



Officers Report

Planning Application No: 134332

PROPOSAL: Planning application to erect a four storey block of 17no. apartments with associated access and car parking-resubmission of 131913

LOCATION: Land on corner of North Street Gainsborough Lincolnshire DN21 2HU

WARD: Gainsborough South West

WARD MEMBER(S): Cllr J Rainsforth & Cllr T Young

APPLICANT NAME: Mr J Clayton

TARGET DECISION DATE: 26/07/2016 (Extended to 8th May 2017)

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION: GRANT PERMISSION SUBJECT TO CONDITIONS

Description:

This application seeks permission to erect 17 apartments, with associated access, parking and landscaping. The development would be four storeys in height and would front the junction with parking and servicing to the rear. The building would vary from 11.6m to 12.6m in height with the lower sections being located at either end of the larger central block. To the centre of the block would be a curved section of building following the road layout. The predominant materials proposed would be brick but the upper floor of the outer blocks would be set back and be finished in grey standing seam metal cladding. Pedestrian access would be to the rear of the block, with a vehicular driveway and pedestrian pathway being formed to the eastern section of the site.

The proposal would include 16 x two bed flats and 1 x three bedroom units. 30% of units would meet Part M(4) of the building regulations, i.e. be of a size and layout to aid adaptations for future residents with disabilities.

Existing area of open land on the corner of North Street and Spital Terrace. The site is grassed with a footpath cutting across the site diagonally with a bench upon it. To the rear, the site has been cleared of landscaping but large advertising hoardings remaining forming the rear boundary of the site to 10 North Street and 10 – 12 Spital Terrace. The site was open to the highway but has now been enclosed by herras fencing.

To the south of the site is 10 North Street a butchers shop with residential accommodation above, potentially a flat. To the rear this area is an over grown garden area with a number of dilapidated out buildings. The ground levels of this site appear to accord with the application site. To the east is 10-

12 Spital Terrace. This dwelling is a three storey building with a two storey side extension. A main landing window faces onto the site at first floor whilst a secondary bedroom window also faces west at the second floor.

Immediately to the west and north is a public highway which forms a busy junction within the town centre. Spital Terrace has a signalised pedestrian crossing upon it and double yellow lines. These extend around into North Street. A bus stop and waiting area is also located outside of 10 – 16 Spital Terrace. Opposite the site to the north is the old post office which is now a heritage centre. This large three storey brick building with stone detailing is constructed to the rear of the footpath. Adjacent to this, to the north east, are two storey shops with residential accommodation beyond.

To the west is a group of modern three storey flat roof flats which adjoins the Methodist church, which is constructed in a modernist style.

Relevant history:

W33/305/75 Outline Erection of a block of 12 flats. Approved 18 July 1975

W33/482/89 Outline Erect 15 aged persons housing units. Approved 23 July 1990

M06/P/0082 (117619) Erection of 24 apartments and 5 shop units. Approved 13 Jun 2006

123991 Request for confirmation of compliance with Conditions 2, 3, 4, 5, 6, 7 and 8 of planning permission M06/P/0082 (117619) granted 13 June 2006. Conditions partially discharged.

131913 Planning application to erect a four storey block of 19no. apartments to provide a supported living environment fhor adults with learning difficulties. Refused 28th April 2015 Reasons for refusal:

1. The proposal fails to take the opportunities to enhance the area but also detracts from the character of the conservation area by reason of its scale and massing, inappropriate layout, juxtaposition with adjoining structures and its design and appearance which is at odds with the Victorian character of the area contrary to Saved Policies STRAT1, STRAT4 and MKT1 of the West Lindsey Local Plan and the provisions of chapter 12 of the National Planning Policy Framework on design which seeks to protect and enhance heritage assets.
2. The proposal by reason of its scale massing and relationship to existing properties and a busy road junction would detract from occupiers and neighbours amenities alike contrary to Saved Policy STRAT1, STRAT4, and RES1 of the West Lindsey Local Plan and the provisions of the NPPF.

Representations:

Chairman/Ward member(s): no comments received

Town Council: (Full) We support highway concerns that larger vehicles will be unable to enter and exit the site in forward gear. The road is a busy one near a town centre roundabout and safety of the highway must be carefully considered.

We are concerned that elements of the building are not in keeping with the Conservation area.

Whilst not a material consideration the Town Council is more supportive of the building being used for supported accommodation as per previous applications for this site.

Local residents: Object (Summary) 1, 12, 14 and 19 Spital Terrace

- Support development but proposals are too large and will shadow properties opposite.
- The corner is too busy with a crossing and roundabout. It's already the scene of a number of bumps due to cars coming round the corner too fast to stop for vehicles queuing at the crossing. Vehicles from the site will end up backing out onto the road. Delivery vehicles will not be able to get in and will therefore have to service the site from the road causing further disruption. There is not enough room for vehicles to enter and leave the site in a forward gear. Large 18 or 26 tonne refuse vehicles will not be able to access the site and turn. Other private refuse vehicles have been seen backing into such areas, causing congestion and danger to other road users. Even the flats at Marshall's Court have sufficient parking and turning facilities to accommodate a refuse vehicle so why not this one? Other large construction or delivery vehicles will have the same issue.
- The visibility splays proposed take no account of railings, parking bays with cars in them obscuring views so are not accurate or safe.
- The Police are requesting a gates access. This will increase the time taken for vehicles to access the site, increasing congestion on street.
- The access is too close to the front door of adjoining property where a family live, this would create a danger for children as the pavement would be reduced by kerbing. It is believed that everyone has a right to safe access to their dwelling. The proposal is therefore considered contrary to saved Policy STRAT1 (ii) of the WLLP.
- The two car parking bay spaces outside the adjoining shop are particularly important for customers of the studio as a significant number of them are profoundly disabled. The new access will put such spaces in jeopardy. How will the bin lorry pull in to the side if these spaces are occupied? It will stick out creating a hazard and create additional congestion.

- The loss of the parking bay will harm local businesses and local residents who need to park close to their properties.
- There are not enough car parking spaces and there is not enough parking permits available in North Street car park. The car park is also not safe. Waiting is limited to 30 minutes 8am to 6 pm Monday to Saturday. This will increase competition for spaces and be significantly detrimental to the amenities of adjoining residents contrary to saved policy STRAT4. It will also harm local businesses including the vets, dental surgery, podiatry clinic and three food retail (including butchers and hot food takeaways) outlets. There is also a restaurant which will equally be impacted upon. The proposal is therefore contrary to saved policy STRAT1 v, viii and ix of the WLLP.
- Will there be rooms for nearly 50 wheelie bins? Currently the area is shown touching the boundary wall of an adjoining dwelling. This is unacceptable, unhealthy and will lead to pests and foul smells. Will all the wheelie bins be placed on the pavement? This will be untidy, unhealthy and cause congestion. This would be contrary to policy STRAT1 (xi)
- Design is completely out of character with the conservation area. Most buildings are smaller. Just because Marshall's Yard corner has huge flats doesn't mean this has to be the same. The proposal will dominate the entrance to this secondary shopping area. There has been too broad a focus on the character of the conservation area, rather than just the Spital Terrace area. The materials are also at odds with the character of this area. Windows should be white wood not grey metal which is more akin to the industrial areas of which Spital Terrace is not one.
- The three grey cabins to the top floor are in no way in keeping with the surroundings and will not replicate slate roofs in area. They will also be seen. This material is also industrial in nature and is not suited to a residential area. Dark mortar and render are not in keeping with the area and monocouche render is out of keeping with the surroundings, as are balconies. Powder coated railings will rub off leaving such materials to rust. The proposal, therefore, is contrary to NPPF part 7, and requires development of a poor design, which fails to take opportunities available for improving the character and quality of an area and the way it functions to be refused. Equally it fails to accord with part 12 of the NPPF which notes that heritage assets are irreplaceable, and any harm or loss should be supported by a clear and convincing justification. Great weight should be given to an asset's conservation. The more important the asset, the greater the weight should be ascribed to it. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The development would represent harm through its scale and design and should be refused.

- Are more flats needed in Gainsborough?
- The loss of trees to the rear of the site are important despite the applicant's description of them as overgrown shrubs. They are 3 Ash and 3 Sycamore trees which are 20m high. They provide important privacy screen from the flats above Wilson's Carpets. One Ash tree forms part of adjoining boundary with the adjoining property and should not be removed. Their loss is contrary to saved policy CORE10 and STRAT1 (vi and x).

LCC Highways: No objection subject to conditions

LCC Rights of Way: No comments

LCC Education: Request a contribution of £22,552 for primary education to be spent at Castlewood Academy to create 1.5 Form Entry (FE) including four new classrooms.

Housing Officer: (Summary) The proposal would generate a need for 4.25 units of affordable accommodation. It is suggested that 4x 1 bed apartments be accepted with a contribution of £12,108.50 for the remaining quarter of a unit. In this instance, an alternative may be explored due to the potential difficulties registered providers have with flats and service charges. This would amount to a full off site contribution of £205,844.50

Archaeology: (Summary) This site lies within the former medieval settlement area of Gainsborough in the vicinity of the medieval parish church and close to a number of historic Listed Buildings. Due to the position of the site, the archaeologist notes there is the potential to uncover some significant archaeological remains associated with very early medieval Gainsborough, however, they acknowledged that the site has been disturbed and that the most appropriate level of archaeological intervention would be to record any remains which still remain prior to further destruction of the site.

It is recommended that a condition requiring a written scheme of investigation to record any finds prior to their destruction be imposed. This should also include the monitoring of all groundworks, with the ability to stop and fully record archaeological features.

Lincolnshire Police: (Summary) Generally supportive but seek gates and fencing to external boundaries to frustrate potential intruders. Landscaping should also be supported by a maintenance agreement. Guidance also on doors and windows, letter boxes, access control, landscaping and lighting.

Conservation Officer: (Summary) Designs have the ability to be a viable design. The lack of staircases and proper front entrances opening out onto the street is, however, a serious flaw. Doors should not be dummy doors either – this is not just a visual emblem, people coming and going to their residence through front doors preserves the traditional social structure of the street: it democratises the development and animates the public realm. Since

staircases are not “habitable rooms” either, it makes more sense to accommodate them on the front, public elevation. Also provides guidance on materials and doors.

WLDC Refuse: The main issue is that a vehicle wouldn’t be able to access the site as recommended by the Highway Authority and therefore wouldn’t be able to wait clear of the carriageway on Spital Terrace.

Therefore, creating a traffic hazard, this would be on weekly basis. Not only would this be for refuse vehicles but other larger vehicles used for deliveries as well. At some point in the future residents may request a bulky waste collection (removal of large household items) and this may also be problematic.

It is possible to walk into the site to fetch the bins, although we prefer that developments are designed with waste collections in mind so that there are limited obstructions. We often find a problem with parked cars and this hinders waste collections.

The larger commercial sized bins would be needed, these would be charged to the developer at £250 per bin.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Central Lincolnshire Local Plan (Adopted 24th April 2017)

LP1 – A presumption in favour of sustainable development
LP2 – The spatial strategy and settlement hierarchy
LP3 – Level and distribution of growth
LP9 – Health and wellbeing
LP10 – Meeting accommodation needs
LP11 – Affordable housing
LP12 – Infrastructure to support growth
LP13 – Accessibility and growth
LP17 – Landscape, townscape and views
LP25 – The historic environment
LP26 – Design and amenity
LP38 – Protecting Gainsborough’s setting and character
LP41 – Regeneration of Gainsborough
LP42 - Gainsborough Town Centre and Primary Shopping Area

The Central Lincolnshire Local Plan has now been adopted as being sound and in full accordance with the NPPF. Planning Law requires that application for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise (NPPF para. 11). Similarly, in accordance with paragraph 14 of the NPPF, decision makers should: approve development proposals that accord with the development plan without delay.

The policies of CLLP can now therefore be given full weight following adoption.

Main issues

- *Principle of development in this location (LP2, LP3, LP6, LP41 and LP42)*
- *Design and impact on heritage assets (LP1, LP17, LP25 and LP26)*
- *Residential amenity (STRAT1 & RES1)*
- *Highway safety & parking (STRAT1 and RES1)*
- *Drainage*
- *Viability and contributions*

Assessment:

- *Principle of development in this location (LP2, LP3, LP6, LP41 & LP42)*

The application site is located within Gainsborough Town Centre. Policies CLLP LP6 and LP42 apply although it falls outside of the allocated primary shopping area. General policies within the Central Lincolnshire Local Plan indicate a general presumption in favour of development within the urban areas, policies relevant are LP2, LP3, LP13, LP41 and LP42, subject to detailed consideration. Such policies accord with the sustainable thread which runs through the NPPF with the development being within easy reach of all the facilities and good public transport links which are all available in Gainsborough.

Policy LP2 notes that Gainsborough will be the location for substantial housing development. Policy LP6 allocates the site within but at the very edge of the town centre. The policy notes that town centre uses (which includes residential) will be directed to such locations subject to the consideration of the scheme in terms of the relationship to the appropriate scale and function of the centre and the maintenance of the retail hierarchy. The site is not, however, within the designated primary shopping area (policy LP42) where residential uses are usually restricted at ground floor level unless they accord with specific criteria. The policy, however, is more permissive within the wider town centre designation noting in supporting paragraph 8.7.3: that such uses (*residential*) are only likely to be appropriate...on the periphery of the town centre as part of a mixed use scheme. Such uses, the policy notes do not provide active frontages and are likely to cause harm to the vitality and viability of the primary retail core by diluting the identity of the area as a focus for retail activity.

In this instance, the application site is located at the entrance to the town centre. It is also a mixed use area adjoining the predominately residential area

of Spital Terrace. The nature of the area with the transition from more commercial and community uses to housing would justify the use of the site for purely residential development. The site historically was a builder's yard whilst more recently it has been an un-adopted open space. As such it currently does not add to the viability of the area in any significant manner. Given this, the plot's small size and the difficulty in servicing the site by motor vehicles, it is considered that the proposed residential use would not therefore harm the vitality and viability of the town centre. As such it would accord with policies LP2, LP3, LP6 and LP42 of the Local Plan.

- *Design and impact on heritage assets (LP1, LP17, LP25 and LP26)*

The site is located within the Britannia Conservation area which includes a number of listed buildings including 14 and 16 Spital Terrace (grade 2). These form part of a group of locally important buildings including 10, 12 and 18 – 20. These buildings are highly detailed and form an attractive group.

Policy LP17 seeks to protect and enhance the intrinsic value of the landscape and townscape with particular regard to maintaining and responding positively to natural and man-made features which positively contribute to the character of an area. The policy further notes that all development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.

In addition to this, Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The policy goes on to note that development proposals will be supported where they:

- d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;
- e. Promote opportunities to better reveal significance of heritage assets, where possible;
- f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

With respect to listed buildings, the policy notes that 'development proposals that affect the setting of a listed building will be supported where they preserve or better reveal the significance of the listed building. By inference if the development involves activities or alterations which prejudice the special architectural or historic interest of the listed building or its setting the proposal will be resisted.

Similarly, within a conservation area proposals, policy LP25 notes, should preserve, and enhance or reinforce it, (as appropriate) features that contribute positively to the areas character, appearance and setting. The policy sets out criteria by which to assess proposals.

The area was designated as a conservation area in 1999 and includes 20 listed building including the Britannia Works (grade 2). The area is noted as an important collection of buildings showing the boundary of the next stage of the development of the town centre and the industrial development of Gainsborough. This includes housing for more wealthy families who moved out of courtyards to the centre of Gainsborough to new housing to the edge of town. The basic structure of this development remains and Spital Terrace is a good example of this development.

The traditional buildings of the conservation area have a dominant Victorian character and provide particularly strong visual features at corners and junctions. Buildings generally have detailed prominent multiple frontages, a back edge of pavement position which assists to turn corners to provide a strong attractive visual presence to the area particularly from key public vantage points.

The area has a predominately Victorian character with different coloured brickwork, decorative arches, sills and bands. Other Victorian features include pediments, Dutch gables and bay windows. Throughout the roofs are generally pitched and of the same height. Welsh slate, pantiles and plain clay tiles are common original roofing materials.

Open space within the conservation area is limited and the actual application site is noted within the conservation area designation report as: *weak with the space offering no substantial benefit to the conservation area. The planting and flowerbeds are low in height and the most significant feature is the series of advertisement hoardings at the back of the site.*

In terms of aspects which detract from the conservation area the weak corner and poor landscaping at Spital Terrace /North Street is noted. Finally in terms of aspirations for the area the report states areas of particular concern are the principal elevations and the roof scape of the area and future development.

Following the refusal of an earlier application the developer has undertaken a heritage assessment of the area and its importance and utilised its findings to direct the redevelopment of this site. The resulting development is very different to the previous proposal and seeks to take reference from its surroundings, whilst presenting a modern interpretation of the built environment.

Unlike the previous application, the development seeks to address the street by being positioned close to the back edge of the footpath. To maintain the amenities of future occupiers there would be a slight set back from the pavement but the building would still address the street in a positive and

strong manner. Such positioning is not unlike the Old Post Office building opposite along with 1-11 Spital Terrace, and properties on North Street adjoining the site.

The scale of the buildings have also been considered. This is particularly important to assess given the objections received. The site is presently not developed but historic plans and a photograph has been provided as part of the assessment to show that a three storey building did stand on the eastern part of the site. This traditional brick building was located to the back edge of the footpath and appeared to directly adjoin 12 Spital Terrace. The present building seeks to respect the scale of the adjoining properties at both North Street and Spital terrace by designing the part of the proposed fourth storey of the building set back behind a brick plinth and using a grey lead type materials to replicate the roof scape of adjoining properties. This contrast with the main brick structure would assist to break up the massing and scale of the structure. It is indeed also useful to note that the design would be of a similar overall height to the adjoining property at 12 Spital Terrace and the three storey shops/ flats at North Street. The central section of the building would be designed with a brick finish to full four storey height. This would emphasise the corner and the entrance to the town centre. Despite comments to the contrary, the area is not wholly residential in character or scale, it is the entrance to the town centre as well. This transitional area includes more commercial scale buildings as well such as the Old Post Office building, the Methodist Church and even the Fanny Craven Memorial Hall. It is also worth noting that planning permission was granted on this application site in 2006 for 24 flats, 5 retail shop units (with additional land to the rear of 10 North Street) which created a predominantly 5 storey building, ref. no. M06/P/0082.

As noted the character of all the buildings in this part of the conservation area is one of detail with contrasting brickwork detailing, arched windows, bays and Dutch gables. Similarly there is a strong vertical emphasis to the buildings. The proposed building seeks to replicate these design features but in a modern fashion. The basic blocks of the building are split into 3. Two smaller square blocks are set forward of the main curved section of the building. This seeks to mirror the closer plots widths of the surrounding area whilst the larger mass of the curved section would replicate the Old Post Office Building on the opposite corner. Vertical emphasis would be provided by the window sizing, the raised stone detailing around the windows and inset balconies.

It is accepted that the design may be slightly cluttered with too many design features proposed particularly the bays to the corner. Equally the base of the building could be considered slightly weak in design terms with the large patio windows rather than a solid material form, whilst one side elevation fronting the site remains overly blank. Such issues have been raised with the applicant but given the late stage of the application changes to the scheme have been resisted.

The materials to the public facing section of the building would be mainly red brick with an art stone plinth which would extend to full height around the projecting bays and be a feature material surrounding windows and balconies

elsewhere. Such materials and features seek to replicate particularly that of the Old Post Office building without being pastiche. To the rear the building would be a lot plainer which is not unusual and not a significant issue as it would be screened from the vast majority of public views.

It is considered therefore that the proposal has some weakness it does take the opportunity to enhance the area and would maintain the character and appearance of the conservation area and indeed the importance of the listed buildings within the vicinity. The proposal would therefore accord with policies LP1, LP17, LP25 and LP26 of the CLLP.

- *Residential amenity (LP26)*

The proposed development is significant in scale and would be positioned directly to the north of properties on North Street. Whilst substantial in scale the positioning of the development would be such that the impact on the levels of light and sunlight enjoyed by the properties at North Street would be minimal. The three storey wing however, would be within 1.3m of the boundary to 8 North Street and 6m from the rear elevation of the flats at first floor which would appear quite a dominant structure to the rear. Nevertheless given the slight gap between the two buildings and the northerly position of the proposal the impact on light, sunlight and outlook from the existing property would not be detrimentally impacted upon. Similarly, privacy would not be significantly impacted upon as there are no facing windows within the flank elevation of the proposed flats nearest the boundary to no.8. It is accepted that there would be a number of flat windows facing no.8 within the main southern elevation of the scheme but this would be further set back, 14m from the garden boundary. Such a distance is deemed acceptable and whilst some overlooking would occur this is not an unacceptable situation within a residential area given the distances quoted.

To the east the structure would be within 4.39m of the boundary of 12 Spital Terrace. Again no windows are proposed to the flank walls of the scheme maintaining the privacy to no.12. The south facing windows include: kitchen, bedroom and stairwell windows. A Juliet balcony is also proposed at first floor. Given the south facing nature of these windows it is not considered that a significant loss of privacy would occur at no.12. The balcony is a concern, however, and conditions are recommended to remove this from the scheme.

Further windows to the entrance stairwell and flats within the south western section of the scheme would face no. 12. Such windows would, however, be 21m and 25m respectively from the garden boundary of the effected dwelling, more than sufficient to maintain privacy levels.

Opposite the site (north), are a row of shops with flats above. Whilst it is accepted that there would be some loss of light and sunlight to these properties the impact would not be of sufficient magnitude to recommend refusal on amenity grounds. Equally, the urban nature of the area, particularly at the entrance to the town centre, is such that larger buildings are to be

expected particularly on street frontages. The proposal therefore is not deemed to dominate the structures opposite.

The applicant has been requested to undertake noise assessment to ensure that the significant vehicle noise would not significantly impact on future occupiers of the flats. This has shown that subject to appropriate soundproofing, sufficient amenity can be maintained. A condition is therefore recommended to ensure this occurs.

Comment has been noted with respect to odours and health with respect to the bin storage proposals. In this instance, the applicant has indicated that the refuse arrangements would be based around the use of commercial bins rather than individual wheelie bins. These would be positioned to the southern boundary away from 12 Spital Terrace. Conditions are recommended to ensure that the position and design of the bins would be suitable for such bins and be located in a manner to protect health and amenity. Collection would occur road side, not unlike current practise for current properties on Spital Terrace. It is noted that any relocation of the bins store could reduce the number of available spaces by one.

- *Highway safety & parking (STRAT1 and RES1)*

The application seeks permission for 17 flats at the site with 8 on site car parking spaces proposed. The access to the site would directly adjoin 12 Spital Terrace. It would include a 3m wide carriageway with a 1m wide pavement to one side and a 0.8m pavement to the other.

Policy LP13 states that development which contributes towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. All developments, it notes 'should demonstrate that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c) Should be well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport...and permeability to adjacent areas.
- d) Ensure allowance is made for low and ultra-low emissions vehicle refuelling infrastructure.

The policy also notes for car parking provision:

- q) Ensure that appropriate vehicle, powered two wheeler and cycle parking provision is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility. The number and nature of spaces, provided, location and access should have regard to

surrounding conditions and cumulative impact with clear set out reasoning...

It is noted that the access is close to the busy Spital Terrace/ North Street roundabout which can be congested at peak times. Note has also been made to the proximity to the signalised crossing and car parking bay adjoining the site. The Highway Authority has considered this access and the impacts of it on the safety of the area. Note was also taken of the previous approval of substantially more flats and retail units on this site in 2007. The access was in a very similar position. Consideration should also be taken of other accesses onto the road, for example, the vets has an access with parking bays very close to the access on either side. The access proposed would be hampered by the parking bay outside of no. 12 limiting visibility but its short length is such that views would be possible beyond it to the east allowing safe exit. To the west, views of traffic are clear.

The Highway Authority has not objected to the scheme on either the grounds of safety nor congestion and have visited the site previously on the request of your officers on these grounds.

The scheme would only provide 8 (possibly 7) spaces on site for parking. Such a situation leaves approximately 10 flats without car parking. Given the lack of on street parking available, occupiers would need to park their vehicles within public car parks within the surrounding area. This is not unusual for this area. It is also noted that the limited parking on site would also reduce the use of the access, which has been raised above as an issue for residents increasing safety and reducing conflicting vehicle movements. Any on street parking could be controlled due to the existence of parking restrictions on this corner. When considering vehicle usage, the development's town centre location is ideal for the majority of day to day life services and public transport links to the wider area, reducing the need for a car.

No details have been provided for cycle nor indeed motorcycle parking and as a result conditions are recommended to ensure such facilities are provided.

The police have also requested that the accesses to the site whether pedestrian or vehicular are gated for security. This is possible and whilst ideally such gates should be flush with the front of the building, a setback in this instance would be sufficient to allow one vehicle to wait off the highway whilst an inward swinging gate is opened. Conditions are again recommended on such grounds.

It is noted that delivery vehicles and pick-up of refuse would not be able to access the site and would pick up/ deliver kerb side. Whilst not ideal this is not an unusual situation and having discussed the matter with the Highway Authority they do not consider such a practise would reduce safety. This is in part due to the slow speed of vehicles in this location and the ability to pull into the kerb at this point.

- *Drainage*

The site is located within Environment Agency Flood Zone 1 and there are not known to have been any surface water flooding incidents within the immediate area. Conditions are nevertheless required to agree details of any surface water drainage and foul sewage connection to the main drainage network.

It is likely that some form of attenuation will be required to limit flows into the drainage system will be required.

- *Viability and contributions*

Policy LP11 requires all developments over 10 dwellings to provide either affordable housing as part of the scheme or where justified, a financial contribution for off-site provision. Such policy seeks to assist in meeting the need for 17400 dwellings across Central Lincolnshire within the plan period. The policy also notes that 20% of the 17 units should be affordable, or 3 units and a contribution of £12,108.50 for a part unit. The housing officer also indicates that a full off site contribution could be acceptable in this case due to the difficulty of attracting a registered provider for a part market/ part affordable flat scheme. This is due to the affordable housing being only part of a block where a service change will be due.

Policy LP12 notes that infrastructure is also required to support growth. The policy notes that all development should be supported by, and have good access to all necessary infrastructure. In this instance, the NHS has not requested a contribution but the Education Authority has requested a £22,552 to expand the Castlewood Academy Primary School.

In requesting the applicant agree to a s106 planning legal agreement to bind such matters to any potential approval, the authority was made aware that such contributions would make the development unviable. Advice within the NPPG states: *Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.* In submitting a viability assessment, officers have assessed the detail submitted and tested its assumption and costs against known recent developments and sales within Gainsborough. As a result of this, it has been concluded that the assessment is a reasonable reflection of the development costs and values and the scheme cannot accommodate any contributions. This is mainly due to the limited value of land and property within Central Gainsborough. This is, perhaps, not an unexpected conclusion, given experience elsewhere in Gainsborough town centre but this has to be considered within the planning balance as to the (negative) weight which should be attributed to it. Although not a material consideration, it is noted, however, that even without the contributions the viability of the scheme appears to be questionable.

- Trees

A number of objectors have noted that to the south eastern corner of the site are a number of trees. Policy LP26 seeks: f) to incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures.

Due to these concerns and the position of the trees within a conservation area, the Council's Trees & Woodland officer has visited the site for the previous application and assessed the quality of these trees for their health and contribution to the conservation area. The officer concluded that the trees were generally self-set multi stemmed trees of poor quality. Whilst noting some amenity to the adjoining neighbours the trees were not deemed of sufficient quality to protect and therefore retain. It is noted that one of trees is stated to be on the site boundary and in the ownership of the adjoining property (12 Spital Terrace). This is a civil matter for the owner of the site, but would not preclude development. On this basis it is recommended that the development be supported despite concerns over the loss of such trees.

Other matters

Objectors have outlined their appreciation of this open site and the one time maintained landscaped nature of this area. The site was not allocated within the previous West Lindsey Local Plan under CORE 9 as an Important Open Space or Frontage. Similarly, the current Central Lincolnshire Local Plan policy LP23 does not identify the site as a Local Green Space or other Important Open Space. The planning history of the site also shows a number of development proposals have been approved on the site, despite some local opposition. The current site whilst of some merit to local residents does not add significantly to the street scene and it is considered that its redevelopment with an appropriate building scheme would enhance the area. Indeed as noted previously within the assessment designating the conservation area the corner was described as a detracting factor within the area.

Policy LP10 seeks developers to provide housing solutions to meet the needs of the housing market area. Within Central Lincolnshire there is a specific need to support the needs of less mobile occupants, including elderly people and to deliver dwellings which are capable of meeting people changing circumstances over their lifetime. Proposals of 6 or more dwellings must deliver housing which meet the higher standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) standard, unless exceptional reasons for delivery of such dwellings are inappropriate or impractical.

In this instance 30% would equate to 5 units being converted to this standard. This would be limited to ground floor only, as upper floors are only accessed by stairs. The applicant has indicated a wish to provide such accommodation and whilst not shown on plans can be incorporated without significant modification. As a result of this a condition requiring the ground floor flats to meet these standards is required.

The comments from Refuse, show that this remains an outstanding issue with respect to the nature of the bin collection. This is being reviewed with the refuse collection team and a verbal update will be provided at the committee on this issue.

Planning Balance and Conclusion

The Central Lincolnshire Local Plan has now been adopted and the NPPF para 11 and 14 makes it clear that decisions should be taken in line with local plan policies unless material considerations indicate otherwise.

In this instance, the site is located at a prominent entrance to the designated town centre and the Gainsborough Britannia Conservation area. The site is within a mixed use area with commercial, community and residential uses sitting within close proximity to each other. The positioning of a development in this location for residential flats would provide an important regeneration benefit for this part of the town centre which has been vacant for a substantial period despite approval of an ambitious residential and retail scheme in 2007. The proposal in principle should therefore be given *positive* weight.

The site is presently unkempt condition but was maintained for a period and was appreciated by some local residents as an area of green space. Its loss, therefore, has to be considered as weighted *against* the proposal. The loss, however, has to be significantly reduced in importance as, even when the site was maintained through grass cutting and bush/ trees maintenance it was still described in official conservation area documents as a weakness within the conservation area.

Although historically, it is accepted that not all of the site had been developed to any great density, historic photographs identify a substantial three storey building on part of the site close up to the boundary with 12 Spital Terrace. This together with other taller and more substantial buildings in the immediate area, provide justification and context for the scheme proposed. The proposal would provide a modern take on the traditional design and character of the buildings in the area and the use of sensitive materials would provide a building that both turns the corner but also provides a transition from a mainly residential area to a mainly commercial area. Whilst it may be argued that this scheme is not as grandiose or as ornate as the 2007 scheme, with some design elements questioned the proposal would nevertheless provide a more modest and considered approach to this corner of the conservation area which can be supported. Equally it would not be detrimental to the listed buildings within the wider vicinity of the site. This would accord with policies LP17, LP25, LP26, LP41 and LP42 of the CLLP and should be given positive weight.

The development would have some impact on levels of light, outlook and privacy to adjoining properties. Such impacts would weigh against the scheme, however, the design and layout ensures that subject to the imposition of suitable planning conditions that the impact would be minimised and would fall within acceptable levels. As such the overall weight to the

issues should be considered as neutral. The proposal would therefore accord with policy LP26 of the CLLP.

The development would introduce an access to the site which is close to the North Street, Spital Terrace junction and a signalised pedestrian crossing. The addition of such an access would increase conflicting transport movements in a busy location. In addition to this, a maximum of 8 parking spaces would be available on site, and it is likely servicing would occur at the site frontage. Such an arrangement has *not* been objected to by the Highway's Authority and it should be noted that a much more intensive scheme was permitted on site previously in 2007 which would have had similar if not substantially greater impact on the operation of the highway. The central location of the development means that it is within easy walking distance of the majority of Gainsborough's retail services, facilities and public transport connections. Public car parks are also within easy reach. Therefore whilst the scheme is not without its limitations the lack on-site parking would be neutralised by the benefits of a central location in accordance with policy LP13.

Finally, the development would not be able to meet various contributions to address social needs within the area, in particular: affordable housing and an education contribution contrary to policies LP11 and LP12. These would weigh against the scheme, but as has been noted above the viability of the scheme is marginal at best and the proposal would not be able to go forward with such contributions. Given the difficulty of getting development within the town centre (for example the Spring Gardens proposal has stalled) it is considered that schemes will probably need assistance or at the least come forward without full or even part contributions. Therefore whilst such a loss must still weigh against the proposal it would do so in a much more limited sense that would be outweighed by the need to regenerate and provide investment within Gainsborough supported by the Local Plan.

The loss of trees and green space is noted and would weigh against the proposal. The space and trees, however, have been identified as being of limited quality and amenity value in terms of the conservation area and arboriculture assessment and as a result their loss should only be attributed limited weight.

Conclusion

It is considered that the scheme would provide a positive development within the Britannia Conservation Area at the entrance to the heart of the town centre. Such a site has been vacant for a substantial period. It would regenerate a key site with an attractive, and appropriate visual design which seeks to marry the nature of the residential area of Spital Terrace with the more commercial areas of the town centre. Whilst substantial and larger in size than immediately adjoining properties it would not appear out of scale in the context of other surrounding buildings. This together with the sympathetic use of materials and styles would create a development which would regenerate a site what has previously been noted a specific weakness within the conservation area. Similarly, its central location at the edge of the town

centre gives the proposal excellent sustainable credentials limiting the need for everyday use of motor vehicles. This would also reduce, therefore, conflicting vehicle movements from the site. The access though controversial with neighbours has not been the subject of an objection from the Highway Authority. The site would also provide 17 additional dwellings to support housing need within Central Lincolnshire.

It is accepted that the scheme is not without its limitations including: some design reservations, the lack of affordable housing, education contribution, on-site parking for 8 units only, and servicing would need to occur on street. Such limitations, however, are to be expected due to the nature of the area and also reflects concerns expressed on previous proposals that it should be noted were granted permission. Similarly, it is not considered that the scheme would have a significant impact on residential amenity and the loss of this small green space and trees are not deemed in this instance an overriding reason to resist the proposal. They are therefore deemed to be outweighed by the benefits of the scheme.

The proposal is, therefore, deemed to accord within Central Lincolnshire Local Plan policies and subject to conditions is recommended it be supported.

RECOMMENDATION: Grant permission subject to conditions:

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

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

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

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

2. No development shall take place until details of all external walls, cladding, rain water goods and roofing materials and external ground surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

REASON: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with Central Lincolnshire Local Plan policies: LP17, LP25 and LP26.

3. No development shall take place until, a sample panel of brickwork and details of the proposed brick bond to be used for the external surfaces shall have been submitted to and approved in writing by the Local Planning

Authority. The development shall be constructed in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development in accordance with Central Lincolnshire Local Plan policies: LP17, LP25 and LP26.

4. No development shall take place until, details of materials treatment and /or colour of windows and door frames have been submitted to and approved in writing by the Local Planning Authority. The windows and door frames shall then be installed in accordance with the approved details and so retained.

REASON: To protect the external appearance of the building and preserve the character of the area in accordance with Central Lincolnshire Local Plan policies: LP17, LP25 and LP26.

5. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that a landscaping scheme to enhance the development is provided in accordance with Central Lincolnshire Local Plan policies: LP25 and LP26.

6. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling, new gates to be introduced or existing retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior any flat being first occupied.

REASON: To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area and security in accordance with Central Lincolnshire Local Plan policies: LP25 and LP26 and the provisions of the NPPF.

7. No development shall take place until, a scheme for the disposal of foul and surface waters (including attenuation) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment

8. Prior to development commencing details of cycle parking facilities for a the flats shall be submitted to and approved in writing by the Local Planning Authority and be provided on the site prior to the occupation of the approved development and retained at all times thereafter.

REASON: To encourage the use of alternative forms of transport to the site, other than the private car, having regard to policy LP13 of the Central Lincolnshire Local Plan.

9. No development shall take place until, details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

REASON: In the interest of residential amenity, in terms of nuisance, noise and vibration having regard to the location of the site in accordance with policy LP26 of the Central Lincolnshire Local Plan.

10. 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 scheme shall 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).

11. No development shall take place until a scheme for bin storage facilities (including recycling) and location (notwithstanding details shown on approved plans) have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be completed and made available for use before any flat is first occupied and shall be retained as such thereafter.

REASON: To protect residential amenities, encourage recycling and in the interests of health and safety and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

12. No development shall commence until detailed plans are submitted to show that 30% of the flats approved can be built to Building Regulation Part

M4(2) standard can be met. The development shall then proceed in **strict** accordance with the approved details.

Reason: To meet a specific housing need and in accordance with policy LP10 of the Central Lincolnshire Local Plan.

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

13. The building shall be constructed in accordance with the sound insulation report approved as part of this permission and shall be retained as such thereafter.

REASON: To protect the amenities of future occupiers in accordance with Central Lincolnshire Local Plan Policy LP26.

14. Construction works shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays; 08:00 to 13:00 on Saturdays and at no time on Sundays and Public Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

REASON: To protect the amenity of the occupants of nearby dwellings in accordance with Central Lincolnshire Local Plan Policy LP26.

15. 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 as recommended by the Environmental Health Manager in accordance with policies LP14 and LP16 of the Central Lincolnshire Local Plan

16. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 428.01, 428.02, 428.03, 428.04, 428.05 rev C, 428.06 rev C, 428.07 rev B, 428.08 rev B and 428.09. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

REASON: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP1, LP13, LP16, LP25, LP26, LP38, LP41 and LP42 of the Central Lincolnshire Local Plan.

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

17. All planting, seeding or turfing comprised in the approved details of landscaping 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 – where appropriate) and in accordance with Central Lincolnshire Local Plan policies: LP25 and LP26.

18. Prior to the first occupation of the dwelling/use of the development (delete as appropriate) hereby granted permission: the access, parking and turning area shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and thereafter shall be made available at all times for their designated purposes.

REASON: To ensure the timely provision of the facilities and their retention and in the interests of highway safety and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

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