

OFFICERS REPORT

PLANNING APPLICATION NO: WL/2024/00019

PROPOSAL: Planning application for 1 drive-thru commercial unit facility with associated access, parking, servicing, landscaping and infrastructure.

LOCATION: Land at Carr Lane Gainsborough Lincolnshire

WARD: Gainsborough South West

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

APPLICANT NAME: Cliff Court (Redcar) Developments Ltd

TARGET DECISION DATE: Extension of time agreed until Friday 18th September 2026

CASE OFFICER: Josh Turner

Recommended Decision: Grant planning permission subject to conditions

This application has been referred to the Planning Committee because it would lead to a biodiversity net loss and would therefore, if approved, be a departure from policy S61 (Biodiversity Opportunity and Delivering Measurable Net Gains) of the Central Lincolnshire Local Plan (2023).

Description and Proposal:

Planning permission, in full, is being sought for a single “drive-thru commercial unit” (use class E – commercial, service & business) with associated access, parking, servicing, landscaping and infrastructure.

This has been amended during the consideration of the application, when two 'drive-thru' commercial units (class E) and a car rental facility (sui generis use) had been initially sought.

The application site is located within Gainsborough (South West Ward) off Carr Lane, to the immediate south-west of the A156 (Lea Road) and Ashcroft Road roundabout. If entering Gainsborough from the south (Lea), the site is on the left side of the road.

The site is not subject to any site specific allocation in either the Central Lincolnshire Local Plan (CLLP) or Gainsborough Neighbourhood Plan (GNP). The land on the opposite side of Carr Lane is allocated for housing development (site WL/GAIN/019).

The application site comprises undeveloped land. The site is located between Carr Lane and the railway line. It would measure approximately 0.33Ha in area. The accompanying statement says *“The site was last used for general industrial purposes (Use Class B2), albeit the site has since remained vacant and cleared for a number of years.”*

The amended scheme proposes a single 'drive-thru' unit to the northern part of the application site, with access taken directly off Carr Lane. The scheme would include 30 parking spaces (comprising 20 'standard' spaces; 6 EV spaces; 2 'accessible' spaces; 2 motorcycle spaces).

The accompanying Design & Access Statement indicates that this would be occupied by a national Coffee chain.

The proposed building would have a gross internal floorspace (GIA) of 170 square metres, and an external footprint measuring approximately 20 metres (m) wide by 10m deep, and would be single storey.



The application was received in May 2023. Delays in determining the application have arisen as officers have sought to work with the applicant on matters resulting from an anticipated loss in net biodiversity value; and viability concerns that arise with meeting the requirement to purchase off-site biodiversity credits.

Relevant Planning History

129187 - Planning application for erection of 6no. retail units-units 1 and 2 for Class A1 and units RU3-RU6 for use classes A1, A3 and A5-together with associated access, car parking and landscaping. Permission granted 5th July 2013.

Representations:

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

Gainsborough Town Council: 27.06.2023 : The Committee resolved to raise concerns regarding the increased traffic generation and highway safety on the roundabout.

Local residents: 25 Wintern Court Gainsborough

We object to this application on safety grounds, We live just under the railway bridge were this development is planned to be sited. There is currently a development on the opposite corner of new houses and flats being built which will also impact on the volume of traffic passing our road end in Wintern Court, At the moment it is difficult to get out from our road end onto Lea Rd as it is. I am also on Gainsborough Town Council Planning Committee were i will also be putting in an objection to this proposal on Safety Grounds. I think what is needed now is a up to date Traffic road survey as there is more traffic using Lea Rd and the Carr Lane roundabout than the last survey was done for this development.

LCC Highways and Lead Local Flood Authority:

10.07.2023 : Recommendation: Grant with conditions.

This is a minor planning application for two drive-thru units and a car rental facility. The site is accessed via Carr Lane, utilising an existing vehicular access which will require upgrading to serve the proposed development. An additional pedestrian access point will be created on the pedestrian desire line near the uncontrolled pedestrian crossing at the roundabout. Adequate car parking and space for queueing, servicing and manoeuvring is proposed within the site curtilage. The applicant proposes to install 8 cycle parking spaces, which we recommend is increased for the purposes of serving all three units sufficiently.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Conditions are recommended that require a tactile crossing and an improvement to existing bus stops are carried out. Informatives are also recommended.

Environment Agency:

The previous use of the proposed development site as general industrial land and the adjacent, off-site potential sources of contamination present a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site overlies Alluvium and the Mercia Mudstone formation which are classified as secondary A and secondary B aquifers respectively.

22.09.2023 : We have reviewed the submitted flood risk assessment (FRA) and are satisfied it meets the requirements of the National Planning Policy Framework. We therefore **withdraw our previous objection**, dated 12 June 2023 (ref: AN/2023/134407/01-L01), subject to the conditions in relation to flood risk and contamination. Five conditions are recommended.

12.06.2023 : In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

Reason The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations

Tree and Landscape Officer: The proposed soft landscaping scheme provides a good mix of trees, shrubs, and hedges, with an area of wildflower/meadow mix. It provides a selection of natives and ornamentals for feature and biodiversity. The sizes will provide some instant impact and should grow to increase green feature and amenity.

Conclusion

I have no objections to the proposed planting – the planting is appropriate for the site and all necessary information has been provided to clarify what the proposed planting would be. Details for aftercare of the soft landscaping should be required to cover its maintenance/management for the 5 years following planting, including replacement of any failures. Wildflower/meadow areas require quite specific management to prevent the wildflowers being lost within a few years and the area reverting to grass due to being mowed at inappropriate heights and/or times of year. Management of the meadow mix areas should be provided for approval.

LCC Archaeology:

26.6.23

Have had regard to previous planning advice on site which stated "*Whilst the site is within the area of the port of Gainsborough, the majority of it has been disturbed by modern deposits relating to the former works and its demolition. Therefore no further archaeological input is required on this site.*"

Would therefore advise that further archaeological input is not required.

24.5.2023:

The site lies to the south of Gainsborough, an area which saw industrial development in the 19th century. Within the plot of the proposed development was an iron works which was demolished at some point between 2008 and 2012 with the construction of the adjacent roundabout. The previous presence of a 19th century industrial building does not preclude the potential for the presence of earlier heritage assets.

The proposed development comprises residential development comprising 2 drive-thru commercial units and associated works including landscaping, drainage, roads and services. Groundwork's associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss. The applicant has not provided an assessment of archaeological/heritage potential for the site as required in the NPPF (paragraph 194).

Recommendation: Currently there is insufficient site-specific archaeological information on the site, I would therefore recommend that further evaluation is necessary to inform an appropriate planning recommendation and if necessary, a fit for purpose mitigation strategy for this site. I recommend that applicant provide a

Heritage Impact Assessment to include trial trench evaluation. This will aim to identify the presence/absence, significance, character, depth and date of any archaeology present within the site and provide clear evidence for an appropriate mitigation strategy if necessary and if consent is subsequently granted.

Economic Growth Team: In principle and subject to all normal planning considerations including the important sequential testing associated with town centre use which seeks to protect, support and enhance the health and vibrancy of primary retail areas, the Economic Growth Team are supportive of this application.

This is a visually prominent vacant brownfield site that hasn't secured development to date despite being marketed for a considerable period. The site sits in a gateway location on a junction of the main north-south route through the town, close to the river. Its development therefore has the potential to enhance the image of the town at this key gateway. Development in this area and along the neighbouring urban river front supports both the significant active regeneration programme ongoing within Gainsborough's historic town centre, and the growth and regeneration vision for wider Gainsborough which encompasses renewal of the town centre, improvements to the public realm and significant housing growth via delivery of two sustainable urban extensions. These initiatives form part of the Council's wider Corporate Plan, Economic Growth Strategy 2025-2030 and underpin the growth aspirations for the town as set out in the Central Lincolnshire Local Plan 2023.

A key theme within the WLDC Economic Growth Strategy 2025 is the importance of a thriving West Lindsey economy where everyone can contribute to and benefit from economic success, leading to more diverse, equitable and sustainable communities. The site sits within the Southwest Ward of Gainsborough which experiences high levels of economic inactivity alongside deprivation in terms of health, education and skills. The proposal indicates the generation of up to 55 jobs in total (a mixture of part-time and full-time roles) which could offer new employment and skills opportunities within an active travel distance for residents of this ward and neighbouring wards. The location is also easily reached by existing public transport services and sustainable transport methods from across the wider town.

We welcome the inclusion of a car rental drop off/collection location which as well as introducing a new national chain to the business ecosystem within Gainsborough will provide choice and facilities for both residents and visitors in a location that is accessible from both the bus and rail stations. The visitor economy sector across the district is worth £172m annually, the WLDC Visitor Economy Strategy 2022 seeks to attract more visitors and encourage people who are already visiting to stay longer, explore further and spend more during their trip. The option to easily collect a and return a hire car within the periphery of key transport hubs has the potential to support this.

Principal Ecology and Wildlife Officer :

The site has identified presence of priority habitat mainly Open Mosaic Habitat on previously developed land (OMH) this is a significant constraint.

Given site layout it will not be practical to enhance or retain OMH onsite. The application is pre-statutory BNG but is subject to Local Plan policies 60, 61 (the site is not located within the biodiversity opportunity mapping so any such compensation could be delivered elsewhere in the district) and NPPF.

S60 Part Two: Species and Habitats of Principal Importance All development proposals will be considered in the context of the relevant Local Authority's duty to promote the protection and recovery of priority species and habitats. Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Natural Environment and Rural Communities Act 2006, Lincolnshire Biodiversity Action Plan, Lincolnshire Geodiversity Strategy and Local Nature Recovery Strategy. Where adverse impacts are likely, development will only be supported where the need for and benefits of the development clearly outweigh these impacts. In such cases, appropriate mitigation or compensatory measures will be required.

S61 All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development.

NPPF 187. Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species.

Given the lack of locally available (within WL and Wider Greater Lincolnshire) of OMH and this application being pre-statutory we could consider application of BNG "RULE 4" and allow variation to the trading rules (allowing for compensation via non OMH habitat) if any proposed habitat is of a high distinctiveness and can be evidenced to support similar species assemblages. Any such site would need to be secured via a s106 agreement and registered as a Biodiversity Gain site and subject to monitoring via the LPA (should the applicant have land in mind I am happy to consider its appropriateness and explain the process on how an agreement could be reached) To understand the assemblages support by the site, further protected species surveys will be required. Government guidance outlines the following surveys when OMH is present: Badgers, wild birds, reptiles, invertebrate and protected plants, fungi and lichens. Should no local solution be available last resort would be statutory credits, but this may well impact development viability as current costs would place the credit requirements at £367,920 (excluding VAT)

Network Rail: (Summary of comments with full details available on our website) Network Rail has **no objection** in principle to the development, and also sets out detailed requirements which they consider must be met and state " *It should be noted that adjacent railway accesses must be kept clear and unrestricted at all times both during construction and subsequent site operations. Access is required on a 24/7 basis for operational railway maintenance, inspection and emergency purposes.*"

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Recommend condition for a surface water drainage strategy.

The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary.

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. Recommend condition for external lighting details.

Canal and Rivers Trust: No comments - this application falls outside the notified area for its application scale and location.

Environmental Protection: I have reviewed the information submitted with the above application and the Phase 1 Desk Study carried out by Solmek referenced S230427, dated April 2023 as recommended by the report, I would propose the following condition:

No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with non-technical summaries, conclusions, and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement, specifically in writing.

- a) A Phase 2 site investigation, including relevant soil, asbestos soil gas, surface, and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology as outlined in Solemek report dated April 2023 referenced S230427.
- b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA.
- f) The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance

with the approved methodology. Details of any post-remedial sampling and analysis to 2 show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Housing and Environmental Enforcement Manager.

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 June 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:

S1 The Spatial Strategy and Settlement Hierarchy
S2 Growth Levels and Distribution
S6: Design Principles for Efficient Buildings
S8: Reducing Energy Consumption – Non-residential Buildings
S20 Resilient and Adaptable Design
S21 Flood Risk and Water Resources
S35: Network and Hierarchy of Centres
S47 Accessibility and Transport
S48 Walking and Cycling Infrastructure
S49 Parking Provision
S53 Design and Amenity
S54 Health and Wellbeing
S56 Development on Land Affected by Contamination
S57 The Historic Environment
S60 Protecting Biodiversity and Geodiversity
S61 Biodiversity Opportunity and Delivering Measurable Net Gains
S66 Trees, Woodland and Hedgerows

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

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

Relevant policies of the GNP include:

NPP 1 Sustainable Development
NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 5 Protecting the Landscape Character
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/gainsborough-town-neighbourhood-plan>

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

The site is within a Sand and Gravels 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)

The latest version of the National Planning Policy Framework (NPPF) was published in August 2026. It is a material consideration which the Government considers is of "critical importance" (paragraph 1).

It states "*the national decision-making policies should.. be read as a whole (including relevant footnotes and annexes)*" (paragraph 7), and that "*the plan-making policies should not be used when making decisions on development proposals*" (paragraph 8).

Annex A (paragraph 2) sets out that for the purposes of decision-making "*Development Plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight... other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework*".

The following national decision-making policies are considered to be particularly relevant to this application:

DM3: Determining Development proposals
DM5: Development Viability
DM6: Use of planning conditions and obligations
S3: Presumption in favour of sustainable development
S4: Principle of development within settlements
CC2: Mitigation of climate change
CC3: Adaption to climate change
E2: Meeting the need for business land and premises
TC3: Main town centre uses outside town centres
L2: Making effective use of land
DP3: Key principles for well-designed places
TR3: Locating Development in sustainable locations
TR4: Street design, access and parking
TR6: Assessing transport impacts
P2: Ground conditions

F4: Assessing flood risk for decision making
F5: The sequential test
F6: Development in areas at risk of flooding from rivers or the sea
F7: Ensuring development is safe from flooding
F8: Sustainable drainage systems and watercourses
N2: Improving the natural environment
N3: Trees in new developments

Other national guidance:

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

Main Considerations:

- Principle of Development, including *consideration of the sequential test*
- *Ecology, Biodiversity and Net Gain*
- *Scheme Viability*
- Amenity
 - *Visual*
 - *Neighbouring*
- Highway Safety and Parking Provision
- Trees, Hedgerow and Landscaping
- Flood Risk
- Other matters

Assessment:

Principle of development, including consideration of the Sequential Test

Central Lincolnshire Local Plan (CLLP) policy S1 states that for main towns:

*“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**. In addition to sites being allocated in the Local Plan or a neighbourhood plan, **development proposals in accordance with Policy S3 [Housing in... Main Towns]** and **other relevant development plan policies will be viewed positively.**”*

Policy NPP1(1) of the Gainsborough Neighbourhood Plan (GNP) 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...”

These policies are generally consistent with policies S3 and S4 of the newly published National Planning policy Framework (NPPF) which states (policy S4(1)) that:

“Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.”

There is therefore a general positive presumption in favour of development within the settlement.

Government policy (NPPF policy L2) also states that substantial weight should be given to the benefits where a development proposal would achieve:

‘Making better use of vacant and underutilised land and buildings’

This chimes with GNP policy NPP1(2), which states *“Securing the redevelopment of brownfield sites, especially those along the river, is a priority for the community”*

In this regard, weight may be given to the advice of the Economic Growth Team who state, in support of development:

“This is a visually prominent vacant brownfield site that hasn’t secured development to date despite being marketed for a considerable period. The site sits in a gateway location on a junction of the main north-south route through the town, close to the river. Its development therefore has the potential to enhance the image of the town at this key gateway. Development in this area and along the neighbouring urban river front supports both the significant active regeneration programme ongoing within Gainsborough’s historic town centre, and the growth and regeneration vision for wider Gainsborough which encompasses renewal of the town centre, improvements to the public realm and significant housing growth via delivery of two sustainable urban extensions.”

The development would result in making better use of a vacant site within the urban area, and this benefit may be afforded “substantial weight” under NPPF policy L2.

Nonetheless – the development proposal is for a *“drive-thru commercial unit facility (use class E)”*. A drive-through restaurant qualifies as a main town centre use in both the glossary of the CLLP, and the updated NPPF.

Accordingly, CLLP policy S35 and NPPF policy TC3 are applicable. Together, these policies require that *“A sequential test should be applied to proposals for main town centre uses for which planning permission is required, where these are neither in an existing centre nor in accordance with an allocation for that purpose in an up-to-date development plan.”*

The site is located approximately 850m to the south of the Gainsborough Town Centre and is not subject to any site-specific allocation. It is therefore an “out-of-centre” site using the NPPF definition.

A sequential test was carried out and submitted in support of the application in 2023. This utilised a review of the Central Lincolnshire Local Plan as it was then to examine retail or commercial allocations within or on the edge of Gainsborough. A revised

sequential test was submitted in March 2026. Notwithstanding that there appeared to being no suitable allocated sites within or on the edge of Gainsborough town a number of other sites were assessed during the site visit and extracts from the test are set out below:

Bridge Street Car Park: is a Council operated pay and display car park .It is considered that the car park is an important facility for Gainsborough town centre, providing parking provision within the designated centre boundary and within immediate proximity of the primary shopping area. Redevelopment of the site would better suit regeneration focused opportunities should WLDC be minded to redevelop the site. The car park is also around half the size of the application site, further reducing its suitability to accommodate the proposals.

30 North Street: 30 North Street comprises an available two-storey commercial building on a 0.1ha site. Its limited curtilage would not accommodate a drive-thru lane and parking, and redevelopment would require demolition. The site is therefore considered too small and unsuitable for the proposal.

1-3 Market Place: 1 – 3 Market Place is located within Gainsborough Town Centre and comprises a Grade II listed building (listing number 1479366). The site is not considered suitable to accommodate the proposals as it comprises a listed building which, in its current format, would not be able to accommodate a drive-thru coffee unit. The site is also not large enough to accommodate the proposals.

Heapham Road Local Centre: Heapham Road local centre is located approximately 1.2km to the north-east of the application site. The centre is also located in a predominantly residential area, with no proximity to the A156 or any other arterial road into Gainsborough. Overall, Heapham Road Local Centre is not considered to be a suitable location for the proposed development as it is located in a residential area away from the A156 (or any other arterial road) to enable the proposed drive-thru lanes to capitalise on passing trade.

Queensway Local Centre: Queensway local centre is located approximately 1.4km to the north-east of the application site. The centre comprises a small parade of ground floor retail and service uses, such as a pharmacy and charity shop. The centre is also located in a predominantly residential area, with no proximity to the A156 or any other arterial road into Gainsborough, and fronts onto Queensway which is a narrow pedestrian street.

Corringham Road local centre: This is located approximately 2km to the north-east of the application site. The centre is very small, providing six units and is situated adjacent to the B1433 Corringham Road. It comprises a Spar convenience store (which includes a Subway) as well as a small number of other retail/service and related uses.

Whilst the local centre is situated on the B1433 Corringham Road (which provides a link into Gainsborough from the A631 to the east), it is not large enough to facilitate the scale of development proposed by the application

Conclusion on sequential test – It is considered that the submitted sequential test has taken a reasonable approach, and it's conclusions that there are not any reasonably available alternative sites within the town centre or an edge of centre location, for a “drive-thru” restaurant are accepted.

It is considered that the development does therefore accord with CLLP policy S35, and NPPF policy TC3(1) in this regard.

NPPF policy TC3(2) does require that *“When considering edge of centre and out of centre locations, preference should be given to accessible sites which are well connected to the town centre by sustainable transport modes.”*

The site is around a 6 minute walk to King Street, where a 2min bus journey to the centre can be made. It is an approximate 15m walk into town.

Overall, it is considered that the principle of a drive-thru restaurant in this location would comply with the Development Plan and NPPF, particularly CLLP policies S1 and S35; GNP policy NPP1; and NPPF policies S3, S4, L1 and TC3.

The benefits of bringing into use a vacant brownfield site may be afforded “substantial weight” under NPPF policy L2.

However, this is subject to consideration of all other relevant planning policies and material planning considerations.

Ecology, Biodiversity and Net Gain

Mandatory Biodiversity Net Gain (BNG) was introduced on minor development sites in April 2024 through schedule 7A of the Town & Country Planning Act 1990 (as amended).

This application pre-dates this mandatory requirement and it does not therefore apply to this application. Nonetheless, National Planning Practice Guidance¹ states that:

“A local policy... which required a gain of at least 10% from new developments in anticipation of the statutory framework should no longer apply when determining applications for planning permission subject to biodiversity net gain, although it may continue to be a material consideration during a transition period and for other types of planning permission not yet subject to the statutory framework.”

CLLP policy S61 was such an anticipatory local policy – and required all qualifying development proposals *“must deliver at least a 10% measurable biodiversity net gain attributable to the development”*.

GNP policy NPP2 requires *“Where practicable development proposals should achieve a net biodiversity gain...”*

¹ Paragraph: 020 Reference ID: 74-020-20240214. Planning Practice Guidance – Biodiversity Net Gain
<https://www.gov.uk/guidance/biodiversity-net-gain#determination-of-the-planning-application>

In this instance, whilst achieving a 10% BNG is not a mandatory requirement under the Planning Act, it still needs to be achieved in order to achieve compliance with local policy S61 of the CLLP.

A Biodiversity Net Gain Assessment was carried out and submitted in 2025. This calculated the on-site base line habitat to be 5.13 units and post-development it would result in a biodiversity net loss of 66%.

The applicant has subsequently reduced the scheme to a single drive-thru unit, and has reduced the size of the site.

A revised Biodiversity Net Gain Assessment dated March 2026 was supplied by the applicant noting that the proposals would now result in a combined net unit change of -2.84 habitat units (-85.27%) and +0.29 hedgerow units.

This concludes that it is not possible to achieve a biodiversity net gain on site and development would result in a biodiversity net loss.

It would therefore need to purchase 2.84 habitat units off-site in order to comply with policy S61 of the CLLP. The developer estimates that this would be at a cost of between £68,160 (for Other Neutral Grassland) or £142,000 for replacement Open Mosaic Habitat.

It is understood that the reason that a biodiversity net loss would occur, is that the site mainly comprises Open Mosaic Habitat (OMH). Open Mosaic Habitat (OMH) is a priority habitat which predominantly exists on previously disturbed brownfield sites. OMH is characterised by a mix of bare ground and vegetated patches (including flower rich meadows, grasslands, scrub) with potential for wet areas. OMH supports a wide range of invertebrates. OMH is a high distinctiveness habitat in the statutory biodiversity metric meaning its loss must currently be compensated for on a 'like for like' basis.

Following the implementation of mandatory BNG in 2024, the Government appears to have recognised some of the specific challenges around developing previously developed, or brownfield, sites subject to OMH. They undertook consultation in Summer 2025² on *"Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development"*.

This included consultation around "brownfield development with open mosaic habitat". The consultation recognises stakeholder feedback on the challenges of delivering BNG on brownfield sites due to the presence of OMH:

- *OMH habitat definitions vary across different sources, and it can be misidentified by ecologists resulting in other habitats being identified as OMH;*
- *It is not always possible or viable for brownfield developments to create and enhance OMH onsite due to spatial constraints;*

² See <https://consult.defra.gov.uk/defra-biodiversity-net-gain/improving-the-implementation-of-biodiversity-net-g/>

- *Initially, there was an under supply of OMH on the biodiversity gain site register. However, the market has responded and there are now OMH units available for sale, with some already allocated;*
- *Statutory credit prices for OMH are £48k (+VAT) – they are priced deliberately high to not undercut the market but are not feasible when the market supply is not there.*

The Government response to the consultation³ confirms that it intends to make changes to the statutory BNG requirement. It states it will “*work with industry, across the planning regimes, to review and improve the existing biodiversity net gain metric information to assist with clearer identification of OMH and other urban habitats.*” And that they will “*seek to make metric and guidance changes for the use of proxy habitats as a suitable alternative to OMH*”.

Overall, the resulting development would result in a biodiversity net loss on site, contrary to GNP policy NPP2 (unless shown to be impracticable), and would only be in compliance with policy S61 if suitable off-site credits were purchased.

Other Ecology matters

An Ecological Appraisal was carried out in October 2023. A summary of those results is reproduced below:

Habitat

The site comprises an area of previously developed land, off Carr Lane, Gainsborough, adjacent to a rail line. The site appears to have been cleared in recent years, with evidence of brash particularly at the southern extent of the site. At the time of survey, the site comprised other neutral grassland, with scattered scrub and at the northern extent and supported a more ruderal sward that appears to have developed at the southern end where scrub has been cleared. A single mature tree is present at the southern edge of the site. A dry ditch was present on the southern boundary, with dense scrub present beyond. Habitats on site are considered to be of at least local value, comprising a small area of open mosaic habitat on previously developed land, identified as a national priority habitat.

Bats

With the exception of the mature tree, roosting opportunities within the site are absent. The site provides a small area of foraging habitat to bats roosting locally, with the adjacent rail corridor connecting the site to roosting opportunities in the local area. Given the abundance of suitable habitat to the south, with wetland and woodlands present, the site is considered likely to be of low value to foraging bats.

Birds

The site provides a small area of nesting and foraging habitat, primarily associated with scattered scrub. The site is considered to be of low ornithological value.

³ See <https://www.gov.uk/government/consultations/improving-the-implementation-of-biodiversity-net-gain-for-minor-medium-and-brownfield-development/outcome/government-response-and-summary-of-responses#government-response-part-4-brownfield-development-with-open-mosaic-habitat>

Great Crested Newts

There is no standing water on site or immediately adjacent. However, waterbodies are present, approximately 250m to the south, where the species is considered likely to be present. The site provides suitable habitat for the species during its terrestrial phase and is connected to the site to the south by the rail line. Given the abundance of suitable habitat surrounding the waterbodies, the site is considered likely to be of low value to the species.

Reptiles

As with amphibians, the site provides suitable habitat for the taxa and is connected to the site to the south by the rail line. Given the abundance of suitable habitat to the south, the site is considered likely to be of no more than local value.

Avoidance measures including a requirement to avoid works during the bird nesting season and the provision of a means of escape for mammals if excavations are left open are recommended. Mitigation in the form of a Construction and Environmental Management Plan (CEMP) to be submitted to and approved in writing by the local planning with subsequent implementation in accordance with the approved details is proposed.

It is considered that, subject to the imposition of conditions, unacceptable impacts on biodiversity should be avoided and it would be in accordance with policy S60 of the CLLP.

Scheme Viability

As stated above, in order to accord with CLLP policy S61, the developer will need to buy off-site credits equivalent to 2.84 habitat units. The developer estimates that this would be at a cost of between £68,160 to £142,000, depending on whether it needs to be like-for-like open mosaic habitat.

The applicant considers that in order to meet the off-site BNG cost, the scheme would not be viable.

NPPF policy DM5(1) states *“Where development proposals accord with relevant up-to-date plan policies and national decision-making policies, they should be assumed to be viable. Relevant policies in this context are those that relate to the contributions expected from development.”*

It further states (NPPF policy DM5(2)) that *“There may be circumstances in which a viability assessment demonstrates that it would not be possible for development to proceed on a policy compliant basis. In such circumstances, the submission of a viability assessment as part of a development proposal may be justified to ensure that the proposed development makes the maximum possible contribution...”*

NPPF policy DM5(5) says: *“It is a matter for the decision-maker, having regard to the circumstances under which the viability assessment is submitted, to assess the weight to be given to a viability assessment.”*

The 10% policy requirement under CLLP policy S61 was brought into force in April 2023, a year prior to the establishment of mandatory BNG. It was therefore formed prior to the experiences with open mosaic habitats on brownfield urban sites that have been found in the intervening years. It is considered in the circumstance that a viability assessment may be justified.

The applicant has submitted a Site Viability Appraisal (by BTG Eddisons) and has recently updated this (August 2026).

The appraisal makes a number of assumptions including that a rent of £85,000 would be reflective of the local market. It considers that with a BNG payment of:

- £68,160 BNG payment – To achieve c.15% profit on cost, rent would need to increase to £118,000 per annum.
- £142,000 BNG payment – To achieve c.15% profit on cost, rent would need to increase to £123,500 per annum.

The appraisal considers that this is much higher than rental costs locally, including the nearby drive-thru coffee facility at Somerby Way, Gainsborough. They consider their end user would not be willing to meet such costs.

Officers have instructed an independent “Financial Viability Assessment” in order to determine whether the assumptions and conclusions within the applicant’s Site Viability Appraisal are reasonable.

This report by Urbà concludes, based on its own assessment of the market, that the developer’s assumptions and inputs in regard to Gross Development Value (GDV) are reasonable. They agree that a rent of £85,000 is reflective of the local market. They do question some of the assumptions around development cost (largely as the BTG Eddison has not substantiated some of its assumptions with any supporting evidence) and consider that the Benchmark Land Value would be lower than that estimated by the developer’s appraisal.

Nonetheless, Urbà consider though they have a “more positive assessment”, even at the lower BNG rate of £68,160 the scheme would not be viable. Even if a more positive yield was applied (drawing comparison with a similar site in Bradford) – they consider the BNG payment remains unviable.

They agree that *“the scheme cannot viably support a BNG payment required under the Central Lincolnshire Local Plan policies”*.

The evidence, based on the two independent viability reports, therefore supports the applicant’s claim that it would not be viable to address the biodiversity net loss through the purchase of off-site credits. It is considered that this should be given significant weight.

Amenity

Visual amenity

CLLP Policy S53 states that all development ‘*must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.*’ Development must ‘*relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area*’.

GNP policy NPP1(1)(a) states “*the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of that part of the Town in which it is located as identified in the Character Assessment and in Policy NPP7*”

GNP policy NPP7(10) states that within the Gainsborough / Lea townscape area (TCA5) development should:

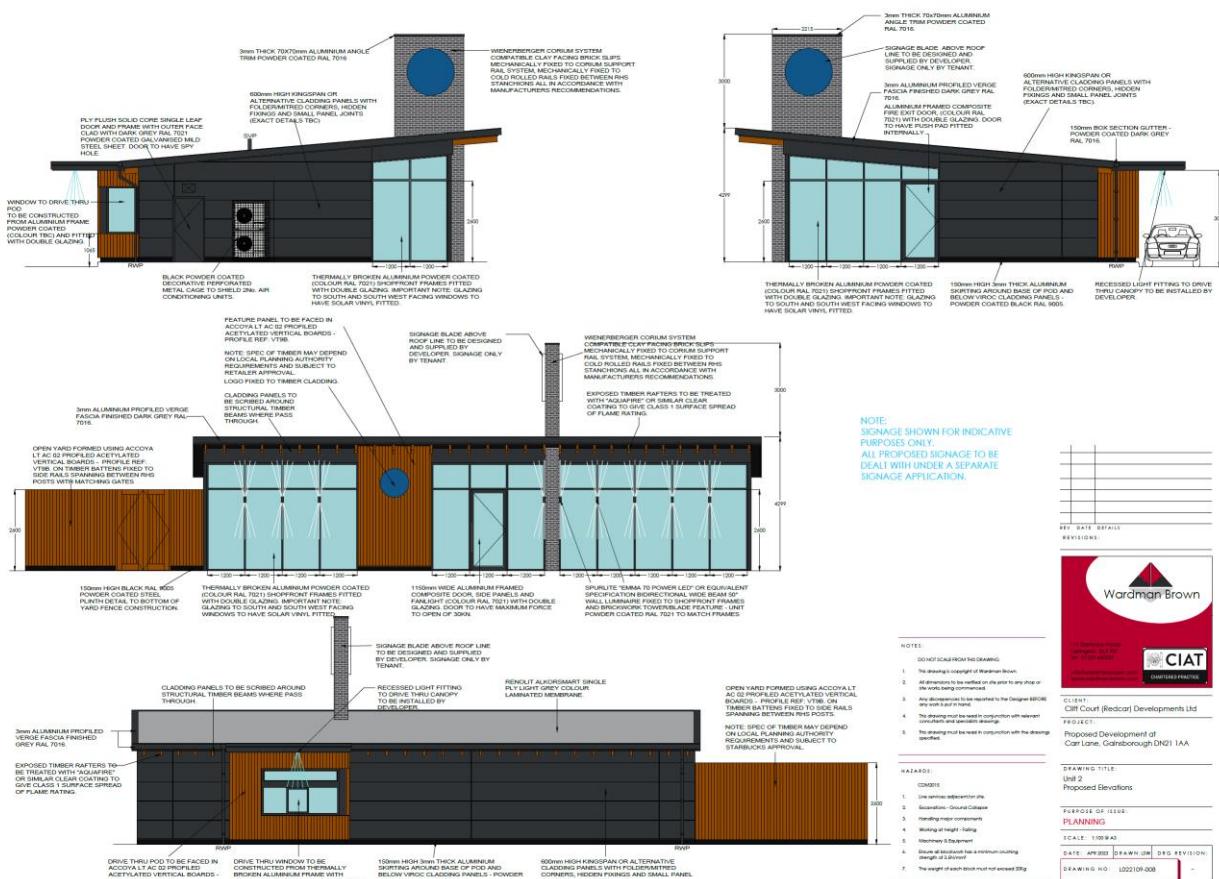
- a) reflect the linear pattern of development and the density characteristic of this TCA; and*
- b) maintain current levels of green space and/or open, expansive views of green space.*

These policies are consistent with NPPF policy DP3 which states “*Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.*”

The proposed development seeks the siting of a Drive-thru Coffee Unit (Use Class E / Sui Generis) on an area of empty brownfield land. The site is bound by Carr Lane to the west and the railway line to the east and is located to the south of the A156/Ashcroft Road roundabout.

The proposed unit would be of a single storey design clad in a mixture of dark grey RAL 7021 powder coated galvanized mild steel sheet, accoya It ac 02 profiled acetylated vertical boards and a grey brick column with provision for a signage blade. The principal elevation of the structure would comprise primarily of glazed units fronting the proposed car parking area to the south.

Proposed plans:



The proposed retail unit would have a maximum height of approximately 7.3m to the top of the brick clad pillar. The maximum roof height of the structure would be approximately 4.3m, with a width of 23.5m and a depth of 11.3m.

The proposed design is of a modern minimalist appearance typical of recently constructed coffee drive-thru retail units nationwide.

The application site itself is devoid of any particular visual character given its nature as a previously cleared industrial site. The site has been vacant since approximately 2009 following the implementation of the adjacent roundabout and removal of existing industrial structures from the site to allow for this.

The wider area surrounding the application site is primarily residential in nature, with a tightly packed urban grain of terraced properties. A partially constructed residential development is also sited to the north/north-west of the application site.

Overall, it is considered that the proposed unit would not be at odds with the visual character of the surrounding area (TCA5 – Gainsborough and Lea) and would present a betterment to the visual amenity of the presently vacant site.

Alongside the proposed unit, a scheme of landscaping has been proposed which would include a mixture of shrubs, hedgerow and Trees in order to soften the visual appearance of the site from the public domain, and accord with GNP policy NPP7(10)(b).

No proposed or indicative signage has been provided as part of this application, which would need to be subject to a separate application for express advertisement consent. It is concluded that development of this vacant urban site would accord with CLLP policy S53, GNP policies NPP1 and NPP7; and policy DP3 of the NPPF.

Neighbouring amenity

The application site would be located approximately 47m away from the nearest residential dwelling at its closest and separation would be provided from neighbouring uses by the existing main road and roundabout to the north of the site alongside screening provided by the proposed landscaping.

Due to the design of the proposed unit, with the drive-thru portion to the rear of the site and the main windows of the retail space facing south towards the proposed car park, away from neighbouring residential uses.

Lighting would be predominantly located to the front elevation, away from neighbouring residential uses. It is however noted that recessed lighting would be included within the drive-thru canopy although given its siting it is not anticipated a harmful impact upon the amenity of neighbouring occupants would be introduced.

Proposed signage locations are identified on the submitted drawings. The design and illumination levels of the proposed signage is something that can be suitably controlled through a later Advertisement Consent in order to ensure harm is not caused to nearby residential dwellings and their occupants.

In line with the recommendation of network rail, a condition will be attached requiring that details of the lighting proposed on site be submitted to and agreed by both the LPA (having consulted with Network Rail) in order to ensure harmful impact is not had upon the adjacent railway track. This will similarly enable any potentially harmful impacts with regards to light pollution to be controlled and mitigated prior to implementation.

Given the nature of the proposed development, it is not considered that the proposal would present a harmful impact upon the residential amenity of the occupants of neighbouring dwellings.

On this basis the proposed development is considered to accord with CLLP Policy S53 and GNP policy NPP6.

Trees & Landscaping

Policy S66 of the CLLP notes that *“Development proposals should be prepared based on the overriding principle that:*

- *the existing tree and woodland cover is maintained, improved and expanded; and;*
- *opportunities for expanding woodland are actively considered, and implemented where practical and appropriate to do so.”*

GNP policy NPP6(2)(d) states development should use native trees and hedgerows in landscaping schemes and boundary treatment where possible.

This is consistent with policy N3 of the NPPF.

A landscaping plan and landscape management specification produced by Rosetta Landscape Design was submitted alongside the amended scheme.

The proposed landscaping scheme was reviewed by the Authorities Tree and Landscape Officer who provided the following comments:

"I have no objections to the proposed planting – the planting is appropriate for the site and all necessary information has been provided to clarify what the proposed planting would be. Details for aftercare of the soft landscaping should be required to cover its maintenance/management for the 5 years following planting, including replacement of any failures. Wildflower/meadow areas require quite specific management to prevent the wildflowers being lost within a few years and the area reverting to grass due to being mowed at inappropriate heights and/or times of year. Management of the meadow mix areas should be provided for approval."

The submitted landscaping plan presents a suitable and diverse mix of planting which would soften the visual impact of the proposed development and would present a considerable improvement over the existing visual character of the presently vacant site.

Should permission be granted, it is recommended that conditions be attached ensuring that the proposed landscaping scheme is implemented in its entirety prior to the proposed drive-thru restaurant being brought into use and in accordance with the provided Landscape Management Specification.

Based upon the submitted information it is considered that the proposed landscaping scheme would be capable of accordance with CLLP Policy S66, GNP policy NPP6 and NPPF policy N3.

Highway Safety and parking provision

CLLP policy S47, and NPPF policy TR3 seek to promote sustainable transport.

The site is within reasonable walking distance of bus stops on King Street and within a 15min walk of the town centre.

The Local Highways authority had recommended on the original scheme, conditions to secure a tactile crossing point in Carr Lane and improvements to the two bus stops in King Street.

Conditions should only be used applying the tests at NPPF policy DM6. It is considered that a tactile crossing point is necessary and reasonable and can be secured by condition. However, it is not considered that the necessity for improvements at the King Street bus stop would arise simply through the provision of a

single drive-thru coffee store. It is considered that requiring such through a condition would be unreasonable.

For non-residential development CLLP Policy S49 sets out that *“All other types of development should incorporate a level of car parking that is suitable for the proposed development taking into account its location, its size and its proposed use, including the expected number of employees, customers or visitors.”*

This is consistent with policy NPPF TR4 which states development should: *“Provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan, and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations”*

The proposed development proposes 30no. car parking spaces including 6no. EV charging spaces; 2no. disabled user spaces and a further “waiting bay” for user of the drive-thru. Cycle parking would also be included on site and a new pedestrian footpath linking the site would be introduced.

Lincolnshire County Council’s Highways Team were consulted on the proposed scheme and noted that *“Adequate car parking and space for queueing, servicing and manoeuvring is proposed within the site curtilage”*

Based upon the information provided, it is considered that the proposed parking provision would be ample for a single drive-thru unit as proposed within the amended plans.

Furthermore, ample space is provided on site for manoeuvring and proper operation of the drive-thru function.

Based upon the information provided it would appear that the proposed development would provide a suitable amount of off-street parking provision to serve its operation. On this basis the proposal would accord with relevant Policies S47 and S49 of the CLLP.

Gainsborough Town Council and a nearby resident have cited concerns *“regarding the increased traffic generation and highway safety on the roundabout”*, albeit these concerns were made on the larger scheme incorporating two drive-thru facilities and a car hire facility, prior to its amendments.

The applicant has supplied a Transport Statement which anticipates the following trip generation for the single drive-thru facility:

Table 5-1: TRICS Trip Rates and Trips Generated

	Trip Rate (per 100sqm)			Trips (167sqm)		
	Arrivals	Departures	2 - Way	Arrivals	Departures	2 - Way
Network Weekday AM Peak (0800-0900)	15	13	28	25	23	47
Network Weekday PM Peak (1700-1800)	9	10	19	15	17	32
Network Saturday Peak Hour (11:00-12:00)	23	24	47	38	40	78
Land Use Saturday Peak Hour (10:00-11:00)	27	24	51	44	40	85

The Transport Statement sets out *“that the junction capacity assessment included within the previous Transport Statement indicated that the Carr Lane/A156/Lea Road Roundabout continued to operate well within Practical Capacity (below 0.85 RFC) with minimal queueing even in the “2028 Future Year + Development” Weekday AM and PM Network Peak Hour Scenarios”*. It is not considered that any further junction capacity modelling is required.

NPPF policy TR6(4) states: *“Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement.”*

The development is not anticipated to have a severe impact on the transport network or an unacceptable impact on highway safety. It is considered it would accord with CLLP policies S47 and S49, and NPPF policy TR6.

Energy efficiency

Policy S8 of the CLLP requires that *All new non-residential development proposals must include an Energy Statement which confirms that all such non-residential development proposals*

1. Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building’s actual energy performance; and

2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m2/yr and a site average total energy demand of 70 kWh/m2/yr. No unit to have a total energy demand in excess of 90 kWh/m2/yr, irrespective of amount of on-site renewable energy production. (For the avoidance of

doubt, 'total energy demand' means the amount of energy used as measured by the metering of that building, with no deduction for renewable energy generated on site).

The Energy Statement must include details of assured performance arrangements. As a minimum, this will require: a) The submission of 'pre-built' estimates of energy performance; and b) Prior to each building being occupied, the submission of updated, accurate and verified 'as built' calculations of energy performance. Such a submission should also be provided to the first occupier (including a Non-Technical Summary of such estimates);

Policy S8 accords with NPPF policy CC2 which encourages measures to mitigate against climate change.

An amended Energy and Sustainability Statement produced by socotec dated 16 February 2026 has been submitted.

The energy statement notes that the building has been designed through a fabric first performance with insulation levels beyond building regulations requirements. Furthermore, low energy lighting.

It has been identified that the space heating demand of between 15-20kWh/m²/yr, and total energy demand of 70kWh/m²/yr and no unit to have a total energy demand more than 90kWh/m²/yr.

In order to offset the power usage on site 15.75kWp of PV panels are proposed.

1

The building specifications are outlined as follows:

Table 2. Proposed Specifications Non-Domestic Building

Proposed Specifications - Unit 2		
Building Fabric	U-Value(W/m²K)	Wall: 0.18 Floors: 0.11 Flat Roofs: 0.15 Windows: U-Value: 1.1, G-Value: 0.40 Doors: 1.6
Air Permeability	M³/(h.m²)@50 Pa	3.00
Space Heating and Cooling	Air Source Heat Pump (split system): SCOP (4.00)/SEER (7.00)	
Controls	Central Time Control Local Time/Temperature Control	
Water Heating	Type: Heat Pump Fuel: Electric Capacity: 200L Insulation: 50mm SCOP: 3.00	
Mechanical Ventilation	MVHR specific fan power: 1.00W/l/s Heat Recovery Efficiency: 85%	
Lighting Systems	130 Lm/W throughout.	
	Display Lighting	120 lm/W in eating and drinking areas
Renewables	Photovoltaic Panels	15.75kWp are to be faced South-West, mounted on the roof areas of the development.

Based upon the submitted information it is apparent that the proposed development would be capable of accordance with relevant policies S6 & S8 of the CLLP.

Other matters:

Retail Impact Assessment:

CLLP Policy S35 requires a “robust assessment of impact on nearby centres” for new retail development within 1km of Gainsborough’s Primary Shopping Area and greater than 2500sqm floorspace. NPPF policy TC4(1) states that *“If no threshold for impact assessments has been set in the development plan, a default threshold of 2,500m² gross floorspace should be applied.”*

Whilst the site is within 1km of Gainsborough’s Primary Shopping Area, the proposed gross internal floorspace of the building is 170m². It therefore does not qualify for requiring a Retail Impact Assessment.

Archaeology

CLLP Policy S57 states *“Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance”.*

NPPF policy HE5(5) states *“Where a development proposal involves, or has the potential*

to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation."

The Historic Places team at Lincolnshire County Council had initially advised archaeological investigations should be undertaken. However, it was noted that investigations were previously advised as unnecessary. "Whilst the site is within the area of the port of Gainsborough, the majority of it has been disturbed by modern deposits relating to the former works and its demolition. Therefore no further archaeological input is required on this site." Having considered this previous advice the Historic Environment Officer has advised further archaeological investigation is not necessary.

Flood Risk & Drainage

Following the reduction of the scale of the development and the red line boundary from 3no. units to a singular drive-thru in the north-western portion of the application site the built footprint is now entirely outside of Flood Zone 2 & 3 land. It therefore now meets the flood risk sequential test (CLLP policy S21; NPPF policy F5) and does not require a Flood Risk Assessment (FRA) under NPPF policy F4.



CLLP policy S21 and NPPF policies CC3(1)(c) and F8 require the use of Sustainable Drainage Systems (SUDS).

Network Rail had requested the use of a planning condition to secure final drainage details and prevent runoff onto their infrastructure.

The original scheme had provided a Flood Risk assessment and Drainage Strategy. This had concluded that infiltration wasn't feasible. Instead, *"The proposed drainage strategy intends to collect runoff via a series of rainwater pipes before discharging into a below ground drainage network before discharging off site at greenfield runoff rates. In accordance with the surface water hierarchy, infiltration has been deemed unfeasible, therefore discharging to the watercourse is proposed."*

It is recommended that a condition to secure final surface water drainage details is employed in order to accord with CLLP policy S14, and NPPF policies CC3 and F8.

Land Contamination

CLLP policy S56 and NPPF policy P2 consider ground conditions and risk from contamination.

A Phase I study was submitted with the application which identifies there is a moderate to low risk of contamination in the site and does recommend a Phase II study with ground investigations be undertaken.

In accordance with the advice of the Environment Agency and Environmental Protection team, conditions to secure a Phase II Investigation and remediation strategy are recommended. This should ensure compliance with CLLP policy S56 and NPPF policy P2.

Network Rail Infrastructure

Network Rail have recommended a number of conditions to ensure that safety and their infrastructure is not compromised, including the need for trespass fencing. This can be secured by condition.

Conclusion and reason for decision:

The development would result in the development of vacant brownfield land in an otherwise sustainable location within the settlement of Gainsborough, a main town.

Overall, it is considered that the principle of a drive-thru restaurant in this location would comply with the Development Plan and NPPF, particularly CLLP policies S1 and S35; GNP policy NPP1; and NPPF policies S3, S4, L1 and TC3.

NPPF policy S4 states “*Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects*”.

The benefits of bringing into use a vacant brownfield site may be afforded “*substantial weight*” under NPPF policy L2.

It is considered that the benefits of developing this vacant land can therefore be afforded substantial weight.

Nonetheless, the development would result in a post development biodiversity net loss of -85.27% in habitat. Whilst biodiversity net gain is not a statutory requirement in this instance, this would nonetheless be contrary to CLLP policy S61 and GNP policy NPP2 which seek a biodiversity net gain. This is considered to be a significant adverse impact.

This could be compensated through the purchase of off-site credits. However, the evidence of a viability assessment indicates that the cost of doing so would be prohibitive and render the scheme unviable. It would prevent development of the site going forward.

It is therefore considered that whilst a significant adverse impact is identified, this would not substantially outweigh the benefits of development in this location.

It is recommended that planning permission is granted, subject to conditions.

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:

2. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with non-technical summaries, conclusions, and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement, specifically in writing.
 - I. A Phase 2 site investigation, including relevant soil, asbestos soil gas, surface, and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology as outlined in Solemek report dated April 2023 referenced S230427.
 - II. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - III. Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
 - IV. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme agreed with the LPA.

- V. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA.
- VI. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with policy S56 of the Central Lincolnshire Local Plan, and policy P2 of the National Planning Policy Framework.

- 3. No development must take place until a construction & environmental method statement (CEMP) has been submitted to and agreed in writing by the local planning authority. The approved statement must be adhered to throughout the construction period. The statement must provide for:
 - I. the routing and management of traffic;
 - II. the parking of vehicles of site operatives and visitors;
 - III. loading and unloading of plant and materials;
 - IV. storage of plant and materials used in constructing the development;
 - V. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - VI. wheel cleaning facilities;
 - VII. measures to control the emission of dust and dirt;
 - VIII. details of noise reduction measures;
 - IX. a scheme for recycling/disposing of waste;
 - X. Measures to ensure that there is no disruption to the operational railway (including external lighting);
 - XI. the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - XII. Measures to protect ecology in accordance with paragraph 6.4 of the Ecological Appraisal by OS Ecology (October 2023).

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with policy P3 of the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

- 4. No development hereby permitted shall commence until details of all boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The details shall include measures for suitable trespass fencing with the adjacent operational railway land and, where necessary, suitable barriers to prevent any vehicular incursion onto the adjacent railway land. Development shall thereafter proceed in accordance with the agreed details.

Reason: In the interests of amenity and public safety, in accordance with policies P2 of the National Planning Policy Framework; policy S53 of the Central Lincolnshire Local Plan; and policies NPP1 and NPP7 of the Gainsborough Neighbourhood Plan.

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

5. No works above existing ground levels can take place until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority.

The details shall include:

- An implementation timetable; and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the drainage system throughout its lifetime.

Development shall be carried out in accordance with the approved details and implementation timetable.

Reason: To ensure a satisfactory drainage scheme is provided in accordance with the National Planning Policy Framework and policy S21 of the Central Lincolnshire Local Plan.

6. The development hereby approved shall be carried out in accordance with the following drawings

Location Plan L022109-001 rev. A
Proposed Block Plan Drawing No.L022109-002 Rev D
Proposed Floor Plan Drawing No.L022109 -006
Proposed Roof Plan Drawing No.L022109 -07
Proposed Elevations Drawing No. L022109 -08
Detailed Landscape Proposals Drawing No. 4192/1 Rev B
Landscape Management Specification prepared by Rosetta Landscape Design

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents (particularly the drive thru operation hours stated on the application form) forming part of the application.

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

7. The development shall be carried out in accordance with the submitted FRA ref: 'H77480-JNP-XX-XX-RP-C-1001 P02', dated August 2023, prepared by JNP Group Consulting Engineers and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 450mm above the external levels and in accordance with Appendix E (DR-C-2006/P01) of the submitted flood risk assessment

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. 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 and policies F4 and F7 the National Planning Policy Framework.

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

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with policy D2 of the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan 2023.

9. No part of the development hereby permitted should be occupied unless works to improve the public highway by means of providing an uncontrolled tactile crossing on Carr Lane to connect the site to the proposed residential development opposite, have been installed in accordance with details that have been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development and to accord with policy S47 of the Central Lincolnshire Local Plan and policy TR4 of the National Planning Policy Framework.

10. Prior to bringing the approved development into use, details of external lighting must be submitted to and approved in writing by the Local Planning Authority. It shall thereafter be implemented in accordance with the details approved and retained as thereafter.

Reason: To ensure that it does not pose a distraction to train drivers in the interests of safety and in accordance with policy S53 of the Central Lincolnshire Local Plan.

11. The approved landscaping scheme Drawing No. 4192/1 Rev B must be completed prior to the commencement of use of the approved building. Any trees or plants which within a period of five years from the completion of the development die, are removed or become 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.

Maintenance / aftercare

Reason: To enhance the appearance of the site and to add biodiversity value in accordance with policies N2 and N3 of the National Planning Policy Framework and policies S53 and S60 of the Central Lincolnshire Local Plan.

12. The development hereby approved must be completed in accordance with the measures outlined in the Energy and Sustainability Statement prepared by SOCOTEC dated 16th February 2026.

Reason: In the interests of energy efficiency to accord with policies S6 and S7 of the Central Lincolnshire Local Plan 2023.

13. No occupation must take place until a written verification statement to demonstrate that the approved scheme has been implemented in strict accordance with the submitted Energy and Sustainability Statement dated 16th February 2026 has been submitted to and approved in writing by the planning authority.

Reason: In the interests of energy efficiency to accord with policies S6 and S7 of the Central Lincolnshire Local Plan 2023.

Informatives:

1. It is recommended that the developer contacts and liaises with the Network Rail Asset Protection team when preparing the Construction & Environmental Management Plan.
2. It is recommended that the developer should:
 - I. Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination;
 - II. Refer to the Environment Agency Guiding principles for land contamination for the type of information required in order to assess risks to controlled waters from the site
 - III. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
 - IV. Refer to the contaminated land pages on gov.uk for more information
3. The proposed Phase 2 Site Investigation should include installation of boreholes to retrieve groundwater samples that should be analysed for the contaminants of concern associated with the historic use of the site.

Consideration should also be given to sampling surface waters in the vicinity of the site i.e. Humble Carr Drain and any others in the vicinity.

4. Further information on Sustainable Drainage Systems (SuDS) can be found in:

- the CIRIA C697 document
- SuDS manual HR Wallingford SR 666
- Use of SuDS in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- the Interim Code of Practice for Sustainable Drainage Systems – the Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS

Any car park surfaces/hardstanding should be impermeable and there should be a suitable series of treatment to prevent the pollution of groundwater. Please see CIRIA SUDS Manual (C697) for guidance on drainage attenuation, storage and treatment. We would also refer the developer to the Environment Agency groundwater guides in Groundwater Protection: which are available to download on our website:

<https://www.gov.uk/government/collections/groundwater-protection>

Decision Level: Committee

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Prepared by: Josh Turner & Russell Clarkson

Date: 03/09/2026

Authorising Officer: Ian Elliott **Date:** 3rd September 2026