

Officers Report

Planning Application No: 147511

PROPOSAL: Planning application for change of use from a public convenience block to a Café (Use Class E) with external alterations and creation of a bin storage area.

LOCATION: Whittons Gardens Caskgate Street Gainsborough Lincolnshire DN21 2DL

WARD: Gainsborough South West

WARD MEMBER(S): Cllr T V Young and Cllr J S McGhee

APPLICANT NAME: West Lindsey District Council

TARGET DECISION DATE: 21/12/2023 (Extension of time agreed until 1 March 2024)

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the planning committee for determination in line with the Council's constitution as West Lindsey District Council is the applicant.

Site Description: The application site comprises of an existing public convenience block at Whittons Gardens within Gainsborough. The public conveniences block has not been in use since 2012. The River Trent and associated flood defences lie directly to the west of the building with a public car park to the north and a landscaping/seating area to the south.

The site lies within Flood Zones 2 (medium probability) and 3 (high probability) and is within a Sand and Minerals Safeguarding Area. It is also within the Gainsborough Town Conservation Area and within the setting of Listed Buildings, namely;

- Elswitha Hall- Grade II* Listed- Located c. 85m to the south east;
- No. 7 Lord Street- Grade II Listed- Located c.40m to the north east;
- No. 2A Ropery Road, 1-7 Cobden Street located c. 32m to the north.

The Proposal: The application seeks full planning permission to change the use of the existing vacant public conveniences block to a Café (Use Class E) together with associated external alterations to the existing building. It is also proposed to erect a bin storage area to the north of the building, within the existing car park.

The proposal is one of the schemes in Gainsborough that will benefit from the Levelling up funding¹ from Central Government.

Amended plans and an amended Flood Risk Assessment were received on 19/01/2024. The plans removed the use of white render to the external walls of the proposed café. The amended Flood Risk Assessment responded to the initial objection received from the Environment Agency.

Relevant history:

GU/257/72- ERECT A PUBLIC SHELTER AND TOILETS.

Representations- In Summary. Full versions of the comments received can be viewed on the Councils website, using the following link:

<https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=147511&nb=1>

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

Gainsborough Town Council: Object to the application as Members feel the public conveniences should be reinstated and refurbished and to include a changing places facility.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority: No objections. The proposal is for change of use from a public convenience block to a Café and it does not have an unacceptable impact on the Public Highway or Surface Water Flood Risk.

Historic England: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Environment Agency:

08/02/2024- Environment Agency position- We have reviewed the amended Flood Risk Assessment (FRA) and consider that it satisfactorily addresses our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection, dated 20 November 2023 (letter reference: AN/2023/134976/01-L01).

¹ <https://www.west-lindsey.gov.uk/council-news/2023/10/council-allocates-ps12-million-towards-public-green-spaces-gainsborough-part-our-levelling-plans>

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition-The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference: '1208250 Version 1', dated 22 Jan 2024, compiled by Ross Davy Associates). In particular, the finished floor levels of the café shall be set no lower than the existing level, at 6.5 metres above Ordnance Datum.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

Advice to applicant and Local Planning Authority- Flood warning and emergency response (FWEPP). We support the suggestion in the FRA that a FWEPP will be submitted and approved by the Local Planning Authority. In this instance we consider that warning and emergency response is fundamental to managing flood risk. We strongly recommend that a FWEPP is obtained prior to determining the application and that you consult with your Emergency Planning staff on its contents.

The Environment Agency does not comment on or approve the adequacy of proposed flood emergency response procedures accompanying development proposals. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupant/user covered by our flood warning network. The Planning Practice Guidance (Flood Risk and Coastal Change section, paragraphs 041-048) provides information on producing evacuation plans for development and the role of the local authority in ensuring these are appropriate.

20/11/2023- Environment Agency position- In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist.

The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how the 1 in 100 years plus 29% climate change breach event will affect people and property.
- consider how people will be kept safe from the identified flood hazards.
- consider the requirement for flood emergency planning including evacuation of people for a range of flooding events up to and including the extreme event.
- assess the impact of climate change using appropriate climate change allowances.

For this location the climate change allowance should be 29%. The current FRA does not comply with the National Planning Policy Framework, which requires that all sources of flood risk are considered, including residual flood risk. At this site, it is expected that risk of breach flooding is considered from the River Trent. The development sits within 10 metres of the Tidal Trent defences and therefore is at risk during a breach of these defences. A site-specific breach assessment, and a broad crested weir equation, is required to understand the risk to the site.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. Breach calculations to determine how the property is affected must be undertaken. The applicants must demonstrate how the risk will be mitigated against for the lifetime of the property and provide adequate justification. If impacted, access and egress must be considered to ensure that people will be safe for the lifetime of the development.

LCC Archaeology:

14/12/2023- The ground area that is going to be disturbed will be minimal. There are only four fence post holes that are going to be excavated to a depth of 0.6 metres. While this depth may be enough to encounter potential archaeological remains there will only be four relatively narrow areas of ground disturbance.

Archaeological impact is unlikely and therefore, no archaeological condition is required. However, if any archaeological remains are encountered during the excavation of these post holes, the contractor should contact this department.

06/11/2023- No details have been given on the depth and extent of ground disturbance that would be caused by the proposed bin storage area. When more information is provided, a recommendation can be given with regards to archaeological impact.

The conversion of the public convenience block into a café will not need archaeological input. However, the West Lindsey Conservation Officer should be contacted as the site is within the Gainsborough Conservation Area.

WLDC Conservation Officer:

Verbal comments following amended plans- Happy to see that the proposed render will now not be used and that the shutters will be internal. I unfortunately still cannot support the use of the roofing material.

11/12/2023- The application is for the change of use of the toilet block to café in the Gainsborough Town Centre Conservation Area. The building is located on the western boundary of the CA and is within the setting of the Gainsborough Riverside Conservation Area located to the south of the property.

The change of use does not alter the external footprint or design of the building I have no concerns with the this; however, the building materials are proposed to be designed in a very modern design which will impact upon the setting.

Whitton Gardens was opened in 1973 and is noted to have fine views of the wharves and river in the Town Centre CA. Although located within the Town Centre CA, the building's setting is more prominent with the Riverside CA and the design of the building has more links to the industrial Riverside lineage. The history of the Riverside has records of maltings as early as 1615 which was noted to boom in the late 18th century. This has altered through recent history but the maltings industry still has a presence in the area with Gainsborough Maltings. Although this business only borders the CA it is evident that the industry has been strongly influenced on the riverside.

The design of the maltings roofs is a distinct feature within the Riverside CA. The rectangular shaped hipped roofs with cowls protruding from the ridge are noted in some of the historic buildings as well as the adjacent maltings business itself.

These roofs are typically slate which has an appealing visual that creates a character in the setting. Whitton Gardens offers that character in its current form with a hexagonal hipped roof and cowl. Although this is not slated, the small shingle design offers a positive visual in keeping with the history of the Riverside's industry.

The Conservation Area Appraisal also highlights the importance of the colour, form, and texture in altering existing buildings in the CA to be in harmony with the historic environment.

The alteration to a modern standing seam profile roof will detract from this character which currently works with the historic environment. Renewing the existing roofing material or a slate tiled roof would be more in harmony.

The CA also states the red brickwork is the typical material for the CA. The immediate listed buildings and other historic buildings are predominantly in red brick which highlights the strong character this provides.

The overall modern visual proposed will detract from the appearance and character of the CA, which is clearly stated under paragraph 4.5v of the Gainsborough Town Centre Conservation Area Appraisal that this will not be supported for a change of use.

Policy S57 of the CLLP seeks to protect and enhance conservation areas. This identifies the need to retain and reinforce local distinctiveness including the materials within the historic environment. As mentioned above, this maltings industry on the Riverside is an important history for Gainsborough which is currently expressed within this mid-20th century building.

I have no concerns with the use of aluminium windows which will be designed to offer extra security. The introduction of perforated internal shutters are also welcome. Ensuring this building can be best protected will enable a more viable use which is fully supported.

Overall, I cannot support the material design proposed for the externals as they contrast the historic environment so I must object to this current proposal.

Canal and River Trust: This application falls outside the notified area for its application scale and location.

Relevant Planning Policies:

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

Development Plan

- ***Central Lincolnshire Local Plan 2023 (CLLP)***

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S13: Reducing Energy Consumption in Existing Buildings
Policy S21: Flood Risk and Water Resources
Policy S47: Accessibility and Transport
Policy S53: Design and Amenity
Policy S57: The Historic Environment
Policy NS73: Gainsborough Riverside Regeneration Area

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

- ***Gainsborough Town Neighbourhood Plan (NP)***

Relevant policies of the NP include:

NPP 1 Sustainable Development
NPP 6 Ensuring High Quality Design
NPP 7 Ensuring High Quality Design in each Character Area

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

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

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

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

[https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF December 2023.pdf](https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf)

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 2023.

- **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 Design Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Other Relevant Legislation- Statutory Duties

Listed Building and Conservation Area Setting- Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

<https://www.legislation.gov.uk/ukpga/1990/9/contents>

Main issues

- Principle of Development and Flood Risk;
- Impact upon Visual Amenity and Heritage Assets;
- Highways;
- Drainage;
- Other Matters.

Assessment:

Principle of Development

Policy S1 of the Central Lincolnshire Local Plan designates Gainsborough as a Main Town (Tier 2). The Policy states that; *To maintain and enhance their roles as main towns,*

and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan and any applicable neighbourhood plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision.

The site is located within the designated Gainsborough Riverside Regeneration Zone (R0A6) as defined on the CLLP Policies Map. The site-specific policy, NS73 of the CLLP states that;

Development proposals within the Gainsborough Riverside Regeneration Area, shown on the Policies Map as ROA6, will be supported in principle. This in principle support will apply to existing uses and a range of uses which are appropriate in this location including office, leisure, or residential uses. Proposals should not undermine the achievement of the ambitions for this regeneration area, as set out in a)-g) below. Proposals will be viewed particularly favourably where they:

- a) Protect, enhance or restore the historic identity of the town;*
- b) Strengthen the connection between the river and the town;*
- c) Make the most of the riverside location enhancing;*
- d) Deliver innovative design or design excellence which provides visual interest;*
- e) Contribute positively to the Conservation Area;*
- f) Expand leisure opportunities related to the riverside; and/or*
- g) Enhance public spaces and green infrastructure.*

Policy 1 of The Gainsborough Neighbourhood Plan states that; *Development in the Gainsborough Neighbourhood Plan area should be located so that it can make a positive contribution towards the achievement of sustainable development. Development should assist in meeting the economic, social and environmental regeneration of the Town in accordance with CLLP policies and, as appropriate to its scale and nature, subject to complying with a set of criteria.*

The site is located along the popular Riverside walk within the developed footprint of Gainsborough. The proposals would also accord to Policy S1 which states that such Main Towns should be the focus for retail growth and wider service provision. There is an existing footpath link into Gainsborough town centre to the north east of the building, thus encouraging connection to the town from the riverside. The building has now been vacant for c. 12 years, the change of use proposed in this application would see the building repurposed with a popular area of the town and would accord to the aspirations of Policy NS73. An assessment of the proposals impact upon the Conservation Area and visual impact upon the wider area is discussed in the relevant section below.

The objection from Gainsborough Town Council is noted. They have stated that they would like to see the public conveniences block brought back into use. The existing building has been closed since c. 2012. A paper was presented at the Prosperous Communities Committee in November 2011, recommendation 2 of the paper was to close the Whitton's Gardens Public Conveniences upon completion of alterations to the facility

at Roseway, also within Gainsborough. The report explained that the building suffered from excessive misuse through vandalism and on- street drinkers. It was also stated that the facility was not well used with 1088 visits per week, being the lowest of the four facilities operated. It was proposed to close the site with a view to redevelopment. Any future development could include the provision of toilets accessible by the general public.

As stated in the proposal section of this report the change of use would benefit from the Levelling up Funding. It has been explained by the project team for the scheme that the funding has been awarded on the basis changing use to a café (subject to planning permission). Given the size of the building, having a functioning business and public toilets is not possible within the funding scope. There will of course be conveniences within the building for customers of the café.

Overall, the proposal would see this currently vacant and deteriorating building re purposed in the popular Riverside area of the Town. Its re development would accord to the principle policies S1 and NS73 within the CLLP and would be a form of sustainable development within the town as detailed within Policy 1 of the Gainsborough Neighbourhood Plan.

Flood Risk

The application site is located within Flood Zones 2 and 3 as defined by the Environment Agency's flood risk maps for planning. The existing building lies directly adjacent to the River Trent (c .10m to the west).

Paragraph 173 of the NPPF states that; *When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.* Footnote 59 states that; *A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.*

In terms of vulnerability classification, there would be no change in vulnerability classification. Annex 3 of the NPPF details that the existing and proposed uses both fall within a 'less vulnerable use'. Given that the proposal comprises of the change of use of an existing building the sequential and exceptions tests are not applicable here in accordance with footnote 60² of the NPPF.

The application has been submitted with an FRA upon submission which has subsequently been amended (received 19/01/2024) given the initial objection from the Environment Agency. Following re consultation with the EA, they have now confirmed that they have removed their objection subject to the imposition of a condition in the event that permission is granted. The condition would request that the development is carried

² 60 This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

out in accordance with the mitigation measures as detailed in the amended FRA. Flood resilience measures are to include;

- Floor levels will be no lower than existing;
- Future occupants will be provided with information regarding the EA's automated flood warning system- This will be in the form of a leaflet which will be provided as part of the buildings handover documentations;
- The tenant/ occupier will be required to prepare a Flood Evacuation Plan that must outline steps to be taken to prepare for a flood event, actions and instructions for occupants and staff at various stages of a flood event. A yearly review of the plan must be carried out;
- Works to the building will be done in accordance with the guidance in the DCLG publication, as far as possible within the existing structure.

Overall, the proposal has now shown that the development would be safe in a flooding event, subject to a condition. It is also considered that the proposal would not increase the risk of flooding to others. The proposal would accord to the aims of Policy S21 of the CLLP and the provisions of the NPPF.

Impact upon Visual Amenity and Designated Heritage Assets

The application site is within the Gainsborough Town Conservation Area, it is also located within close proximity to a number of Listed Buildings, namely;

- Elswitha Hall and Gate Piers- Grade II* Listed- Located c. 85m to the south east;
- No. 7 Lord Street- Grade II Listed- Located c.40m to the north east;
- No. 2A Ropery Road, 1-7 Cobden Street located c. 32m to the north.

The Statutory Duties contained within Sections 66 and 72 the 'Act' place a legislative requirement on the Local Planning Authority to pay 'special regard' to the desirability of preserving the setting of listed buildings. With regard to conservation areas, Section 72 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This is also reflected within Policy S57 of the CLLP.

Policy S53 of the CLLP states that; *All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.*

Criteria d and e of Policy NS73 state that redevelopment projects within this area will be viewed favourable where they;

- d) Deliver innovative design or design excellence which provides visual interest;*
- e) Contribute positively to the Conservation Area;*

The application does not propose any extensions to the building, much of the works will be internal with new glazed openings, new internal shutters and a new roof covering. The existing building is red brick with timber shingles as the roof covering. Originally submitted plans including the full rendering of the building, through the application amended plans have been received which have removed the proposed white render. The red brick will now remain with repointing and cleaning done where needed, it is also proposed to replace the roof with a new sarnafil seamed roof in a slate grey colour, as shown in the picture below.



Sarnafil Seamed Roofing

It is noted that the Councils Conservation Officer is not supportive of the use of this roofing material, and has instead advised that this should be slate tiles or that the timber shingles should be renewed. The building is modern and the proposed roof covering would not be too dissimilar to the colour and appearance of other roofs within the area, it would be a visual improvement to the existing building as well as an improvement to its appearance in the context of the wider area.

The application also proposes a small bin store area which would be enclosed by c. 2.1m high hit and miss fibre cement boarding in a dark grey colour to match the new windows and doors on the café. Much of this would be screened from the street scene by the existing hedging to the north east boundary.

Overall, it is considered that the external alterations to the existing building would improve its existing appearance within the Conservation Area and wider Riverside setting as well as preserving the setting of the nearby listed buildings, in accordance with the Statutory Duties. The proposals would also accord to the aims of policies S53, S57 and NS73 of the CLLP as well as Policies 6 and 7 of the Gainsborough Neighbourhood Plan which seek to ensure development proposals are of a high quality design.

Highways

Policy S47 of the CLLP states that *“Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.”*

As well as being within a highly sustainable central location where it is expected that the majority of people visiting the café would be on foot, the car park to the north is retained as part of the proposals as well as there being a much larger public car park beyond. The bin store area would occupy one existing space within the car park to the north west, this loss is considered to be acceptable given the proximity to other larger car parks. There are no other alterations proposed that would interfere with highway safety. The proposal would therefore accord to the aims of Policy S47.

Drainage

Policy S21 of the Central Lincolnshire Local Plan states that development proposals adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development and that proposed surface water disposal should follow the surface water hierarchy.

The site benefits from existing drainage connections in terms of foul and surface water disposal, which would be utilised in the new proposals, it is not considered necessary to request any further detail by means of condition in this respect.

Other Matters

Archaeology- The comments from the Historic Environment Officer at Lincolnshire County Council are noted. Given that the ground works will only consist of the installation of posts around the bin storage area it is not anticipated that these works would disturb any below ground archaeological remains. In any case an informative will be added to the decision notice in the event permission is granted.

Residential Amenity- The nearest residential properties are located c. 45m to the north of the site. No opening times have been provided as part of the application, it is considered necessary to condition that the times are provided for approval prior to the building being brought into use. It is however considered that given the separation distance and likely day time operation of the café it is unlikely that the use would have any unacceptable amenity impacts.

Minerals Safeguarding Area- The site is within a Sand and Gravel Minerals Safeguarding Area. Policy M11 of the Waste and Minerals Local Plan Core Strategy states that changes of use of existing buildings are exempt from complying with the policy.

Energy Efficiency- Policy S13 of the CLLP states that; *For all development proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended)*.*

Within the submitted design and access statement it has been stated that the proposal will incorporate new energy efficiency measures as part of the changes of use which will raise the buildings overall energy performance.

Use Class- It is considered reasonable to restrict the use of the building to be specifically Use Class E b)- Café. This will allow the Local Planning Authority to properly assess any alternative use through the submission of a planning application as to not undermine the aims of the site-specific policy NS73 and also to assess any impacts upon neighbouring amenity.

Conclusions and reasons for decision: The application has been assessed against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S13: Reducing Energy Consumption in Existing Buildings, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport Policy S53: Design and Amenity, Policy S57: The Historic Environment and Policy NS73: Gainsborough Riverside Regeneration Area of the Central Lincolnshire Local Plan, the policies within the Gainsborough Neighbourhood Plan and the Statutory duties contained within the 'Act' and Policy M11 of the Core Strategy in the first instance as well as the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment the principle of the change of use is considered to be acceptable, the proposal would re purpose a long-term vacant building which would positively contribute to the Riverside area of the town. Matters of flood risk are acceptable, subject to conditions. The proposal would preserve the setting of the nearby Listed Buildings and would also enhance the Conservation Area by seeing a currently vacant building in a state of disrepair brought back into use. The proposal would not give rise to unacceptable impacts upon highway safety, residential amenity or drainage. It is recommended that planning permission is granted, subject to conditions.

RECOMMENDATION: Grant planning permission subject to conditions

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details and

materials specifications as shown on the approved plans and any other document forming part of the application:

- Proposed Site Plan and Location Plan- RD: 5281-05-B received 26/10/2023;
- Proposed Floor Plan (Café)- RD:5281-02 A received 26/10/2023;
- Proposed Elevations (shutters open)- RD:5281- 04 Rev C received 19/01/2024;
- Proposed Bin Store- RD:5281- 10 received 09/02/2024.

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

3. The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference: '1208250 Version 1,' dated 22 Jan 2024, compiled by Ross Davy Associates). In particular, the finished floor levels of the café shall be set no lower than the existing level, at 6.5 metres above Ordnance Datum. The measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy S21 of the Central Lincolnshire Local Plan.

4. The café hereby approved shall not be occupied until details of the proposed opening times have been submitted to and approved in writing by the Local Planning Authority. The café shall only be open during the approved times.

Reason: To safeguard the residential amenities of nearby residents in accordance with policy S53 of the Central Lincolnshire Local Plan.

5. Prior to the café being first brought into use a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be occupied in accordance with the approved details.

Reason: To ensure the occupants are safe in a flooding event in accordance with Policy S21 of the Central Lincolnshire Local Plan.

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

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 or any orders revoking and re-enacting those Orders, this permission shall relate to the use of the building as a Café (Use Class E b)) and for no other use including those described in Use Class E as defined by the amended Use Class Order 1987.

Reason: As the application was considered on this basis and was found to acceptable and to allow Local Planning Authority to assess alternative uses and the impacts they may have upon the area and residential amenity in accordance with Policies S53 and NS73 of the Central Lincolnshire Local Plan.

Notes to the applicant

Flood Warning

Floodline Warnings Direct- Future occupants are advised to sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

Archaeology

The applicant is advised to contact the Historic Environment Officer at Lincolnshire County Council if any archaeological remains are found during the works to the bin store area.

Advertisement Consent

You are advised that Advertisement Consent may be required depending on the requirements of any future occupier of the Café.

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