

Officers Report

Planning Application No: 147536

PROPOSAL: Planning application for change of use of vacant Baltic Mill site into a landscaped area.

LOCATION: Land off Bridge Street Baltic Mill Lane Gainsborough DN21 1LP

WARD: Gainsborough South West

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

APPLICANT NAME: Ms Amy Potts- West Lindsey District Council

TARGET DECISION DATE: 04/01/2024 (Extension of time agreed until 29th 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 area of currently vacant land on the western side of Bridge Street within Gainsborough. Historically the site was occupied by Baltic Mill which was used as an oil mill, processing linseed imported from overseas, it is believed to have been built around 1830. The demolition of the building was carried out in 1995 and the site has been vacant since. The site is adjoined by retail uses to the south, north and east with the Riverside Walk located to the west.

The site lies within the Gainsborough Riverside Conservation Area and is also within close proximity to a number of Grade II Listed Buildings, namely;

- No. 18 Bridge Street- c. 20m to the south;
- No. 18 Silver Street- c. 60m to the north;
- No. 27 Silver Street- c 55m to the north east.

The site is within Flood Zones 2 and 3 as defined by the Environment Agency's flood risk map for planning. It is also within a Sand and Minerals Safeguarding Area.

The Proposal: The application seeks full planning permission for the installation of hard and soft landscaping at the currently vacant Baltic Mill site, comprising of the following;

- Three new sets of steps and one ramp from Bridge Street and Chapel Staith together with new retaining walls;

- New trees and planting beds with central grassed area;
- 4no. new lighting columns;
- Pergola structure, 8no. timber benches and 4no. bins;
- Bespoke artwork (north west corner).

The proposal is one of the schemes within Gainsborough that will benefit from the Levelling up funding from Central Government¹.

Relevant Planning History:

124760- Planning application to change the use of a wasteland site to use as a pay and display car park for a temporary, 5 year period. Granted with conditions 29/09/2009.

M01/P/0486- ERECT BUILDING FOR A3 USE (PUBLIC HOUSE) ON GROUND AND FIRST FLOOR AND ERECT 14 FLATS ON FIRST, SECOND AND THIRD FLOORS. Granted with conditions 09/10/2001.

W33/CAD/4/93- Consent to demolish building. Conditional outline consent 26/07/1993.

W33/423/78- Change of use to use premises for the storage of glass and manufacture of windows. Unconditional consent 13/07/1978.

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?docid=147536>

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

Gainsborough Town Council: To support the observations from LCC Archaeology section to ensure no loss of archaeological heritage with the development.

Local residents: No representations received to date.

LCC Highways/Lead Local Flood Authority: No objections. The proposal does not affect the public highway.

Environment Agency: 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.

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

Condition

The development shall be carried out in accordance with the submitted drawings (ref: '1000008345-4-0150-02' and '1000008345-4-0150-04', both dated October 2023, compiled by Project Centre), and the following mitigation measures they detail:

- A maximum depth of 1 meter shall be adhered to for all excavations, for example for the retaining walls and street furniture.

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

Reason: To ensure the structural integrity of the existing flood defences thereby reducing the risk of flooding in accordance with Policy S21(d).

LCC Archaeology:

07/03/2024- The attached report for the pre-determination archaeological evaluation of planning application 147536 has demonstrated that it is unlikely that any significant archaeological remains are to be impacted by the proposal. The trenches revealed post-medieval structural elements associated with the Baltic Oil Mill that correspond to structures which appear in historic mapping. No further archaeological input is required.

21/11/2023- I welcome the inclusion of a Desk-Based Assessment (DBA) and a Heritage Statement with the above planning application.

The proposed site is located within an area of high archaeological potential for medieval and post-medieval below-ground remains. Of particular significance is the presence of an early medieval cemetery to the northeast of the site, the extent of which is unknown and could encroach into the site area.

As stated in the DBA, it is very likely that medieval deposits have been disturbed in the southern part of the site due to the presence of cellars of the former Baltic Mill, which were approximately 2 metres below the level of Bridge Street. However, the depth and extent of 19th century foundations in the northern part of the site, immediately south of Chapel Staith, is unknown. It is also unknown if these buildings had cellars.

The proposed development involves landscaping and cabling for street lighting which can disturb below-ground remains. The introduction of geotextiles and new soils and planting of trees can also affect the soil water chemistry, which in turn could impact any potential archaeological remains. The load of this material and any heavy machinery used for works is another factor to take into account for the disturbance of below ground remains.

Recommendation

Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed

development. Particularly to the north, where the extent of ground disturbance from post-medieval buildings is unclear.

Given the known high archaeological potential, but as yet unknown character and extent, I recommend that the applicant submit the results of a trial trench evaluation which should aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which could be impacted by the proposed development as noted above.

Trenching results are also essential for effective risk management and to inform programme scheduling and budget management. Failing to do so could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided.

It should also be noted that preferred mitigation strategies will include preservation in situ (avoidance of sensitive areas) where possible and open area excavation where not. It is important that the archaeological implications for this development have been fully considered as part of the application process and in the project feasibility assessment. In short, archaeology may be a significant element of this project and early understanding of the site resource and mitigation requirements will be essential.

This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 194 and 205.

This will also help inform an appropriate mitigation strategy for the proposed impact if necessary and should permission be subsequently granted.

WLDC Conservation Officer: Verbal comments- no objections to the proposals.

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 Town 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 S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S48: Walking and Cycling Infrastructure

Policy S53: Design and Amenity

Policy S56: Development on Land Affected by Contamination

Policy S57: The Historic Environment

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

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

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 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 12 Western part of CL 4687, Baltic Mill, Area A on Map 21

NPP 18 Protecting and Enhancing Heritage Assets

Gainsborough Heritage and Character Assessment dated 28th February 2018

Character Area TCA 06: Gainsborough Town Centre

<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 Sand and Gravel Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.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 September 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 Model Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Other

- Statutory Duties contained within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990- The 'Act'.

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

- Gainsborough Town Centre Conservation Appraisal

https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Gainsborough%20Town%20Centre%20CA%20Appraisal_0.pdf

- Gainsborough Town Centre Heritage Masterplan

<https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Gainsborough%20Town%20Centre%20Heritage%20Masterplan.pdf>

Main issues

- Principle of Development;
Flood Risk
- Impact upon Visual Amenity and Heritage Assets;
Archaeology
- Drainage;
- Ecology and Biodiversity Net Gain;
- Contamination;
- 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 (ROA6) 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 existin’g 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’*

Baltic Mill is also noted as an Opportunity Site within the Gainsborough Town Centre Heritage Masterplan.

The application site is adjoined by Bridge Street to the east and located adjacent to the popular Riverside Walk within the developed footprint of Gainsborough. The site, as existing, is enclosed by c. 2 metre high palisade fencing and comprises of a raised area of hard standing following the demolition of the old Baltic Mill in 1995.

The application seeks full planning permission for the change of use of the existing vacant Baltic Mil site into a landscaped area, which will include the following;

- Three new sets of steps and one ramp from Bridge Street and Chapel Staith together with new retaining walls;
- New trees and planting beds with central grassed area;
- 4no. new lighting columns;
- Pergola structure, 8no. timber benches and 4no. bins;
- Bespoke artwork (north west corner).

As stated above, Policy NS73 encourages such proposals within this area of Gainsborough, an assessment of the proposals against the criteria is given below.

With regard to criteria b) the installation of the steps and pathways would encourage permeability from the Riverside Walk into the town centre/market place along Silver Street as well as towards the Bus Station, to the east. The landscaping would enhance the riverside walk by creating an attractive area when walking along the sites west boundary, complying with criterion c).

In terms of criteria d), the proposals include a new pergola structure which would be located on the southern part of the site, as well as new artwork. Consideration of criteria e) and the positive impact on the Gainsborough Riverside Conservation Area is discussed in the Visual Amenity and Designated Heritage Assets section of this report.

With regard to criterion g) the site will be a publicly accessible area, it would also enhance public space provision within the town as well as contributing towards green infrastructure with the inclusion of new trees and planting beds therefore according to this criterion. The proposal would provide a pleasant landscaped space for people to sit down or rest along the Riverside Walk.

Overall, the proposal would see this long-term vacant untidy area of land brought back into use 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 NPP1 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 site lies directly adjacent to the River Trent (c .10 metres 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.'*

The proposal comprises of a change of use of land, with new and hard landscaping, the proposal would not include any new habitable structures. With consideration given to Annex 3 (flood risk vulnerability classification) of the NPPF, it is considered that the site falls to be *'water compatible development- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing*

rooms'. Given that the proposal comprises of the change of use of land the sequential and exceptions tests are not applicable here in accordance with footnote 60² of the NPPF.

The application has included the submission of a Flood Risk Assessment by the Project Centre dated October 2023. As the site is within the vicinity of the River Trent, any new development should be constructed in a way that would not detrimentally impact flow routes or impact upon the flood defences. The Environment Agency have reviewed the proposals and the submitted Flood Risk Assessment and have confirmed that they have no objections subject to the imposition of a condition, which will be recommended to be included on the decision notice in the event that permission is granted. Overall the proposals would accord to Policy S21 of the CLLP and the provisions of the NPPF, specifically Section 14.

Impact upon Visual Amenity and Designated Heritage Assets

The application site lies within the Gainsborough Riverside Conservation Area as well as being within close proximity to a number of Grade II Listed Buildings, namely;

- No. 18 Bridge Street- c. 20m to the south;
- No. 18 Silver Street- c. 60m to the north;
- No. 27 Silver Street- c 55m to the north east.

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;'*

Criteria a) of Policy NPP 12 of the Gainsborough Town NP states that development proposals should incorporate: *'A design that reflects the prominence of the location along the Riverside and within the Riverside Conservation Area and linkages with the nearby historic core of the Town when viewed from Silver Street;'*

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.

The site is within the Gainsborough Town Centre character area (TCA 06) of the Gainsborough Heritage and Character Assessment. Page 65 lists the *“historic industrial character of the Riverside Conservation Area”* as a key characteristic of the character area. Page 75 states that *“the significance of the area as an industrial inland port town has led to the desire to preserve this declining element of the town’s character and architectural and historic interest and its designation as a conservation area”*.

The proposals mainly comprise of hard and soft landscaping with the only structure proposed being the pergola along the south boundary. The pergola would have a maximum height of 3.5 metres, the side elevation of pergola will incorporate mapping detail of the Gainsborough Town and Riverside area. It is noted that an area has been allocated for bespoke artwork to be included on the north west corner of the site, however no details have yet been provided, it is considered that further details can be secured by condition prior to its installation. The low-level hard landscaping has been designed appropriately within the site and would be expected to improve the visual amenity of the area, particularly when approaching the site from the north east along Silver Street. The development of the site would also maintain the views through from Silver Street over the River Trent, which is noted as being important within the Gainsborough Town NP.

The proposals would enhance the Conservation Area given its current vacant unattractive appearance and would see the removal of the high fencing which negatively contributes to the character and appearance of the area. With consideration given to the minor nature of the proposals it is not considered that there would be any harmful impact upon the setting of the nearby Listed Buildings preserving their historic interest and setting in accordance with the Statutory Duty.

Overall, it is considered that the proposals would enhance the character and appearance of the Gainsborough Riverside Conservation Area by bringing a currently unattractive site into a use that better complements the historic and sensitive area. The proposals would also preserve the setting of the nearby listed buildings. Overall, the scheme accords to the Statutory duties within the ‘Act’ as well as Policy S57 of the CLLP, Policy NPP18 of the Gainsborough Town NP and the provisions of the NPPF.

Archaeology

With regard to Archaeology Policy S57 states that where development affects archaeological remains, *‘Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.’*

The initial comments from the historic environment officer are clear in that the proposed site is located within an area of high archaeological potential for medieval and post-medieval below-ground remains. Of particular significance is the presence of an early medieval cemetery to the northeast of the site, the extent of which is unknown and could encroach into the site area.

Pre- determination trial trenching was carried out at the site in February 2024 following the initial comments with oversight of the WSI from the County's Archaeologist. The trial trenching revealed post medieval structural elements associated with the Baltic Oil Mill which corresponds to structures which appear in historic mapping. The report has been reviewed and it has been concluded that no further archaeological input is required. The proposal therefore accords to Policy S57 of the CLLP and the provisions of the NPPF.

Drainage

Policy S21 of the Central Lincolnshire Local Plan states that development proposals should demonstrate '*that 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.*'

There will be no need for any connection to foul sewage. The FRA explains that there would be an increase in soft landscaping and greenery incorporated into the design proposals. As a consequence of the proposed increase in permeable surface, surface water runoff from the sites will be reduced, both in discharge rate and volume, when compared to the existing scenario. It is not considered necessary to request that any further detail is given in terms of surface water disposal from the site. The proposals would accord to the aims of Policy S21 of the CLLP and the provisions of the NPPF.

Ecology Biodiversity Net Gain

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide a net gain in biodiversity wherever possible. Policy NPP2 of the NP states that where practicable development proposal should achieve a net biodiversity gain.

The application site is not subject to any statutory or non-statutory ecological/biodiversity designations. The existing site is completely covered by hardstanding. It is therefore reasonable to conclude the existing biodiversity potential here is very low. Policy S61 requires that all qualifying development should achieve at least a 10% net gain and preferably on-site and off-site in exceptional circumstances where a specific Biodiversity Net Gain (BNG) is not possible.

The proposed site plan shows that there will be new planting in the form of trees, planting beds and grassed areas. It is reasonable to conclude that the site will bring significant biodiversity gains through the proposed landscaping scheme and would therefore broadly accord to the aims of Policy S61 of the CLLP.

The application has also been submitted with a Preliminary Ecological Appraisal by Archer Ecology dated September 2022. The report did not find that the site was being used by any protected species and no further survey work is required in this respect.

Overall, the proposal would be expected to accord to the aims of Policies S60, S61 and S66 of the Central Lincolnshire Local Plan, Policy NPP2 of the Gainsborough Town NP and the provisions of the NPPF.

Contamination

Policy S56 of the CLLP states that; *'Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.'*

Given that the site was historically the Baltic Oil Mill, the application has been submitted with a Preliminary Soil Contamination Report by Construction testing solutions (CTS) dated June 2023, the report includes the results of trial holes.

Within the former Baltic Oil Mill site area, the made ground was found to comprise locally of a layer of crushed limestone gravel or ash overlying and more generally from ground level granular soils containing many bricks and fragments of metal, plastic, concrete, rubber and wood. It is noted that Section 15 of the report states that two of the samples at the site were found to have copper and zinc. However, based upon the laboratory testing undertaken it is considered that remedial measures in terms of contaminated soils is unlikely to be required as part of the proposed redevelopment of the site area. In any case, it is considered reasonable to add a precautionary condition in the event that any contamination is found at the site as well as ensuring that any contaminated soils are dealt with correctly. Overall, subject to conditions the proposal would accord to Policy S56 of the CLLP and the provisions of the NPPF.

Other Matters

Highways and Pedestrian Access- There is no new vehicular access proposed onto the site, the proposals would not have any unacceptable harmful impact upon highway safety. Policy S48 of the CLLP details that development proposals should give easy access and permeability to adjacent areas. The elevated design of the site would be as a result of the existing site levels. There are three stepped entrances into the park located in key lines, in addition to this there would be an access ramp at an appropriate gradient located along the north east entrance by Bridge Street. The proposals would encourage permeability to adjacent areas of Gainsborough as well as providing inclusive site access options. The proposals would accord to the aims of Policy S48 of the CLLP and the provisions of the NPPF.

Minerals Safeguarding Area- The site is within a Sand and Gravel Minerals Safeguarding Area. The application comprises of a change of use of land, the site is located within the developed footprint of Gainsborough therefore it is not considered that the site would be practical for the extraction of mineral resources. There are no mineral safeguarding concerns arising from the development.

Residential Amenity- Due to the nature of the proposals there would be no unacceptable impacts upon residential amenity. It is not considered that the proposed lighting would have any unacceptable harmful impacts upon occupiers of nearby flats and apartments along the Riverside.

Conclusion and Reasons for Decision: The application has been assessed against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S48: Walking and Cycling Infrastructure, Policy S53: Design and Amenity, Policy S56: Development on Land Affected by Contamination, Policy S57: The Historic Environment, Policy S58: Protecting Lincoln, Gainsborough and Sleaford's Setting and Character, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains and Policy S66: Trees, Woodland and Hedgerows and Policy NS73: Gainsborough Riverside Regeneration Area of the Central Lincolnshire Local Plan, the policies within the Gainsborough Town 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 development is considered to accord to the principle policies of the Development Plan and would see a currently unattractive vacant area of land re purposed as an attractive, publicly accessible landscaped area. It is considered that the proposals would enhance the Riverside Conservation Area and preserve the setting of nearby listed buildings. Matters of flood risk are acceptable subject to a condition. The proposal would also bring significant biodiversity benefits to the area. Contamination risks have been adequately addressed, subject to conditions. The application is recommended for approval subject to conditions.

RECOMMENDATION- Grant planning permission with 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 following drawings:

- Site Location Plan 1000008345-4-BM0000 Rev 2;
- Baltic Mill Seat Details 1000008345-4-0150-02 Rev 1;
- Baltic Mill Planting Plan Planting Bed 5 1000008345-4-3000-06 Rev 1;
- Gainsborough Public Realm Lighting Document;
- Gainsborough Baltic Mill Lighting Column Specification;
- Lighting Column 3D44268-03 Rev A;
- Lantern Specification and Lantern Product Datasheet;
- Baltic Mill Retaining Wall Details 1000008345-4-0150-04 Rev 1;
- Baltic Mill Soft Landscape Details 1000008345- 4-BM-3001-01 Rev 1;
- General Arrangement Baltic Mill 1000008345-4-0100 Rev 1;
- Proposed Lighting Layout Baltic Mill Sheet 1 of 1 1000008345-4-0130-001 Rev 2;
- Baltic Mill Step and Edging Details 1000008345-4-0150-01 Rev 1;
- Baltic Mill Planting Design Planting Beds Location Plan 1000008345-4-3000-01 Rev 1;
- Baltic Mill Corten Pergola Design Intent Details 1000008345-4-0150-05 Rev 1;
- Baltic Mill Planting Design Tree Planting Plan 1000008345-4-3000-02 Rev 1;
- Hardscape Plan Baltic Mill 1000008345-4-1110 Rev 1;
- Baltic Mill Planting Design Planting Plan- Planting Bed 1 1000008345-4-3000-03 Rev 1;
- Baltic Mill Planting Design Planting Plan Planting Beds 2 and 3 1000008345- 4-3000-04 Rev 1;
- Baltic Mill Planting Design Planting Plan Planting Bed 4 1000008345- 4-3000-05 Rev 1.

All received 9th November 2023. The works shall be carried out in accordance with the details and materials 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.

3. The development shall be carried out in accordance with the drawings '1000008345-4-0150-02' and '1000008345-4-0150-04', both dated October 2023, compiled by Project Centre and the following mitigation measures they detail:

- A maximum depth of 1 metre shall be adhered to for all excavations for example for the retaining walls and street furniture.

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

Reason: To ensure the structural integrity of the existing flood defences thereby reducing the risk of flooding to accord with the National Planning Policy Framework and Policy S21(d) of the Central Lincolnshire Local Plan.

4. The development shall proceed in strict accordance with Sections 15 and 16 of the Preliminary Soil Contamination Report by Construction testing solutions (CTS) dated June 2023.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan 2023.

5. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan 2023.

6. The proposed landscaping hereby approved as shown on the drawings listed within condition 2 of this permission, together with the Planting Schedule (1000008345-4-3000-07 Rev 1) shall be carried out in the first planting season following the commencement of the works. Any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of providing biodiversity enhancements to accord with the National Planning Policy Framework and Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

7. Prior to the installation of any bespoke artwork, details, including its exact positioning shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in strict accordance with the approved details unless otherwise agreed in writing.

Reason: In the interests of visual amenity and to ensure the artwork is appropriate for the Riverside Conservation Area and the setting of Listed Buildings to accord with the National Planning Policy Framework, policies S53 and S57 of the Central Lincolnshire Local Plan 2023 and Policies NPP 6, 7 and 12 of the Gainsborough Town Neighbourhood Plan.

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

None.

Notes to the applicant

Environment Agency

Excavation

The submitted application drawings only suggest superficial excavation which is unlikely to affect our defence works. If any excavations over 1-metre are required, please contact the Environment Agency at your earliest opportunity.

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise you to consult with us at the earliest opportunity.

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