

# Officers Report

## Planning Application No: 140235

**PROPOSAL:** Planning application for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works.

**LOCATION:** Former Lindsey Shopping Centre Market Place Gainsborough  
Lincolnshire DN21 2BP  
**WARD:** Gainsborough South West  
**WARD MEMBER(S):** Cllr Mrs J A Rainsforth, Cllr T V Young  
**APPLICANT NAME:** Savoy Cinemas Ltd

**TARGET DECISION DATE:** 08/04/2020  
**DEVELOPMENT TYPE:** Major - Other  
**CASE OFFICER:** Rachel Woolass

**RECOMMENDED DECISION:** Grant the principle of development subject to deferral back to officers for improved design and any other outstanding matters.

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The application is referred to committee as the application is of strategic importance and WLDC association.

### **Description:**

The development site is located within the town centre of Gainsborough, within the Gainsborough Town Centre Conservation Area. The site is located at the former Lindsey Centre, sited between Heaton Street and Market Place. This is within an established urban area consisting of a mixture of retail and office uses taking the form of new and old properties addressing the street frontages. The gross area of the site is 0.47 Ha The site was previously a department store hosting medium to small retail units.

The application seeks permission for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works<sup>1</sup>.

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<sup>1</sup> Under the transitional arrangements for the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the above use classes still apply.

**Relevant history:**

GU/100/60 – Erect a supermarket. Permission granted 05/07/60

GU/10/61 – Alter shop front and convert store into offices. Permission granted 07/03/61

GU/220/61 – Convert cinema entrance and foyer into a TV and radio sale shop and stockroom. Permission granted 03/10/61

GU/156/62 – Convert cinema foyer into shop premises. Permission granted 02/10/62

W33/185/77 – Alterations and extension to existing retail store. Permission granted 21/04/77

W33/CAD/4/86 – Listed Building Consent to demolish part of retail store. Permission granted 11/09/86

W33/295/93 – Planning permission to alter and extend building at first floor level to form stock room. Permission granted 03/06/93

W33/897/93 – Planning application to change the use of the retail unit to coffee shop. Permission granted 09/12/93

99/P/0042 – Planning application to alter existing sale shop including external alterations (blocking up existing door openings) Permission granted 18/02/99

**Representations:**

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

**Parish/Town Council/Meeting:** No representations received to date

**Local residents:** 12 Nelson Street – Support - This is an excellent proposal to bring a much needed leisure facility to the centre of our town. The proposed facades are in keeping with the overall atmosphere of the market square and open up the sight lines to and from the Market Square and Marshalls Yard. This can only aid the prosperity of both the town centre and the wider Lidl and Marshalls Yard areas.

42 Dunstall Walk – Support – It will bring in much needed revenue to the town plus create permanent employment positions.

19 Maybell Close – Support – Excellent idea. Saves having to travel to Lincoln or Scunthorpe.

14 Bury BL8 1HD – General Observation – In general the approach taken is to be supported, I would, however, make the following observations –

- Appears to be a lack of a Heritage Impact Assessment
- The layout, by opening up the former alley is to be supported. This aids legibility and walkability both to and from the site and town centre. However, care needs to be taken in relation to the public realm so that it all ties in.
- Would question the provision of car parking. Could the space not be used more worthwhile as part of a wildflower meadow in order to bring some green infrastructure in to the town centre.
- The buildings facing Market Square have clearly understood the need to replicate the rhythm and roof lines of the existing buildings. The materials chosen, respect the character of the surrounding buildings, but also bring an air of modernity to the town centre which is lacking in some respects. This is good to see and shows that it is possible to deliver good, well designed buildings in the Conservation Area. However, I do have concerns with the use of cladding on the upper parts of the cinema building. In my opinion, the use of cladding materials should have no part in buildings which are either in or adjacent to Conservation Areas and Listed Buildings.

Pippin Close, Misterton – I fully support this development and note the impressive scale and detail paid into creating complimenting units (units A,B,C) for the Marketplace and taking on board architectural cues to create a pleasing cohesive appearance.

However I echo other comments made regarding to design of the cinema (unit D.) The lacklustre design is a real shame and I believe it won't provide any positive visual appearance within in the town. Especially so close to the historic centre and much well done historically sensitive architecture seen in

Marshalls Yard. The materials chosen and cladding echo this concern. It will be a real shame for such a new key development on the town to suffer from its poor appearance (take the retail units on Heaton Street as an example).

Especially on the South approach, as coming in from the Bus station.

There is also no specifics on the signage or any advertisements used, and with such a prominent frontage I think a well designed and manufactured sign must be considered. Opposed to some font just displayed in a polished silver letting.

I fully support the development and aspirations to bring a more leisure focused approach to the town centre and improvements it'll make! I just feel the development could push a little further instead of being a grey box opposite a car park in a town centre.

**LCC Highways:** The principle of development is acceptable to the Highway Authority, the submitted transport statement is a fair and reasonable representation of the impact on the existing highway network and is considered acceptable. The following information will be required:

An updated site plan to reflect the following:

- Footway and access arrangement in more detail on Heaton Street North.
- The existing vehicle access on Heaton Street South will require removal and reinstatement to footway. Specification to be agreed with the Highway Authority.
- All vehicle access construction details to be confirmed with the Highway Authority.

- Please indicate the kerb radii on the Heaton Street South servicing access (generally a 10m requirement, however swept path shown is acceptable)

#### Drainage

The drainage strategy is acceptable in principle provided Severn Trent Water confirm acceptance of discharge and the proposed rate of discharge. This should be sought at this stage.

#### **Environmental Protection:**

Contamination - There are a number of former contaminative land uses in the area along with a high probability of made ground and organic matter. A comprehensive condition ought to be attached to any permission

Odour - Premises with planning use categories that allow hot food preparation ought to be conditioned to have extraction equipment and agreed maintenance approved in writing prior to bringing it into use. Said condition to be targeted at change of use as well as intended use.

Noise - An assessment of likely sources, potential impact and mitigation proposals, as appropriate, ought to be required in respect of nuisance noise said assessment shall be compliant with BS 4142 as amended, take appropriate account of requirements in respect of Regulated Entertainment and of NPPG in respect of minimising potential for any Observed Adverse Effect.

Lighting - A condition requiring approval of external lighting ought to be attached to any permission granted, said approval would need to be appropriately informed by reference to plans and elevations illustrative of Lux levels

Litter - A condition for the control of litter ought to be attached to any condition

Pigeons - Measures to address the significant presence of feral pigeons currently and persistently associated with the existing premises shall be taken to ensure they do not relocate to other areas of the town

**Historic England:** On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Environment Agency:** No objections subject to a condition on floor levels.

**Archaeology:** Prior to any demolition or groundworks, the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction.

## **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP5: Delivering Prosperity and Jobs

LP6: Retail and Town Centres in Central Lincolnshire

LP7: A sustainable Visitor Economy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP25: The Historic Environment

LP26: Design and Amenity

LP38: Protecting Gainsboroughs Setting and Character

LP41: Regeneration of Gainsborough

LP42: Gainsborough Town Centre

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

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

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

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

### 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 February 2019. Paragraph 213 states:

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

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

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

#### Conservation Area Legal Duty

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

[https://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga\\_19900009\\_en.pdf](https://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga_19900009_en.pdf)

#### Listed Building Legal Duty

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

[https://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga\\_19900009\\_en.pdf](https://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga_19900009_en.pdf)

#### Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Submitted Gainsborough Town Neighbourhood Plan (GNP)**

Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council (WLDC) have consulted with the public and consultation bodies. The consultation finished on 20<sup>th</sup> July 2020.

The plan may be attached increasing weight in the consideration of this application.

Relevant policies include:

NPP 1 Sustainable Development

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 6 Ensuring High Quality Design

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/gainsborough-town-neighbourhood-plan/>

### **Main issues**

- Principle
- Design and Impact on Listed Buildings and Conservation Area
- Highways
- Noise
- Drainage
- Flood Risk
- Archaeology
- Minerals

### **Assessment:**

#### Principle

The site is located within the Gainsborough Primary Shopping Area, as allocated in the CLLP.

The scheme proposes a cinema complex and commercial development. This takes the form of 3 ground floor commercial units with back of house to the first and/or second floors, a 4 screen cinema, and new car park comprising of 56 parking bays (including 3 accessible parking bays).

This application will apply for the following 'use classes' as part of this planning application:

Units A & B - A1 (Shops), A2 (Financial and professional services), A3 (Food and drink), A4 (Pub or drinking establishment), A5 (Hot food takeaway)

Unit C - A1 (Shops), A2 (Financial and professional services), A3 (Food and drink), A4 (Pub or drinking establishments), A5 (Hot food takeaway), D2 (Assembly and leisure)

Unit D - D2 (Assembly and leisure)

The commercial ground floor contains 3 units, with gross internal floor areas including ancillary spaces to first and second floor) as follows:

1. Unit A = 160 m<sup>2</sup> / 1735 ft<sup>2</sup>
2. Unit B = 150 m<sup>2</sup> / 1620 ft<sup>2</sup>
3. Unit C = 360 m<sup>2</sup> / 3875 ft<sup>2</sup>

The cinema comprises of a gross internal floor area (GIFA) of 1545m<sup>2</sup> / 16630ft<sup>2</sup>, which includes 4No. screens, a foyer, function room, WCs, storage and ancillary spaces.

The Central Lincolnshire City and Town Centre Study Update 2015 showed that the retail ranking of Gainsborough had improved significantly between 2005 and 2013 going from 546th to 353rd.

This was attributed to the development of Marshalls Yard in 2007 which had provided an additional 28 large retail units for mainly national operators.. In the 2015 study Gainsborough had 33 (16.7%) vacant units (compared to 11% nationally and 13% in Lincoln). Gainsborough had a similar proportion of convenience, comparison, retail and financial services but only 15% of units had a leisure use compared to 22% nationally and 23% in Lincoln. Similarly, the proportion of floor space occupied by leisure service units (10.1%) is also significantly below the national average (23.2%).

This limited leisure offer was a common theme in the community consultation of the Gainsborough Neighbourhood Plan where local people expressed disappointment that there were few 'nice' places to socialise within the Town in the evening. Local people spend their leisure time and money outside Gainsborough.

The proposed commercial retail units and 4 screen cinema are suitable for this location in a predominantly 'mixed' use area in Gainsborough town centre. The proposal would add a much needed leisure facility to the area to boost the limited leisure on offer in the town.

The NPPF defines main town centre uses as - Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Policy LP6 states that development proposals for retail and/ or other town centre uses will be directed to the Tier 1 to 4 centres defined in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole. The site lies within Tier 2.

Policy LP7 states that development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and



accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported.

Policy LP15 states that all development proposals should recognise that community facilities such as leisure facilities, libraries, public houses, places of worship and community halls, or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development.

Policy LP41 states that development proposals should assist, where possible, in meeting wider regeneration and investment objectives for Gainsborough. In particular, development proposals will be supported which:

- Enhance linkages to / from Marshall's Yard, Market Place, Market Street, the Riverside and any other key heritage assets;
- Strengthen the existing retail area of the town centre, through increased and/or improved retail offer, together with some complementary uses as appropriate;

Policy LP42 states that proposals for main town centre uses will be supported within Gainsborough Town Centre, as identified on the Policies Map, provided that the proposed development is compatible with the use of adjacent buildings and land.

In the identified Primary Shopping Area, proposals for non-retail use on ground floors will only be supported if they:

- a. Are a recognised main town centre use; and
- b. Would not result in the over concentration of non-retail uses that would undermine the primary shopping area's overall retail function and character; and
- c. Would have no demonstrable impact on the vitality and viability of the centre as a whole.

Ensuring the vitality of the Town Centre means adjusting to the changes in the traditional model of the British High Street. Creation of a lively and dynamic social space that provides inducement to visit is recognised as key to unlocking the revitalisation of the historic core of the Town centre. This approach is endorsed by retail analysts, commentators and Central Government alike and echoed in the community consultation exercises undertaken in the Gainsborough Neighbourhood Plan.

Best practice suggests that offering entertainment and performance areas, leisure pursuit outlets, restaurants, cafes and bars within a landscaped area with interesting visual attractions and well-designed seating areas drives use of the space by the community and visitors.

The proposal is located within the primary shopping area and consists of main town centre uses. It would not result in the over concentration of non-retail uses and does include retail as part of the proposal. The proposal would bring a much needed leisure facility along with other town centre uses to improve the vitality and viability of the centre. The proposal would be acceptable as a matter of principle and would not undermine the primary shopping area's overall retail function and character. The

proposal by its very nature would improve and enhance the town bringing a much needed leisure economy which is limited in the present time.

The proposal also enhances linkage to and from the Market Place and strengthens the offer of the town centre.

The proposal would be in accordance with policies LP6, LP7, LP15, LP41 and LP42.

Policy LP5 states that the Central Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity and job growth to the area.

It is anticipated that the proposal will create 18 full time jobs and 16 part time jobs. This can only be supported and would be in accordance with policy LP5.

Policy NPP1 of the GNP states that development in the Gainsborough Neighbourhood Plan area should be located so that it can make a positive contribution towards the achievement of sustainable development. Development should assist in meeting the economic, social and environmental regeneration of the Town.

Policy NPP19 of the GNP states that to be supported, proposals must make the Market Place an attractive focal point for the Town Centre and will include;

c) a design of the space that enhances retail, commercial and leisure uses in the Town Centre.

*and*

The redevelopment of buildings identified as having a negative value (see Map 26) is supported where it can be demonstrated that the proposal accords with the principles of good design in NPP 6 (1) and (2) and reinforce the historic character of the Town Centre (including creating/improving pedestrian access to the market place).

The Gainsborough Neighbourhood Plan identifies the former Oldrids Department Store (The Lindsey Centre/the site) as a retail unit that does not make any contribution to the historic character of the Town centre.

The design of future development in the Town Centre Conservation Area must enhance the historic character. New development that better reveals the significance of heritage assets such as by removing unsympathetic later additions, adding interpretation, or creating new ways to view the town's heritage will enhance this character.

Proposals that see the removal of buildings that have no value or a negative value may also provide better permeability into the market place (their redevelopment may allow for new direct and safe pedestrian routes into the historic core) so long as this does not leave gaps in the street scene and historic layout. This would strengthen the existing

character and contribute to refocusing the pedestrian flow back into the historic part of the Town.

At the historic core of the Town Centre is the market place and Town Hall; this was located on the main north-south route through the Town. It is classed as a historic open space (see Map 27 of the GNP).

Through traffic was removed from the market place in order to create a large pedestrianised space which extends to include Lord Street (east) and Silver Street. One of the consequences of the removal of vehicular traffic is the perception of emptiness at certain times of day. The market place is accessed by two pedestrian routes and a few small alleyways. There is limited permeability. This combined with the pull of Marshall's Yard means that few people walk through what was the core of the Town.

The proposal creates a key space within the urban fabric where streets and paths merge to create a connective route between the historic Market Place and the recent Marshall's Yard Development, promoting the local character, wayfinding and sense of place within the town centre.

The proposal would be in accordance with policies NPP 1 and NPP19, subject to design, of the Gainsborough Neighbourhood Plan which carries significant weight.

Design will be discussed in more detail below in the relevant section.

Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 86 of the NPPF states that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Policies LP5, LP6, LP7, LP15 and LP42 are consistent with the NPPF and attached full weight.

Policies NPP 1 and NPP 19 of the submitted GNP are consistent with the NPPF and attached significant weight.

#### *Design and Impact on Listed Buildings and Conservation Area*

Policy LP26 states that all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.

All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place.

NPP 6 of the GNP states that development must be of a high design quality that will contribute to the character of Gainsborough Parish.

Policy LP25 states that Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Policy LP38 states that proposals for development should seek to make a positive contribution to the built and natural environment and quality of life in Gainsborough.

NNP 18 of the GNP states that Listed buildings, the three Conservation Areas and their settings and items on the Lincolnshire Historic Environment Record, are protected in accordance with District and National policy. Development that enhances these heritage assets and/or better reveals their significance (including their settings) will be supported.

NNP 18 also states that development within the Conservation Areas or their settings should demonstrate an understanding of the history and industrial quality of the area. Development should respect the scale, building plot, height and roofline, and complement existing materials and architectural detailing and reflect the pattern and design.

The site lies within the Gainsborough Town Centre Conservation Area and the rear of the site overlooks the Britannia Works Conservation Area to the east. There are three Grade II\* and 32 Grade II listed buildings within the study area.

The Gainsborough Town Centre Conservation Area covers an area of historic core which is considered to be of special historic and architectural interest and was designated in 1986.

The town centre has three focal points which are centred on the Market Place, The Old Hall, and All Saints Church. These areas all have separate and distinct characters and are associated with different periods in Gainsborough's development. Up to the thirteenth-century it is likely that the Old Hall was the central focus of the settlement. It would have been home to the Lord of the Manor, possibly built on the site of the former defensive Burgh. In the twelfth-century after the granting of the town's Market Charter the emphasis would have at least partially shifted to the Market Place and the surrounding streets. In the eighteenth and early nineteenth-centuries with the development of the port, the emphasis shifted once more to the riverside.

Included in the medieval core of the town are Market Place, Market Street, Church Street, the pedestrianised section of Lord Street (as far as Parnell Street) Little Church Street and Silver Street. Also included in this area are buildings on the west side of North Street as far the junction with Market Street and the Court House on the opposite

corner with Market Street. This is a largely flat area but it is elevated above the level of the River Trent.

The town centre plan is that of a medieval town and is based on a crossroads formation. These streets are narrow and flanked on both sides by densely packed buildings which address the road. These streets still respect the alignment of the medieval streets and spaces.

A good proportion of these buildings date from the eighteenth and early nineteenth century. There are also a large number of twentieth-century buildings. Broadly speaking the pre-twentieth-century buildings are mainly tall and narrow often of three or four storeys with plot widths reflecting the medieval plot divisions. The predominant building material is red brick, handmade on pre C 19<sup>th</sup> buildings and machine made on later ones.

Roofs are generally covered with pan-tile, clay or blue slate roofs although there are numerous concrete tiled roofs.

The public realm treatment within the historic core varies, however recent improvements to surfaces within pedestrianised areas (Market Place, Lord Street and Silver Street) have employed a mixture of high-quality natural stone finishes including porphyry sets sawn York Stone. Beyond the retail heart of the town centre public realm treatment becomes more utilitarian with tarmacadam road surfaces and concrete (and occasionally stone footpaths).

Even though there is a significant amount of twentieth-century building surrounding the Market Place, this respects the feel of the place, with heights, building materials and fenestration patterns respecting traditional patterns. The main twentieth-century building of note is the 1926 Bank at the entrance to Market Place. This grand and ornate neoclassical composition is currently vacant. It is not listed but is of clear local heritage and townscape value. In the Market Place, the Lindsey Centre which occupies the whole of the south-east corner is lower in height than its historic neighbours. It does not dominate or detract from the historic buildings, being constructed from brick of a dark recessive colour.

The Market Place currently lacks a central focal point although there was originally a large drinking fountain here which is marked on the 1886 Ordnance Survey. Silver Street exits to Caskgate Street to the south and the Market Place connects to Lord Street, Church Street and Market Street to the north. The entry and exit points into these streets offer views that cover a large part of the historic town centre. Curtis Walk and Flag Alley are narrow pedestrian routes which connect to the Market Place both of which have considerable townscape value.

In a recent review of The Gainsborough Town Conservation Area Appraisal, this summarises the characteristics of the Market Place as -

- Effective enclosure of the space
- High quality public realm and traffic free environment

- Diversity of buildings by age, aesthetics and materials with late C20th buildings seeking to conform to established development patterns (materials, fenestration patterns, heights etc.)
- Market Hall acts as the dominant and unchallenged focal point
- Strong northern gateway formed by the Market Hall and the former NatWest Bank.

In determining planning applications associated with buildings or land within a conservation area the duty in law under S72 (1) of this act is that “special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area”.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states: “In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

The design as submitted would be harmful to the conservation area and would not preserve or enhance its character. It would also be harmful to the setting of numerous Listed Buildings.

Whilst a new walking route from the Market Place is welcomed, the link currently proposed is too wide. The established and historic enclosure to the east side of the Market Place would be lost. The view of the single storey element of the cinema to the rear compounds this problem.

The buildings surrounding the Market Place are generally three stories and often have parapets at the roof eaves. The proposed buildings either side of the proposed passage are lower than others in the Market Place and have large exposed pitched roofs. This contrast helps to increase the impact of the wide passage way.

A chimney stack is shown on unit C and unless the chimney stack is functional it should be removed. Good quality honest contemporary design which is informed by context and local character should be the objective.

The height, roof form and fenestration pattern of units A, B and C are alien to the Market Place and could be considered more harmful to the character of the Conservation Area than the existing 1960's building.

The rear proposed cinema block is a utilitarian commercial building which if concealed from the Market Place and the significant part of the Conservation Area will not be harmful.

It is accepted that although the rear of the proposed development falls within the Conservation Area there is considerably more design flexibility in this location.

The officer is still working with the agent to amend the design of the proposal so that it does not detract from the special interest of the conservation area or detract from the setting of the Listed Buildings.

Changes being sought are to address the height and roof of the buildings facing Market Place and to address the walkway so that it doesn't detract from the setting of listed buildings and the character of the conservation area.

Currently the proposal would not be considered to be in accordance with policies LP25 and LP26 of the Central Lincolnshire Plan and NNP 6 of the Gainsborough Neighbourhood Plan.

It is felt that an appropriate final design can be achieved that would not be detrimental to the conservation area and would enhance the character and appearance of the area and would not detract from the setting of the Listed Buildings.

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:

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

Policies LP25, LP26 and LP38 are consistent with the NPPF and attached full weight.

Policy NPP 6 of GNP is consistent with the NPPF and attached significant weight

### Highways

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

A Transport Statement has been submitted as part of the application.

This summarises that the Transport Statement provided a review of the transport and highways details associated with the proposals and is in support of a planning application to be submitted WLDC for the development of a four-screen cinema, two

retail units [Use Class A1], a restaurant [Use Class A3] and associated car parking on the site known as the Lindsey Centre, which is predominantly unoccupied.

In addition to the existing Co-op Travel outlet and Post Office, the site was occupied by Oldrids Department Store, having been a cinema originally, and is now established as an A1 retail (non-food) site.

The site is located in Gainsborough town centre and is therefore well located to additional retail and leisure land uses and is adjacent to a Lidl superstore. Gainsborough Bus Interchange is 150m from the site offering a wide range of bus services to and from the surrounding urban settlements of Lincoln, Retford, Doncaster and Scunthorpe, in addition to local services with Gainsborough itself. There are also two railway stations in the vicinity of the site offering services to and from Worksop, Retford, Lincoln, Sheffield and other key centres.

Walking routes to and from Gainsborough Bus Interchange and Gainsborough Central Railway Station are safe and well-lit and Gainsborough Lea Road Railway Station can be accessed by cycle in around 10 minutes.

There are a large number of public car parking spaces (Pay and Display surface car parks and on-street) within the town centre in close proximity of the site, which is inexpensive. There is also a large car park serving the Lidl superstore, adjacent to the site, which has controlled parking limited to 1 hour 30 minutes.

The proposed development comprises:

- A four-screen cinema, with a total of 383 seats;
- Unit A: A1 Use [80.8 sq. m];
- Unit B: A1 Use [75.5 sq. m]; and
- Unit C: A3 Use - Restaurant [302 sq.m].

57 parking spaces are to be provided, included six disabled spaces, 50 accessed from Heaton Street [North] and seven accessed from Heaton Street [South]. These spaces will be Pay & Display and for public use.

Servicing will be undertaken from the servicing area accessed from Heaton Street [South] for the Cinema and Unit C and from the car park accessed from Heaton Street [North] for Units A and B. Refuse collection will occur from Heaton Street [South].

A trip generation assessment has been undertaken to forecast the likely number of vehicle movements associated with the proposed development on a Saturday, which is acknowledged to be the peak period of activity for the proposed uses. The assessment includes the consideration of the vehicle movements that could have been generated by the consented use and linked trips with users of the proposed development already in the town centre and also of users visiting more than one use at the proposed development itself.



The assessment of the cinema use has been undertaken using first principles, applying assumptions based on various sources of information and is considered to be a robust assessment. The net vehicular impacts shown are:

- A reduction in the consents use peak (11:00 to 12:00, -123 vehicle movements);
- An increase in the combined use proposed development peak (17:00 to 18:00, +25 vehicle movements); and
- A slightly larger increase in the restaurant peak (19:00 to 20:00, +48 vehicle movements).

These increases can be attributed to the differing opening times of the consented and proposed uses i.e. the Lindsey Centre will not have been open in the evening, whereas this the peak period of activity for the Cinema and Restaurant. The forecast daily [09:00 to 23:00] net vehicular impact is identified as -366 two-way movement and therefore, there will be an overall net reduction in the number of vehicle movements associated with the development proposals compared to the consented use.

A car parking accumulation assessment has been undertaken, which shows for the majority of the day, the car park can accommodate the forecast vehicles generated by the proposed development and is likely to be an overestimation, given the robust assessment.

The Transport Statement concludes that the proposed development is in a highly sustainable location and the robust trip generation assessment has shown a negligible net vehicular impact. Given, the parking to be provided, the availability of additional parking in the town centre (particularly in the evening when the demand is higher for the proposed development) and since a Travel Plan will be implemented at the site, promoting sustainable travel modes to staff and visitors, SLR suggests the proposals should be considered acceptable and that there should be no transport or highways reasons why this application should not be approved.

LCC Highways have been consulted on the proposal and state that the submitted Transport Statement is a fair and reasonable representation of the impact on the existing highway network and is considered acceptable.

LCC Highways did request an updated site plan to reflect the following:

- Footway and access arrangement in more detail on Heaton Street North.
- The existing vehicle access on Heaton Street South will require removal and reinstatement to footway. Specification to be agreed with the Highway Authority.
- All vehicle access construction details to be confirmed with the Highway Authority.
- Please indicate the kerb radii on the Heaton Street South servicing access (generally a 10m requirement, however swept path shown is acceptable)

This information can be conditioned.

A travel plan was also submitted as part of the proposal. LCC Highways were consulted on the travel plan and state that overall the travel plan as submitted contains the relevant information that would be expected in a residential travel plan in an appropriate level of detail. However, there are some areas where additional detail or clarity is required. This can be conditioned.

The proposal, subject to conditions, would be in accordance with policy LP13.

Paragraph 104(b) of the NPPF states that planning policies should:

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Noise

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

It is noted that the Environmental Protection Officer has sought a noise assessment to be submitted. One has not been submitted with the application. However given the sites location in the centre of town and the town centre compatible uses it is considered to be an appropriate town centre use within this location. A condition can be placed on the application for a noise assessment to be submitted to detail any mitigation that may be required from the uses.

The proposal subject to this condition would be in accordance with policy LP26.

Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

Policy LP26 is consistent with the NPPF and is attached full weight.

#### Drainage

Policy LP14 states that development proposals should demonstrate:

g. that water is available to support the development proposed;

- h. that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;
- i. that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;
- j. they meet the Building Regulation water efficiency standard of 110 litres per occupier per day;
- k. how Sustainable Drainage Systems (SuDS) to deliver improvements to water quality, the water environment and where possible to improve amenity and biodiversity have been incorporated into the proposal unless they can be shown to be impractical;
- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;
- n. that no surface water connections are made to the foul system;
- o. that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;
- p. that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;
- q. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure; and
- r. that adequate provision is made to safeguard the future maintenance of water bodies to which surface water is discharged, preferably by an Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local council).

### *Surface Water*

The proposed strategy detailed in the application aims to reduce the surface water discharge to greenfield rates. All post development run-off from the development area will be limited to 10 litres/second in accordance with best practice. Attenuation and reduced discharge will be provided for all storm events up to and including the 1 in 100-year storm plus 40% allowance for climate change.

Sustainable Drainage Systems (SuDS) shall be used including a large area of tanked permeable paving and silt traps.

The discharge will connect into the existing Severn Trent Water combined sewers located around the site.

Discharge will be to 2 locations with 5l/s to each outlet. An additional 10% allowance for urban creep has been included in the sizing of attenuation.

Maintenance/management of all onsite drainage infrastructure has been considered within a separate maintenance plan. This will be updated through the development process.

The proposed surface water drainage strategy is entirely based on-site.

### *Foul Drainage*

It is proposed to discharge the foul drainage from the development site into the existing Severn Trent Water combined sewers to the south of the site in Heaton Street and east of the site in Heaton Street.

A final drainage strategy can be conditioned.

The proposal subject to conditions would be in accordance with policy LP14.

Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 is consistent with the NPPF and attached full weight.

### *Flood Risk*

Policy LP14 states that through appropriate consultation and option appraisal, development proposals should demonstrate:

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;
- b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;
- d. that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;
- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and
- f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.

GNP NPP 2 Proposals should ensure flood risk is not increased to the site or to others, and be improved wherever possible and will be considered against the sequential and where necessary the exceptions test in accordance with CLLP LP14.

A Flood Risk Assessment (FRA) has been submitted as part of the application.

The report assesses existing flood risk issues at the site and proposes mitigation where necessary to reduce the risk of flooding to occupants post-development with no increased risk of flooding off-site.

The site is currently developed land containing a shopping Centre with associated hardstanding areas. The proposals are for a multi-unit commercial development including a cinema with associated parking and landscaping.

The development area of the site is located in the Environment Agency's Defended Flood Zone 3 where there is a worst case greater than 1 in 100 annual probability of river flooding.

The sources of flooding assessed and proposed mitigation measures are listed in the table below.

Source	Risk Category (after mitigation)	Comments
Fluvial (Rivers and Sea)	High	Proposed finished floor levels above 1 in 200-year event flood levels
Coastal and tidal	Negligible	Not near coast or tidal waterbody
Groundwater	Low	Not high based on EA information and Magic Map. No onsite testing available.
Surface water	Low	Low due to natural topography and surface water drainage strategy
Sewers	Low	Low due to natural topography and sewer location
Reservoirs	Negligible	Not near reservoir

It is recommended that future residents sign up to the EA free flood warning system.

The proposals for redevelopment of the land for commercial use is generally classified as 'Less Vulnerable', however should part of the site be used for a drinking establishment, hotel or nightclub, these would be classified as 'More Vulnerable', hence the assumption for use is 'More Vulnerable' as defined in PPG Table 2.

According to PPG, this land use is appropriate for Flood Zone and 3, subject to the application of the Sequential and Exception Test.

The report demonstrates that both the Sequential and Exception tests have been passed, therefore the proposed redevelopment is appropriate, in flood risk terms. It is

considered that the proposal has passed the sequential and exception tests. Town centre uses need to be limited to the town centre so there would be no sequentially preferable location.

Safe access will be addressed through the provision of safe refuge within the new development and a safe route outside the flood extent. In the event of a flood, the area to the east and north of the site along Heaton Street and Market are outside the flood plain and can be accessed via foot. In an event safe egress cannot be achieved, refuge is available in the upper floors.

Post-development surface water runoff will be restricted to a discharge rate of 10 l/s subject to Severn Trent approval. This discharge will be maintained for the range of rainfall events up to and including the 1 in 100 storm event + 40% climate change. The surface water drainage strategy incorporates extensive Sustainable Drainage Systems (SuDS).

The Environment Agency have been consulted and have no objections subject to a condition that finished floor levels shall be set no lower than 6.96 metres above Ordnance Datum (AOD).

The proposal subject to conditions would be in accordance with policy LP14 and NNP 2 of the GNP.

Paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

Policy LP14 is consistent with the NPPF and attached full weight.

Policy NPP2 of the submitted GNP is consistent with the NPPF and attached significant weight.

### Archaeology

Policy LP25 states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer and approved by the planning authority.

The proposed development is located within the core of the medieval town of Gainsborough. The site fronts on to two sides of the Market Place and it includes a number of characteristic burgage plots that likely originated in the medieval period. A detailed Heritage Assessment has been produced in support of the application, which adequately describes the available information to present an assessment of the site's archaeological potential.

This location in the heart of the medieval town is one where deeply stratified remains from periods throughout the town's history, from its Anglo-Saxon and Viking origins onwards may be expected. However, the lack of recent development or archaeological research within Gainsborough means that there is almost no available information with which to make a reliable assessment of the significance, complexity, depth or preservation of any remains in this part of the town. The present use of the site would appear to rule out any potential for evaluation to provide site specific evidence of archaeological potential prior to determination.

As concluded in the developer's Heritage Assessment: "The proposed development potentially could disturb significant archaeological remains at the core of the medieval town. Grubbing out of existing foundations and the construction of new foundations, as well as any services installation have the potential to destroy archaeological deposits."

It is therefore recommended that the developer be required to remove the present foundations under archaeological supervision, followed by a programme of post determination archaeological evaluation. This evaluation will inform the design of an archaeological mitigation strategy, if necessary, that aims to minimise the impacts of the proposed development upon significant buried archaeology (such as by changes to the foundation design), and where such impacts cannot be avoided, an appropriate scheme to ensure remains are preserved by record prior to destruction.

This can be secured by planning condition.

The proposal, subject to conditions, would be in accordance with policy LP25.

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy LP25 is consistent with the NPPF and is attached full weight.

### Minerals

The site sits within a Minerals Safeguarding Area and therefore policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy is applicable.

This requires applications for non-minerals development to assess the implications of the development on the Minerals Safeguarding Area allocation to ensure that the granting of permission would not sterilise mineral resources within the Minerals Safeguarding Area or prevent the future minerals extraction on neighbouring land.

Whilst the Minerals Safeguarding Area allocation does not mean that extraction will take place, an assessment of the impact of the proposed development on the designation is required.

Policy M11 lists criteria that should be considered in the preparation of a planning application in order to demonstrate policy compliance.

The justification and need for the development proposed have therefore been assessed against the policy objectives set out in policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy, and in reference to the British Geological Survey document '*Mineral Safeguarding in England: Good Practice Advice*'

Whilst a minerals assessment has not been submitted with the application, the potential for the recovery of mineral from within the site is limited by a range of pre-existing constraints, notably the presence of commercial properties surrounding the site along with numerous listed buildings.

Taking into account these constraints, it is considered that the prior extraction of any significant volume of mineral from within the site would be unfeasible.

In accordance with the criteria set out in policy M11 prior extraction of the mineral would be impracticable and would have a negligible impact with respect to sterilising the mineral resource.

Overall it is concluded that the Development will not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure.

The presence of sand and gravel within the surrounding area should not therefore be viewed as a constraint on the Development.

### *Other matters*

As some of the uses proposed would allow for hot food preparation, a condition is recommended for details of any extraction equipment to be submitted and approved prior to first use.



The Environmental Protection Officer has recommended a condition for the control of litter. This type of condition is not relevant to planning, enforceable and would not meet the “six tests”<sup>2</sup>. Therefore a condition for such should not be placed on the permission.

They have also requested a condition for measures for pigeons. Again this is not relevant to planning, could not be enforced and should not be placed on the permission.

A condition for external lighting to be submitted and approved prior to first use has been recommended and can be added to the permission.

## **Conclusion**

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP5: Delivering Prosperity and Jobs, LP6: Retail and Town Centres in Central Lincolnshire, LP7: A sustainable Visitor Economy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP15: Community Facilities, LP25: The Historic Environment, LP26: Design and Amenity and LP42: Gainsborough Town Centre in the Central Lincolnshire Local Plan, policies NPP 1 Sustainable Development, NPP 2 Protecting the Natural Environment and Enhancing Biodiversity, NPP 6 Ensuring High Quality Design, NPP 18 Protecting and Enhancing Heritage Assets and NPP 19 Improving the Vitality of the Town Centre in the submitted Gainsborough Town Neighbourhood Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The principle of development is acceptable.

The proposal would improve and enhance the town bringing a much needed leisure economy which is limited in the present time in accordance with policies LP7, LP15 and LP42 of the Central Lincolnshire Local Plan. The proposal in terms of principle would be in accordance with policies NPP1 and NPP 19 of the submitted Gainsborough Town Neighbourhood Plan.

The proposal would create new jobs in accordance with policy LP5.

The proposal would not be detrimental in terms of highways and drainage and would not increase the risk of flooding in accordance with policies LP13 and LP14.

The proposal would not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure in accordance with policy M11.

The proposed development potentially could disturb significant archaeological remains at the core of the medieval town. Subject to a condition for a scheme of investigation works the proposal would be in accordance with policy LP25 in terms of archaeology.

Currently the design would be harmful to the conservation area and setting of the many listed buildings. The proposal is currently contrary to policies LP25, LP26 and NPP6 of

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<sup>2</sup> <https://www.gov.uk/guidance/use-of-planning-conditions>

the Gainsborough Neighbourhood Plan. Therefore, it is requested that members grant the principle of development subject to delegating back to officers for an amended design and refined conditions that will preserve or enhance the character of the conservation area and protect the setting of the listed buildings. Possible conditions are listed below –

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

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

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

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

2. No development shall take place until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of amenity and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

3. No development shall take place, other than any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction
- viii. The means of access and routing for demolition and construction traffic.
- ix. piling and construction

**Reason:** In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

4. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning

authority. This should consist of set piece archaeological excavation and shall also include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012).

**5.** The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 4 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

**6.** The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 4.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

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

**7.** Following the archaeological site work referred to in condition 6 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

**8.** The report referred to in condition 7 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

**9.** No development other than to foundation level shall take place until full details of foul and surface water drainage has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with policy LP14 of the Central Lincolnshire Local Plan.

**10.** 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 details shown on the approved plans:

(TO BE COMPLETED)

and in any other approved documents forming part of the application.

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

**11.** Finished floor levels shall be set no lower than 6.96 metres above Ordnance Datum (AOD)

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

**12.** Prior to any extraction unit being installed, details shall first be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**13.** Prior to any external lighting being installed, details shall first be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**14.** Notwithstanding the plans submitted, no development, other than to foundations level, shall take place until details shall be submitted for the following –

- Footway and access arrangement in more detail on Heaton Street North.
- The existing vehicle access on Heaton Street South will require removal and reinstatement to footway. Specification to be agreed with the Highway Authority.
- All vehicle access construction details to be confirmed with the Highway Authority.
- Please indicate the kerb radii on the Heaton Street South servicing access (generally a 10m requirement, however swept path shown is acceptable)

**Reason:** In the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

**15.** No development, other than to foundations level, shall take place until details of the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**16.** If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

**Reason:** In order to safeguard human health and the water environment in accordance with policies LP16 and LP26 of the Central Lincolnshire Local Plan.

**17.** No development, other than to foundations level, shall take place until a noise assessment detailing any mitigation has been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** In the interests of amenity in accordance with policy LP26 of the Central Lincolnshire Plan.

**18.** Prior to the first use of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

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

None

**Human Rights Implications:**

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

**Legal Implications:**

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