

OFFICERS REPORT

PLANNING APPLICATION NO: WL/2024/00043

PROPOSAL: Outline planning application for to erect 20no. apartments with layout and scale considered.

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

WARD: GAINSBOROUGH SOUTH WEST

WARD MEMBER(S): Councillor Jeanette McGee and Councillor Trevor Young

APPLICANT NAME: Mr Clayton, 12 Sidsaph Hill, Walkeringham

TARGET DECISION DATE: 29/12/2023

CASE OFFICER: G.Backovic

Recommended Decision: Refusal

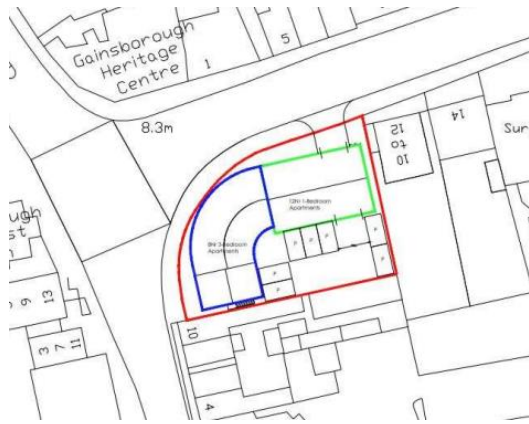
Description and Proposal:

Outline planning application to erect 20 apartments with
The application form states 12 of the apartments are to fall within Use Class C3(b) of the Town & Country Planning (Use Classes) Order 1987 (as amended). This is for use as a dwelling house by "not more than six residents living together as a single household where care is provided for residents".

The application site is a vacant area of unkept land located on the corner between North Street and Spital Terrace.

The site lies within Gainsborough Town Centre surrounded by a number of Listed Buildings and within the Gainsborough Britannia Conservation Area. North Street and Spital Terrace adjoin the western and northern boundaries respectively. The site comprises of an open area of grass with a footpath and measures approximately 850m² in area.

The application was originally submitted with matters of layout, scale, appearance, access and landscaping all reserved for subsequent approval ('reserved matters'). During the course of determination, layout and scale were agreed to be determined and not reserved for future consideration – they are now under consideration as part of this application. The layout is reproduced below. This shows that there would be 12 one bed apartments and 8 three bed apartments.



Scale: The building will be four stories high with a staggered reduction in height .

An **indicative** 3D image has been submitted and is reproduced below



Relevant Planning History

141017: Application for change of use of land to park including siting of vehicle for hot & cold foods, seating, raised area, perimeter fencing, and siting of a storage shed.

Refused 07.01.21:

1. The proposed development would have a harmful impact on the heritage landscape of Central Gainsborough including the Gainsborough Britannia Conservation Area, the setting of nearby Listed Buildings notably the County Court Building (GII*) and non-designated heritage assets notably 12 North Street (Former Post Office Building). The proposed development is therefore contrary to policies LP25, LP26 and LP38 of the Central Lincolnshire Local Plan and policy NPP18 of the emerging Gainsborough Neighbourhood Plan.

Appeal against refusal dismissed on 9th March 2022. The Inspector felt that the green space was important as he considered it made a positive contribution and its loss meant that the proposal failed to preserve or enhance the character or appearance of the Gainsborough Britannia Conservation Area and that it would not preserve the settings of the nearby listed buildings and non-designated heritage assets.

134332 - Planning application to erect a four storey block of 17no. apartments with associated access and car parking-resubmission of 131913. Granted 02/06/2017.

131913 - Planning application to erect a four storey block of 19no. apartments to provide a supported living environment for adults with learning difficulties. Refused 28/04/2015.

M06/P/0082 - Planning Application to erect 24no. apartments and 5no. shop units. Granted 13/06/2006.

Representations

Chairman/Ward member(s): No comments received.

Gainsborough Town Council: Resolved: to Object to the application as the site is located within the Britannia Conservation area which includes a number of listed buildings and concerned that elements of the building are not in keeping with the Conservation area. The access is close to the busy Spital Terrace/ North Street roundabout which can be congested at peak times and the proximity to the signalised crossing and car parking bay adjoining the site. The refuse vehicles would cause a traffic hazard, this would be on weekly basis as wouldn't be able to wait clear of the carriageway on Spital Terrace. Not only would this be for refuse vehicles, but other larger vehicles used for deliveries as well. The green space has become a welcomed area in the town and would be a loss of landscaping.

Local residents:

1 Spital Terrace. : This is an unattractive and overbearing building in a conservation area. It will block out the light from our showroom windows. There is insufficient on-site parking, it is already a busy corner with regular queuing traffic at the lights and roundabout and access to the site both for on-site parking and refuse collection will be difficult. There is a pedestrian crossing right outside and near the on-site access. I can see no benefit to the town in this proposal, clearly planned for maximum profit from overdeveloping a very small site.

LCC Highways and Lead Local Flood Authority:

06.02.2024: 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.

Highway safety

Although access is not considered as part of this application, the access shown on the block plan is of sufficient width to serve the proposals and would allow two vehicles to pass without causing an obstruction to the highway.

Highway capacity

The application is for 20 flats, it's noted that 12 of these are class C3 b and therefore is unlikely they would have access to a car. The site is located in a sustainable location with good transport links in the area for pedestrians and cyclists. There is a good

public transport network available for residents to use. It's unlikely the proposals would have an unacceptable impact on highway capacity.

Flood Risk and Drainage

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application intends to attenuate water on site and discharge at a controlled rate into the existing surface water system, providing a betterment of the current situation where the water is currently un restricted. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

12.10.2023 Additional Information Required.

Please request the applicant submit the following information;

A Flood Risk Assessment or Statement, as applicable

A Drainage Strategy including adoption and/or maintenance proposals and sketch layout plans.

Preliminary "outline" hydraulic calculations.

Desktop Ground Investigation Report (infiltration rates, seasonal water table levels etc.).

Proposed adoption and discharge agreements.

Environment Agency: The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist.

Anglian Water:

08.01.24 Please be advised we have sufficient information to proceed with application.

17.10.23 We are unable to make an accurate assessment for the proposed development because no drainage strategy has been submitted with the application and therefore it is not clear where the applicant is proposing to connect to Anglian Water network.

Developer Contributions & Enabling Officer: (May 2024)We don't feel that the letter they've supplied from EHSL is sufficient for us to give specific support for the proposal to include 12 units of C3(b) accommodation. The applicant has provided no evidence of the need for this kind of provision in this location, and there doesn't appear to have been any consultation with LCC as the Adult Services authority. I also note that EHSL is not a Registered Provider.

09.01.24

Should the proposal be acceptable, the application would trigger an affordable housing obligation of 10% under Policy S22 of the Central Lincolnshire Local Plan (adopted April 2023) as the site falls within Value Zone D. This would equate to 2 general needs affordable housing units on the site, unless the Council determines that a commuted sum payment is necessary in this instance. Nevertheless, a Section 106 agreement will be required in order to secure the affordable housing obligation. It is noted that the application documents state that 12 of the proposed units will be delivered as Use

Class C3(b). Further details are requested from the applicant regarding the nature of the proposal including evidence of the need for this particular type of accommodation within this location. In addition, it would be beneficial to obtain the views of Lincolnshire County Council who are the Adult Social Services Authority, as they have an interest in seeing that such facilities are sited in location that match the local population and its needs, insofar as it can be known, and also that they are well designed to meet the requirements of those that may use them.

LCC Archaeology:

30.11.23 The Heritage Impact Assessment provided is sufficient at this stage. As stated in the document, a fully-fledged Heritage Impact Assessment should be provided at a reserved matters stage if permission is granted. This should inform with regards to any potential impact on settings of heritage assets and impact on the conservation area.

This department is still waiting for a Desk Based Assessment regarding archaeological impact of the proposed development. This will need to be provided before a full recommendation can be made.

14.10.23. The proposed site is located on the edge of the medieval core of Gainsborough. Only a part of the site appears to have been developed in the 19th century and later cleared. Archaeological remains on this part of the site may have been disturbed by the construction of a building and its later demolition. However, the remainder of the site does not appear to have been disturbed by post-medieval developments and has a high potential for medieval below-ground archaeological remains.

Although I have given brief comments on the historical context and archaeological potential of the site, no appropriate Desk-based Assessment (DBA) has been provided by the applicant, especially given the archaeological potential. The proposed site is located within Gainsborough Conservation Area and there are several listed buildings in the vicinity. No appropriate Heritage Impact Assessment (HIA) has been provided to describe the significance of any heritage assets and the potential impact on their significance from the proposed development. This department will not be able to give a fully informed recommendation until the applicant has provided an appropriate DBA and an appropriate HIA covering the above concerns. Once these documents are submitted further recommendation can be given. The requirement for the provision of these documents by the applicant is outlined in paragraph 194 of the National Planning Policy Framework (NPPF).

Lincolnshire Fire And Rescue:

The Fire Authority would make no objection to the application provided that the following items were included within the development:

- I. Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting, in which case those standards should be quoted in correspondence.
- II. Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the

Building Regulations 2010 part B5. This weight limit would also apply to any private/shared access roads in order to achieve the above item.

III. Lincolnshire Fire and Rescue recommends that fire hydrants be installed within this development at the developer's expense as an integral part of the water mains scheme to support the long term fire safety of Residents. However, it is not possible, at this time, to determine the number of fire hydrants required for fire-fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies. Fire hydrants shall conform to BS750-2012 and acceptance testing will be carried out by a Hydrant Inspector on completion. Following adoption the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant(s). The Hydrant Inspector will fix a standard yellow "H" hydrant marker plate nearby.

Conservation Officer: Objection

The area of the proposal is situated in northern area of the Britannia Works Conservation Area. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The Conservation Area Appraisal (CAA) highlights the proposal site as a negative influence "Lost Corner", noting the area as "a weak corner and poor open space" and "offering no substantial benefit to the conservation area".

However, the appraisal also notes this corner does "provide a viewing point into the town centre conservation area with the church tower showing above the trees" and this area has existed as an open space since the development of the area. This space has more recently been reviewed by The Planning Inspectorate with a site visit in November 2021 who concludes the weakness of the corner is in the maintenance and condition of the site and not in its importance as a green space in the Conservation Area. The CAA notes the initial vision of this area was to create a "garden suburb" and with few open green spaces, there is greater importance on those remaining spaces. This open space is therefore an important feature within the conservation area which provides a positive character to the setting. Although it is considered "weak", has been concluded to not be a negative feature but an area in need of improvement.

Within the setting are several listed and locally important buildings. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The buildings of highest note to discuss are the Grade I listed Parish Church of All Saints, (1147378) which is not included in the Appeal assessment. The church tower that is visible originates from the 14th century with the remainder being rebuilt in 1736-44 by Architect Smith of Leicester. The church tower is clearly visible over the trees to the north-west offering a great presence and space in what is a mostly confined area of buildings. The Grade II* listed County Court Building is located to the south creating a visual "stop" as the road curves around the building. This visual "stop" enhances the grandeur and importance of the building which became a long serving courthouse for the county. The Grade II listed 14 (1063492) and 16 Spital Terrace (1168458) are located to the east of the site. Both are built in the 19th century with two-storeys that

provide the pinnacle of the grouping of heritage assets with 10-24 Spital Terrace. The locally important group included with the above grade II listed properties are 10-12 Spital Terrace and 18-24 Spittal Terrace. There are terraced houses built the 19th century but offer less architectural interest to the nationally designated pair in the middle. The locally important former Post Office, now Heritage Centre, is located directly opposite the site. This building has a highly decorated front façade that curves around the corner, offering a strong presence on North Street and Spital Terrace.

Historic maps show this corner to have always been an open space and therefore always been part of the setting to the built environment. As previously stated, this green space is an important feature to the conservation area but, this space has also been a significant part of the character to the setting of the listed and locally important buildings around it.

The space is prominent with visuals on North Street. When coming in from the north, the open space and visual “stop” of the County Court Building are experienced in conjunction once passing the locally important Heritage Centre building. From the west there is a continued relationship to the setting on Spittal Terrace, the grouping of the locally important buildings and listed buildings are experienced before there is a visual break leading towards the open space which becomes more prominent as you approach the roundabout.

There are views from Church Street, just outside of the boundary of the Parish Church of All Saints, and Roseway where there are open views through the new infrastructure built prior to 1939. This enables a stronger setting connection with the Grade I listed church with the space having opened up but, unfortunately, this has been harmed with the out of character KFC building set within this space. This harm, however, does not remove the setting connection.

The importance of this space to the setting of the built environment is in its continued relationship with the built heritage assets. There are those with direct connections in the immediate vicinity that have be intentionally developed to be experienced with this open space but also those such as the County Court House and Parish Church of All Saints that have a positive setting in conjunction with the open space upon navigating the streets within and around the Conservation Area.

Under paragraph [212] of the NPPF there should be great weight given to the conservation of a heritage asset, irrespective of amount of harm, when considering the impact of a proposed development.

The open green space, offers a positive impact to the Conservation Area and the setting of the listed and locally listed heritage assets. As a positive feature to the conservation area, it would provide harm to the heritage asset. I would consider any development on this site outside of improving the green space for public use to be a negative impact upon the heritage assets.

The proposal would be considered as less-than-substantial harm under paragraph [215] of the NPPF and Policy S57 of the CLLP. In both policies, this harm must be weighed against the public benefits. In this case I cannot suggest any public benefit to the development here to provide any weight against the harm.

The proposal is contrary to Policy S57 and the NPPF and therefore I must object to this.

I am aware that the planning history on the site previously had approved development here. If the planning officer is of the conclusion to go ahead with a similar development, then it would require the highest design and material approach with the surrounding heritage asset to mitigate against the harm as best as possible. I will, however, state again, that this harm would not be sufficiently mitigated through any design for development in this space to meet policy and the only positive approach to the heritage assets is to retain the open green space.

Date System Checked: 14/02/25

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 Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Gainsborough Neighbourhood Plan (Made 28.06.2021)

Development Plan:

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

Relevant policies of the CLLP include:

Policy S1 The Spatial Strategy and Settlement Hierarchy.
Policy S2 Growth Levels and Distribution.
Policy S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns.
Policy S6 Design Principles for Efficient Buildings
Policy S7 Reducing Energy Consumption - Residential Development
Policy S21 Flood Risk and Water Resources
Policy S22 Affordable Housing
Policy S23 Meeting Accommodation Needs
Policy S47 Accessibility and Transport
Policy S48 Walking and Cycling Infrastructure
Policy S49 Parking Provision
Policy S53 Design and Amenity
Policy S57 The Historic Environment
Policy S58 Protecting Lincoln, Gainsborough and Sleafords Setting

- ***Gainsborough 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 8 A Mix of Housing Types
NPP 18 Protecting and Enhancing Heritage Assets

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

The site is not within a Minerals Safeguarding Area

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF), December 2024

The NPPF sets out the Governments 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:

"Existing [development plan] 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)."

- National Planning Practice Guidance
- National Design Guide (2019)
- National Model Design Code (2021)

Other Guidance:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

Gainsborough Britannia Conservation Area

Draft Minerals and Waste Local Plan (DMWLP)

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan. The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24th September 2024. The Draft Plan has not been adopted as yet once adopted will cover the period to 2041. The consulted draft plan includes the following relevant policy: SM15: Safeguarding of Mineral Resources. Applying paragraph 49 of the NPPF, the draft plan would have some limited weight in the decision-making process.

Main Considerations:

- Principle of Development:
- Previous Permissions
- The Historic Environment
- Housing Supply Contribution
- Highway Safety and Parking Provision
- Drainage

- Affordable Housing and Meeting Accommodation Needs:
- Highway Safety and Parking Provision:
- BNG
- Energy Efficiency

Assessment:

Principle:

The application site is located within Gainsborough Town Centre although it falls outside of the allocated primary shopping area. Policy S3 sets out that within the developed footprint * of Main Towns development proposals at appropriate locations** not specifically identified as an allocation will be supported in principle .(Officer underlining)

The site is considered to fall within the "developed footprint" of Gainsborough, as defined in the Local Plan.

Appropriate locations means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan. (Officer underlining) In

addition, to qualify as an 'appropriate location', "*the site, if developed, would:*

- *retain the core shape and form of the settlement.*

- *not significantly harm the settlements character and appearance; and*

- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement"*

Accordingly, the site needs to qualify as an appropriate location, in order to benefit from the "support in principle" offered by policy S3. The report assesses whether it meets the criteria set out. It is found to principally conflict with both national and local policy in relation to Heritage Assets.

Previous permissions granted.

It is noted that previous approvals have been granted for the development of this site with the most recent 8 years ago in 2017. Development has not been commenced to the best of knowledge and these permissions have expired. However, the application under consideration today needs to be considered against the provisions of the Central Lincolnshire Local Plan, adopted in April 2023, and Gainsborough Neighbourhood Plan, made June 2021. The current Development Plan therefore post-dates these previous decisions.

A material consideration afforded significant weight is the Inspectors dismissal in 2022 (APP/N2535/W/21/3270518) of a change of use of land to park including siting of vehicle for hot & cold foods, seating, raised area, perimeter fencing. This resulted in a new consideration of the application site and its setting within the conservation area it forms part of and its relationship with the setting of nearby listed buildings. Part of paragraph 9 of the Inspectors decision letter is reproduced below, with officer underlining.

"As an open green space in a key and prominent roadside position at an important road junction which is recognised as a primary entrance/gateway to the town centre, the appeal site contributes positively to the historic character and appearance of this part of the conservation area."

This accords with the advice of the Conservation Officer, who considers positive weight should be given to the current green space.

The Historic Environment

Archaeology : It is noted that the desk based assessment requested by LCC Historic Services to inform their final comments in respect to impacts on archaeological remains, is outstanding. This lack of information weighs against approval of the development.

NPPF 2024 para 207 refers to need to do archaeological assessment....

Listed Buildings and Conservation Areas: The site is situated in the northern area of the Britannia Works Conservation Area. Within a Conservation Area, the Council has a statutory duty (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990), to 'have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area'.

Within the setting are several listed and locally important buildings. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is also placed under a statutory duty to " have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses".

Policy S57 requires proposals to protect, conserve and seek opportunities to enhance the historic environment . Policy NPP18 of the Neighbourhood Plan supports the preservation and enhancement of heritage assets.

The conservation officer has advised:

"The open green space, now better maintained, offers a positive impact to the Conservation Area and the setting of the listed and locally listed heritage assets. As a positive feature to the conservation area, it would provide harm to the heritage asset. I would consider any development on this site outside of improving the green space for public use to be a negative impact upon the heritage assets.

The proposal would be considered as less-than-substantial harm under paragraph 212 of the NPPF and Policy S57 of the CLLP. In both policies, this harm must be weighed against the public benefits. In this case I cannot suggest any public benefit to the development here to provide any weight against the harm."

The NPPF at paragraph 212 sets out that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm

to its significance. (officer underlining)

Paragraph 215 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The loss of the green space simply in isolation would harm the character and appearance of the conservation area and detract from the setting and appearance of existing listed buildings. This would be further compounded by the scale of the building proposed. The case officer agrees with the conservation officer that the harm would be less than substantial. Whilst noting that the statutory test has primacy, nevertheless it is considered useful to examine the claimed benefits of the proposal below.

The provision of residential accommodation in a sustainable town centre location that would contribute to meeting housing supply needs is, however, considered to be a public benefit of the proposal and is a positive material consideration to be weighed in the overall planning balance. The provision of accommodation for adults with care provided is normally considered a public benefit, however this is tempered by the lack of evidence supplied and the absence of a registered provider as discussed further below.

Nevertheless the conclusion must be reached that the development would have an adverse impact on heritage assets contrary to policy S57 of the CLLP, policy NPP18 of the Gainsborough Neighbourhood Plan and the NPPF. It would also be in conflict with policy S58 (g) and (h). These collectively require development to take into account the Gainsborough Town Centre Conservation Area Appraisal and to protect and enhance the landscape character and setting of Gainsborough.

Housing Supply Contribution

The application as submitted proposes 8 standard dwelling units. The remaining 12 are for not more than 6 residents where care is provided. Comments made by strategic housing raise concerns that no evidence of the need for this kind of provision in this location has been submitted and there doesn't appear to have been any consultation with LCC as the Adult Services authority. The applicant has identified that a firm called EHSL would operate this component of the proposals. This is not a registered provider of such accommodation. Repeated requests for additional evidence by the case officer have not resulted in any new additional evidence being provided. This is simply stated as a way of helping to assess the positive weight to be attached to the proposal in the overall planning balance.

Following the publication of the new National Planning Policy Framework (NPPF) in December 2024, the requirement to maintain a five year land supply (with buffer) has been reintroduced, In response to this the Central Lincolnshire Local Plan Team issued a 5 year Land Supply Interim Update Statement in February 2025.

The conclusion is reproduced below:

"Current Five Year Housing Land Supply Position at February 2025 The current five year land supply position, taking into account the changes from the 2024 NPPF is as follows:

- Baseline housing requirement – 1,102 dwellings per year, 5,510 dwellings across the five year period.*
- Requirement plus additional 5% buffer to the baseline housing requirement – 1,157 dwellings per year, 5,786 dwellings over the five year period.*
- Housing supply from deliverable sites anticipated to come forward within the five year period – 8,621 dwellings.*
- Five Year Housing Land Supply – 7.45 years of deliverable supply expected to come forward within the five year period.*

This position will be kept under review in subsequent publications of the Five Year Housing Land Supply Report and the situation at the time of 1 July 2026 will indicate whether a 20% buffer will need to be applied"

It is acknowledged that the direction of central government guidance and policy is the importance placed on new housing being delivered. Nevertheless, as it stands, the housing supply is well in excess of the required 5 years plus the buffer and there appears to be no evidence presented of any pressing unmet need for the nature of the accommodation provided. On this basis therefore it would be reasonable to apportion limited positive weight to the proposal against the less than substantial harm to heritage that is expected. Having considered this, the conclusion reached is that this is not an appropriate location for development.

Highway Safety and Parking Provision

Objections have been raised by the Town Council on this matter noting that the *"access is close to the busy Spital Terrace/ North Street roundabout which can be congested at peak times and the proximity to the signalised crossing and car parking bay adjoining the site. The refuse vehicles would cause a traffic hazard, this would be on weekly basis as they wouldn't be able to wait clear of the carriageway on Spital Terrace"*.

Objections have also been received from Spital Terrace referencing the lack of parking.

Although access is a reserved matter the highway authority raise no objections on the grounds of highway safety. They also comment that It's unlikely the proposals would have an unacceptable impact on highway capacity. The case officer is in agreement with these findings .

On this basis it would be in accordance with policy S47 of the Central Lincolnshire Local Plan. This is considered a neutral impact.

Car parking standards are set out in appendix 2 of the CLLP. For "flatted development" - 1 plus visitor allowance is required so potentially 20+ spaces would be required. This location, however, within the centre of town with good public transport provision and good links for pedestrians and cyclists could be considered sufficient to overcome this shortfall.

Flood risk and Drainage:

The site is located within Flood Zone 1 which is land with low probability (less than 1 in 1,000 annual probability) of river or sea flooding.

The submitted outline sustainable drainage strategy sets out that "*British Geological Survey maps indicates that the site is located on a bedrock of mudstone which is unlikely to support the use of infiltration. There are no watercourses near to the site and therefore the only option is to discharge the surface water to the adjacent combined sewer.*

Flow control will be employed with discharge into the course graded aggregate of the parking area which will be lined and will provide the required storage. This is considered an acceptable means of drainage. If the application were recommended for approval this matter could satisfactorily be dealt with by the imposition of conditions.

Affordable Housing

The applicant has agreed to the required provision of affordable housing set out by policy S22 and if the application was recommended for approval it would be capable of being delivered by completion of a satisfactory Section 106 agreement. This has been agreed by the applicant.

Biodiversity

The application was submitted prior to statutory BNG coming into force for all applications on 2nd April 2024. Nevertheless policy S61 of the Central Lincolnshire Local Plan requires this to be provided at 10%. A Biodiversity Assessment forms part of the submission. This shows that provided the proposed habitat creation measures are implemented, the calculator has indicated a LOSS in habitat (area) biodiversity units of -0.0521 units (-38.38% change). It goes on "*In order to compensate for this unavoidable loss, the acquirement of compensatory biodiversity units off-site (e.g., by an offset provider) may be necessary.*"

On this basis as it stands it would not accord with policy S61 of the CLLP.

Energy Efficiency

The Central Lincolnshire Local Plan requires all developments to achieve a site average space heating demand of around 15-20kWh/m²/year and a site average total energy demand of 35 kWh/m²/year, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m²/year, irrespective of amount of on-site renewable energy production. No evidence has been submitted to demonstrate compliance with these requirements. It would therefore be contrary to policies S6 and S7 of the Central Lincolnshire Local Plan.

Conclusion

This is an application for the provision of standard residential accommodation and accommodation for adults with care in the town centre of Gainsborough . The site is within the Gainsborough Britannia Conservation Area and within the setting of nearby Listed Buildings. This would cause harm to these Heritage Assets which would not be offset by the benefits of the proposal. On this basis it cannot be considered an "appropriate location" for development and would not benefit from the "Support in principle" offered by policy S3.

Furthermore, the development would result in a net loss of biodiversity, and does not demonstrate that it would, or could, accord with the principles for reducing energy consumption in the Local Plan. It has not assessed the potential for archaeological assets.

The development proposed by the application is considered to be contrary to policies S3, S6, S7 and S57, S58 and S61 of the CLLP and policy NPP 18 of the Gainsborough policy NPP18 of the Gainsborough.

Recommendation : Refusal for the following reasons

1. The proposed development would not preserve, nor enhance the heritage landscape of Central Gainsborough including the Gainsborough Britannia Conservation Area, the setting of nearby Listed Buildings notably the County Court Building (GII*) and non-designated heritage assets notably 12 North Street (Former Post Office Building). This harm would not be outweighed by the benefits of providing residential units to help meet the housing supply of Central Lincolnshire and cannot therefore be considered an appropriate location as set out by policy S3 and is also contrary to policies S57 and S58 of the Central Lincolnshire Local Plan and policy NPP 18 of the Gainsborough Neighbourhood Plan.
2. Insufficient evidence has been submitted to determine the potential impact on underground archaeological remains contrary to policies S57 of the Central Lincolnshire Local Plan and policy NPP 18 of the Gainsborough Neighbourhood Plan.
3. Insufficient evidence has been submitted to demonstrate that the development could accord with the energy demand requirements of policies S6 and S7 of the Central Lincolnshire Local Plan.
4. The development would result in a Biodiversity net loss, without any compensatory measures, contrary to policy S61 of the Central Lincolnshire Local Plan.

Decision Level: Committee

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

Prepared by:  Date: 18/02/2024

A handwritten signature in black ink, appearing to read "R. Clark". The signature is written in a cursive style with a horizontal line underneath it.

Authorising Officer:

Date: 19/02/2025