

Officers Report

Planning Application No: WL/2025/00044

PROPOSAL: Planning application to rebuild section of boundary wall being variation of conditions 2, 3, 5 and 6 of planning permission 145640 granted 1 December 2022 re: adjustment to the extent of the wall for underpinning and rebuilding.

Listed Building Consent No: WL/2025/00005

PROPOSAL: Listed building consent to rebuild section of boundary wall being variation of conditions 2-8, 12, 13 and 15 of listed building consent 145568 granted 1 December 2022 re: adjustment to the extent of the wall for underpinning and rebuilding.

LOCATION: TRINITY ARTS CENTRE, TRINITY STREET, GAINSBOROUGH, DN21 2AL

WARD: GAINSBOROUGH SOUTH WEST

WARD MEMBERS: Cllr Miss J S McGhee and Cllr T V Young

APPLICANT NAME: Mr Luke Matthews on behalf of West Lindsey District Council

TARGET FPA DECISION DATE: 13/03/2025

TARGET LBC DECISION DATE: 14/02/2025 (Extension of time agreed until 07/03/2025)

CASE OFFICER: Holly Horton

Recommended Decision: Grant planning permission and listed building consent, subject to conditions.

These applications have been referred to the planning committee as the applicant is an employee of West Lindsey District Council and is applying on behalf of West Lindsey District Council.

Site Description:

The application site is located in the town of Gainsborough, on the eastern side of Trinity Street and the western side of Sandsfield Lane. The boundary wall is curtilage listed in association with the listed Trinity Arts Centre. The site is bounded to the north by residential properties and their garden areas as well as a 'Kwik-Fit' garage and associated parking.

The Historic England record describes the site as follows: *'The (former) church of Holy Trinity, Gainsborough is designated at Grade II for the following principal reasons: * Redundant church of 1841-3 by T Johnson of Lichfield, ashlar faced in a plain, pre-archaeological Gothic style. * Chancel enlarged in 1871, with further work*

*in 1911 and in 1982-4 following conversion to an arts centre. * Tall W tower and spire form an important landmark.'*

Proposal:

These applications seek to vary conditions 2, 3, 5 and 6 of planning permission 145640 and conditions 2 - 8, 12, 13 and 15 of listed building consent 145568. Amendments are sought as there has been an adjustment to the extent of the wall required to be underpinned and rebuilt. Overall, this change means that more of the original wall would be retained, however the area of wall to be rebuilt extends by 1 bay beyond what was included in the original application. Both variation applications include technical documents to address the conditions originally imposed on 145568 and 145640. These are assessed later in the report.

Relevant site history:

145770 - Listed building consent for alterations and refurbishment of an existing internal door – Granted time limit plus conditions – 05/01/2023

145568/145640 – Planning application and Listed Building Consent to rebuild section of boundary wall – Granted time limit plus conditions – 01/12/2022

143385/143386 – Planning application and Listed Building Consent to rebuild section of boundary wall – Withdrawn by applicant – 23/09/2021
Reason for withdrawal – Insufficient information.

132837/132906 – Planning application and Listed building consent for replacement of existing slate roof covering, replacement of downpipes and miscellaneous rainwater goods, local repairs to stonework, infilling of several existing clerestory windows and provision of solar panels – Granted with conditions – 09/09/2015

130542 – Planning application for installation of pole mounted satellite dish in car park – Granted with conditions – 19/11/2013

128813/128386 – Planning application and Listed Building Consent for replacement and relocation to ground floor of 3no. gas boilers and replace existing flue with 3no. 150mm diameter flues through roof at the rear – Granted time limit cond only – 30/08/2012

M04/P/1038 - Planning application to form a new disabled wc and changes to entrance – Granted with conditions - 5/11/04

M02/P/0010 Planning application to construct disabled ramp, boundary treatment, railings and copings and tree works - Granted with conditions - 3/4/02

M00/P/0189 - Consent to display name sign, two poster display boards and free standing sign. Granted with conditions - 17/4/00

Various applications in the late 1970's and 1980's relating to the conversion of Holy Trinity Church to an arts centre together with signage.

Representations:

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

Gainsborough Town Council: Resolved to support the application.

Local residents: No representations received to date.

LCC Highways: No Objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

LCC Archaeology: This section previously advised on the earlier application (19/10/2022):

“The proposed excavation and underpinning works has the potential to disturb human remains within the churchyard. However, as this cemetery was laid out relatively recently in the 19th century it would usually be anticipated that graves would be carefully arranged in rows within the cemetery in only one phase, so there is less chance of earlier disturbed remains within the graveyard soil or of graves that might extend up to, beneath or beyond the boundary wall as can occur on older medieval church sites. The church was also constructed in an area that was not previously within the settlement of Gainsborough and where earlier pre-Victorian remains are not anticipated.

Therefore, we would not recommend that it was necessary for these works to be continuously monitored by an archaeologist. If, however, during the course of the works human remains are revealed all work should halt as under the Burial Act 1853 it is an offence to disturb a burial without a license from the Ministry of Justice.”

This advice remains valid, with an addendum to refer to the Burial Act 1857, and we will be happy to issue further advice and recommendations if human remains are exposed during groundworks.

Historic England: Not offering advice in this instance.

Conservation Officer:

Representation received 18/02/2025 - You can retract my comment on Condition 5 (145640) and Condition 12 and 13 (145568) as they are not relevant.

I am now happy with the methodology now (Condition 2 (145640) and Condition 3 (145568)).

Representation received 14/02/2025 –

Condition 2 (145568) – intrusive survey

Acceptable.

Condition 3 (145640) & Condition 6 (145568) – Condition Survey

Acceptable.

Condition 4 (145568) – Gravestone record

Acceptable.

Condition 5 (145568) – Storage

Acceptable.

Condition 7 (145568) – Mortar Sample

Acceptable.

Condition 8 (145568) – Photographic Record

Acceptable.

The new methodology to vary Condition 2 (145640) and Condition 3 (145568) appears reasonable in the approach, but I am missing information on some of the documents that are mentioned within it. All being well with the details yet to be submitted in the methodology, the variation of the proposed works would be supported.

The specification document for Condition 5 (145640) and Condition 12 and 13 (145568) is not available. I cannot make comment on these as of yet.

Date Checked: 18/02/2025

Relevant Planning Policies and Legislation:

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

Development Plan

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

Relevant policies of the CLLP include:

S21 Flood Risk and Water Resources

S47 Accessibility and Transport

S53 Design and Amenity

S57 The Historic Environment

S58 Protecting Lincoln, Gainsborough and Sleaford's Setting and Character

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

- ***Gainsborough Neighbourhood Plan (2020-2036)***

The following policies are considered relevant in the determination of this application:

NPP 1 Sustainable Development
NPP 6 Ensuring High Quality Design
NPP 18 Protecting and Enhancing Heritage Assets

Gainsborough Heritage and Character Assessment:

TCA 06 Gainsborough Town Centre

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

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

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

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

- National Planning Practice Guidance

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

- National Design Guide (2019)

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

- National Model Design Code (2021)

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

Other- Statutory Duties

Sections 16 and 66 of the Town and Country Planning (Listed Building & Conservation Areas) Act 1990 (The 'Act').

Main Considerations:

These applications are made under s73 of the Town & Country Planning Act 1990 and S.19 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in order to develop land/alter a listed building not in compliance with conditions previously attached. In accordance with planning law (s.73(2)), “*consider only the question of the conditions subject to which planning permission should be granted.*” It is not a re-visitation or reassessment of the original decision to grant planning permission.

- Principle of Development and Heritage Impact
- Other Matters
Archaeology

Assessment:

Principle of Development and Heritage Impact

The principle of the development has already been established in planning permission 145640 and listed building consent 145568 dated 1st December 2022.

These variation applications have been submitted as there has been an adjustment to the extent of the wall required to be underpinned and rebuilt. Overall, this change means that more of the original wall would be retained, however the area of wall to be rebuilt extends by 1 bay beyond what was included in the original application. Both variation applications have included documents with details to discharge/remove the conditions attached to 145640/145568. Please see assessment later in the report.

The WLDC Conservation Officer has been consulted on the amended proposal as well as the additional information submitted to satisfy a number of conditions included on 145640 and 145568. Following the removal of a couple of annotations on the proposed plans, the Conservation Officer has commented that the variation to the proposed works is acceptable and that all of the submitted information provided to discharge the conditions is acceptable. Condition 5 (145640) and Conditions 12 and 13 (145568) would need to remain on any future permission as the information to discharge these conditions has not yet been provided

The proposed amendment would in fact retain more of the original wall which is considered to be an enhancement to the development approved in 145640 and 145568.

Overall, the proposed works are required to avoid the potential partial collapse of the historic boundary wall. The amended proposal and submitted additional details would preserve the special character and significance of the listed building and its setting. It is considered that the proposed works would be in accordance with policy S57 of the CLLP, Policy NPP 18 of the NP, the guidance contained within the National Planning Policy Framework and the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

Archaeology

Archaeological impacts were considered in applications 145640 and 145568. The Historic Environment Team at LCC Archaeology have confirmed that their advice remains valid, with an addendum to refer to the Burial Act 1857, and would be happy to issue further advice and recommendations if human remains are exposed during groundworks. An advisory note will be added to the planning permission.

Assessment of conditions:

As a variation of condition application will create a brand-new permission/consent in itself, a review of conditions originally imposed on 145640 and 145668 needs to be undertaken. Without this any new permission/consent would be unrestricted. In the interest of clarity and simplicity, all conditions have retained the same numerical order. The reason for the conditions have all been amended to reflect the relevant policies of the most recent version of the CLLP.

145640:

Condition 1 – Implementation/Time Limit

This condition is still relevant and necessary, but the expiry date will be listed as 1st December 2025.

Condition 2 – Methodology

This condition remains relevant and necessary, albeit the condition will be varied to include the updated drawing.

Condition 3 – Defective Material Survey

The information provided is satisfactory to meet this condition therefore this condition will be amended to be done in accordance with the approved details and amalgamated into condition 6.

Condition 4 – Brickwork Detailing

This condition remains relevant and necessary and will be retained.

Condition 5 – Materials Following Partial Demolition

This condition remains relevant and necessary, albeit the condition will be varied to include the updated drawing.

Condition 6 – Approved Plans

This condition remains relevant and necessary, albeit the condition will be varied to include the updated drawings.

145568:

Condition 1 – Implementation/Time Limit

This condition is still relevant and necessary, but the expiry date will be listed as 1st December 2025.

Condition 2 – Methodology of the Exploratory Intrusive Survey

The information provided is satisfactory to meet this condition therefore this condition will be amended to be done in accordance with the approved details and amalgamated into condition 15.

Condition 3 – Methodology

This condition remains relevant and necessary, albeit the condition will be varied to include the updated drawing.

Condition 4 – Photographic Record of Gravestones

The information provided is satisfactory to meet this condition. This condition no longer needs to be included on any future decision.

Condition 5 – Location of safe storage of gravestones

The information provided is satisfactory to meet this condition therefore this condition will be amended to ensure that the gravestones are reinstated to their previous recorded positions following the completed of the works.

Condition 6 – Defective Material Survey

The information provided is satisfactory to meet this condition therefore this condition will be amended to be done in accordance with the approved details and amalgamated into condition 15.

Condition 7 – Mortar sample

The information provided is satisfactory to meet this condition therefore this condition will be amended to be done in accordance with the approved details and amalgamated into condition 15.

Condition 8 – Photographic Record of the wall to be taken down

The information provided is satisfactory to meet this condition. This condition no longer needs to be included on any future decision.

Condition 9 – Brickwork Detailing

This condition remains relevant and necessary and will be retained.

Condition 10 – Storage of sound materials

This condition remains relevant and necessary and will be retained.

Condition 11 – Demolition by hand/hand tools

This condition remains relevant and necessary and will be retained.

Condition 12 – Sample Panel of Brickwork

This condition remains relevant and necessary, albeit the condition will be varied to include the updated drawing.

Condition 13 – Materials Following Partial Demolition

This condition remains relevant and necessary, albeit the condition will be varied to include the updated drawing.

Condition 14 – Cleaning of Masonry

This condition remains relevant and necessary and will be retained.

Condition 15 – Approved Plans

This condition remains relevant and necessary, albeit the condition will be varied to include the updated drawings.

Conclusion and reason for decision:

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The proposal has been considered against policies S21 Flood Risk and Water Resources, S47 Accessibility and Transport, S53 Design and Amenity, S57 The Historic Environment of the Central Lincolnshire Local Plan, and Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 as well as the Gainsborough Neighbourhood Plan in the first instance. Guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been taken into consideration.

In light of this assessment, it is considered that subject to the recommended conditions, the proposal will respect the character and appearance of the historic fabric of the curtilage listed wall as well as Trinity Arts Centre. The proposal will therefore preserve and enhance the special character and significance of the listed building, its setting and the special architectural features or historic interest they possesses. It will not harm the character and appearance of the street-scene or have an unacceptable impact on the living conditions of the residents of neighbouring properties.

Listed Building Consent: WL/2025/00005

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. In light of this assessment, the proposed amendments are considered as preserving and enhancing the desirability of the Listed Building and its setting. Furthermore, the proposed development will preserve and enhance the desirability of the special architectural features or historic interest it possesses.

Recommended Conditions – WL/2025/00044

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

1. The development hereby permitted shall be begun before the date of 1st December 2025 specified in planning permission 145640.

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

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

None.

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

2. The works shall follow the "Preparation", "Investigation", "Stabilisation Works", and "Repair Works" as noted on drawing J000605-A-DR-0003 Rev 3 dated 18/02/2025 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under S57 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

3. Void.

4. The rebuilt brickwork shall match the existing brickwork noted through the detailed photographic survey (condition 3) within the "Stabilisation Works" in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under S57 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

5. Following the partial demolition as shown on drawing J000605-A-DR-0003 Rev 3 dated 18/02/2025 any new materials to be used for repairs, replacements or as part of the rebuild shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under S57 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

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

- 7536-LAT-S1-XX-DP-A-1002-S3-A dated 20/09/2022
- J000605-A-DR-0002 Rev 3 dated 18/02/2025
- J000605-A-DR-0003 Rev 3 dated 18/02/2025
- Detailed Survey of Defective Material dated 19/12/2024 Rev 0

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policies S53 and S57 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

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

None.

Notes to the Applicant

If, during the course of the works, human remains are revealed all work should halt as under the Burial Act 1857 it is an offence to disturb a burial without a license from the Ministry of Justice.

Recommended Conditions – WL/2025/00005

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

1. The development hereby permitted shall be begun before the date of 1st December 2025 specified in planning permission 145640.

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

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

2. Void.

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

3. The works shall follow the “Preparation”, “Investigation”, “Stabilisation Works”, and “Repair Works” as noted on drawing J000605-A-DR-0003 Rev 3 dated 18/02/2025 unless otherwise approved in writing by the Local Planning Authority.

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

4. Void.

5. Following the completion of the 'Stabilisation Works' (as stated drawing J000605-A-DR-0003 Rev 3 dated 18/02/2025) the gravestones shall be reinstated to their previous recorded positions.

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

6. Void.

7. Void.

8. Void.

9. The rebuilt brickwork shall match the existing brickwork noted through the detailed photographic survey (condition 6) within the "Stabilisation Works" in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

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

10. The following sound materials/features/fixtures forming part of the boundary as shown in the findings of condition 6 shall be carefully taken down, protected and securely stored for later re-erection/ re-use or disposal.

- Bricks
- Coping stones
- Pier cappings
- Gravestones

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

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

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

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

12. Following the partial demolition as shown on J000605-A-DR-0003, a 1m² (one square metre) sample panel of brickwork demonstrating the quality, materials, bond, mortar, coursing, colour and texture shall be constructed on

site. The Local Planning Authority shall approve the above details of the brickwork prior to the rebuild commencing and the development shall be carried out in accordance with the approved details. The sample panel shall be retained on site until development is completed or removal is approved in writing by the Local Planning Authority.

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

13. Following the partial demolition as shown on drawing J000605-A-DR-0003 any new materials to be used for repairs, replacements or as part of the rebuild shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- 7536-LAT-S1-XX-DP-A-1002-S3-A dated 20/09/2022.
- J000605-A-DR-0003 Rev 3 dated 18/02/2025
- J000605-A-DR-0002 Rev 3 dated 18/02/2025
- Mortar Analysis Results for Boundary wall TRINITY ARTS CENTRE received 02/01/2025
- Detailed Survey of Defective Material dated 19/12/2024 Rev 0
- 51294-TN001 Boundary Wall Ground Investigation and Foundation inspections received 02/01/2025

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

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

Notes to the Applicant

If, during the course of the works, human remains are revealed all work should halt as under the Burial Act 1857 it is an offence to disturb a burial without a license from the Ministry of Justice.

Decision Level: Committee

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