

## **Officers Report**

### **Planning Application No: 141017**

**PROPOSAL:** Planning application for change of use of land to park including siting of vehicle for hot & cold foods, seating, raised area, perimeter fencing, and siting of a storage shed.

**LOCATION:** Land At North Street and Spital Terrace Gainsborough  
Lincolnshire DN21 2HU

**WARD:** Gainsborough South West

**WARD MEMBER(S):** Cllr Mrs J A Rainsforth, Cllr T V Young

**APPLICANT NAME:** Mr S Ralf

**TARGET DECISION DATE:** 14/07/2020

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Daniel Evans

**RECOMMENDED DECISION:** Grant the principle of development, subject to deferral back to officers for resolution of outstanding matters in relation to odour.

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This planning application is being referred to the Planning Committee for determination following the request of the Ward Member within the 28 day 'call-in' period and the planning matters under consideration are finely balanced.

#### **Description:**

The application site is a vacant area of land located on the corner between North Street and Spital Terrace.

The site lies within Gainsborough Town Centre surrounded by a number of Listed Buildings and within the Gainsborough Britannia Conservation Area. The site is surrounded by a mixture of retail units some with flats above. North Street and Spital Terrace adjoin the western and northern boundaries respectively. The site comprises of an open area of grass which was previously unkempt and measures approximately 850m<sup>2</sup> in area.

The application seeks permission to change the use of the site to a 'pocket park' and the siting of a catering vehicle which will serve hot and cold food and drink. The proposed activities on the site include usage as park day to day with up to 50-60 people and catering trailer and evening performances in summer (theatre, music, cinema) with a maximum of 200 attendees. The application also proposes a number of ancillary elements (below).

The description of works given in the application form, is as follows:

- *Change of use of land to Park*
- *Stationing of vehicle for hot & cold foods*
- *Provision of seating*

- *Provision of raised area for seating, activities and entertainment*
- *Provision of seating benches*
- *Provision of perimeter fencing at 1m height*
- *Provision of a storage shed*
- *Provision of raised planting beds and wheelie bin wormery*

To note: this application is retrospective. Works have commenced and the catering vehicle has been operational over the summer months.

**Relevant history:**

M06/P/0082 - Planning Application to erect 24no. apartments and 5no. shop units. Granted 13/06/2006.

131913 - Planning application to erect a four storey block of 19no. apartments to provide a supported living environment for adults with learning difficulties. Refused 28/04/2015.

134332 - Planning application to erect a four storey block of 17no. apartments with associated access and car parking-resubmission of 131913. Granted 02/06/2017.

**Representations:**

Chairman/Ward member(s):

Cllr. J. Rainsforth

I have received several phone calls from members of the public expressing concerns at the siting of this application, the general feeling being it would be detrimental to the street scene as it is situated in a Conservation Area.

Concerns have also been raised about it being a distraction at a very busy roundabout.

So based on this I am asking could this application please be brought to the planning committee for determination.

Gainsborough Town Council:

A member commented that for much of the week commencing 18 May 2020 that the bottom of Spital Terrace was already being used for food distribution. A comment was also made that the planning application documents were not of a high standard and professional.

Concerns were raised by a member about members of the public congregating at the site in question whilst lockdown measures were in place and near a busy roundabout.

Additional concerns were raised about the impact that proposal would have on other food outlets in proximity.

A question was raised whether the appropriate planning permission was currently in place for such activity. A concern was raised about the detrimental impact the activity is currently having on the street scene.

One member specifically questioned if the proprietor had taken steps to ensure that guidelines were being met to tackle the outbreak of the coronavirus? There was also questions about what certification was in place for hygiene, health and safety, etc.

Local residents:

Objections received from the following properties: 24 Meadow Rise, Lea.

Comments summarised as follows:

- This would be an eye sore we have plenty of eateries we do not need a burger van.
- It would impact on the area and other food establishments.

General Observations received from the following properties: 45 Larne Road, Lincoln.

Comments summarised as follows:

- Being dog owners it's always difficult to find somewhere to have a coffee/tea and a bite to eat, but we were able to do so here, the grounds look well-kept and tidy the kitchen trailer gives a hint of Gainsborough's farm machinery industrial history.
- The staff were very helpful, the food was freshly cooked and very enjoyable.
- It is so unusual to find little gems like this in these days of the National coffee shop franchises, it's so refreshing to find a business that takes what I believe was a piece of overgrown waste land and an eyesore and turn it into a space which adds to the town in a positive way for it's community. It is somewhere we both hope to visit regularly when visiting the area in the future. Well done West Lindsey District Council for supporting this sort of enterprise and giving the people of Gainsborough and visitors to the area somewhere that's totally unique to experience.

LCC Highways & Lead Local Flood Authority:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Archaeology:

The proposed development is located in an area of archaeological interest close to the historic core of the medieval town of Gainsborough. Yet the proposed development does not appear to involve any substantial groundworks (other than planting, path laying etc.) and on this basis we would recommend that no archaeological input be required.

WLDC Environmental Health:

25/11/2020

Whilst there are inaccuracies in the text of the noise assessment (referrals within to the site being a shisha room and a pub) I am satisfied that the general day to day usage of the site as a park for food and drink purchase, consumption and social gathering etc. is not going to cause excess noise disturbance provided patrons behaviour is suitable managed by staff as per the noise management plan on page 18 of the assessment. However I still have concerns regarding the use and suitability of the site as an outside entertainment venue given the close proximity to residential properties and the lack of information regarding the type and intended location of sound equipment, how/where it is to be installed and how it is to be managed to ensure levels do not exceed those which would cause disturbance. This could perhaps though be conditioned along the lines of “any amplified music or PA system is not to be brought into use until such a time as the details of the installation has been agreed in writing by LPA”.

There also needs to be confirmed by the applicant that the catering trailer has no fixed mechanical plant (running all appliances off mains or solar as described in the noise assessment) and that the existing fence meets the criteria within section 6 the assessment.

As briefly touched on the odour assessment is not suitable and does not show how odour from the cooking of food at the premises is to be managed effectively. The applicant should be directed to the DEFRA / EMAQ guidance “Control of Odour and Noise from Commercial Kitchen Exhaust Systems”

06/08/2020

(in summary)

The food truck appears to be intended as a permanent fixture, certainly as it is likely to be there for more than 28 days it would not be classed as temporary, as such it must comply with the same requirements as any other fixed commercial kitchen, it will require an adequate odour control mechanism to be in place prior to use details of which will need to be submitted and approved.

As a food establishment it will need to have a proper water supply, it will need to have proper drainage (foul and surface water) and there will be a requirement for a staff toilet facilities etc. as a permanent structure it will also need registering with our food team. Any waste (including waste water) created by the business will need to be disposed of properly. Provision of food and drink intended to be consumed on the premises (premises is the entire site encompassed by the application and not just the food truck) will require provision of toilet facilities for customers.

The noise aspect has not been fully addressed and I would expect a full noise assessment by a suitably qualified person to cover all aspects of noise from the site. Two “high impact” events per week would be considered excessive in a residential area and in general the management plan supplied is vague regarding what activities will take place, what effect they will have on the area and how this will be managed. Suitable restrictions on hours and number & type of activities will need to be conditioned should permission be considered.

27/05/2020

(in summary)

Highlighting potential issues in relation to:

- Potential noise disturbance to occupiers of neighbouring premises from generators, food prep, activities & entertainment and customers.
- Potential odour nuisance from cooking.
- Off-site litter management.
- Lighting arrangement.
- Storage shed.

WLDC Conservation Officer:

02/12/2020

(in summary)

The site lies within the setting of the grade II\* listed former Magistrates Court. A wider shot within the heritage statement shows exactly the park is set between non-designated heritage assets and a highly graded listed building. This site has been open historically and has previously been something of an eyesore in a key location as you come into town.

17/06/2020

(in summary)

The site is located at a very prominent corner in the town centre, which is within the Britannia Works conservation area. There are listed buildings in Spital Terrace in close proximity to this site and a number of buildings of importance in the conservation area nearby, including the Heritage Centre. Also, the site is within the Gainsborough Town Centre Heritage Masterplan. Until a few weeks ago, this site contained advertisement hoardings. I visited yesterday and notices that the hoardings were gone and works were underway on site. Development for flats has previously been granted on this site, however, the Britannia Works conservation area appraisal notes that the site has historically been open space (confirmed by old OS maps). The conservation area appraisal also notes that the site would benefit from environmental improvements. I note also that there is no heritage statement with this application.

I would advise that whilst I welcome the principal of improving this site, which could make a very attractive pocket park, that any such proposal must be appropriate to the conservation area. Unfortunately the current proposals have a number of elements which are not considered to preserve or enhance the conservation area.

So I whilst I would advise that it would be acceptable to see the area used as a pocket park, properly designed as a civic amenity for use by all, it is not suitable for an open air café area serviced by a truck.

WLDC Licensing:

(in summary)

It is likely that some of the activities proposed would require a licence for the site. Licensable activities which would require a temporary events notice or premises licence are:

- Sale of alcohol
- Late night refreshment
- Regulated entertainment
  - Performance of a play
  - Exhibition of films
  - Indoor sporting events
  - Boxing or wrestling entertainments
  - Performance of live music
  - Playing of recorded music
  - Performance of dance

WLDC Trees and Landscapes Officer:

This is a prominent corner located adjacent the main route into the town centre from the north and east sides of the town. There are various tall building around this site and any new landscaping should contain some structural planting to compliment the buildings as well as add feature and biodiversity value to the site.

Native tree species are the best for biodiversity value but any trees will improve biodiversity value. Due to the available space of the site and its intended use any tree planting should be chosen to avoid wide spreading crowns and trees that would eventually take up too much space or would dominate the site.

There are a number of small trees that would be suitable to add feature, amenity and improve biodiversity of the site. Small species suggestions are crab apple, Amelanchier 'Ballerina', Amelanchier lamarckii, or Photinia x fraseri 'Red Robin' which is grown as a shrub or a small tree. For a bit more structural height to the planting, Betula utilis Jacquemontii planted in tight groups of three would stand out to passers-by, three small to medium sized trees following the perimeter of the site with oval or narrow crowns to avoid their crowns overly 'filling' the site would add feature and amenity to the site and make an important contribution to the street scene, such as Pyrus calleryana 'Chanticleer', or there are a number of rowan varieties with oval crowns such as Sorbus aucuparia 'Asplenifolia' or Sorbus aucuparia 'Cardinal Royal', Sorbus aucuparia 'Sheerwater Seedling', or some field maple varieties also have oval/narrower crowns such as Acer campestre 'Elegant', Acer campestre 'Queen Elizabeth', or some tree nurseries supply 'streetwise' varieties of some trees which are narrow crowned versions, such as Acer campestre 'Streetwise' which is only 3m wide after 25years. One or two specimen large species trees such as Quercus robur Fastigiata or Fastigiata 'Koster', or Fagus sylvatica 'Dawyck' would stand out. Holly or something thorny such as Crataegus 'Paul's Scarlet', Hybrid cockspur thorn, or Broad-leaved cockspur thorn are good one to obstruct people going where they shouldn't, such as position one at the side of the food truck or the shed to prevent people going behind them.

**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

LP2: The Spatial Strategy and Settlement Hierarchy

LP6: Retail and Town Centres in Central Lincolnshire

LP9: Health and Wellbeing

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP20: Green Infrastructure Network

LP24: Creation of New Open Space, Sports and Recreation Facilities

LP25: The Historic Environment

LP26: Design and Amenity

LP38: Protecting Gainsborough's Setting and Character

LP42: Gainsborough Town Centre and Primary Shopping Area

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

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

The site is not in a Minerals Safeguarding Area and therefore policy M11 of the Core Strategy does not apply.

<https://www.lincolnshire.gov.uk/planning/minerals-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 Planning Practice Guidance*
- *National Design Guide (2019)*

### 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).*

- ***Draft Gainsborough Neighbourhood Plan (GNP)***

Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of Regulation 16 of the Neighbourhood Plan Regulations 2012 (as amended). The Regulation 16 consultation has concluded and the plan is currently at examination stage which is being undertaken by an independent examiner. Applying paragraph 48 of the NPPF, the emerging neighbourhood development plan can be afforded some limited weight in the decision of this scheme at this stage of preparation (subject to any outstanding objections on the relevant policies).

Relevant policies of the GNP are:

NPP1: Sustainable Development

NPP2: Protecting the Natural Environment and Enhancing Biodiversity

NPP3: Creating a Local Green Network

NPP6: Ensuring High Quality Design

NPP7: Ensuring High Quality Design in each Character Area

NPP18: Protecting and Enhancing Heritage Assets

NPP19: Improving the Vitality of the Town Centre

### Other Guidance:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

Gainsborough Britannia Conservation Area

### **Main issues**

- Principle of Development
- Heritage and Design
- Residential Amenity
- Other Matters



## **Assessment:**

### Principle of Development

The application seeks permission to change the use of the land to a park together with the siting of a catering vehicle which will serve hot and cold refreshments, seating areas, a raised platform area and siting of a storage shed.

Policy LP24 supports the provision of new open space within Central Lincolnshire. This is echoed within the emerging GNP which seeks to deliver a Local Green Network within the town. 'Map 6 Existing Green Spaces' within the GNP identifies a clear lack of green space within the Town Centre. The CLLP and NPPF also recognise the benefits open space can have in supporting and enhancing physical and mental health and wellbeing.

The proposed renovation and revitalisation of the open space will deliver notable public realm improvements and serve as a new social facility within the town centre. This accords with policy LP38 of the CLLP in particular, which seeks to deliver improvements to the public realm that will enhance Gainsborough's attractiveness as a destination.

Overall the renovation and revitalisation of this open space which serves as a gateway site within the town centre is supported in principle.

In addition to the renovation of the open space, the site will incorporate a food establishment through the siting of the catering vehicle which is to be a permanent addition. The vehicle is located to the east of the site.

The site is located within the defined Town Centre Boundary. In accordance with policy LP42 of the CLLP, within the Town Centre Boundary, proposals for main town centre uses are supported provided that the proposed development is compatible with the use of adjacent buildings and land.

Leisure and recreational uses such as restaurants are defined as main town centre uses by the NPPF. The proposal would offer food provision within a recreational area and food kiosk/structures such as this are somewhat expected within an urban park setting. It is anticipated that customers may utilise the tables and chairs provided within the open space for consumption, but there is no restriction in relation to consumption off the premises. Overall, it is concluded that the catering establishment proposed may be considered a main town centre use and is appropriate to this setting.

The NPPF at paragraph 85, advises that planning 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. The emerging GNP also seeks to improve the vitality of the town centre.

Overall, the proposed development to renovate and revitalise this gateway open space in Gainsborough Town Centre is supported in principle and the catering establishment will provide a diversification of the food and drink offer within the Town Centre.

It is considered that policies LP24, LP38 and LP42 are consistent with the NPPF and are attributed full weight.

### Heritage and Design

The site is located within the Gainsborough Britannia Conservation Area and surrounded by a number of heritage assets.

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 Britannia 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 LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The emerging GNP, at policy NPP18, also seeks to retain and enhance the heritage values of Gainsborough.

In relation to design the NPPF makes clear that the creation of high quality places is fundamental to what the planning and development process should achieve. Policy LP26 seeks to ensure development respects the landscape character and identity, and relates well to the site and surroundings. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape. Policy NPP6 of the GNP seeks to achieve high quality design.

A depiction is below of the site before and after the works have taken place:

Before.



(<https://www.google.co.uk/maps/>)

After.



The applicant's submitted heritage assessment advises that historically the site has remained open in nature. The site contains a well landscaped area consisting of areas for seating, together with a footpath through the site. To the east of the site there will be a catering vehicle along with an ancillary storage shed and a raised platform area. The site will be bounded to the front by low level fencing. It is considered that the revitalisation of the open space will deliver notable public realm improvements and enhance the character and appearance of the area, together with the setting of the Conservation Area and heritage assets.

However, concerns have been raised regarding the design and appearance of the proposed catering vehicle. The proposed structure contains a wood effect external finish with a corrugated metal roof. The proposal also includes an ancillary storage shed which is of no particular architectural merit. The proposed catering vehicle, together with the ancillary structures, would not in themselves enhance the setting, and may contribute to a negative visual impact as they would form somewhat uncharacteristic additions to the town centre, particularly in an open space setting.

It is considered that the addition of the catering vehicle along with the additional ancillary structures, given their design, would be incongruous additions to the heritage setting of the site. Policy LP25 advises that unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposals do not harm the significance of the asset and or its setting.

The approach within paragraph 196 of the NPPF is where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, this harm should be weighed against the public benefits of the proposal.

In this case, the proposal offers public benefits by virtue of the works to the open space, which deliver significant improvement to the public realm and enhance the character and appearance of this gateway site in the town centre. The siting of the catering vehicle will also provide benefits by virtue of

a diversification of the food and drink offer within the Town Centre. Therefore, in this case, these public benefits would outweigh the harm caused to the Conservation Area and setting of nearby listed buildings and non-designated heritage assets. A comprehensive landscaping scheme, including appropriate tree planting within the site, will be required via condition to help mitigate the harm caused by the catering vehicle and ancillary structures. This is supported by policy NPP19 of the GNP in particular which supports trees and other soft landscaping within the town centre.

Overall, the proposal accords with policies LP17, LP25 and LP26 of the CLLP, Policies NPP6, NPP7 and NPP18 of the GNP and guidance contained within the National Planning Policy Framework.

It is considered that policies LP17, LP25 and LP26 are consistent with the NPPF and are attributed full weight.

#### Residential Amenity

Policy LP26 requires development to demonstrate that proposals will be compatible with neighbouring land uses, and will not have an adverse impact in relation to amenity considerations, such as, but not exclusively, adverse noise and vibration and adverse impact upon air quality for odour, fumes, smoke, dust and other sources.

The site is located within a town centre location, any residential use within a town centre location will be subject to some noise and disturbance given the nature of the location. However, it is important to ensure that this proposal does not increase any disturbance levels to an unacceptable level.

#### *Noise*

The applicant has submitted a desk top noise assessment for the site. Page 7 of the noise assessment advises that the proposed activities on the site include usage as park day to day with approximately 50-60 people and catering trailer and evening performances in summer (theatre, music, cinema) with a maximum of 200 attendees.

A noise management plan is proposed within the assessment to ensure a low likelihood of noise impact. The WLDC Environmental Health Officer is satisfied that the general day to day usage of the site as a park for food and drink purchase, consumption and social gathering etc. is unlikely to cause excess noise disturbance.

However, concerns have been raised regarding the suitability of the site as an outside entertainment venue given the close proximity to residential properties and the lack of information regarding the type and intended location of sound equipment, how/where it is to be installed and how it is to be managed to ensure levels do not exceed those which would cause disturbance. This matter can be resolved by an appropriately worded condition, as proposed by the Environmental Health Officer. In addition to this, it is noted that some 'evening performances' proposed may be licensable activities, which would require the site to be licensed appropriately. The process of licensing the site

is separate from the planning process but would include consultations with relevant parties such as Environmental Health and the Police. Nevertheless, a precautionary approach has been adopted regarding this element of the proposal, given the lack of detail provided regarding the live events taking place from the site.

#### *Odour*

To date, an appropriate odour assessment has not been provided for the activities on site, particularly in relation to the catering vehicle.

The Environmental Health Officer has suggested that an appropriate assessment should be provided to establish how odour from the cooking of food at the premises is to be managed effectively.

The applicant has confirmed in principle their acceptance to produce such a report and implement the necessary mitigation measures.

The recommendation of this report is to delegate back to officers for determination once an appropriate assessment has been provided, to ensure it is satisfactory, and secure any required mitigation.

Subject to the above, it is considered that the proposal is compliant with policy LP26 of the CLLP. It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and is attributed full weight.

#### Other Matters

##### Public Right of Way

The site is located to the east of Gain/12/1, a public right of way. The proposed development will have no impact on the functions of the right of way.

##### Highway Safety

Concerns have been raised by the local ward member in relation to highway safety. The perimeter of the site contains highway parking restrictions which would prevent members of the public parking directly adjacent to the site. The Highway Authority have raised no concerns in relation to the proposal. It is also noted that the catering vehicle has been located on site during the summer and the Local Planning Authority have not been made aware of any highway issues during this period. As such, the proposal accords with policy LP13.

#### **Conclusion**

The proposal has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP6: Retail and Town Centres in Central Lincolnshire, LP9: Health and Wellbeing, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP20: Green Infrastructure Network, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP25: The Historic Environment, LP26: Design and Amenity, LP38: Protecting Gainsborough's Setting and

Character, LP42: Gainsborough Town Centre and Primary Shopping Area of the Central Lincolnshire Local Plan, Section 72 and Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and guidance contained within the National Planning Policy Framework, the National Planning Practice Guidance and policies NPP1: Sustainable Development , NPP2: Protecting the Natural Environment and Enhancing Biodiversity, NPP3: Creating a Local Green Network, NPP6: Ensuring High Quality Design, NPP7: Ensuring High Quality Design in each Character Area, NPP18: Protecting and Enhancing Heritage Assets, NPP19: Improving the Vitality of the Town Centre of the emerging Gainsborough Neighbourhood Plan.

In light of this assessment it is considered that the proposed renovation and revitalisation of the open space will deliver notable public realm improvements and serve as a new social facility within the town centre. The catering establishment will provide a diversification of the food and drink offer within the town centre. The proposed catering vehicle, together with the ancillary structures such as the storage shed, given their design, would be incongruous additions to the heritage setting, however, the public benefits of this development outweigh the harm cause to the Conservation Area and setting of listed buildings and non-designated heritage assets. No harm would arise to highway safety.

Therefore, it is requested that members grant the principle of development subject to delegating back to officers for resolution of the outstanding matters in relation to odour that will protect the amenities of neighbouring properties. 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:**

None.

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

2. Within 6 months of the date of this decision a comprehensive landscaping scheme shall have been submitted to the Local Planning Authority for its written approval, including details of the:
  - position, size, species and density of all trees, hedging and shrubbery to be planted;

The development shall be completed in accordance with the agreed details.

**Reason:** To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site and the surrounding area to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

**3.** No amplified music or PA systems be brought into use until such a time as the details of the installation, including acoustic performance, has been agreed in writing by the Local Planning Authority.

**Reason:** To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

**4.** The catering vehicle shall only operate between the hours of 9.00 and 22.00 Monday - Saturday and 9.00 and 21:00 Sunday including Public and Bank Holidays.

**Reason:** To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

**5.** 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:

- Site Layout/Block Plan (Proposed) dated 19<sup>th</sup> May 2020;
- Amended Visualisation dated 15<sup>th</sup> December 2020;
- Proposed Catering Vehicle and Storage Shed dated 23<sup>rd</sup> December 2020; and,
- Fencing Specification dated 15<sup>th</sup> December 2020.

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

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

**6.** The development shall operate in accordance with the Noise Management Plan set out within Section 6 of Noise Impact Assessment by Nova Acoustics dated 18/11/2020.

**Reason:** To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

**7.** No live event(s) shall be held on the application site.

**Reason:** In the interests of residential amenity in accordance with the National Planning Policy Framework and policy LP26 of the Central Lincolnshire Local Plan.

**8.** All planting comprised in the approved details of landscaping (Condition 2) shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Central Lincolnshire Local Plan Policy LP17, LP25 and LP26.

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

None.