

# Statement of Reasons in support of Riverside Gateway Local Development Order 2016

July 2016

## 1. Introduction

### 1.1. Context

West Lindsey District Council (the Council) with the support of the Homes and Communities Agency (HCA), is promoting the redevelopment of a number of derelict/disused brownfield sites within Greater Gainsborough and along the riverfront under the Housing Zone initiative. The 'Greater Gainsborough Housing Zone' was one of a number of areas designated by the Government in 2015 and provides the Council access to additional borrowing/funding sources and professional support from the HCA. The purpose of Housing Zones is to stimulate and accelerate housing development.

### 1.2. Housing Zone and Local Development Order

Riverside Gateway is one of two strategic brownfield riverfront sites identified in the Housing Zone to be developed, providing a catalyst for the wider regeneration of Greater Gainsborough. Housing Zones are expected to deliver a minimum of 800 units in most circumstances to expedite delivery of housing on brownfield land through providing access to the Housing Zone recoverable investment loan funding; HCA professional staff support; and dedicated brokerage support from central government to help remove barriers that are preventing schemes from moving forward.

In conjunction with obtaining Housing Zone status, the Council secured the ability to use the "Local Development Order Incentive", specifically designed to incentivise the delivery of housing on brownfield land. A Local Development Order (LDO) grants planning permission for specific types of development and can be made subject to conditions. The purpose of an LDO is to simplify and speed up the planning process by providing certainty about the type of development which are permitted within a specific area and reducing the potential risks associated with the formal planning process, encouraging development to come forward in that area. The Riverside Gateway LDO is the first of two LDOs being promoted by the Council with the support of the HCA in Greater Gainsborough.

The Council will adopt the Riverside Gateway LDO under the *Town and Country Planning Act 1990 (as amended)*. Once adopted, the

LDO will grant outline planning consent for residential-led development, subject to a number of limitations and conditions including compliance with parameter plans and design principles appended to the LDO. The Council is promoting this LDO to enable the landowner and/or developers to bring forward development proposals in line with the wider regeneration proposals for Gainsborough. An indicative proposal is set out on the illustrative plans appended to the LDO which shows one way in which development could be brought forward on the site in accordance with the parameter plans.

### **1.3. Limitations**

The LDO provides outline planning consent for only those uses specified in Schedule 1, Parts 1 to 4 of the Order. It does not remove the need to obtain other statutory consents from the Council or other organisations, such as Building Regulations, highways consents or environmental permits.

The LDO does not limit any person's ability to submit planning applications for alternative development on the LDO site.

## **2. Local Development Order Site**

The site is vacant brownfield land (3.99ha in area) located west of Carr Lane, Gainsborough. It is bounded by the River Trent to the West, nos. 4 & 6 Lea Road to the North, and extends down to Carr Lane roundabout to the South. This large brownfield site dominates the views of the town on the southern approach from the River Trent Bridge.

The boundary of the LDO site is depicted in red line in Figure 1 below.



Figure 1: LDO Site Boundary

Directly north of the site is the Maltings Bar and Restaurant and south west of the site is the Kerry's Ingredients Factory. East of the site is primarily residential in character, dominated by two storey Victorian terrace houses (known as the Ashcroft road within the South West ward). The River Trent forms the site's western boundary facing towards the settlement of Saundby within the district of Bassetlaw, Nottinghamshire.

The site is predominantly vacant and was historically used for a variety of industrial purposes. There are several existing buildings within the site including the former Marshalls power station (a red brick industrial building) and 3 semi-detached houses on Lea Road which are to be demolished as part of the LDO development proposals.

The northern portion of the site (from the north to southern boundary of the former Lea Road School) is located within the Gainsborough Riverside Conservation Area.

Excluded from the LDO site is both Lea Road school (a locally designated heritage asset in the Council's ownership) which will be

restored and converted as part of separate scheme outside of the scope of the LDO development proposals, and numbers 10-20 Lea Road as they are in neither the ownership of the Council or the majority landowner of the LDO site and do not prejudice the LDO development proposals.

The site is regarded as a sustainable location being within walking distance of Gainsborough Town Centre and Gainsborough Lea Road train station, which provides rail services to Doncaster, Retford, Lincoln and Sheffield; and is in close proximity to several bus routes.

### **3. Why develop Riverside Gateway**

The site and land south of the site is allocated for residential use, with a marina and associated mixed uses in the West Lindsey Local Plan First Review (June 2006). The landowners put forward proposals for a residential scheme and marina in 2003 and 2004, which was supported in principle but failed to provide necessary technical supporting information. These proposals set out a strong vision for the site, based on a high density apartment led scheme, but suffered from viability issues which were exacerbated during the last recession. As such the site has been derelict for a number of years.

The Housing Zone status and LDO process has enabled the Council to expedite the planning process to inform a viable form of development of this brownfield site. The LDO will therefore provide the development confidence required, for the landowners and/or developers to bring forward detailed development proposals. The vision of the LDO is to create a high quality urban riverfront development with a strong design rationale informed by the historic industrial character of the site. The Council is encouraging a mix of building types and heights subject to the limitations and conditions set out in the LDO (including the parameter plans and design principles).

The LDO development proposals have been informed by and complement the wider masterplan vision for Greater Gainsborough's regeneration. This vision seeks to regenerate the town's brownfield sites using the Housing Zone designation, in tandem with the renewal of the town centre through a heritage led masterplan, improvements to the public realm and terraced housing stock in the South West and North Wards and the creation of two urban extensions to the town. Collectively these initiatives are designed to meet the Council's housing target (Emerging Central Lincolnshire Local Plan) which equates to a 46% increase in the number of new homes in Gainsborough by 2036.

The LDO provides the opportunity for a conservation-led regeneration of this formerly industrial quarter. Instrumental to delivering this vision is high quality development and animation of the riverfront, specifically the reconnection of the town with its riverfront. Riverside Gateway is the most visible brownfield site in Greater Gainsborough, securing development here is therefore regarded as a high priority.

The objectives of the Riverside Gateway LDO are to:

- Deliver up to 245 new homes (contributing to the Housing Zone objectives) along with a range of ground floor uses (flexible Use Classes A1, 2, 3, 4, D1 and/or 2);
- Provide an attractive riverside walk (linear park), new open space and water features, animating the riverfront;
- Maximise the viability of the site, encouraging accelerated redevelopment;
- Stimulate a new urban housing market, building upon earlier riverfront developments to the north of the site (north of the Trent Bridge) and assist in the promotion of Gainsborough as a significant and new housing location;
- Set out parameter plans and design principles ensuring a distinctive place, based on the site's historic, urban and riverfront character, is provided with an appropriate density, layout, massing, height, landscape and access.

#### **4. Description of Development to be Permitted**

This section provides a summary of the development granted planning permission by the LDO. The LDO and appendices should be reviewed in full to ascertain the precise development permitted.

The LDO will grant outline planning permission, with all matters reserved, for residential led development with the following uses:

- Use Class C3 – Dwelling houses (up to 245 dwellings);
- Use Class A1 – Shops, Use Classes A2 – Financial and Professional Services, A3 – Restaurant and Cafes, A4 – Drinking Establishments, Use Classes D1 – Non-residential Institutions and D2 – Assembly and Leisure (maximum GIA of 500 sqm, with each unit not exceeding 250 sqm)

The LDO will also grant outline planning permission for associated infrastructure and site preparation works.

The development is subject to the limitations and conditions detailed in Schedule 1, Parts 1 to 4 of the LDO, and the general conditions set out in Schedule 2 of the LDO. In addition, development must comply with the parameter plans at Appendix 2 of the LDO.

Appendix 3 of the LDO includes illustrative plans (which show one way of achieving the wider regeneration vision) and Design Principles (against which reserved matters will be assessed).

## 5. Local Development Order Timescales

The LDO takes effect on the date it is adopted by the Council and will be valid for a 5 year period, following which the LDO will expire.

Provided reserved matters approval has been obtained, any development commenced under the LDO but not completed by its expiry is permitted to be completed but must be done so within a reasonable timescale. Any proposed development not commenced before its expiry will require express planning permission and therefore a formal planning application will need to be submitted to the Council.

Following the expiry of the LDO, no new uses or change of use will be permitted, unless permitted by virtue of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (as amended).

Following the expiry of the LDO, the Council may consider reintroducing the LDO with or without revisions.

The Council has the power to revoke or modify the LDO at any time before its expiry or could be directed to do so by the Secretary of State. Revocation or modification of the LDO would be subject to notification via the Council's website and local press notice.

## 6. Legislative Framework

LDOs were introduced in 2006 through the *Planning and Compulsory Purchase Act 2004*. LDOs grant planning permission for specific types of development as detailed in the Order. These primary powers were amended by s188 of the *Planning Act 2008* in June 2009.

The detailed legislative framework for LDOs is contained in sections 61A to 61D and Schedule 4A of the *Town and Country Planning Act 1990 (as amended)* and in Articles 38 and 41 of the *Town and Country Planning (Development Management Procedure) (England) Order 2015* (the DMPO).

Article 38(1) of the DMPO states that where a local planning authority proposes to make a LDO they shall first prepare:

- a draft order; and
- a statement of their reasons for making the order.

Article 38(2) states that the statement of reasons must contain:

- a description of the development which the order would permit; and
- a plan or statement identifying the land to which the order would relate.

This document satisfies the requirements of Article 38(1) and 38(2) of the DMPO.

The *Growth and Infrastructure Act 2013* removed the requirement to consult with the Secretary of state prior to adoption and enables local planning authorities to approve an LDO immediately. The requirement was replaced by the notification to the Secretary of State, through the National Planning Casework Unit, as soon as practicable after adoption.

## **7. Statement of Relevant Planning Policies**

The relevant planning policies considered for the LDO are as follows:

### National Planning Policy Framework

- Paragraph 14 – Presumption in favour of sustainable development
- Paragraph 17 – Core planning principles
- Paragraphs 23-27 – Ensuring the vitality of town centres
- Paragraph 29 – Promoting sustainable transport
- Paragraph 32 – Provision of Transport Assessment
- Paragraph 103 – Flood risk
- Paragraph 118 – Determine impact on Biodiversity
- Paragraph 121 – Contamination
- Paragraph 123 – Noise impact
- Paragraphs 125 – 141 – Conserving and enhancing the historic environment

### West Lindsey Local Plan First Review 2006

- STRAT1 – Development Requiring Planning Permissions
- STRAT9 – Phasing of Housing Development and Release of Land
- STRAT14 – Mixed Use Allocations
- STRAT19 – Infrastructure Requirements
- SUS1 – Development Proposals and Transport Choice
- SUS4 – Cycle and Pedestrian Routes in Development Proposals
- SUS5 – Cycle Parking Facilities
- SUS13 – Hazardous Proposals
- SUS15 – Derelict, Under-Utilised and Previously Developed Land
- MT1 – Market Towns
- RES1 – Housing Layout and Design
- RES2 – Range of Housing Provision in All Housing Schemes
- RES4 – Provision of New Recreational Facilities in Connection with Allocated Housing Sites
- RES6 – Affordable Housing
- CORE10 – Open Space and Landscaping within Developments
- CRT2 – Standards for Open Space Sports Provision
- CRT20 – Watercourse Corridors
- RTC9 – Restaurants & Cafes, Drinking Establishments and Hot Food Takeaways
- NBE11 – Development Affecting Sites of Special Scientific Interest and National Nature Reserves

- NBE14 – Waste Water Disposal
- NBE15 – Water Quality and Supply
- NBE16 – Culverting Watercourses
- NBE17 – Control of Potentially Polluting Uses
- NBE19 – Landfill and Contaminated Land
- NBE19a – Unstable Land

Further Draft local Plan – October 2015 (emerging document not adopted by Council)

- LP1 – A Presumption in Favour of Sustainably Development
- LP2 – The Spatial Strategy and Settlement Hierarchy
- LP3 – Level and Distribution of Growth
- LP6 – Retail and Town Centres in Central Lincolnshire
- LP9 – Health and Wellbeing
- LP11 – Meeting Housing Needs
- LP12 – Infrastructure to Support Growth
- LP13 – Transport
- LP14 – Managing Water Resources and Flood Risk
- LP15 – Community Facilities
- LP16 – Development on Land affected by Contamination
- LP17 – Landscape, Townscape and Views
- LP23 – Biodiversity and Geodiversity
- LP24 – The Historic Environment
- LP25 – Design and Amenity
- LP26 – Open Space, Sports and Recreation Facilities
- LP40 – Gainsborough Riverside
- LP41 – Regeneration of Gainsborough

## 8. Environmental Impact Assessment

Developments which are likely to have an impact on the environment are required to be subject to an Environmental Impact Assessment (EIA).

Regulation 29(2) of the *Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)* (the EIA Regulations) provides that where a local planning authority proposes to grant permission by local development order for development falling within Schedule 2 of the EIA Regulations, the local planning authority should not make the LDO unless they have adopted a screening opinion and, if required, an Environmental Statement has been prepared in relation to the LDO.

The uses and scale of development that are to be permitted within this LDO exceeds the threshold stated in 10(b)(ii) of Schedule 2 of the Regulations, where *'the development includes more than 150 dwellings'*. Therefore, in accordance with the EIA Regulations, an EIA screening opinion adopted by the Local Planning Authority on 11 July

2016 determined that the proposed development is **not** an EIA development.

## **9. Planning History**

The LDO site does not benefit from any extant planning consent.

## **10. Development Considerations**

### Principle of Development

The site is a brownfield site on a major gateway (Lea Road) into the Gainsborough town and settlement. The majority of the site has historically been utilised for industrial uses, with most of the previous industrial buildings being demolished by the landowners in 2004. The site has been vacant since the demolition and has been derelict and blighting an important entry point to Gainsborough.

Paragraph 14 of the NPPF introduces the principle of presumption in favour of sustainable development and this is also reflected in draft Policy LP1 of the emerging Local Plan. Paragraph 17 of the NPPF also encourages the effective use of land by reusing brownfield land, provided that it is not of high environmental value. This is supported by the existing Local Plan's policy SUS15, which supports the redevelopment of derelict, underutilised and previously developed land back into beneficial use and this is further supported by draft Policy LP41 in the emerging Local Plan which encourages the regeneration of Gainsborough.

Policies STRAT3 and MT1 of the existing Local Plan identifies Gainsborough as the primary settlement and directs the majority of growth in the district to Gainsborough. The existing Local Plan contains 'brownfield first' policies, including Policy STRAT4 which supports the granting of planning permission for new residential development within the Gainsborough settlement on previously developed land; and STRAT9, which encourages the release of housing land through prioritising previously developed land. The emerging Local Plan continues to direct the majority of growth towards market towns, with Gainsborough expected to accommodate a large percent of growth.

The site is identified within Policy STRAT14 – Mixed Use Allocations of the existing Local Plan as Mixed Use Allocations G(M)5 – Carr Lane, Bridge Street as being designated for water basin marina and associated housing, commercial and leisure uses (with the housing element identified as 100 dwellings). The LDO proposal does not include a marina, although the LDO does not preclude future

proposals for a marina on adjoining land which would need to be the subject of a separate planning application.

Chapter 2 (paragraphs 23-27) of the NPPF seeks to ensure the vitality of town centres, where town centre uses (such as retail, offices, leisure and entertainment facilities etc...) should be encouraged to be located within town centres, and if they could not be accommodated within the town centre, in edge of centre sites before out of centre locations should be considered. Paragraph 24 and 26 of the NPPF specifies that a sequential test should be carried out when assessing applications for main town centre uses outside of town centres, local planning authorities should also require an impact assessment to be carried out if the proposed floorspace exceeds 2500 sqm to protect the vitality of the town centre.

The site is not located within the defined town centre and the LDO proposes certain 'main town centre' uses (as defined in the NPPF), including retail, restaurant, bars and potential entertainment uses. The Council's Policy RTC9 generally supports new A3 and A4 uses provided that they would not harm the vitality and viability of the defined town centre by encouraging a concentration of similar non-class A1 uses.

It is noted that the emerging Local Plan's Policy LP6 states that for edge of centre retail and/or other town centre uses, a sequential test and impact assessment should be carried out for development which provides a floorspace greater than 500 sqm. The LDO's proposed town centre uses, if brought forward, will fall below threshold indicated in the draft policy.

It is considered that as a residential led redevelopment, with its quantum of dwellings proposed, will generate some local requirement for retail/ town centre uses. The level and variety of 'main town centre' uses proposed, combined with the restrictions on the maximum floorspace (which limits a combined floorspace to 500 sqm), is not anticipated to have an adverse impact on the vitality of the town centre.

### Character and Setting

The LDO grants outline planning permission, with all matters reserved. This means that layout, scale, appearance, means of access and/ hard and soft landscaping will be provided in one or more reserved matters applications. The scale, height and massing of the potential development will be dictated by the parameter plans attached to the LDO. Reserved matters applications will also have to be supported by a design and access statement setting out how detailed proposals comply with the parameter plans and the design principles attached to the LDO.

Policy CORE10 envisages that new development will provide landscaping within its design, in addition, Policy RES5 of the existing Local Plan expects the provision of play space and recreation facilities in new residential development and Policy CR2 expects open spaces, play and sports provision. Whilst these matters will not be addressed at the outline planning stage, it is expected that the eventual development will provide sufficient landscaped playspace and recreation space.

In addition, a 8 metre linear riverside walk is been required in the condition, partly to ensure pedestrian and cycle access on the riverside and to ensure the ground anchors for the flood defence will not be compromised, the continuation of the riverside walk will further enhance the amenity of nearby residents. The riverside walk is also envisaged in draft Policy LP40 and LP41 of the emerging Local Plan.

The maximum parameters have been developed with the intention of reinstating the scale and building rhythm of the former industrial buildings which once stood on site.

In terms of density, Policy RES1 of the existing Local Plan seeks a minimum density of 30 dwellings per hectare but a density of 50 dwellings per hectare in town centres. It is considered that in such a sustainable location, close to town centre, a much higher density is justifiable and achieve with an absolute minimum density of 40 dwellings per hectare.

Policy CRT20 seeks that development will not lead to the unacceptable loss to the landscape character, nature conservation importance or recreational roles of the watercourse corridors throughout the plan area. The site is not located within an area identified as an Area of Great Landscape value, in accordance with Policy NBE10. However, it is considered the proposal (acknowledging detailed design will be approved in the further reserved matters stage), will be an improvement on the current blighted and vacant landscape.

### Housing Type and Tenure

The LDO does not specify housing type or tenure. There is currently no detailed planning policy directing the housing type sought, however, Policy RES2 in the existing Local Plan seeks that a range of housing types, sizes, styles and densities be provided. The future reserved matters applications submitted pursuant to the LDO will provide further details on the type of housing sought and Council will also have an opportunity at that stage to comment on its suitability.

Whilst Policy RES6 of the existing Local Plan seeks a target of 25% affordable housing, draft policy LP11 of the emerging Local Plan seeks a 20% contribution (both subject to negotiations). The

proposed LDO does not secure the provision any affordable housing and this position is accepted by Council as the Financial Appraisal, prepared by Peter Brett Associates, shows that the proposed scheme cannot viably provide any affordable housing.

### Flood Risk and Drainage

Paragraph 103 of the NPPF provides general guidance when assessing a planning application in flood risk area. Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Emerging Local Plan's draft policy LP14 echoes the policies stated in the NPPF and supports the incorporation of Sustainable Drainage Systems.

The majority of the site lies within Flood Zone 3 as mapped by the Environment Agency. However, the site is also identified as benefitting from flood defence, including the recent £16 million upgrade completed in 2010.

A Flood Risk Assessment (FRA) has been prepared by Peter Brett Associates, which shows that there is a potential for flooding from River Trent in the 1 in 1,000 year event and in the event of the flood defences being breached. The Flood Risk Assessment proposes ground raising of between 7 to 7.5m AOD to locate new development above the modelled flood levels. Flood modelling has also been carried out which confirmed that there is no adverse impact on the extent of the floodplain and flood depths elsewhere as a result of the ground raising within the site.

The Environment Agency (EA) commented that:

- whilst they approve of the assessment carried out to date, the FRA has only carried out one breach assessment on a location that is a short distance away from the development site, therefore the modelled flood level should be taken as a minimum and an additional breach assessment will indicate the highest modelled flood levels across the site;
- there are some buildings in the indicative masterplan that will be located below the design flood level, whilst it is noted that a detailed site specific FRA is conditioned to be submitted for each phase of the development, the EA recommends the condition to be amended so that finished floor levels of all habitable accommodation must be above the design flood level established in the detailed FRA;
- recommended that a structural assessment is undertaken to ensure the proposed development will not impact on the flood defence tie rods

Having consulted with the flood engineer from PBA, it is considered the second breach assessment is not entirely necessary at this stage and the pre-commencement condition for the submission of a detailed site specific FRA is sufficient to mitigate this risk. Council's officers also consider the request for a structural assessment to be premature. However, the Council will incorporate all the conditions recommended by the EA.

A sequential test and exception test has also been carried out by Council officers. The proposed LDO has significant regeneration benefit and as the majority of the town, west of A159 is located within Flood Zone 3, with some unavailable town centre sites within Flood Zone 2, it has been demonstrated that there are no sequentially preferable sites which are available, viable and deliverable and can accommodate the quantum of development proposed, in addition to providing a significant regeneration benefit to the town.

The Humber Carr Drain, managed by the Scunthorpe and Gainsborough Internal Drainage Board (IDB), directly runs across the site, from Carr Lane towards the River Trent, through the Paul Malt Pumping Station. The drain is currently culverted and the IDB has requested that no works within 9 metres to the edge of the drain without approval from the IDB. Should this mean no development could occur, this would significantly reduce the developable area and render the proposal unviable. The IDB has indicated that due to the age and lack of maintenance of the existing drain, they would be open to realignment of the drain. Hence, a condition is therefore proposed to ensure the culvert is incorporated into the design and engineering solution, in accordance with Policy NBE16 of the existing Local Plan.

### Contamination and Land Stability

Paragraph 121 of the NPPF dictates that planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land stability and that after remediation, the land should not be capable of being determined as contaminated land. Policy NBE19 of the existing Local Plan requires appropriate site investigation and risk assessment to be carried out to assess risks to human health and environmental receptors.

Two geoenvironmental reports have been prepared, one is a Phase I Desktop report prepared by Atkins and the other is a combined Phase I and II Land Contamination Investigation report prepared by Delta Simons which includes intrusive site investigations.

Despite its industrial past, both reports determined that there are no significantly elevated concentrations of targeted contaminants, and the site could be remediated with some 'hot spot' removal and top soil replacement. It has also been identified that there are very low risk of contaminants leaching through soils and migration through groundwater, which satisfies Policy NBE19 of the existing Local Plan. There has been identified surface asbestos which must be removed and disposed of. The Delta Simons report also identifies that there are ground gas risks which could be mitigated through conditions. Conditions are proposed to ensure remediation will commence prior to commencement is completed prior to occupation.

Policy NBE19a of the existing Local Plan ensures that land must be shown to be physically capable of accommodating the proposed development. It is found that traditional raft foundation may not be suitable for the site and piling foundations may be necessary to ensure future development will not suffer from substantial subsidence. Officers also note the presence of ground anchors from the flood defence on site. Preliminary advice from the Environment Agency states that the anchors were designed and built with the possibility of future development on site in mind and, whilst a flood defence licence would be necessary in the construction stage, the Environment Agency has not raised any concerns about the proposed LDO at this stage. A condition is proposed to ensure that ground instability issues are addressed prior to commencement.

### Transport and Access

Paragraph 29 of the NPPF acknowledges the importance of sustainable transport. Paragraph 32 of the NPPF and Policy SUS2 of the existing Local Plan both require all developments that generate a significant amount of movement to be supported by a Transport Assessment. In support of the LDO, a Transport Assessment has been prepared by Mouchel. The Transport Assessment concludes that, based on a future year scenario at 2021, with the proposed

mitigation measures, there will be no severe impacts on the local highway network as a result of the development. The Transport Assessment (which is Stage 1 of a wider Transport Assessment) initially proposes the amendment of the Flood Road signal-controlled junction by banning the left turn from Lea Road to Flood Road, which will divert traffic through the Thorndike Way roundabout, which will continue to operate within capacity. The proposed mitigation approach has now been considered by Lincolnshire County Council to be unnecessary at this stage and is not required to mitigate the impact generated by the LDO.

Policy SUS1 of the existing Local Plan seeks that large scale development proposals are located in sustainable location which can be easily served by existing or expandable public transport service, and where there are good local pedestrian and cycle links available or to be provided. The site is within walking distance of the Gainsborough Town Centre and the Gainsborough Lea Road station, which provides regular public transport access to nearby towns of Doncaster, Retford, Lincoln and Sheffield. It is considered a sustainable location for residential purposes due to its proximity to existing infrastructure and easy access to the town centre. Whilst Officers initially wish to limit the residential car parking spaces to 1 per dwelling, following comments from the County Council, it is recommended that a condition be imposed for a minimum of 1.5 spaces per dwelling for 2 bedroomed and below dwellings and 2 parking spaces per dwelling for 3 bedroomed dwellings and above.

Policy SUS4 of the existing Local Plan requires the needs of cyclists and pedestrian to be considered. Whilst details of connectivity within the site are yet to be provided, a condition is proposed to ensure the delivery of a riverside linear park to provide pedestrian and cyclist access, satisfying draft Policies LP39 and LP40 of the emerging Local Plan. The linear park is envisaged to be capable of being connected to the existing riverside walk, subject to potential funding being secured for an underpass under the Trent Bridge.

### Services and Infrastructure

Policy STRAT1 of the existing Local Plan seeks to ensure that there is adequate availability and capacity of infrastructure to adequately serve the development. Policy NBE14 seeks to ensure that foul sewage and surface water run-off are planned for. Conditions are proposed to ensure further details on foul sewage and surface water run-off are submitted to and approved by the Council.

Whilst none of the consultees asked for a specific piece of major infrastructure for the development, the NHS and Lincolnshire County Council's education section have asked for financial contributions for

health and education purposes. The financial appraisal prepared by Aspinall Verdi reveals that the proposed development would not be viable should the financial contribution be required. Whilst this is contrary to Policy STRAT19 and draft Policy LP12 of the emerging Local Plan, it is considered the regeneration benefit and the delivery of Housing Zone provide justification to support the LDO.

### Archaeology and Heritage

The northern portion of the site (from the North to southern boundary of the former Lea Road School) is located within the Gainsborough Riverside Conservation Area, with both the former Lea Road School and former Marshalls Power Station identified as non listed 'important buildings' within the Conservation Area Appraisal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty in planning in respect of any buildings or other land in a conservation area and requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. This is also reflected in the NPPF, where in Chapter 12 (paragraphs 126- 141) emphasises the importance of conserving and enhancing the historic environment.

The former Lea Road School has been specifically excluded from the LDO boundary. The former school is currently in the Council's ownership and the Council has initiated investigations into the feasibility of converting the former school for residential use which would be the subject of a separate planning application. The former Marshalls Power Station has been substantially altered over the years and fallen into disrepair. The Heritage and Conservation Area Impact Assessment prepared by the Council's Conservation Officer initially did not object the demolition of the power station, but following Historic England's advice, the scale and importance of the building has been highlighted, especially its connection to Gainsborough's industrial past and contribution to the character of the Conservation Area. The power station is therefore proposed to be excluded from the LDO boundary and we understand that the landowners are working on another planning application to determine the future of the power station.

The site is also within the settings of the Grade II listed Gainsborough Bridge (or otherwise known as Trent Bridge), its former Toll Lodges and 2 Lea Road, an early 19th Century 2 storey red brick house.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities (when considering whether grant planning permission for development which affects a listed building or its setting) to 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, and to give considerable importance and weight to any finding of harm to the listed building or its setting.

In accordance with paragraph 133 of the NPPF, proposed development should have less than substantial harm to the designated heritage asset.

Having taken into account the Heritage and Conservation Area Impact Assessment and having paid special attention and regard to the desirability of preserving or enhancing designated heritage assets, officers are of the view that there will not be any harm to designated heritage assets or their setting. Whilst acknowledging that the detailed design has not yet been provided, the reuse of the site in accordance with the Parameter Plans and Design Principles enshrined in the LDO means that the proposals provide an opportunity to enhance the conservation area and the setting of the aforementioned listed buildings, in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Preliminary archaeology advice has been sought from Lincolnshire County Council and the County Council is satisfied that archaeological matters can be conditioned so that a written scheme of archaeological investigation will be submitted to and approved in writing by the Council prior to commencement.

### Ecology

Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity and proposed development which is likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) should not normally be permitted. Policy NBE11 of the existing Local Plan also seeks to ensure development will not adversely impact on an SSSI site.

As identified in the Preliminary Ecological Appraisal prepared by Atkins, there are several designated sites within 1km of the site and there are predicted to be no likely significant effects from the LDO proposals on any of the designated sites.

Whilst the Preliminary Ecological Appraisal identified potential effects on the Beckingham Marshes SIN, primarily due to nesting birds, a condition is proposed to ensure that there will be no loss of any nesting bird habitat during nesting seasons and officers are of the view that there will be no residual likely significant effects.

The Lea Marsh SSSI site is located approximately 1.2km south east of the site but preliminary advice from Natural England indicates that due to the separation by the railway line, it is unlikely that the LDO proposals would result in any significant effects on the SSSI.

The Preliminary Ecological Appraisal also identified the site as potential habitat for several protected species, including: great crested newts, bats, badgers, otters and water voles. Condition is proposed to require suitable habitat surveys to be carried out prior to commencement of any development to ensure their protection during the development and for the retention of existing or provision of alternative habitat.

A Phase 2 Habitat Survey has been commissioned which focused on the presence of Great Crested Newts and Bats on site. The bat survey reveals that there is a low number of bats on site surrounding the former Power Station and that a bat licence would be required for the demolition of the former Power Station. However, as the Power Station is now proposed to be retained, it is considered that the proposal would have minimal impact on bats. There is no evidence of breeding Great Crested Newts on site, the habitat survey recommends that Great Crested Newts licence be sought prior to any works on site.

### Amenity

Policy RES1 of the existing Local Plan requires the impact on the amenities of nearby residential properties be considered.

### Noise

The NPPF recognises that development will often create some noise, paragraph 123 states that development decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The development proposed by the Draft LDO is primarily residential in nature and is not expected to generate significant noise levels. However, it is acknowledged that there will be noise impact during construction and conditions are proposed to mitigate and minimise such impact.

Due to its proximity to the main road, railway and industrial use, a condition is proposed requiring a noise impact assessment to be submitted to and approved by Council prior to development.

### Air Quality

There is no identified air quality issue within West Lindsey District Council and in accordance with the latest 'Updating and Screening Assessment for West Lindsey District Council', dated August 2015, there is no Air Quality Management Area within the Council.

It is, however, acknowledged that some of the proposed uses, such as A3 – Restaurants and Cafes and A4 – Drinking Establishments, may generate cooking fume. Therefore a condition is proposed to mitigate such impact.

### Operation Hours and Servicing Arrangement

It is proposed to restrict the operational and servicing hours and to seek further information on the servicing arrangement to minimise impact on residential amenities.

### Adjoining Industrial Use

Kerry Food (the adjoining land owner) objected to the proposed LDO as it considers the proposed residential led redevelopment would impede on the future operation and expansion of the factory. Kerry Food is a large employer in Gainsborough and has been operating on site since 1962. Kerry's objection mainly relates to the potential for complaint by future residents over vehicular movements, noise and odour arising from existing operations.

In terms of vehicular movement, the baseline survey which the Transport Assessment captures the existing vehicular movement generated by the adjoining factory. It is understandable that Kerry is concerned that its existing industrial premise might have perceived conflict with residential development nearby, however, Officers have considered the following and considers the potential impact on the existing operation and future residents is nominal and could be mitigated:

- Council's Environmental Protection record shows that the factory has had no complaint in terms of noise and odour
- The edge of the LDO site is between 140m and 200m to the nearest industrial building
- Within the LDO boundary, a landscaping buffer of between 20m and 50m will be in place which will further mitigate the impact from the industrial premise
- Whilst there is no set condition in planning or environmental licencing, Kerry's environmental permit does state that the operation shall not release odour, noise or vibration other than what has been applied for (its existing operation)
- With the existing distance between the industrial buildings and the edge of LDO site, it is estimated that noise at source i.e.

- Kerry's would have to exceed H&S applicable standards to be likely to cause nuisance at the LDO site
- A condition is proposed for a holistic noise impact assessment to be submitted to and approved by the Council. The condition will need to require review and amendment as appropriate before each phase to ensure any potential noise impact towards future residents is mitigated
- The vacant parcel of land between the industrial premise and the LDO site is currently in the process of being purchased by the LDO's landowner for the purpose of a marina (which will be subject to a separate planning application)

Given the above, it is considered that the proposed residential uses will experience minimal impact from the neighbouring industrial operation, any potential noise impact will be mitigated through the condition. The future expansion of the Kerry's factory is not a consented scheme and future expansion will have to consider its potential impact on the LDO site.

## **11. Consultation Process**

The Council has worked closely with the key statutory consultees, including Lincolnshire County Council, Environment Agency, Internal Drainage Board and the Council's Environmental Health team and Conservation Officer during the drafting and promoting of the LDO and has considered and, where appropriate, incorporated their comments into the LDO proposal.

Preliminary advice has also been sought from various agencies, including Natural England, Historic England, Health and Safety Executive, and various infrastructure providers (power, water, sewerage, education, rail etc.).

In addition, the Housing Zone and LDO proposals have been discussed and consulted on with the local community (via GAIN and Town Matters, two Gainsborough wide stakeholder Forums) and with the Town Council for Gainsborough.

The draft LDO was consulted on in accordance with Article 38 of the *Town and Country Planning (Development Management Procedure)(England) Order 2015*. The official consultation period commenced on 15 February 2016 and concluded on 13 March 2016 for a period of 28 days. Prior to the consultation, the Council has issued press release on its website, which has been reported by local press such as BBC Lincolnshire, Gainsborough Standard and the Lincolnshire Echo to generate local interest.

6 notices were displayed on site as per normal planning procedure and adjoining neighbours were advised of the proposal via mail. Tenants and landowners were served a notice in accordance with Regulation 38 of The Town and Country Planning (Development

Management Procedure)(England) Order 2015. Statutory consultees were consulted via email. A copy of the LDO, Statement of Reasons and all supporting documents were available both via the Council's website and in the Council's main office in Guidhall, Gainsborough.

In addition to the statutory requirements, one drop in session was also held at Trinity Arts Centre on 2 March 2016 between 12pm to 7.30pm. The council also sent a letter to all local businesses in the area to raise awareness of the Council's effort to promote growth in Gainsborough.

Consultation responses will be taken into account by the Council in accordance with Article 38(10) and the Draft LDO was amended. The final LDO was adopted by the Prosperous Communities Committee on 19 July 2016 and adopted by Council. It was subsequently submitted to the Secretary of State in accordance with Article 38(11).