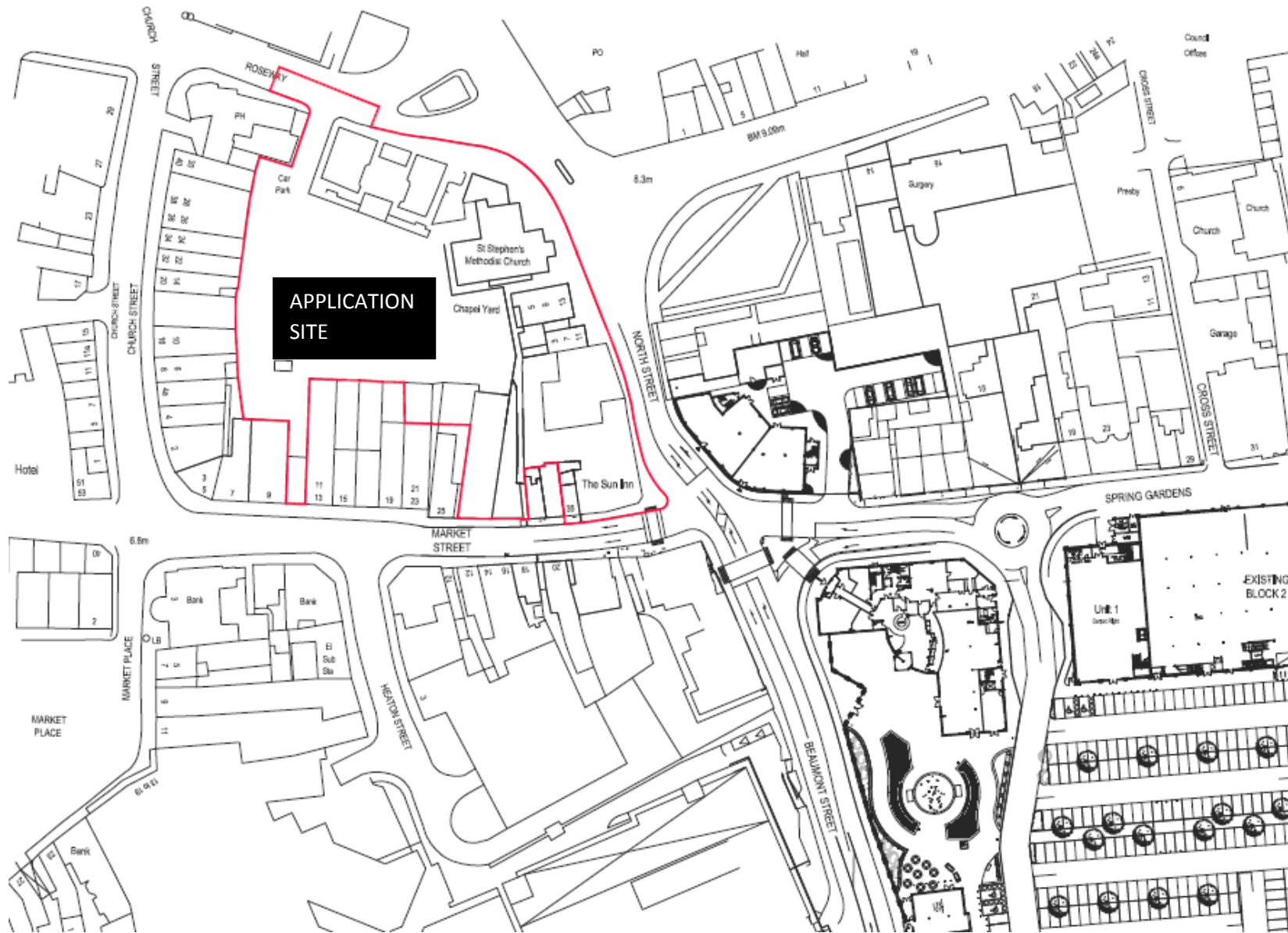


135750 Gainsborough



Officers Report

Planning Application No: 135750

Listed Building Consent No: 135751

PLANNING APPLICATION (PA) PROPOSAL: Planning application for demolition of former Sun Inn hotel and 37 Market Street, construction of hotel (use class C1) and restaurant (use class A3); alterations to and demolition of rear part of 27 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses at ground floor; alterations to and demolition of rear part of 29 Market Street; alterations to 35 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses; alterations to 3,7,11 and 5,9,13 North Street and demolition of outbuilding to rear; works to expand and reconfigure car park; landscaping, access and associated works.

LISTED BUILDING CONSENT (LBC) PROPOSAL: Listed building consent for demolition of 37 Market Street, alterations to and partial demolition of 29 Market Street and works of alteration to 35 Market Street.

LOCATION: Sun Inn Hotel 1 North Street Gainsborough DN21 2HP

WARD: Gainsborough South West

WARD MEMBERS: Cllr Mrs J A Rainsworth; Cllr T V Young.

APPLICANT NAME: North Street (Gainsborough) Ltd

TARGET DECISION DATE: 29/05/2017

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION:

Planning application: Approve, with conditions

Listed Building Consent: To notify the Secretary of State of the intention to grant listed building consent, subject to conditions.

Description:

These applications have been referred to the planning committee, following objections from statutory consultees, Historic England and the Victorian Society, and the matters to be considered are deemed to be finely balanced.

The application site (measuring 0.65 hectares) includes the Roseway public car park and its surroundings, accessed off Roseway to the north. The site includes the landscaped area between the car park and Roseway.

The site also includes those buildings along the eastern edge of the car park which front North Street – including St Stephen's Methodist Church, 3-13 North Street and The Sun Inn Hotel.

Also within the site to the south of the car park, are no.'s 27, 29 (Grade II Listed Building – occupied by Emmaloos coffee house), 35 (Grade II Listed Building – formerly Milano's Pizza) and 37 Market Street (Grade II Listed building – formerly Rosario's Italian Ristorante, incorporated into The Sun Inn Hotel). The site surrounds, but excludes no.'s 31 & 33 Market Street (Grade II Listed buildings).

The south-eastern corner of the site falls within the Gainsborough Britannia Works Conservation Area (which incorporates 25 to 37 Market Street and The Sun Inn Hotel).

Immediately adjoining the site are no.'s 25, 31 and 33 Market Street - all are grade II listed buildings. On the south side of Market Street, opposite the site, is the Grade II* Listed County Court Building, and Grade II Listed Friend's Meeting House.

The site lies within flood zone 3 (high probability).

This report considers two applications, for planning permission (PA) and listed building consent (LBC) respectively.

The first application seeks planning permission for various development and works around the Roseway carpark in Gainsborough, in summary:

- Demolition of The Sun Inn Hotel (non-listed building in Conservation Area) and 37 Market Street (Grade II Listed Building in Conservation Area) and replacement with a new five storey 56-bedroom hotel (use class C1) and ground floor 380sqm restaurant (use class A3). The new hotel building would measure 14 metres wide (Market Street elevation), by 38 metres long (North Street elevation) by 17.5 metres high approximately;
- Various alterations to 35 Market Street (Grade II Listed Building in Conservation Area), which include the installation of a new shopfront, replacement of first & second floor windows. Change of use is sought from A5 (hot food takeaway) to A1 (shops) / A2 (Financial & Professional services) / A3 (Restaurants and Cafes) / A4 (Drinking Establishments) / A5 (hot food takeaway);
- Various alterations to 29 Market Street (Grade II Listed Building in Conservation Area), including partial demolition relating to single storey extensions at the rear of the building, and installation of a new frontage into the north elevation (facing Roseway);
- Various alterations to 27 Market Street (non-listed building in Conservation Area) including a new shopfront, first floor windows, partial demolition of a first floor rear single storey extension, and creation of a new frontage in the north elevation (facing Roseway carpark). Change of use is sought from A1 (shops) to A1 (shops) / A2 (Financial & Professional services) / A3 (Restaurants and Cafes) / A4 (Drinking Establishments) / A5 (hot food takeaway);
- External alterations to 3-13 North Street ('ACIS buildings');

- Revised layout to the Roseway car park and landscaped area to the north.

The Listed Building Consent application seeks consent for works including:

- The complete demolition of 37 Market Street (Grade II Listed Building);
- Various works to 35 Market Street (Grade II Listed Building), which include the installation of a new shopfront, replacement of first & second floor windows;
- Various works to 29 Market Street (Grade II Listed Building), including partial demolition relating to single storey extensions at the rear of the building, and installation of a new 'frontage' into the north elevation (facing on to Roseway car park).

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development does not exceed the applicable criteria and thresholds at paragraph 10 of Schedule 2 of the regulations. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development' for the purposes of the regulations.

Relevant history:

131219 - Planning application for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access. **Planning Permission granted 31/10/2014.**

131220 - Listed Building Consent for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access. **Listed Building Consent given 31/10/2014.**

133663 - Planning application for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access-amendment to 131219. **Application withdrawn 13/06/2016.**

133664 - Listed building consent for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access-amendment to 131220. **Application withdrawn 13/06/2016.**

Representations:

LCC Highways: Recommend condition to secure suitable access arrangements for service delivery vehicles.

LCC Public Rights of Way: The Definitive Map and Statement shows Definitive Footpath (Gainsborough) No.12 affecting the site although this would not appear to be permanently affected by the proposed development.

LCC Archaeology: The proposed development is within the post-medieval area of Gainsborough. Historic Mapping shows this land containing a complex of buildings which have been demolished and relate to previous land use. I recommend that provision for archaeological monitoring is made during development.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

Historic England: Object to the development. Comments, in summary:

Numbers 35 and 37 Market Street, Gainsborough were built in the early to mid-19th century and are listed grade II. The Sun Inn Hotel, which incorporates 37 Market Street and the unlisted 39 Market Street (dating from the later 19th century), lies within the Britannia Works conservation area and within the setting of the former County Court building (listed grade II*). Number 29 Market Street is also listed grade II and dates from the early 19th century.

Historic England remains of the view that the proposed scheme would cause **substantial harm to the grade II listed building through the total demolition of 37 Market Street** which constitutes half of the listed building and one of the two addresses included in the listing. We advise that the proposed scheme would also **harm the significance, character and appearance of the Britannia Works conservation area through the demolition of 37 Market Street and 39 Market Street** which, despite its poor condition, makes a positive contribution to the significance of the conservation area through its strong architectural presence as a corner building and through its heritage interest.

We also consider that the **demolition of the Sun Inn would harm the significance of the grade II* former County Court Building** through the loss of the Sun Inn's important contribution as a corner building opposite the former County Court Building and its demonstration of the historical development and growing commercial importance of the area around the court building. **The proposed 5 storey hotel would also be harmful to the significance of the former County Court Building by diminishing its prominence in street scene.**

We do not consider that the demolition of the Sun Inn is justified. We advise that the demolition of 37 Market Street has **not been shown to be necessary**, particularly as it occupies a very small part of the total

development site. Nor do we consider that public benefits from the demolition of the Sun Inn, including 37 Market Street, would outweigh the substantial harm to the significance of the listed building, and the harm caused to the significance of Britannia Works conservation area and the setting and significance of the County Court building.

Historic England does not consider that the requirements of the NPPF have been met by the proposed scheme and **we object to the application for listed building consent and planning permission on heritage grounds**. We remain of the view that there is an opportunity to redevelop the existing buildings whilst retaining the significance of the Sun Inn and its positive contribution to the conservation area.

We are aware that there are existing consents for a new hotel on this site. During the previous approval process we raised serious concerns about whether the requirements of the NPPF had been met, particularly the criteria in paragraph 133. In determining this application your authority would need to consider very carefully whether all the requirements of the NPPF have been met, particularly those in paragraph 133.

Victorian Society: The scheme is similar to one on which we commented early last year. As we did then, we strongly object to the application due to the substantial harm it would cause to the listed building at 37 Market Street and to the designated Britannia Works Conservation Area, and because it would harm the setting of the Grade II*-listed former County Court.

We have read and fully support the views expressed by Historic England in its letter of 21 March. The application fails to comply with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which emphasise the desirability of development that preserves or enhances the character of conservation areas, as well as the need to preserve listed buildings and their setting. Similar emphasis on the protection and careful management of the historic environment is evident in the National Planning Policy Framework. In addition to paragraphs 126 to 138, paragraphs 58 and 64 are applicable to this case. Central to national policy is the delivery of sustainable development, at the heart of which is a requirement to protect and enhance heritage assets and their setting. Where a development, as here, would cause substantial harm, paragraph 133 of the NPPF states that it should be refused consent unless “it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss”, or all of four tests can be satisfied. Suffice to say this application falls well short of satisfying the obligatory weight of legislation and policy. The Council should refuse it consent, thereby paving the way for a far more sympathetic and contextual redevelopment of the site.

WLDC Conservation Officer: Comments, in summary:

The impact of the demolition of the Sun Inn must be considered for its impact in loss of a building that makes a contribution to the conservation area. The Sun Inn does make a positive architectural contribution to the conservation

area (and the condition of the building does not come into this consideration when considering Historic England guidance on conservation areas.

The combination of the demolition of the Sun Inn, which in part contains 37 Market Street will be a loss to the existing historic townscape.

New development. The proposed hotel is one storey larger than that approved in 2014. This does have a very substantial impact on the setting of the grade II* listed former court house opposite, and what remains of 35 Market street, and the remainder of historic Market Street due to the sheer scale and mass of this building. There is no doubt that the proposed hotel will dominate all around it. Another consideration is that this will be the third of four historic corner buildings to be lost in this conservation area. Should permission be granted, this building will need to be of the best quality. Questions have been asked about reducing the scale of this proposed building, by considering the following:

- Utilising a traditional hierarchy (double square, square and a half, and square windows) based on classical proportions, to reduce the overall height of the building, and if this is not possible (we are advised due to constraints for standard room heights), then;
- At the very least, the pattern of fenestration is improved to show vertical Georgian panes in the windows.

Works that result in an enhancement to the listed buildings, their settings and the conservation area. It is pleasing to say that the developer has worked with us to secure improvements to other buildings in Market Street. After negotiations about detail, this element of the proposal will assist in enhancing various buildings in the conservation area. This includes:

- The authentic reinstatement of an Edwardian shop front (based on photographic evidence) and sash windows above to 27 Market Street. This building is currently an eyesore, having suffered from highly inappropriate alterations in the past. The quality of these depends on the detailing and conditions for a 1:20 shop front and windows with section through is required.
- A new period shopfront for 35 Market Street and the replacement of modern inappropriate windows is proposed. This building was listed with a very unattractive modern shop front, and modern window. A well detailed replacement period shop front by and traditional vertical sliding sash windows will be an enhancement to both the listed building and the wider conservation area, provided that this does follow a recognised architectural style and detail that is appropriate for the age and scale of this building. Again, a condition as for 27 Market Street is advised.
- Acis Building – proposals include new fenestration, and rendering of the building using stucco rustication. There are new

shop fronts proposed for the rear of the building. Although this is not a primary shopping frontage, the shop fronts are suitable for this building and will avoid a 'back of house and bins' scenario.

There are other works, which include the loss of the rear of 29 Market Street, which is a listed building. However, this rear element is later addition, and has been unsympathetically modernised. Its loss is not harmful. What happens in its place is a consideration, and a rear shop front is proposed. Rear elevations are not usually places to install shop fronts. I would advise that glazing can be used but that careful consideration is required to avoid a heavy shop front appearance. Display windows were sometimes used, with flag door arrangements, or separate doors, and this may be more appropriate. The current proposals must be pared down in terms of detail.

West Lindsey Growth Team and Leisure & Culture Team: Supportive in principle, subject to normal planning considerations, of the above application from both an economic and tourism viewpoint.

Tourism/Visitor Economy - The visitor economy is a major sector in West Lindsey bringing into the area around £116.03m in revenue and supporting c1738 full time jobs (STEAM data 2015). The provision of quality accommodation is an important element for future sustainable development within Gainsborough and the district and any initiative which promotes this will add value to the current product as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper. In this application it is important to acknowledge that provision of quality accommodation is a support facility, bringing visitors who will undoubtedly aid the economy of the district for both local businesses and residents.

Economic Development & Regeneration - The proposal will complement the existing town centre 'offer' and help to address the known shortfall in 'leisure/evening economy' provision within Gainsborough (leisure uses represent only 13.8% floorspace in Gainsborough compared to 22.7% national average).

The development will also make a significant contribution to the regeneration of the town centre by bringing back a vacant site (in a strategic location) into economic use and through the creation of new job opportunities.

An independent economic impact assessment has been undertaken by 31TEN. The methodology used to analyse the impacts of the project is standard and as prescribed from the Treasury Green Book and Office of National Statistics. The table below summarises the economic and associated financial impacts based on the full project cost/total investment as verified by Cushman Wakefield.

Hotel and Restaurant – Gross Value Added

Impact	Turnover / expenditure	Employment	Gross Value Added
Construction – Gross Direct Impact	£6,650k	25	£2,420k
Construction - Gross Indirect and Induced Impact	£11,300k	43	£4,120k
Construction – Total Gross Impact	£17,950k	68	£6,540k
Construction – Total Net Impact (Direct and Indirect/Induced)	£8,730k regional (of which £4,850k is local)	33 regional (of which 18 is local)	£3,180k (of which £1,770k is local)
Operational - Gross Direct Impact	£1,340k	33	£742k
Operational - Gross Indirect and Induced Impact	£1,610k	39	£890k
Operational – Total Gross Impact	£2,950k	72	£1,632k
Operational – Total Net Impact (Direct and Indirect/Induced)	£1,430k	35	£793k
Operational – Gross Visitor Spend	£924k	N/A	N/A
Operational – Net Visitor Spend	£449k	7	£171k

- *Note that construction impacts are temporary and operational impacts are annual.*
- *Note net impacts are derived by a formula that accounts for “leakage, deadweight and displacement”.*
- *Note that net impacts are not additional to gross impacts.*

The above demonstrates that the total economic impact (in terms of GVA) of the operation of the hotel and restaurant can be quantified at £1,632k per annum. The employment creation calculated with the standard multiplier is 72 new jobs. In addition it is recognised that this development is of key importance to the continued regeneration of Gainsborough’s Town Centre for the following reasons:

- Bruton Knowles report dated July 2014 acknowledges the requirement for a national chain hotel operator in the town centre and that “business stays” will form a key component of the hotel’s business.
- Feedback from the international companies with operations in Gainsborough e.g. Ping, Eminox, Regal, Coveris etc. have identified a need for a hotel as all their business visitors currently stay in hotels in Lincoln and Scunthorpe.
- Robin Hood/Doncaster airport is within 30 mins drive of Gainsborough, and there are no larger hotels between there and Lincoln so the airport

consultative committee were very interested in the possibility of a hotel when informed of the potential development.

- The development of a key site in the town centre has the potential to:
 - o Link with Gainsborough Town Centre regeneration and the second phase of the public realm scheme in Market Street. This development will further improve the street scene in that area, which in turn will attract new businesses to occupy the currently vacant shops.
 - o Improve links between Marshall's Yard and Market Place.
- Hotel development is preceded by other development as a direct result of increased economic confidence in the area, this will benefit the Council's Development partnership proposals.
- This development is seen as a catalyst for attracting new retail and leisure businesses to Gainsborough Town Centre (as acknowledged in the Bruton Knowles report).

Environment Agency: Recommend inclusion of planning condition, requiring development to stop in the event of any unidentified contamination, until a remediation strategy has been submitted and agreed with the local planning authority.

Environmental Protection: Potential for nuisance odour and noise exists in relation to plant and equipment intended for use in cooking, heating and refrigeration and a condition ought to be attached to any permission requiring details to be agreed in writing prior to installation and commissioning. A method statement for both demolition and construction ought to be required and approved in writing prior to commencement should permission be granted. Land is acknowledged as potentially contaminated and in any event warrants a comprehensive contaminated land condition being attached to any permission, one extending to and properly informing contractors involved in demolition, site preparation and construction. There is history of flooding in the area.

Scunthorpe & Gainsborough Water Management Board: The application may increase the impermeable area to the site and the applicant should ensure that any increase in surface water run-off to the site has adequate existing or proposed surface water discharge system capacity.

Lincolnshire Police: Has no formal objections to the development. Offers advice on reception/entrances, perimeter, external areas, signage, vehicle parking, and use of bicycles, lighting, landscaping, CCTV and windows.

Lincolnshire Chamber of Commerce: Lincolnshire Chamber has reviewed the above planning application and understands that the development will provide welcome employment for local residents, both in the building stage and upon completion across a range of positions. Lincolnshire Chamber also recognises the development's physical improvements to the local area,

providing much needed bed spaces in the town, thus supporting the local visitor economy and encouraging visitors to stay and spend in Gainsborough rather than neighbouring towns and cities. This in turn will support the local economy and existing businesses as well as encouraging further investment in the area. As such, please accept this letter as confirmation of Lincolnshire Chamber's support for the proposed development.

Gainsborough Place Board: Would likely to strongly support the application. The Place Board is a group of local private and public sector leaders and has the aim to establish a strategic approach for the development and promotion of Gainsborough, in order to improve its economic competitiveness and attractiveness for business, investment, visitors and residents. We are committed to supporting tourism and the visitor economy in the Gainsborough area and the development of a hotel in this strategic location is fundamental to the growth plans for the town and is vital to ensure that Gainsborough achieves a viable town centre. We are aware that many businesses in the town have overnight accommodation requirements which are currently being serviced by Lincoln and Scunthorpe, this hotel will allow Gainsborough to reap the economic benefits from staying visitors.

Independents GAINsborough: As independent retailers and business owners trading in the town we are keen to see the area invested in and developed further. Business and tourism for the town is extremely important and good quality accommodation can only help attract visitors and customers. In keeping with area and complements existing recent improvements such as Marshalls Yard. We welcome this development at an important gateway into town.

ACIS Group Ltd: Freehold Owner of 3-13 (Odd) North Street. Believe the economic prosperity of the town is best served by ensuring inward economic development to invest in the local area. The application demonstrates Gainsborough's ability to attract a mainstream hotel provider to offer such investment and should be welcomed; both in its capacity to generate local tourism as well as offering local businesses improved overnight accommodation options. The proposed restaurant venue will also help to stimulate a more viable place for early evening entertainment in the town.

Letters of support from:

Sir Edward Leigh;
AMP Rose (Somerby Way);
Barron Bou Ltd (Lord Street);
Bomead Ltd (trading as McDonalds, Trinity Street);
Browns Departments Stores (Marshalls Yard);
Colep UK Ltd (Marshalls Yard);
Costa (Marshalls Yard);
Cupcakes (Marshalls Yard);
DrumBEAT Marketing UK Ltd (Church Street);
Gainsborough Trinity FC;
Jasmine Tree (North Street);
KAL Group (Marshalls Yard);

**Kerry (Carr Lane);
Laura Ashley (Marshalls Yard);
Martin & Co (Marshalls Yard);
MMC Agency (Foxby lane Business Park);
Next (Marshalls Yard);
Pygott & Crone (Lincoln);
Riverside Training Services Ltd (Marshalls Yard);
SEO Traffic Lab (Foxby lane Business Park);
Sills & Betteridge Solicitors (Marshalls Yard);
Stallard Kane Associates Ltd (Market Street);
Stringers (Marshalls Yard);
Sweet Traditions (Marshalls Yard);
The Florist (Marshalls Yard);
Varyspace Ltd (The Avenue);
Wright Vigar Accountants (Marshalls Yard);
The Old Rectory (Chapel Lane, Springthorpe);
3.3 Marshalls Court;
12 Nelson Street; and
12 Willow Close.**

Comments, in summary:

- Excellent opportunity for Gainsborough to finally have a branded hotel;
- Business clients will be able to stay in Gainsborough, not 20 miles away in Lincoln;
- Development will compliment Marshalls Yard, Market Place and the whole town centre;
- Increased footfall at Marshall's Yard from hotel guests is welcomed;
- Will encourage further investment and development in the future along North Street and Market Street;
- High quality design at a key gateway into the town centre;
- The current building [Sun Inn Hotel] doesn't give correct impression of small but thriving town;
- Will provide a high quality restaurant outlet which currently is under represented within the town which leads to people traveling out of town.

Concerns raised by **2.3 Marshalls Court**. In summary:

- Concerned about noise during demolition.

Relevant Planning Legislation & Policies:

Statutory Duties:

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990¹ (in particular sections 16, 66 and 72).

¹ Available here: <http://www.legislation.gov.uk/ukpga/1990/9/contents>

S16(2) - In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72(1) - In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions [in the planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Development Plan:

Planning law requires², to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location comprises the provisions of the Central Lincolnshire Local Plan (April 2017).

The first strand of the NPPF's presumption in favour of sustainable development³ is to "*approv[e] development proposals that accord with the development plan without delay*".

Central Lincolnshire Local Plan (CLLP)

The CLLP was formally adopted on 24th April 2017, and now forms part of the Development Plan.

Inset Map 29 (Gainsborough, Lea & Morton) indicates that the site falls within the Town Centre Boundary (policies LP6 and LP42 apply). The buildings within Market Street (including the Sun Inn Hotel) are within the Primary Shopping Area. As previously indicated, the south-eastern corner of the site (including 25 to 37 Market Street and The Sun Inn Hotel) falls within the Gainsborough Britannia Works Conservation Area (policy LP25 applies).

The following policies are considered to be most relevant to the applications:

- LP1: A Presumption in Favour of Sustainable Development
- LP6: Retail and Town Centres in Central Lincolnshire;
- LP7: A Sustainable Visitor Economy;

² S70(2) of the Town & Country Planning Act 1990 and s38(6) of the Planning & Compulsory Purchase Act 2004

³ Paragraph 14.

- LP13: Accessibility and Transport
- LP14: Managing Water Resources and Flood Risk;
- LP25: The Historic Environment
- LP26: Design and amenity
- LP27: Main Town Centre Uses – Frontages and Advertisements
- LP38: Protecting Gainsborough’s Setting and Character
- LP41: Regeneration of Gainsborough
- LP42: Gainsborough Town Centre and Primary Shopping Area

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

National Policy:

National Planning Policy Framework (NPPF)

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance

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

Main issues

- (a) Gainsborough Town Centre
- (b) Impact on significance of heritage assets
 - *Loss of 37 Market Street and the Sun Inn Hotel*
 - *Alterations to 27, 29 & 35 Market Street*
 - *Proposed Hotel - Setting of Listed Buildings & Britannia Works Conservation Area*
- (c) Listed Building Consent Works
- (d) Flood Risk & Land contamination
- (e) Highways Safety & Access
- (f) Other Matters

Assessment:

(a) Gainsborough Town Centre

CLLP Inset Map 29 identifies the site as falling within Gainsborough’s Town Centre boundary.

CLLP policy LP6 identifies Gainsborough Town Centre in the second tier of its retail centre hierarchy (only below Lincoln City Centre). The policy states that *“Development proposals for retail and/ or other town centre uses will be directed to the Tier 1 to 4 centres defined in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole.”*

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

The CLLP does not define a “main town centre use”, falling to the definition in the NPPF as follows:

*“Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, **restaurants**, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, **hotels** and conference facilities).”*

The application proposes to demolish The Sun Inn Hotel and 37 Market Street and build a new 56-bedroom (2,070sqm) Hotel (use class C1) with a ground floor 380sqm restaurant (use class A3). The development would result in a net gain of 40 additional hotel rooms and 645sqm of C1 hotel provision from the existing Sun Inn Hotel (16 rooms, 1,425sqm).

The development includes proposals to create new shopfronts within the Primary Shopping Area at no.'s 27 and 35 Market Street. It would create new retail openings onto the Roseway car park from the rear of Market Street properties (no.'s 27 & 29).

The Roseway carpark and public realm would be redesigned. The Roseway car park's capacity would increase from 61 spaces (including 4 disabled user spaces) to 78 spaces (including 6 disabled user spaces) and soft landscaping would be introduced. Soft landscaping would be introduced into the area adjacent to the junction between Roseway and North Street.

CLLP policy LP7 states that *“Development and activities that will deliver high quality sustainable visitor facilities such as... accommodation... will be supported.”*

It requires such development to be designed so that they:

- a. contribute to the local economy; and*
- b. benefit both local communities and visitors; and*
- c. respect the intrinsic natural and built environmental qualities of the area; and*
- d. are appropriate for the character of the local environment in scale and nature.*

Policy LP41 states that *“Development proposals should assist, where possible, in meeting wider regeneration and investment objectives for Gainsborough, including the most up to date Gainsborough Masterplan.”* It states that development proposals will be supported for criteria which include:

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

The CLLP is informed by the Central Lincolnshire City and Town Centres Study (2012)⁴ and Update (2015)⁵. The Reports consider⁶ *“the overall diversity of uses in Gainsborough town centre is broadly similar to national average levels, although there is a comparative shortfall in leisure services (restaurants, cafes, bookmakers, public houses and so on) in respect of both the proportion of units and floorspace dedicated to this use when compared to the national average.”*

The Town Centres Study recognises a shortfall in leisure provision within Gainsborough. Hotel accommodation within Gainsborough itself is somewhat limited – provision is more or less limited to 9 rooms at the Hickman Hill Hotel (Cox’s Hill), 14 rooms at the White Hart Hotel (Lord Street), and formerly, 16 rooms at the now vacant Sun Inn Hotel (within the site).

The independent 2009 Report “Opportunities for Hotel Development in Lincolnshire”⁷ considers that *“There is a significant amount of corporate business in the Gainsborough area and evidence from the business survey suggests that the current provision is not satisfying the needs of local businesses.”* This appears to be borne out in many of the representations made upon the application, with a number of local businesses and shops stating their support for the proposed development, citing the lack of sufficient accommodation for their clients / customers.

The 2009 Report considers *“the most immediate opportunity seems to be for a budget hotel in the town centre”*. It is understood that the proposed hotel is anticipated to be operated by a budget brand hotel company, Travelodge.

Despite the age of the report, no hotel development has taken place in the intervening period and there is no evidence that would indicate it to be no longer valid – to the contrary, the representations of local businesses would appear to emphasise such a need.

The Growth Team advise that, following an independent economic assessment, the total economic impact of the development in terms of Gross Value Added (GVA) can be quantified at £1,632,000 per annum, with the creation of 72 new jobs.

Details of the GVA for bringing the existing buildings back into use has not been provided by way of comparison.

Overall, it is considered that the provision of a new 56-bedroom hotel and 380sqm restaurant would positively contribute towards and strengthen the retail and leisure (for which there is a recognised shortfall) provision within the

⁴ Document E019 is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

⁵ Document E019A available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

⁶ Paragraph 5.07 of the 2012 study and Paragraph 4.15 of the 2015 update

⁷ Locum consulting (August 2009)

Gainsborough Town Centre Boundary. Located on Market Street, it would strengthen and enhance linkages between Marshalls Yard and Market Place.

Improved car parking provision, enhancements to the public realm, the return of traditional shop frontages in Market Street, collectively will enhance Gainsborough's primary shopping centre offer.

External improvements to 3-13 North Street can also be welcomed.

It is concluded that, with the enhanced provision of main town centre uses and improvements to the public realm, the proposed development would accord with Central Lincolnshire Local Plan policies LP6, LP7 (criteria a & b), LP41 and LP42.

(b) Impact on significance of heritage assets

The site contains, falls within, and is adjacent to, a number of designated Heritage Assets.

The south-eastern corner of the site lies within the Gainsborough Britannia Works Conservation Area (which includes 25 to 37 Market Street and The Sun Inn Hotel).

The Britannia Works Conservation Area Appraisal (1999)⁸ states "*in townscape terms the area is important as a primary entrance to the town centre with many buildings in the conservation area terminating vistas along streets.*" The accompanying "townscape analysis" identifies the Sun Inn Hotel Frontage on the corner of North Street / Market Street as "*important corners and frontage*".

The application site includes listed buildings at 29 Market Street (Grade II), 35 & 37 Market Street (both Grade II).

Not included with, but immediately adjoining the site are listed buildings at 25, 31 and 33 Market Street (all Grade II). On the south side of Market Street, directly opposite the site, is the Grade II* Listed County Court Building⁹, and Grade II listed Friend's Meeting House.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990¹⁰ (in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

⁸ See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/conservation-and-environment/conservation-areas/>

⁹ Grade II* buildings are particularly important buildings of more than special interest; only 5.8% of listed buildings are Grade II* (source: Historic England website). There are only 79 Grade II* Listed buildings in West Lindsey (source: West Lindsey website).

¹⁰ Available here: <http://www.legislation.gov.uk/ukpga/1990/9/contents>

S16 relates to applications for Listed Building Consent and will be considered later in the report.

S66 places a general duty as respects listed buildings in exercise of planning functions:

s.66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72(1) places a similar duty in regard to conservation areas in exercise of planning functions:

S72(1) - In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions [in the planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant case law into the interpretation and application of s66(1) can be found in the *Barnwell Manor* Case. In the original High Court Judgement¹¹, Mrs Justice Lang stated:

*39. In my judgment, in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to the "desirability of preserving the setting" of listed buildings when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status. Thus, where the section 66(1) duty is in play, it is necessary to qualify Lord Hoffmann's statement in *Tesco Stores v. Secretary of State for the Environment & Ors* t19951 1 WLR 759, at 780F-H, that the weight to be given to a material consideration was a question of planning judgment for the planning authority."*

*45. Although "harm" is not the test in s.66(1), one of the meanings of "preservation" is to keep safe from harm and so the concepts are closely linked (see *South Lakeland District Council v Secretary of State for the Environment & Anor* [1992] 2 AC 141, per Lord Bridge at 150). In my view the addition of the word "desirability" in section 66(1) signals that "preservation" of setting is to be treated as a desired or sought-after objective, to which the Inspector ought to accord "special regard". This goes beyond mere assessment of harm".
[emphasis added]*

¹¹ *East Northamptonshire District Council & English Heritage and National Trust v Secretary of State & Barnwell Manor Wind Energy Limited* [2013] EWHC 473 (Admin)

In the subsequent Court of Appeal decision¹² Lord Justice Sullivan upheld the High Court Judgement, stating:

*"28. It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise referred to in policies HE9.4 and HE10.1 should ignore the overarching statutory duty imposed by section 66(1), which properly understood (see Bath, South Somerset and Heatherington) **requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings.** That general duty applies with particular force if harm would be caused to the setting of a Grade I listed building, a designated heritage asset of the highest significance. If the harm to the setting of a Grade I listed building would be less than substantial that will plainly lessen the strength of the presumption against the grant of planning permission (so that a grant of permission would no longer have to be "wholly exceptional"), but it does not follow that the "strong presumption" against the grant of planning permission has been entirely removed.*

*"29. For these reasons, **I agree with Lang J's conclusion that Parliament's intention in enacting section 66(1) was that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.** I also agree with her conclusion that the Inspector did not give considerable importance and weight to this factor when carrying out the balancing exercise in this decision. He appears to have treated the less than substantial harm to the setting of listed buildings, including Lyveden New Bield, as a less than substantial objection to the grant of planning permission." [emphasis added]*

Overall therefore, the case law establishes that s66(1) gives a "special statutory status", in which to give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out any balancing exercise.

Central Lincolnshire Local Plan (CLLP) policy LP25 requires, where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), an assessment of its significance, assessment of impact, and a clear justification for the works.

It goes on to state 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 proposal(s) does not harm the significance of the asset and/or its setting."

¹² Barnwell Manor Wind Energy Limited v East Northamptonshire DC, English Heritage, National Trust and Secretary of State [2014] EWCA Civ 137

The policy sets out its criteria where development proposals, and the change of use of heritage assets will be supported.

For listed buildings, the policy states:

Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional or, for grade I and II Listed Buildings, wholly exceptional circumstances.*

For conservation areas, Policy LP25 states:

Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting.

The NPPF sets out policies for Conserving and Enhancing the Historic Environment at paragraphs 126 to 141.

It states that (paragraph 131), *"In determining planning applications, local planning authorities should take account of:*

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

NPPF paragraph 132 states:

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation.** The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. **As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.** Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. [emphasis added]*

Paragraphs 133 & 134 are also applicable:

133. Where a proposed development will lead to **substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless** it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible
- the harm or loss is outweighed by the benefit of bringing the site back into use

134. Where a development proposal will lead to **less than substantial harm to the significance of a designated heritage asset**, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Loss of 37 Market Street and the Sun Inn Hotel

The application proposes the demolition of the Sun Inn Hotel (unlisted building) and 37 Market Street (Grade II Listed Building) within the Britannia Works Conservation Area, and replacement with a new 56 bedroom hotel & restaurant building.

No.'s 35 & 37 Market Street are listed together as an entry on the National List¹³ under Grade II. The listing entry details are as follows:

MARKET STREET 1. 5315 (North Side) Nos 35 and 37 SK 8189
1/104 II GV

2. Early-mid C19. 3 storeys and 2 storeys in brick, but same height. Pantile roof. No 35 has 1 window with rusticated lintel on 2 storeys, hung sashes with glazing bars to top floor, modern to 1st above modern shop front. Round-headed rusticated passage entry. No 37 has 2 windows, rusticated lintels, lengthened, above C19 shop front.

Nos 25 to 39 (odd) form a group, Nos 27 and 39 being of local interest.

Listing NGR: SK8161089929

¹³ <https://www.historicengland.org.uk/listing/the-list/list-entry/1359739>

A Statement of Significance, as required by CLLP policy LP25 and NPPF paragraph 128, is provided with the application.

It advises that there are records of "The Sun Inn" from at least 1811. Photographic records from around 1870-80 show the original two storey Inn, rendered and white-washed, on the corner of North Street and Market Street. The three storey brick section fronting North Street still survives. Today's corner building is considered to have taken place in the late 1880's under new ownership.

By the Ordnance Survey map of 1921, new extensions to the courtyard had been built.

The North Street elevation is of facing brick finished in masonry paint. Window openings have painted stone cills and rendered lintols with raised margins and false keystones. The windows themselves are modern replacements.

The corner building incorporates a small pediment on the corner, topped by a finial. The ground floor windows *"have flat lintols but with radiused inner corners and they have raised render surrounds with a moulded outer margin, rising off the moulded capitals of brick pilasters between windows; the doorway is similar. There is moulded stone plinth, rising to form a base for each pilaster, and there are simple panels of raised brick within the brickwork under each window."*

An addendum to the statement advises that 37 Market Street was first constructed in the early 19th Century, almost certainly with no.35, but deeper in plan than no.35, and with only one upper floor. The date of 37 Market Street's incorporation into the Sun inn Hotel is unknown but estimated around the late 19th Century. The ground floor was used as an extension of the public bar on the street corner.

Regarding 37 Market Street, the statement notes that it *"shares the same front roof profile as its neighbour No 35 but has been raised and modified at the rear."* It goes on to state that *"The painted front brickwork prevents proper analysis of changes which have occurred but the original arched head of the passageway between the buildings has been partly closed up, and the passageway has become an internal side entrance to the hotel bars. The windows on both floors are inexplicably large and have been fitted with alien modern windows, those on the upper floor being bisected by an internal inserted ceiling."*

The statement concludes on the Sun Inn Hotel (& 37 Market Street):

"Any cultural significance which the building possesses would appear to be confined to its architecture and its contribution to the townscape of Gainsborough. Research does not suggest that it had any significant social standing in the town or was associated with any important people or events."

In terms of any architectural significance the Statement considers that:

“The main building is a fairly unremarkable building of its type and age, being a late 19th century inn and hotel located on a street corner and, in typical fashion, being modelled and ornamented on the corner to attract the eye. The rest of the North Street elevation is relatively plain by customary standards apart from a short resumption of ornamentation at the north end” and that “The interior of the main building is again unexceptional for the period and much has been lost through conversion work.”

Regarding any contribution towards townscape, the Statement concludes:

“In summary the building, whilst at first glance appearing to be a building of one date, is in reality a combination of several different stages of building, resulting in some features which are poorly resolved. The later phases have the bold detailing to be expected of a late Victorian building in this location but much is relatively plain, and later alterations have detracted from its appearance. It is prominent in the streetscape from certain viewpoints, mainly from the north and east, and provides an historic dimension, an appropriate entrance to Market Street, and a building of appropriate mass and presence to match the scale of the other buildings and the street at this point.”

These views do not appear to be shared by Historic England, who in summary, state:

“Historic England remains of the view that the proposed scheme would cause substantial harm to the grade II listed building through the total demolition of 37 Market Street which constitutes half of the listed building and one of the two addresses included in the listing. We advise that the proposed scheme would also harm the significance, character and appearance of the Britannia Works conservation area through the demolition of 37 Market Street and [Sun Inn Hotel] which, despite its poor condition, makes a positive contribution to the significance of the conservation area through its strong architectural presence as a corner building and through its heritage interest.”

The Victorian Society express similar concerns.

The Conservation Officer considers that the interior of 37 Market Street does not contain any features of architectural or historic significance, as these have been removed. The significance of this building lies in its value to the townscape (the group value noted in the listing). External alterations have reduced the architectural merit, but authentic reinstatement should first be considered before demolition, unless there is a substantial public benefit that outweighs this harm.

The impact of the demolition of the Sun Inn must be considered for its impact in loss of a building that makes a positive architectural contribution to the

conservation area (and the condition of the building does not come into this consideration when considering Historic England guidance on conservation areas). The combination of the demolition of the Sun Inn, which in part contains 37 Market Street will be a loss to the existing historic townscape.

The Council has a statutory duty to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

CLLP policy LP25 states that *“Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional... circumstances.”* This is consistent with the NPPF which states that *“As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building... should be exceptional.”*

The applicant acknowledges that total demolition of the Grade II Listed 37 Market Street would equate to “substantial harm”. They acknowledge that NPPF paragraph 133 is engaged, which is that *“local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*.

What is meant by the term ‘public benefits’, is defined in Planning Practice Guidance on Conserving and enhancing the Historic Environment ([Paragraph: 020 Reference ID: 18a-020-20140306](#)) as follows:

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

The applicant puts forward that there is a clear and demonstrable need for a budget brand hotel within Gainsborough town centre, and that the only mechanism through which a hotel will be delivered in the town centre is through the development of the application site. They argue that the existing

buildings do not lend themselves to the exacting specifications of the viable business model to which a budget brand hotel will operate.

Sight of the hotel operators specifications have been requested, but at the time of writing, have not been provided.

Nonetheless, it is considered such exacting specifications are likely. Furthermore, the proposed hotel will be much greater in capacity and scale than the existing buildings (replacing a 16 bedroom hotel with a 56 bedroom hotel and restaurant). It is considered that the existing buildings would have been subjected to significant expansion and change to accommodate such increased capacity.

It has been enquired as to, if the listed building cannot be retained, can a partial retention be achieved, such as retaining the building's façade. The verbal response given is that the required ceiling to floor heights would not be compatible with any retained façade.

Planning policy requires that planning permission be refused, unless there are 'exceptional' reasons for allowing the demolition of the listed building. National policy requires that permission is refused unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. When applying that balancing exercise, considerable weight should be given to preserving the building and its setting.

It is a material consideration that the Council has previously granted planning permission in 2014 to demolish 37 Market Street and the Sun Inn Hotel to allow for a new hotel development. The statutory duties and the NPPF were applicable at the time of that decision, and it can be concluded therefore that the new hotel was found to achieve substantial public benefits that outweighed the loss of the listed building and was deemed to be 'exceptional'.

It may be noted that the 2014 permission was for a 51 bedroom hotel. This application now proposes a larger 56 bedroom hotel with 380sqm restaurant. The applicant anticipates this will generate at least 45 new and permanent jobs (30 previously); 75 jobs during construction (60 jobs previously); an investment of about £5.7 million into the local economy (£4 million previously); and indirect benefits to local businesses will be increased.

Alterations to 27, 29 & 35 Market Street

The application also seeks to make alterations to 27, 29 & 35 Market Street. No.29 (Emmalooos cafe) and no.35 (former Milanos pizza) are grade II listed buildings.

The application seeks to reinstate a more traditional shopfront and upper floor windows into the Market Street façade of 35 Market Street. The Conservation Officer has worked with the applicant in order to direct them towards replicating an earlier shopfront evidenced in photographs.

The reinstatement of more traditional features into the frontage in place of the modern shopfront and windows, is considered to preserve the features of the listed building and enhance the setting and character of the Conservation Area. Development would accord with CLLP policy LP25 in this regard, and policy LP27 which requires that proposals for frontages *“protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area”*

The application does not seek to alter the Market Street frontage to no.29. It does however propose to partially demolish single storey extensions to the property and create a new opening in the north elevation, to front the Roseway carpark. This rear element is a later addition, and has been unsympathetically modernised. Its loss is not considered harmful. Originally, the application had sought to insert timber shopfronts into the rear elevation. However, this “dual” frontage would form an alien and discordant feature, out of keeping with the character and setting of the Conservation Area. Consequently, the Conservation officer has guided the applicant into applying a more simple approach to the rear façade.

The application would also seek an authentic reinstatement of a more traditional Edwardian timber shopfront and first floor windows into 27 Market Street. The alterations are deemed to comprise an enhancement to the character and setting of the conservation area, and would accord with CLLP policies LP25 and LP27.

This would also include some rear demolition to create a new ‘frontage’ facing the Roseway carpark. Again, the Conservation officer has advised the applicant to move away from the principle of forming a new shop front and create a more straightforward rear ‘entrance’.

Proposed Hotel - Setting of Listed Buildings & Britannia Works Conservation Area

The application seeks to replace the Sun Inn Hotel, with a new 56 bedroom hotel, including 300sqm ground floor restaurant.

The new building would measure approximately 14 metres wide (Market Street elevation), and 38 metres long (North Street elevation). It would be five storeys in height, measuring 17.5 metres high approximately.

Filling out the plot occupied by the Sun Inn Hotel (and 37 Market Street), it would be considerably larger in scale and massing than the present buildings. The present Sun Inn building is a three storey property which measures up to 10.5 metres in height. The new building would be some 7 metres taller.

The hotel will be over 8 metres taller than 35 Market Street, the grade II listed building that it would immediately adjoin.

It would be more than five metres greater in height than the County Court Building (Grade II* Listed) opposite, which measures approximately 12 metres high on its principal façade.

The plans indicate that it would be 3.1 metres taller than the four storey hotel building granted permission in 2014.

Historic England advise that they consider *“The proposed 5 storey hotel would also be harmful to the contribution that the setting of the former County Court Building makes to its significance by diminishing its prominence in the street scene.”*

The proposed hotel, as a result of its height and massing, will become the largest and most prominent building on this key junction between four roads. The Grade II* Listed County Court Building offers a key frontage at the junction. It is considered that its prominence within the street scene will be diminished – and that this would equate to harm to its significance.

Similarly, the new Hotel will dominate the Grade II Listed Buildings within Market Street, particularly the immediately adjoining 29-35 Market Street. Whilst there significance at street level would be undiminished (and improved where new shopfronts and windows are proposed), the sheer oppressive scale of the proposed building will diminish their collective significance within the townscape, and would equate to some harm to significance.

NPPF paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The building would be finished in red brickwork, with stone rusticated ground floor and quoins. A planning condition to secure agreement on the full material palette should be applied.

Fenestration at first floor and above will be softwood timber windows, with apparent stone cills and lintels with keystone. However the drawings show uniformed window patterning, failing to demonstrate the typical classical window hierarchy.

It is considered that the hotel design would be greatly improved utilising a traditional hierarchy (double square, square and a half, and square windows) based on classical proportions.

The applicant has indicated that the requirements of the hotel operator would prevent this – but as yet have not provided evidence to this effect.

At the very least, the pattern of fenestration would be improved to show vertical Georgian panes in the windows.

(c) Listed Building Consent Works

It is a statutory requirement¹⁴ that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

The reinstatement of a more traditional windows and shopfront into no.35 is to be welcomed, reinstating features of historic interest and preserving the building through enhancement.

Works to no.29 include the demolition of single storey extensions at the rear. These were later additions to the building and not features of any special or architectural merit.

The demolition of the Grade II Listed 37 Market Street will require Listed Building Consent. Consent has already been given to do so in 2014, which is still extant.

Having visited and assessed the building, the Conservation Officer advises “The interior of 37 Market Street does not contain any features of architectural or historic significance, these were removed. The significance of this building lies in its value to the townscape (the group value noted in the listing). External alterations have reduced the architectural merit.”

In the event that LBC is again granted for demolition, it is imperative that conditions are placed to ensure that a contract for the carrying out of works of redevelopment of the site has been made, and provided to the local planning authority, as per s17(3) of the Listed Buildings Act 1990.

In the event that the Planning Committee is minded to grant consent to the demolition of the grade II Listed Building, in view of outstanding objections from Historic England and a National Amenity Society (Victorian Society), the Local Planning Authority is required¹⁵ to notify the Secretary of State of its intentions.

The Secretary of State will then have a period of 28 days to direct the reference of the application to him, or give notice that he requires further time to consider whether to require such a reference.

(d) Flood Risk & Land contamination

The site lies within flood zone 3A (high probability).

¹⁴ S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁵ Under S13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (it would not be exempted by the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015).

The Central Lincolnshire Local Plan (policy LP14) and NPPF (paragraph 100 onwards) seek application of a sequential test, with the aim of steering new development to areas at lower risk of flooding.

As development is for “main town centre uses” it is appropriate in this instance to only apply the sequential test across Gainsborough Town Centre – which is also within flood zone 3A. There are no known available, appropriate sites at a lower risk of flooding to accommodate the proposed development.

The new building would contain the restaurant (less vulnerable use) and only ancillary aspects of the more vulnerable hotel (reception lobby, toilet and office) at ground floor. All guest bedrooms would be at first floor and above.

The accompanying Flood Risk Assessment (FRA) advises the predicted level of a 1 in 200 year (fluvial) flood event to be at 6.41m AOD. The existing basement will be infilled back up to ground level, which will be set 1.3m above the anticipated flood levels.

The FRA addendum does not anticipate any significant risk from surface water (pluvial) flooding, but as a precaution proposes to utilise resilient building techniques with the use of an insitu concrete slab incorporating a monolithic up-stand and waterproof barrier along the North Street and Market Street elevations.

The Environment Agency have raised no concerns in regard to flood risk.

A Phase I (desk study) & II (site investigation) Geo-Environmental Site Assessment has been submitted with the application. It concludes that the made ground encountered at the surface of the site is unsuitable to remain. Sufficient material should be removed to allow installation of 600mm capping layer below the proposed ground levels made up of clean certified topsoil and subsoil. A significant portion of the site remains covered with the existing buildings and as such no investigation works have been carried out in these areas. It is therefore possible that other contaminants may exist in these areas and within the fabric of the building.

The Environment Agency have reviewed the assessment and recommend a planning condition to secure a remediation strategy in the event previously unidentified contamination is found during development.

(e) Highways Safety & Access

The hotel reception will be accessible from both North Street and the Roseway car park. The restaurant will be accessed from Market Street.

Servicing will take place from the Roseway car park. The application includes a swept path analysis drawing (drawing NS4844-03) for a 12m rigid vehicle – the Local Highways Authority recommend that this is secured via planning condition.

(f) Other Matters

A neighbour has raised whether resident parking permits can be provided within the Roseway car park. This is a matter relevant to the Council's Car Parking strategy and not to the applications under consideration.

Residential amenities – In view of the site's location within the Town Centre and the proximity of residential properties, the proposed development is not expected to have an unduly adverse impact upon the residential amenities enjoyed at other properties.

A planning condition is however recommended, to secure a construction method statement to cover both the demolition and construction phases of development.

Overall planning balance and Conclusions

Planning law requires, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

The proposed development is within the area allocated as Gainsborough Town Centre in the Central Lincolnshire Local Plan (CLLP).

There is a recognised and evidenced shortfall in leisure provision within Gainsborough. Hotel accommodation in particular is fairly limited and it is clear from third party representations made on the application that local businesses and shops consider there is a need and would value this commodity.

The Growth Team have provided details of an independent assessment which concludes that the total economic impact (in terms of GVA) of the operation of the hotel and restaurant can be quantified at £1,632k per annum. The employment creation calculated with the standard multiplier is 72 new jobs.

The application also seeks to make improvements to the overall public realm, with a reconfiguration of the Roseway carpark and landscaping areas. Investment would be made into reintroducing traditional features and shopfronts into Market Street.

Overall, it is considered that the provision of a new 56-bedroom hotel and 380sqm restaurant would positively contribute towards and strengthen the retail and leisure provision within the Gainsborough Town Centre Boundary. Located on Market Street, it would strengthen and enhance linkages between Marshalls Yard and Market Place.

Improved car parking provision, enhancements to the public realm, the return of traditional shop frontages in Market Street, collectively will enhance Gainsborough's primary shopping centre offer.

External improvements to 3-13 North Street can also be welcomed.

It is concluded that, with the enhanced provision of main town centre uses and improvements to the public realm, the proposed development would accord with Central Lincolnshire Local Plan policies LP6, LP7 (criteria a & b), LP27, LP41 and LP42.

Nonetheless, the south-western corner of the site falls within the Britannia Works Conservation Area. The application proposes the demolition of buildings within the Conservation Area - the Sun Inn Hotel (unlisted building) and 37 Market Street (Grade II Listed building).

Planning policy (CLLP policy LP25 and NPPF paragraph 132) requires the substantial harm or loss of a Grade II Listed building should be *exceptional*. It states that the local planning authority should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Both Historic England and a National Amenity Society (Victorian Society) object to the development.

As a result of its scale and massing, the proposed new hotel would be anticipated to harm the significance of the setting of the Grade II* Listed County Court Building opposite. It would also be expected to result in some harm to the significance of the setting of those listed buildings within Market Street.

Policy states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Local Planning Authority is under a statutory duty to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possess. They must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Courts interpret this as a "*special statutory status*", in which to give "*considerable importance and weight*" in any balancing exercise.

The Council has previously granted permission, in 2014, to demolish the buildings and erect a 51-bedroom hotel, a significant material consideration. The larger 56 bedroom hotel and restaurant offers greater public and economic benefits. It does however increase the buildings height by 3.1 metres – increasing its intrusion into the setting of surrounding listed buildings.

It stands to reason that, the local planning authority having found the 51 bedroom hotel as 'exceptional' and having substantial public benefits that

outweigh the total loss of the Grade II listed building and non-listed building, (which make a positive contribution to the conservation area), and having properly applied its statutory duties, then this new building should also qualify under these criteria.

The new building will be 3.1 metres higher than the 51 bedroom scheme – its dominance within the streetscene and intrusion into the setting of surrounding listed buildings will increase commensurately. However, the public benefits have increased commensurately too.

It is considered, on balance, therefore to recommend the grant of planning permission and Listed Building Consent.

In the event that the Planning Committee is minded to grant listed building consent to the demolition of the grade II Listed Building, in view of outstanding objections from Historic England and a National Amenity Society (Victorian Society), the Local Planning Authority is required to notify the Secretary of State of its intentions, before any formal decision is made.

Recommendations

a) To grant planning permission, subject to the following conditions:

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

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

Reason: To conform to 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 buildings within the site shall be demolished (in whole or in part) before—
 - (a) a contract for the carrying out of works of redevelopment of the site, as hereby granted, has been made; and
 - (b) a true copy of the contract, signed, exchanged and completed has been produced to the Local Planning Authority who have confirmed in writing that it is satisfactory and meets with the requirement of part (a).

Reason: As per paragraph 136 of the National Planning Policy Framework, to prevent the loss of heritage assets within the site without the development hereby permitted thereafter proceeding.

3. No development shall take place, until a Construction & Demolition Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction & demolition period. The Statement shall provide for:
- (i) Details of the method of demolition;
 - (ii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (iii) the routing and management of construction traffic;
 - (iv) the parking of vehicles of site operatives and visitors;
 - (v) loading and unloading of plant and materials;
 - (vi) storage of plant and materials used in constructing the development;
 - (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (viii) wheel cleaning facilities;
 - (ix) measures to control the emission of dust and dirt during construction;
 - (x) details of noise reduction measures;
 - (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

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

4. No demolition hereby permitted shall commence until a Written Scheme of Investigation, to enable the recording of any above ground heritage assets to be lost to development (whether whole or in part), has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To enable the recording of any features of historical, architectural or archaeological interest, prior to destruction, in accordance with paragraph 141 of the National Planning Policy Framework.

5. The recording of heritage assets within the site shall be undertaken in accordance with the agreed Written Scheme of Investigation, and a final Record has been submitted to, and approved in writing by, the Local Planning Authority. Copies of the approved Record should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

Reason: To enable the recording of any features of historical, architectural or archaeological interest, prior to destruction, and to make this evidence (and any archive generated) publicly accessible, in accordance with paragraph 141 of the National Planning Policy Framework.

6. No development (other than demolition) shall commence until full details of all external materials, including samples, for the following, have been submitted to and approved in writing by the Local Planning Authority:
- (a) Roofs;
 - (b) External walls;
 - (c) Rainwater goods;
 - (d) External landscaping materials.

This shall include sample panels of brick, render and stone work, of no less than one square metre, to be made available to inspect on the site.

The development shall thereafter only proceed in full accordance with the agreed details, including the materials agreed, the method of bonding, mortar colour and pointing style.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character, visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

7. Notwithstanding the details submitted, no development (other than demolition) shall commence until the details of all doors, windows and frames to be utilised in the development hereby permitted, including samples if so required, shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall indicate, at a scale of no less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening and finishes. The development shall proceed in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character, visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

8. Notwithstanding the details submitted, no new and/or replacement shop fronts shall be installed until scale drawings of the shop fronts, at a scale of no less than 1:20, including the vertical, horizontal and cross-sectional detailing, has been submitted to, and approved in writing by, the Local Planning Authority. Such details shall indicate, at a scale of no less than 1:5, and/or full scale samples of the timber mouldings for such features as stall riser panels, door panels, pilasters, consoles, corbels, fascia surround and cornice and finishes. The development shall proceed in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character,

visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

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

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

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 in order to accord with the provisions of the Central Lincolnshire Local Plan.

10. The development hereby approved shall proceed in accordance with the provisions of the Flood Risk Assessment (10 March 2014, reference NS4844/GAI/FRA) and Addendum to Flood Risk Assessment (19 June 2014, reference NS4844/GAI/FRA.Add), both by JNP Group, including that the proposed ground floor shall be set no lower than 7.75 metres OAD.

Reason: In order to reduce the causes and impact of flooding, in accordance with policy LP14 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

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

12. Vehicles which service the development hereby permitted must access the site by the arrangements shown on Dwg. No. NS4844-03.

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

b) To notify the Secretary of State of the intention to grant listed building consent, subject to the following conditions:

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

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

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

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

2. No Listed Buildings within the site shall be demolished (in whole or in part) before—
 - (a) a contract for the carrying out of works of redevelopment of the site, as hereby granted, has been made; and
 - (b) a true copy of the contract, signed, exchanged and completed has been produced to the Local Planning Authority who have confirmed in writing that it is satisfactory and meets with the requirement of part (a).
 - (c) a detailed method statement for the demolition of 37 Market Street has been submitted to and approved in writing by the Local Planning Authority. The method statement compiled by a suitable qualified and experienced person shall include full details of any structural requirements to ensure that the structural integrity of 35 Market Street will not be compromised during demolition, or as a result of demolition of 37 Market Street. Demolition shall only proceed in accordance with the agreed method statement.

Reason: As per Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and paragraph 136 of the National Planning Policy Framework, to prevent the loss of 37 Market Street, without the new development hereby permitted thereafter proceeding, and to ensure that 35 Market Street is adequately preserved.

3. No demolition hereby permitted shall commence until a Written Scheme of Investigation, to enable the recording of any above ground heritage assets to be lost to development (whether whole or in part), has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To enable the recording of any features of historical, architectural or archaeological interest, prior to destruction, in accordance with paragraph 141 of the National Planning Policy Framework.

4. The recording of heritage assets within the site shall be undertaken in accordance with the agreed Written Scheme of Investigation, and a final Record has been submitted to, and approved in writing by, the Local Planning Authority. Copies of the approved Record should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

Reason: To enable the recording of any features of historical, architectural or archaeological interest, prior to destruction, and to make this evidence (and any archive generated) publicly accessible, in accordance with paragraph 141 of the National Planning Policy Framework.

5. No development (other than demolition) shall commence until full details of all external materials, including samples, for the following, have been submitted to and approved in writing by the Local Planning Authority:

- (a) External walls;
- (b) Rainwater goods.

This shall include sample panels of brick, render and stone work, of no less than one square metre, to be made available to inspect on the site.

The development shall thereafter only proceed in full accordance with the agreed details, including the materials agreed, the method of bonding, mortar colour and pointing style.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings at 29 & 35 Market Street, and the character, visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

6. Notwithstanding the details submitted, no development (other than demolition) shall commence until the details of all doors, windows and frames to be utilised in the development hereby permitted, including samples if so required, shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall indicate, at a scale of no less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening and finishes. The development shall proceed in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character, visual amenity and setting of this part of the Conservation Area in which it is

set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

7. Notwithstanding the details submitted, no new and/or replacement shop fronts shall be installed until scale drawings of the shop fronts, at a scale of no less than 1:20, including the vertical, horizontal and cross-sectional detailing, has been submitted to, and approved in writing by, the Local Planning Authority. Such details shall indicate, at a scale of no less than 1:5, and/or full scale samples of the timber mouldings for such features as stall riser panels, door panels, pilasters, consoles, corbels, fascia surround and cornice and finishes. The development shall proceed in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character, visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

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