the home as a "traditional family setting," suggesting that a blended family model might be a more accurate term.

Councillor Carless stated that private residential children's homes were part of a wider national model that had been identified as profit-driven, often involving the purchase of small

properties in lower-cost housing areas. She raised concerns that children could be regarded as units of budgetary income, and that financial considerations might lead to selective placement practices. Reference was made to national discussions concerning profit caps for children's home providers.

The financial pressure on local authorities in relation to such models was highlighted, concern was expressed that budgetary challenges were expected to increase. Councillor Carless stated that when a child took up residence in a private model overseen by Ofsted in the district, questions remained as to whether the local authority, as corporate parent, would conduct due diligence. It was considered important to understand whether children placed would be local or from out of area, particularly in relation to safeguarding and transition to new environments.

Councillor Carless stated that private residential models could be approved through local authority processes but questioned whether the Council was satisfied that such models might be expanded across wards without full scrutiny. Councillor Carless stressed that any placement should be made solely with the best interests of the child at the forefront.

Concerns were raised regarding the potential for private providers to cease operations. She asked what emergency contingency arrangements would be in place for children in such circumstances. She also sought clarity on security measures, both inside and outside the property, for the children, staff, and wider community, as well as the emergency planning arrangements with relevant emergency services.

Councillor Carless acknowledged that many of the issues she raised were not material planning considerations. However, she stated that, as a corporate parent, she had a duty to ask such questions on behalf of the children who might reside in the proposed home.

The Chairman thanked Councillor Carless for her comments and with no response from Officers opened for the Committee to debate.

NOTE: Councillor Carless left the meeting at 6.59pm.

In response the Lead Officer outlined that Local Plan policy stated residential care accommodation requiring on-site assistance should normally be located within settlement tiers 1 to 4. Morton was identified as a Tier 5 medium village; however, the Officer advised that, unlike many similar settlements, Morton was contiguous with Gainsborough and benefitted from a wide range of nearby services and facilities. The site was approximately 70 metres from an hourly bus service providing direct access into Gainsborough.

The Officer noted that this served to differentiate Morton from more isolated Tier 5 settlements and formed the basis for the recommendation. In terms of intensity, it was confirmed that number 82 was the only such proposal on the street. Although the applicant

had sought planning permission for extensions at number 70, no application for change of use had been submitted for that property.

A Committee Member considered that, although the site was within a Tier 5 settlement, its immediate proximity to Gainsborough and access to services justified an exception, and the proposal was comparable in scale to a typical family home.

Another Committee Member noted the site's location within flood zone 3A but observed that the building already existed. Matters relating to build quality and works undertaken without approval were regarded as enforcement issues rather than material to the application. Having reviewed the policies, the Member stated they could not identify a defensible planning reason to refuse.

A further Committee Member commented that similar developments elsewhere had operated without issue, and that the proposed occupancy was typical of an ordinary dwelling. Shift patterns and the ages of children were noted to be outside the scope of planning. The Member highlighted the absence of highway objections and that flooding matters had been addressed.

A Member of the Committee expressed unease about the wider principle of children being treated as a "commodity" within private care models. While acknowledging that there were no planning grounds for refusal.

The proposal to accept the Officers recommendations was duly seconded and voted upon. It was therefore agreed that planning permission be **GRANTED** subject to the following conditions:

Recommended Conditions:

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

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

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

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

None.

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

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

FF-230-2 Rev A dated July 25

FF-230-3 Rev A dated July 25

FF-230-5 dated July 25

FF-230-7 dated July 25

FF-230-8 Rev A dated July 25

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local.

3. On site staffing numbers shall not exceed 2 other than at shift changeover times and arranged visits and the use shall only provide care accommodation for a maximum of 3 children at any one time.

Reason: In order to maximise the sustainability of the development to accord with the National Planning Policy Framework and local policies S23 and S53 of the Central Lincolnshire Local Plan.

85 WL/2026/00025 - TRINITY ARTS CENTRE, TRINITY STREET GAINSBOROUGH

NOTE: Councillor Carless entered the meeting at 7.10 pm.

The Chairman declared a non-pecuniary interest on behalf of all Members of the Committee in relation to applications WL/2025/00025 and WL/2026/00026, as the applications had been submitted by West Lindsey District Council.

The Officer reported an amendment to condition numbers within the report, noting that this did not alter the substance of the conditions. The Committee was informed that two applications were under consideration: a planning application and a listed building consent application for repair works to the northern boundary wall at the Trinity Arts Centre.

The Officer outlined the location of the works, identifying neighbouring residential properties to the east and a commercial garage to the north. It was explained that gravestones currently situated along the wall would need to be relocated temporarily to a designated storage area as part of the works.

The Officer confirmed that the Conservation Officer had been closely involved throughout and was satisfied with the submitted details. No objections had been received, and the

Parish Council supported the proposal.

An archaeological consultee had suggested a condition; however, the Officer advised that an informative would instead be added to require works to stop should any burial remains be identified.

A Committee Member noted that the matter had been ongoing for some time and welcomed its return for determination. They stated that it was important for the Council to maintain local cultural and heritage assets and considered the repair works necessary.

Another Member of the Committee supported the proposal and commented briefly on the potential cost of the works. They asked whether any significant future increase in costs could be brought back for further consideration. The Chairman advised that financial matters were not planning issues and would fall under the remit of another Committee.

A further Committee Member raised concerns about vegetation and waste within the churchyard area and suggested that this should be addressed alongside the repair works to prevent further structural issues. It was confirmed that an informative could be added to direct the applicant to consider these matters, and that a related note could be referred to the appropriate committee. The same Committee Member queried the future placement of the gravestones currently stored against the wall. It was clarified that the intention was for the stones to be returned to the wall in accordance with the submitted details. The Member raised concerns regarding the potential weight and positioning of the stones.

The proposal to accept the Officer's recommendations was duly seconded and voted upon. It was therefore agreed that planning permission be **GRANTED** subject to the following conditions:

Recommended Planning Permission Conditions:

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

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

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

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

None.

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

2. The works shall follow the "Preparation" and "Stabilisation and Repair Works" as noted in the plans J000605-A-DR-0003 Rev 3, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under policies NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan (Made 2021), Local Policy S57 of the Central Lincolnshire Local Plan 2023-2043, the provisions of the National Planning Policy Framework and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990

3. Repair works to the wall shall be completed in strict accordance with the findings of the "Trinity Arts Centre Northern Boundary Wall Detailed Survey of Defected Material: 19.12.24 Rev 0".

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan (Made 2021), Local Policy S57 of the Central Lincolnshire Local Plan 2023-2043, the provisions of the National Planning Policy Framework and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

4. The rebuilt brickwork shall match the existing brickwork of the wall identified through the "Trinity Arts Centre Northern Boundary Wall Photographic Record of Wall: 19.12.24 Rev 0" in respect of dimensions, colour, texture, face bond, and pointing and the rebuilt brickwork shall be constructed as stated within the "Stabilisation and Repair Works", unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan (Made 2021), Local Policy S57 of the Central Lincolnshire Local Plan 2023-2043, the provisions of the National Planning Policy Framework and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

5. Following the partial demolition as shown on drawing J000605-A-DR-0003 Rev 3, any new materials to be used for repairs, replacements or as part of the rebuild shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in strict accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan (Made 2021), Local Policy S57 of the Central

Lincolnshire Local Plan 2023-2043, the provisions of the National Planning Policy Framework and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

- J000605-A-DR-0002 Rev 3
- J000605-A-DR-0003 Rev 3
- PP-14571085v1

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with policies NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan (Made 2021), Local Policy S57 of the Central Lincolnshire Local Plan 2023-2043, the provisions of the National Planning Policy Framework and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

None

Recommended Listed Building Consent Conditions:

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

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

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

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

None.

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

3. The works shall follow the "Preparation" and "Stabilisation and Repair Works" as noted in the plans: J000605-A-DR-0003 Rev 3, unless otherwise approved in writing by

the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The gravestones to be removed, as identified within the "Trinity Arts Centre Northern Boundary Wall Photographic Record of Gravestones: 19.12.2024 Rev 0" shall be stored at the location identified on approved site plan: J000605-A-DR-0002 for the duration of the construction works.

Following the completion of the 'Stabilisation and Repair Works' (as stated on drawing: J000605-A-DR-0003 Rev 3) the removed gravestones, shall be reinstated to their previous recorded positions, as identified within the "Trinity Arts Centre Northern Boundary Wall Photographic Record of Gravestones: 19/12/24 Rev 0"

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Repair works to the wall shall be completed in strict accordance with the findings of the Trinity Arts Centre Northern Boundary Wall Detailed Survey of Defected Material: 19.12.24 Rev 0

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Dismantling and repair works for the wall shall be completed in strict accordance with the findings of the analysis and the mortar mix as detailed within the Mortar Analysis sheet dated 14.09.2024

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. The rebuilt brickwork shall match the existing brickwork of the wall as detailed within the "Trinity Arts Centre Northern Boundary Wall Photographic Record of Wall: 19.12.24 Rev 0", in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section

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

10. The following sound materials/features/fixtures forming part of the boundary as shown in the findings within the "Trinity Arts Centre Northern Boundary Wall Photographic Record of Wall: 19.12.24 Rev 0" and "Trinity Arts Centre Northern Boundary Wall Detailed Survey of Defected Material: 19.12.24 Rev 0". shall be carefully taken down, protected and securely stored for later re-erection/ re-use or disposal.

- Bricks
- Coping stones
- Pier cappings
- Gravestones

Where damage has occurred (for example, from unauthorised works, vandalism or fire), it is important to ensure that any loose historic items are identified and retained on site in a secure place pending their reinstatement.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Demolition work shall be carried out only by hand or by tools held in the hand and not by any power-driven tools.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Following the partial demolition of the wall as shown on drawing: J000605-A-DR-0003 Rev 3, a 1 one square metre sample panel of brickwork demonstrating the quality, materials, bond, mortar, coursing, colour and texture shall be constructed on site for inspection. The Local Planning Authority shall approve the above details of the brickwork in writing prior to the rebuild commencing. The development shall be carried out in accordance with the approved details. The sample panel shall be retained on site until the development is completed.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. Following the partial demolition as shown on drawing: J000605-A-DR-0003 Rev 3, any

new materials to be used for repairs, replacements or as part of the rebuild shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in strict accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

- J000605-A-DR-0002 Rev 3
- J000605-A-DR-0003 Rev 3
- PP-14571085v1

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

Reason: To ensure the work proceeds in accordance with the approved plans in accordance with section 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

86 WL/2026/00001 - LAND AT NEWTON ON TRENT PLAYING FIELD, HIGH STREET, NEWTON ON TRENT, LINCOLN

The Officer introduced the application for the siting of a portacabin for community use on land at the Newton on Trent playing field. The proposed block plan was presented, showing the intended position of the building, along with the proposed elevations, floor plans and the main dimensions.

It was explained that Parish Councils have permitted development rights for small ancillary

buildings on land that they own. The Officer confirmed that the proposal met the relevant size limits, being under four metres in height and under two hundred cubic metres in volume. The application had been submitted to support funding requirements.

With no comments from Officers or Members of the Committee the proposal to accept the Officers recommendations was duly seconded and voted upon. It was therefore agreed that planning permission be **GRANTED** subject to the following conditions:

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings and documents: 839-NEW-0413-A1-P01A dated October 2025. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

3. The development shall be carried out in accordance with the mitigation measures outlined in the submitted Flood Risk Assessment dated December 2025.

Reason: To reduce the risk and impact of flooding on the approved development and its occupants in accordance with National Planning Policy Framework and National Planning Policy Guidance and Policy S21 of the Central Lincolnshire Local Plan.

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

4. The portacabin will be the following colour:

- anthracite grey (RAL 7016).

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

86a WL/2025/01086 - FORMER HALIFAX BUILDING, LORD STREET, GAINSBOROUGH

The Officer introduced the application which sought the conversion and change of use of the former Halifax building to create two ground floor retail units, two apartments and one short stay room. The proposed plans were presented, including new shop fronts facing Lord Street and Flag Alley, which were identified as improvements to the appearance of the building.

The Committee was informed that a related listed building consent application had already been determined on 11 February 2026. The Officer also advised that, following discussion with the applicant, condition number two in the agenda pack should be removed if approval was granted.

It was noted that no parking spaces were proposed for the residential units and that policy states flatted development should normally include one space plus a visitor space. The absence of parking meant the proposal represented a departure from the Local Plan and was therefore before the Committee.

Elevation plans and internal layouts were shown, including the proposed green roof to the rear. External photographs were presented, and the Officer explained that internal inspection had revealed that much of the historic fabric had already been altered. The remaining significant elements were mainly the windows. A site visit had been undertaken with the Conservation Officer.

The Chairman thanked the Officer for their presentation and invited the only registered speaker for the application, Mr Tomlinson, the agent for the application to address the Committee.

They explained that the proposal centred on three main objectives: improving the appearance of the building, securing its future sustainability, and delivering an appropriate change of use.

The speaker stated that the works aligned with the Townscape Heritage Initiative identified in 2018. They confirmed that the applicant was committed to reinstating altered historic features, including the granite frontage and window details, to enhance the building's contribution to the conservation area.

In relation to the change of use, the speaker noted that many commercial buildings and

upper floors in town centres were now underused. Government policy supported conversion of such spaces to residential use, and although this building required full permission due to its listed status, the underlying policy intention remained relevant. Bringing the upper floors back into use would increase activity and support the wider town centre.

The speaker also highlighted measures intended to secure the long-term sustainability of the asset. The proposed subdivision of the ground floor would create more lettable commercial units, and the integration of renewable energy systems aimed to reduce reliance on fossil fuels. Modelling indicated the potential for the building to meet a significant proportion of its own energy demand.

The speaker concluded that the scheme would restore and reuse an underutilised listed building, improve its appearance, and deliver environmental benefits.

The Chairman thanked the speaker, and with no Officer response he opened to Members to comment.

A Member of the Committee expressed strong support for the proposal, describing it as an excellent scheme that would bring a vacant building back into use. They noted that the former Halifax building had closed some time ago and welcomed the prompt opportunity to improve the appearance of this prominent site.

Another Committee Member supported the proposal and commented that residential use in town centres was becoming increasingly common and necessary. They considered that the changes would enhance both the building and the wider town centre. The Member hoped that the retail units would be successfully occupied and that the redevelopment would benefit the area.

A further Committee Member stated that the environmental features proposed, including the green roof, were particularly welcome. They stated it would be interesting and positive to see such sustainable measures introduced into a historic building. The Member believed the scheme would enhance the town.

No further comments were made by Officers. The Committee clarified that the listed building consent had already been granted and that this decision related only to the planning application, with condition number two removed.

With no further comments the proposal to accept the Officers recommendations was duly seconded and voted upon. It was therefore agreed that planning permission be **GRANTED** subject to the following conditions:

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

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

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

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

None.

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

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

- BP-01 dated 10th October 2025 – Block Plan
- BB-01-GF dated 10th October 2025 – Ground Floor Retail Units Plan
- BB-01-1F dated 10th October 2025 – First Floor Plan
- BB-01-2F dated 10th October 2025 – Second Floor Plan
- FELS-1 dated 10th October 2025 - Flag Alley Elevation
- PELS-1 dated 10th October 2025 – Lord Street Elevation
- Rear Elevation dated 10th October 2025
- Inner Courtyard Cross Section dated 10th October 2025

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Prior to installation or works taking place the following details must be submitted to and approved in writing by the Local Planning Authority:

- 1 metre by 1 metre sample panel of brick with a quicklime/hot mortar mix panel, description of joint, profile and finish
- 1 metre by 1 metre sample panel of render with detail on the render mix, final surface texture, the materials and method of installation

All brickwork, render and repointing must be completed in strict accordance with the approved sample panel of brick and render.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the listed building and the site to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to installation full details of all new, replacement or repaired timber windows, timber doors, timber surrounds, or any other joinery to a scale of 1:20, must be submitted to and approved in writing by the Local Planning Authority. Details must include the following:

- conditions report of all windows and doors
- material
- decorative/protective finish
- cross sections for glazing bars, sills, heads and so forth at a scale of 1:20
- sample sections of the joinery work (glazing bars, sills and so forth) to be used
- method of opening
- method of glazing
- colour scheme

The development must be completed in strict accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to installation, details of the following external materials must be submitted to and approved in writing by the Local Planning Authority:

- Sample of the type of roofing material
- Rainwater goods;
- Fascia boards;

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed

buildings to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the removal of the existing shop front the following must be submitted to and approved in writing by the Local Planning Authority. Details must include the following:

- Method of removing the existing shop front
- Specification of repairs to wall behind the shop front
- materials, decorative/protective finish, cross sections for glazing bars, sills, heads, fascia and stall risers at a scale of 1:20, sample sections of the joinery work (glazing bars, sills and so forth) to be used, method of opening, method of glazing, colour scheme for the new shop front.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the Gainsborough Conservation Area. To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

8. No cleaning of masonry must take place unless it is completed using low pressure (20-100 psi) surface cleaning using a nebulous water spray unless otherwise approved in writing by the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. Prior to the commencement of the cleaning works, a 1 metre by 1 metre test panel must be completed in an inconspicuous place on the building. All cleaning must be completed in strict accordance with the approved test panel and the method used.

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

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

9. Prior to installation, the position, type and method of installation of all internal and external new and/or relocated services and related fixtures (for the avoidance of doubt this includes communications and information technology servicing), must be submitted to and approved in writing with the Local Planning Authority. This must include visible installations, or where ducts or other methods of concealment are proposed. The works must be installed in strict accordance with the approved details.

Reason: To ensure all new and relocated services are installed discreetly and using an appropriate method to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Prior to installation, the position of all solar panels and cable routes must be submitted to and approved in writing by the LPA. The solar panels and cabling must be installed in strict accordance with the approved details.

Reason: To ensure all new and relocated services are installed discreetly and using an appropriate method to accord with the National Planning Policy Framework, local policies S53 and S57 of the Central Lincolnshire Local Plan 2023-2043, policy NPP6, NPP7 and NPP18 of the Gainsborough Town Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. No occupation must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the office and flats identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation of the retail space or each individual flat and short-term holiday let must take place until their individual drainage has been fully completed in strict accordance with the approved scheme and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023-2043.

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

12. The short stay holiday let accommodation hereby permitted must only be used as holiday

accommodation and must not be occupied as a person's sole or main place of residents. The owners/operators must maintain an up-to-date register of the names of all occupiers in individual caravans on the site, and of their main home addresses, and must make this information available at all reasonable times to the Local Planning Authority.

Reason: The principle of the holiday let has only been assessed in accordance with relevant visitor facility/business planning policies and not as a person's sole or main place of residents to accord with the National Planning Policy Framework, local policy S43 of the Central Lincolnshire Local Plan 2023-2043 and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

87 DETERMINATION OF APPEALS

With no comments, questions or requirements for a vote the appeal decisions were **DULY NOTED**

88 PLANNING ENFORCEMENT - FORMAL CASE UPDATE

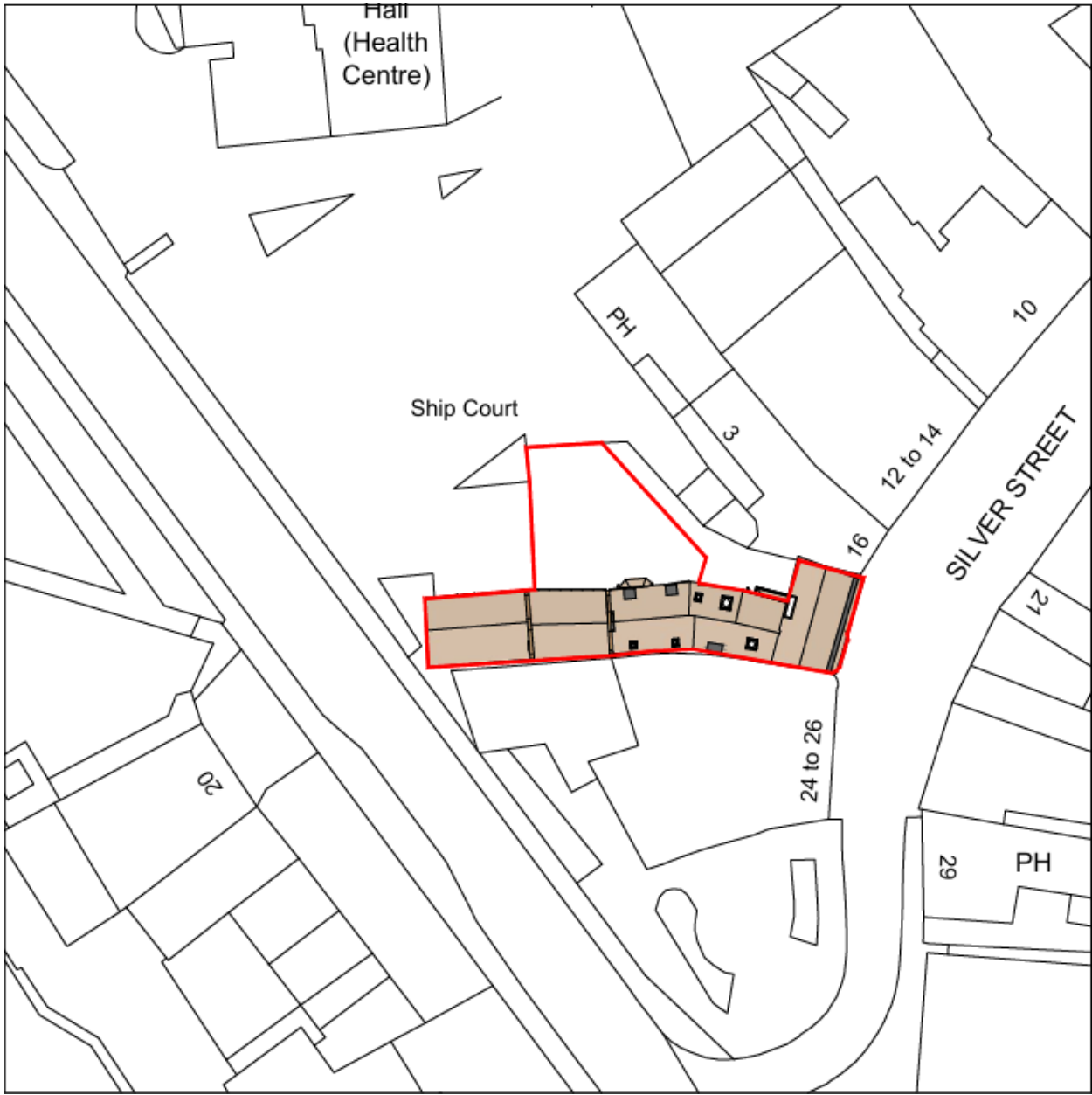
With no comments, questions or requirement for a vote, the Planning Enforcement Report was **NOTED**.

The meeting concluded at 7.46 pm.

Chairman

Agenda Item 6a

Site Location Plan 01067



Officers Report

Planning Application No: WL/2025/01067

PROPOSAL: Planning application for the creation of 8no. apartments, various façade works, and the renovation of the existing commercial unit.

LOCATION:

SHIP COURT
SILVER STREET
GAINSBOROUGH
DN21 2DW

WARD: GAINSBOROUGH SOUTH WEST

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

APPLICANT NAME: Mr R Eadington

TARGET DECISION DATE: 22/12/2025 (Extension of time agreed until 30th April 2026)

CASE OFFICER: Danielle Peck

Recommended Decision: Grant planning permission with conditions

The application is referred to the Planning Committee for determination in line with the Councils constitution as the proposals would be a departure from Policy S49: Parking Standards of the Central Lincolnshire Local Plan.

Site Description: The application site comprises of a Grade II Listed building known as Ship Court within Gainsborough Town Centre. The building fronts onto Silver Street and then extends west towards Caskgate Street and faces into the Ship Court car park. Most recently the building was used by a law firm, it has now been vacant for some time. The site is adjoined by other commercial units and pubs to all boundaries.

The Historic England Listing Description¹ describes the building as follows;

“ 2. C18. 3 storeys in brick with new pantile roof. Parapet and moulded cornice. 3 windows, hung sashes with glazing bars, cills on tabs. Ground floor has bowed C19 shop front with fascia and cornice. Segmental carriage archway to right with keystone. Nos 16, 18 and 22 form a group, No 22 being of local interest.”

The Proposal: The application seeks planning permission for the conversion of the existing building into 8no. apartments, set out over three floors. 7no. apartments will

¹ [18. SILVER STREET, Gainsborough - 1307047 | Historic England](#)

be one bed with 1no. being a two-bedroom apartment (Unit 7). The commercial unit which faces onto Silver Street would remain in commercial use.

Externally works are listed on the proposed plans and are to comprise of the following:

- Re roofing to change the concrete tiles to unweathered clay Pantiles;
- Replacement of bricks in poor condition and making good (re- pointing) areas of external brickwork;
- Existing top hung casement windows to be replaced with timber sliding sash windows and painted in Monarch Red on north elevation;
- Window replacement on west elevation;
- Repair and repainting of windows where in good condition;
- Areas of red paint to be stripped and re painted where in poor condition;
- Re painting of cast iron guttering;
- Reinststate historic doorway with timber 6 panel door (north elevation) and painted in Monarch Red;
- Existing paintwork/ render to be removed as far as practicably possible and brickwork to be repainted in Earles Masonry Paint in Linen Colour.
- Re render of front elevation;
- Minor works to shop front, replacement of single glazing for like for like glazing and replacement and re painting of some timber beading.

Internal works are proposed to facilitate the conversion, the internal works mainly consist of the demolition of existing walling and the installation of new walls and doors to allow for the separation of units. Walls to be re lined using battens spacers off the walls, this will then be boarded and skimmed. Floors are to be retained where possible and will be sanded and varnished. Where floorboards are rotten on the ground floor these are to be replaced using matching boards. Historic features such as cornicing and old fireplaces are to be retained where stated.

This application for planning permission is accompanied by a tandem Listed Building Consent under reference WL/2025/01068.

Relevant Planning History

WL/2025/01068- Listed building consent for the creation of 8no. apartments, various façade works, and the renovation of the existing commercial unit. Under consideration in tandem with this application.

No other planning history post 1993.

Representations

Comments have been summarised, full versions of the representations received can be viewed on the Councils Website using the following link:
[West-Lindsey | Public Portal](#)

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

Gainsborough Town Council: Support the application.

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

LCC Highways and Lead Local Flood Authority: No objections.

Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. This proposal has 5 spaces, and whilst it is possible that the development may result in more parking demand than these spaces, there is parking available in the vicinity. The site is also located in a sustainable urban area and future residents would not be reliant on private car. It is therefore not considered that this proposal would result in an unacceptable impact on highway safety. To enhance the sustainable location and encourage sustainable travel options in the area, it would be beneficial if secure cycle parking was provided within the site.

LCC Archaeology: There are no photographs included with the Heritage Impact Statement to evidence what is expressed in the text of the document. The Heritage Impact Statement should include photographs which are referenced and located in a plan of the building with a particular focus on areas of impact from the proposed development, as well as photographs of the interior generally. There is currently insufficient evidence to provide an informed recommendation regarding the potential impact on any historic fabric of the building.

Historic England: We refer you to the following published advice which you may find helpful in determining the applications. Traditional Windows: Their Care, Repair and Upgrading (Historic England, 2017)

<https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/>

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on these applications again, unless there are material changes to the proposals.

WLDC Conservation Officer:

19/03/2026- Having investigate the interior, the only area of significance that is affected by the development is in Unit 7 on the second floor. This retains much of the historic fabric and has disappointingly been damaged in the soft strip of the property. There will also be some requirement of works undertaken to make the walls structurally sound which would have resulted in some harm anyway. This area will require more specified works, but this can be conditioned to enable works to start.

The proposal for a full re-roof is acceptable. The existing clay tiles are repurposed and near to the end of life and the replacement of the concrete tiles for clay tiles is an improvement on the character. The roof works have the detailed materials, and I have no concerns with this section.

The use of lime mortar and repair of the brickwork is supported. This would require a sample for brick replacement and a mortar mix given. The proposal will provide and

optimum viable use for the property which is in an increasingly poor state. The proposal would have an impact on significant historic features as mentioned in the updated Heritage Statement. This will meet Policy S57 but more defined approaches in the areas of Unit 7 and 8 will need to be given.

The heritage statement notes new 14mm double glazed windows to the front elevation. This would not be accepted as these can have the existing retrofitted with a 4mm double glazing for a slimline approach. This can be control through a condition which must meet this requirement.

Recommends conditions.

16/12/2025- The Heritage Statement is not sufficient for the internal works. It is vague on the approach and does not directly identify the key features or offer any understanding on them. This needs to be fleshed out with more information. Including the impact of the proposed works in each room and how it will protect the historic and architectural interest. There has been some clear harm to the historic fabric without consent and this needs to be taken into account in the new heritage statement with a strict methodology being proposed to maintain and repair the existing fabric. No historic fabric will be removed due to this damage and repairs or protective measures must be put in place.

Relevant Planning Policies and Legislation:

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

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns Policy

S6: Design Principles for Efficient Buildings

Policy S13: Reducing Energy Consumption in Existing Buildings

Policy S20: Resilient and Adaptable Design

Policy S21: Flood Risk and Water Resources

Policy S23: Meeting Accommodation Needs

Policy S35: Network and Hierarchy of Centres

Policy S37: Gainsborough Town Centre and Primary Shopping Area

Policy NS41: City and Town Centre Frontages

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

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

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

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

Relevant policies of the NP include:

NPP 1 Sustainable Development
NPP 6 Ensuring High Quality Design
NPP 7 Ensuring High Quality Design in each Character Area
NPP 8 A Mix of Housing Types
NPP 18 Protecting and Enhancing Heritage Assets
NPP 19 Improving the Vitality of the Town Centre

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

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

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

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

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

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

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

- National Planning Practice Guidance

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

- National Design Guide (2019)

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

- National Model Design Code (2021)

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

Other:

- Section 66 of the Planning (Listed Building & Conservation Areas) act 1990- The 'Act
- Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.
- Gainsborough Town Conservation Area Appraisal

Main Considerations:

- Principle of Development;
- Impact on Listed Building, Conservation Area and Setting of Listed Buildings;
- Character and Visual Impact;
- Residential Amenity;
- Energy Efficiency;
- Parking Provision;
- Minerals Safeguarding Area;
- Drainage.

Assessment:

Principle of the Development

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

The application seeks planning permission for the conversion of the Ship Court building into 8no. apartments with the retention of the commercial unit at ground floor level where the building fronts onto Silver Street.

Gainsborough is designated as a Main Town within Policy S1 of the CLLP. Policy S1 states that: *'To maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan and any applicable neighbourhood plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.'*

Policy S3 of the CLLP relates to new housing in the Main Towns of Central Lincolnshire and states that: *Within the developed footprint* of the Lincoln Urban Area and Main Towns and Market Towns, development proposals at appropriate locations** not specifically identified as an allocation or an area for change in this plan will be supported in principle.*

The Gainsborough Town Centre section of Policy S37 of the CLLP states that; *'Development proposals within Gainsborough Town Centre, not in E Use Class will be*

considered on their merits subject to satisfying the criteria in a)-e) where relevant and providing that they will:

f) not result in large gaps between town centre uses in frontages;

g) not detract from or otherwise harm or conflict with town centre uses; and

h) be compatible with maintaining or enhancing Gainsborough Town Centre as a sub-regional shopping destination.

Proposals for residential or commercial development above town centre uses will be supported providing that the proposed use would not be likely to introduce conflict with existing uses.

Point 4 of Policy NPP19 of the GNP states that; *Development proposals for the use of upper floors of commercial premises within the town centre for residential use will be supported where it can be demonstrated that the residential use will not create unacceptable harm to the wider retail offer of the Town Centre.*

CLLP policy S37 and GNP policy NPP19 are consistent with the NPPF which states at paragraph 90(f) that planning policies should *“recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

The site is located within the developed footprint of Gainsborough, being within the defined town centre and is therefore considered an acceptable location for residential development. The residential development element of the proposals is supported by the development plan and the NPPF as this would complement the existing uses ensuring the continued vitality of the town centre. In principle it is considered that the proposal accords to policies S1, S3, S35, S37 and NS41 of the CLLP and policy NPP19 of the NP.

The proposal would result in a loss of office space within the Town Centre, Primary Shopping Area, which would be Class E. This change of use to residential would be a departure from criteria a of Policy S37 as this states that;

Within the Primary Shopping Area, identified on the Policies Map, proposals for non-retail use on ground floors will only be supported if they: a) are a recognised main town centre use under E Use Class; and

The apartments are to be in the rear of the building (at ground, first and second floors) which extends into the Ship Court car park. Nevertheless, the application would retain the ground commercial unit which faces onto Silver Street, the main thoroughfare in Gainsborough Town Centre. The proposal will maintain a retail use on its ground floor level on Silver Street and the facade works would have a positive impact upon the area and would therefore otherwise meet with the rest of the other criteria b-h of Policy S37. It is not considered that the Primary Shopping Area would be undermined by these proposals.

Impact on Listed Building, Conservation Area and Setting of Listed Buildings

The host building is Grade II Listed, it is located within the Gainsborough Town Conservation Area and is within the setting of numerous other Listed Buildings namely;

- No.s 16, 21A, 23-25 and 27 Silver Street- Grade II Listed;
- Elswitha Hall, Caskgate Street- Grade II* Listed.

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Setting is more than views, it is how the building is experienced. In addition to this, the site is located within Gainsborough Town Conservation area and therefore Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy S57 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. This aim is echoed within policy NPP18 of the NP.

In relation to listed buildings Policy S57 states that; *Permission to change the use of a Listed Building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's conservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting. Development proposals that affect the setting of a Listed Building will, in principle, be supported where they make a positive contribution to, or better reveal the significance of the Listed Building.*

Additional detail in the form of an amended heritage statement was requested and received during the application process. The statement further details the internal works proposed as part of the application.

Internally, works are to comprise of the demolition of existing walls and insertion of new walls. The proposed works have been reviewed by the Council's Conservation Officer in relation to the impacts on the historic fabric of the building. They have carried out a site visit with the applicant and have inspected the building internally and are satisfied that the proposed alterations would be acceptable.

Further information is however required in relation to the works to Unit 7, there is more historic fabric in this unit and more detail on how this will be area will be converted is required to be submitted for review by the Conservation Officer. This information will be secured by condition which will be worded as such to state that no works shall be done to this unit until this information has been provided and approved.

The proposed external alterations comprise of replacement windows and doors as well as general re painting, re rendering and making good of brick work. The external works will significantly improve the current look of the building within the Conservation Area.

Further detail in relation to new joinery will be secured by condition as this information has not been provided as part of the application.

The comments from LCC Archaeology are noted. However as stated above, the Councils Conservation officer has been to site to inspect the building internally to help with the assessment of this application.

It is considered that the proposed works are in accordance with the Statutory Duties contained within the 'Act', Policy S57 of the CLLP, Policy NPP18 of the NP as well as the provisions of the NPPF. The development would preserve the setting of nearby Listed Buildings and the Conservation Area.

Character and Visual Impact

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.*

The proposal contains alterations to the exterior of the building consisting of replacing the roof covering with clay pantiles which is a significant improvement to the existing concrete tiles. Brick work in poor condition will be replaced where needed as will the external painted areas. Many of the windows will also be replaced with timber sash openings. On the doors and windows that are to be retained the poor paintwork will be stripped and repainted.

Overall, the external works to the building which predominantly comprise of making good of facing materials and replacement of windows and doors will improve the visual appearance of the building which is in a prominent position.

Overall, the proposals would accord to the aims of Policies S53 and S57 of the CLLP and would not have a harmful impact on the street scene or character of the area, and would likely be an enhancement.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

The application site lies within a town centre location, with the Eight Jolly Brewers and the Sweyn Forkbeard Wetherspoons public houses within close proximity to the application site. It is inevitable that any residential use within a town centre location would be subject to some noise and disturbance given the nature of the location. Therefore, there is an element of buyer beware for any future occupants. Nevertheless, it is considered that these uses can run alongside each other and not be at such a detriment to residential amenity to warrant a refusal and is considered to be acceptable.

All of the flats meet with the Nationally Described Space Standards² for the 1 storey dwellings as well as the relevant person and bed numbers. The lack of outside amenity space is noted; however, this is not an unusual situation for town centre flats, other grassed amenity areas are available within the town centre area, notably the recently developed Baltic Mill area and the Riverside Walk, to the south and south west of the site.

Overall, the development would therefore not have an unacceptable harmful impact on the living conditions of the future occupiers and is acceptable with regard to the impact on existing neighbouring uses and would accord with policy S53 and the provisions of the NPPF, particularly paragraph 135 (f).

Energy Efficiency

It is noted that Policy S13 of the CLLP encourages applicants to consider all opportunities to improve energy efficiency and where such efforts achieve an improved EPC rating would be supported in principle. Notwithstanding that the wording of Policy S13 only encourages applicants to consider improving energy efficiency, in this instance, it is not considered necessary to request that any amendments are made to the proposals given that the site comprises of a listed building, in a conservation area and within the setting of other listed buildings where such new internal materials, solar panels and air source heat pumps, for example would likely not be supported.

Therefore, the absence of any proposed energy efficiency measures is acceptable in this case.

Parking Provision

Appendix 2 of the CLLP which is referred to in Policy S49 states that 1 bed dwellings in main towns should provide 1 parking space per dwelling plus visitor spaces. The Gainsborough NP does not contain any specific figures with regard to parking provision for new dwellings within the town.

Based on the requirements of Policy S49 and Appendix 2 of the CLLP, the development should therefore provide 9no. parking spaces as well as visitor spaces, to accord with the CLLP. The application proposes 5no. parking spaces, falling short of the standards set out within Appendix 2 of the CLLP. With consideration to the town centre location with close walking proximity to numerous facilities/services and siting close to public transport links, including the bus station, it is considered that the parking provision is acceptable in this case. It is also considered that the benefits of restoring and bringing this Grade II listed building back into use greatly outweighs any harm caused by the lack of parking provision and the departure from local policy S49 of the CLLP.

It can also be noted that the Local Highways Authority recognise the shortfall in parking spaces, but recognise it is in an otherwise sustainable location and raise no objections.

² [Technical housing standards – nationally described space standard](#)

Taking this into account it is not considered reasonable to withhold permission on this ground alone and on balance the lack of parking can be justified in this instance.

It is noted that the Highways Authority requested that covered cycle storage is provided. Given the sensitivity of the building and surrounding area it is not considered that an external covered structure would preserve the setting of the host listed building or conservation area.

The plans do show internal store areas, it is likely that future occupiers could store cycles in this area if required.

Minerals Safeguarding Area

The Lincolnshire Minerals and Waste Local Plan (Core Strategy & Development Management policies) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area. The site is not within an allocated Minerals Site or Waste Site/Area. Policy M11 of the Minerals and Waste Local Plan seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy.

In accordance with policy M11, a change of use application (where there is no intensification) is exempt from being applied to the policy therefore there is no requirement to supply a minerals assessment or assess the developments impact on mineral resources.

Drainage

The site benefits from existing foul and surface water drainage connections which the proposed flats and shop units will link into. The proposals will not increase the external floor space of the existing building. Given the existing drainage connections at the site it is not considered necessary to request any further details to be submitted in this respect.

Other matters:

Biodiversity Net Gain- Some applications are exempt from providing the 10% BNG, this is as follows³;

A development that does not impact a priority habitat and impacts less than:

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

A development 'impacts' a habitat if it [decreases the biodiversity value](#).

³ [Biodiversity net gain: exempt developments - GOV.UK](#)

The application form indicates that the proposals would be exempt from the condition in law. Given that the proposal only comprises of works to an existing building where no habitats are present, it is considered that the proposal is exempt from providing the 10% Gain.

Refuse Collections- Given the town centre location there is no outside space for the storage of wheelie bins. Upon speaking with the WLDC waste services team, it has been confirmed that this site would have a sack service.

Conclusion and reason for decision: The application has been considered against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S2: Growth Levels and Distribution, Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, Policy S6: Design Principles for Efficient Buildings, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S20: Resilient and Adaptable Design, Policy S21: Flood Risk and Water Resources, Policy S23: Meeting Accommodation Needs, Policy S37: Gainsborough Town Centre and Primary Shopping Area, Policy NS41: City and Town Centre Frontages, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S57: The Historic Environment of the Central Lincolnshire Local Plan and the policies contained within the Gainsborough Neighbourhood Plan and the statutory duties contained within the 'Act' in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment, it is considered that the principle of development in this location can be supported. The proposals would enhance the host listed building and the impacts on this historic fabric have been found to be acceptable. Matters of highway safety, residential amenity and drainage are also considered to be acceptable. The proposal does represent a departure from the provisions of Policy S49, however as detailed in the above report, the heritage benefits that the scheme would bring is considered to outweigh non-policy compliant parking provision in this case.

The application is therefore recommended for approval, subject to conditions.

Decision Level: Committee

RECOMMENDED CONDITIONS

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

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

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

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

None.

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

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

Site Location Plan PA-001-A-0-SLP
Site Block Plan PA-002-A-0-SBP
Proposed Elevations PA-101-A-0-GA-PP
Proposed Floor Plans PA-201-A-0-GA-PE

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

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

3. Prior to installation, drawings to a scale of 1:20 fully detailing the following new or replacement windows, doors, surrounds, bays, or any other timberwork, including that on the east elevation (shop frontage) must be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details.

- materials;
- decorative/ protective finish;
- cross sections for glazing bars, cills and headers at a scale of 1:10; method of opening;
- method of glazing;
- Notwithstanding the paint specification as shown on the proposed plans- The colour scheme and paint specification to be used on the timber- (See notes to Applicant)

Reason: To ensure that the proposed windows and doors are acceptable for the Grade II Listed building in accordance the Statutory Duty and, Policy S57 of the Central Lincolnshire Local Plan and the NPPF.

4. Prior to works any internal or external works to the commercial unit, details shall be approved in writing by the Local Planning Authority to ensure that precautions are taken to secure and protect the interior and exterior shop front and its features during the building work. The agreed measures shall be carried out in full.

No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the host listed building is preserved during construction works in accordance with the Statutory Duty the Statutory Duty and, Policy S57 of the Central Lincolnshire Local Plan and the NPPF.

5.Any demolition work shall be carried out by handheld tools. No power-driven tools shall be used.

Reason: To avoid any unnecessary damage to the host listed building in accordance with the Statutory Duty the Statutory Duty and, Policy S57 of the Central Lincolnshire Local Plan and the NPPF.

6.The roof tile to be used in the replacement roof shall be Sandtoft Old Hollow 451 un-weathered pantile with a wet lime mortar finish (no cement in the mix) with Tyvek Supro Roofing Membrane as detailed within the updated Heritage Statement.

Reason: The materials are considered appropriate for use on the Listed Building in accordance with the Statutory Duty and, Policy S57 of the Central Lincolnshire Local Plan and the NPPF.

7.Prior to installation, a specification for the external render to be used shall be approved in writing by the Local Planning Authority to define:

- mortar mix;
- the number of coats;
- finish and backing material;
- and, relationship to existing finishes and openings.

Reason: To ensure the proposed render is acceptable for the Grade II Listed building in accordance the Statutory Duty and, Policy S57 of the Central Lincolnshire Local Plan and the NPPF.

8.Prior to any bricks being replaced, a sample of the new brick to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Prior to any other works than beyond the required structural repairs to Unit 7 a detailed methodology of the repairs and proposals to protect and conserve the historic fabric shall be submitted to and approved in writing by the Local planning Authority. This shall include photographs detailing the exact extent of fabric impacted and sectional details of the proposed works.

Reason: To allow the Local Planning Authority to ensure that the works are acceptable in relation to the historic fabric of the host listed building to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire

Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Prior to internal works beyond the structural repairs, the position, type and method of installation of all new and relocated services and related fixtures (for the avoidance of doubt this includes communications and information technology servicing), shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. The works shall be implemented only in accordance with such approval.

Reason: To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

11. Full details of 'making good' exposed areas revealed by demolitions are to be submitted and approved in writing by the Local Planning Authority.

Reason: To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Any new or replacement guttering to be used in the development hereby permitted shall be black cast iron unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve the fabric and appearance of the host listed building and setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies S53 and S57 of the Central Lincolnshire Local Plan and NPP6, NPP7 and NPP18 of the Gainsborough Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

None.

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL,

processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

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

External paint to be used on timber- A linseed oil-based paint should be used on all new timber.

Biodiversity Net Gain

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan² has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be West Lindsey District Council.

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by³:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state⁵.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

¹ listed exemptions from Statutory BNG and transitional arrangements can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain-exempt-developments). The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

² The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

³ Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)

⁴ Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

⁵ Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

Human Rights Implications:

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

Legal Implications:

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