

Officers Report

Planning Application No: 140851

PROPOSAL: Planning application to erect 5no. apartments

LOCATION: 49 Church Street Gainsborough Lincolnshire DN21 2JX

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Judy Rainsforth, Cllr Trevor Young

APPLICANT NAME: Mr Mazhar

TARGET DECISION DATE: 8/7/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve

This application is reported to planning committee, following third party concerns (including Gainsborough Town Council), particularly in relation to parking provision.

Description:

Planning permission is sought to erect a two storey building with accommodation in the roof space to provide 5 apartments consisting of 4 one bed and 1 two bed. It would be located between 49 Church Street and 2 Acland Street. It would have shared garden with the flat conversion at 49. The site is in flood zone 2 (medium probability).

Relevant history:

129029 Planning application for change of use of existing disused warehouse into community hall, health centre and pharmacy, construction of new extension to for a new entrance. Approved 9/11/2012.

135402 Application for prior notification of proposed demolition. Prior Approval Required 1/12/2016.

139006 Planning application for conversion to 6no. flats of remaining Fanny Marshall Institute. Approved 8/11/2019.

141023 Request for confirmation of compliance with conditions 2, 3 and 4 of planning permission 139006 granted 08 November 2019. Current.

Representations:

Gainsborough Town Council: "Concerns raised regarding health and safety of pedestrians, given it would increase use of available car parking directly opposite a primary school"

Residents comment as follows:

51-53 Church Street support “Something is better than an empty space for kids to vandalize. Better for the appearance of the area.” and “After initially being opposed to plans for the old Fanny Marshall building I have since been very impressed with the consideration shown, not only towards myself as a direct neighbour but also to the building plans and tasteful renovation currently being undertaken. Too many empty buildings already present in Gainsborough, so I do view this as a positive step for the town. I therefore have no further objections to the next phase concerning proposed apartments for the Acland Street [site].”

59 Church Street objects “I would have loved to support this proposal, the style of the building and type of flats being built is much more suitable for this town than previous. However in section 9 of the design and access document it says there will be no parking allocated for these flats. This was our greatest concern as a resident. In the previous plans there were to be 14 spaces if I remember correctly, if this is still true I would happily support the development.

How it seems though is 10 flats with no parking, which is hardly different to 25 flats with 14 spaces from the original design. Yes it is close to public transport but there are none for people who work in surrounding places like Doncaster, Retford, Market Rasen then you definitely need a car. From my previous objection I talked about the lack of parking already on Church street and Acland street due to the 30 minute bays, teacher parking and the newer buildings on Church street. I hope I have read this wrong and you will still be allocating parking. But until I am sure then I will have to object.”

Gainsborough Town Councillor Richard Craig of 4 Acland Street objects: “Initial objections were raised by many local residents, despite this, planning went through!? There have now been amendments to the application, which now do not include any provision for parking on site. This is not acceptable, as the impact on all local residents will be immense! Residents find it difficult enough to park outside their own homes due to the school, and there are both elderly residents and those with disabilities that need to be able to park and use their car day to day, but are afraid to do so, as more often than not they are unable to park outside their homes on their return. What the planning committee need to do is consider how they might feel in this situation, and unanimously object to these amendments.”

LCC Highways and LLFA: No objection and recommends a construction management plan condition and informative regarding works within the highway.

Environment Agency: No objection subject to condition.

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 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP38: Protecting Gainsborough's Setting and Character

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

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

No relevant policies.

National policy & guidance (Material Consideration)

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

<https://www.gov.uk/government/collections/planning-practice-guidance>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019.

Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Draft Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Draft Gainsborough Town Neighbourhood Plan**

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

Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council (WLDC) will now consult with the public and consultation bodies. The consultation period runs until 20 July 2020.

Relevant policies:

NPP 1 Sustainable Development

NPP 5 Protecting the Landscape Character

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 18 Protecting and Enhancing Heritage Assets

The draft plan is at a fairly advanced stage of preparation with the draft plan having been formally submitted to West Lindsey DC (reg16 stage) and is subject to current consultation. The Consultation Statement on the draft plan shows, following public consultation on the first pre-submission Draft (reg14), NPP1 has 65% support; NPP5 95% support; NPP6 74% support and NPP18 75% support. Applying the NPPF paragraph 48 test set out above, it is considered that these policies may be given some weight, in consideration of this application.

Main issues

- **Principle**
- **Design and heritage**
- **Residential amenity**
- **Flood risk and drainage**
- **Highways**
- **Other**

Assessment:

Principle

Policy LP2 designates Gainsborough a main town which will be a focus for substantial housing development. Additional growth on non-allocated sites in appropriate locations** within the developed footprint*** of Sleaford and Gainsborough urban area* will also be considered favourably. This proposal is considered to be additional growth in an appropriate location within the developed footprint of the Gainsborough urban area. The draft neighbourhood plan has no policies impacting the principle of development. LP2 is consistent with the NPPF in encouraging development in sustainable locations and is given full weight. The principle of development is acceptable.

Design and heritage

Local Plan Policy LP17 states:

“Character and setting

To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Creating and protecting views

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.”

Policy LP26 requires 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. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land; maximise pedestrian permeability; respect existing topography, landscape character, relate well to the site and surroundings with regard to siting, height, scale, massing, form and plot widths; not result in settlement coalescence; not result in ribbon development, nor extend existing linear features of the settlement and instead retain, where appropriate, a tight village nucleus; incorporate as far as possible existing natural and historic features; incorporate appropriate landscape treatment to ensure assimilation into the surrounding area; provide well designed boundary treatments and hard and soft landscaping; protect important local views;

reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design and new technology which sympathetically complement or contrast with the local architectural style; use appropriate high quality materials which reinforce local distinctiveness.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”. Paragraph 127 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

LP38 seeks to protect Gainsborough’s character but requiring proposals make a positive contribution to the built environment. NPP 6 seeks to ensure high quality design is delivered in Gainsborough. In order to achieve this, proposals should demonstrate how they will reinforce the character of the area as set out in Gainsborough Heritage and Character Assessment 2018. The site is on the southern boundary of TCA01 Gainsborough Morton within the character assessment. The character assessment lists key characteristics of this area including:

“• Predominant loose grid street pattern with long north-south streets, high number of dense housing comprising older long terraces, short terraces and semi-detached housing in a tight grain, particularly within the southern half of the TCA;”

5.2.5 Urban Structure and built form states:

“Residential development within the TCA varies in age and pattern with a large proportion south of North Marsh Road comprising long uninterrupted Victorian terraces based on a north-south/east-west grid. This pattern breaks up and becomes looser towards the northern and eastern edges of the TCA where 20th and 21st century development predominates. Throughout the area, housing generally comprises two storey terraces of red or buff brick, with chimneys, grey roof tiles and lower amounts of three storey flats. The façades of some houses are rendered.....

21st century development within the TCA often includes three storey buildings varying in style and brick colour commonly with contrasting detailing to windows of buff sandstone or red brick. Often with smaller plots, street

sections in these areas are relatively narrow and enclosed by adjoining taller buildings.”

The local list recommendations states “A number of buildings and structures have been identified within this report which positively contributes to the character and heritage of the area. These are as follows:

- The Fanny Marshall Memorial Institute (Photo 47) opened in 1896. Built by James Marshall, and dedicated to his wife, as a hall and gymnasium for the local community. The two storey structure is built of red brick, with stone dressings, and a plaque and clock on the Church Street elevations. The buildings, as well as of architectural interest, is of historic interest as evidence of the fashion for philanthropic activities followed by Gainsborough’s industrialists.”

With regards to Appendix D: Heritage Report on Proposed Non-Designated Heritage Assets for Nomination on WLDCs Local List, the remaining element of 49 Church Street has not been carried forward from the Gainsborough Heritage and Character Assessment into the draft neighbourhood plan as a non-designated heritage asset.

NPP7 States:

“1. Development proposals in TCA 01 should;

a) reflect the distinctive historic character of TCA 01 and the separation of the Town from the village of Morton, ensuring distinction between the two settlements. Design proposals should demonstrate how this separation would be achieved with reference to density and pattern of development, separation between buildings, plot widths, building lines, boundary treatments such as walls, railings or hedges and spatial qualities of front gardens. The maintenance of existing views towards listed buildings within Morton should be considered; and

b) demonstrate how the design, layout and boundary treatment reinforces the character of the Morton Terrace area identified in Map 13.”

The proposal reflects the identified distinctive historic character of the area in accordance with NPP7.

LP17, LP26 and LP38 are consistent with section 12 of the NPPF in requiring well designed places and are given full weight.

The proposed building reflects the large scale and position on the back edge of the footway that the now demolished rear wing of 49 Church Street once occupied. The high density and tight grain of the area as well as some three storey flats are recognised in the Gainsborough Heritage and Character Assessment 2018. The proposal would reinforce this character as required by NPP6.

The design and townscape impacts are reflect the impact the previous building historically had. The siting has been amended to move the building further from the rear elevation of 49 to provide an appropriate relationship with the flats it will contain. Rear openings are designed with residential amenity in

mind. The proposal has been moved further away from 49. The appropriate design makes the impact on its setting appropriate.

Design and heritage impacts are considered acceptable in accordance with NPP 6, NPP7, NPP18, LP17, LP26 and LP38.

Residential amenity

Policy LP26 requires proposals do not unduly harm residential amenity with consideration to compatibility with neighbouring land uses; overlooking; overshadowing; loss of light; increase in artificial light or glare; adverse noise and vibration; adverse impact upon air quality from odour, fumes, smoke, dust and other sources; adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and creation of safe environments. This is consistent with the requirements of NPPF Paragraph 127 that policies and decision should ensure that developments “f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users” and NPPF paragraph 170 in seeking to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and can be attached full weight.

The flat sizes of 42m², 46m² (1 bed) and 74m² (2 bed) accord with the technical housing standards – nationally described space standard of 39sqm for 1 bed and 61sqm to for 2 bed flats. The amended position of the building improves the size of shared garden to approximately 6m by 11m with the conversion of 49 to provide sitting and clothes drying areas.

Rear facing windows have been designed to prevent direct overlooking of neighbouring rear gardens particularly 51 Church Street, the roof lights are high level and ground floor openings are screened by the large wall to be retained. There has historically been a very large building on a larger footprint than that proposed. The 2 attic side openings of 2 Acland Street are sufficiently removed from the proposal to prevent harm. The conversion of 49 is being carried out in accordance with a non-material amendment (reference 140843) which allowed a number of rear openings “6 additional windows to the western elevation (3 at ground floor and 3 at first floor)” to bedrooms, kitchen and a lounge. The amended layout provides sufficient separation between the rear and side elevations.

The proposal provides suitable accommodation providing a reasonable level of amenity for future residents. The impact of the proposal in the residential amenities of existing neighbours would be acceptable in accordance with LP26.

Flood risk and drainage

Policy LP14 requires the sequential test in the NPPF be carried out and is therefore inherently consistent. Policy LP14 requires proposals demonstrate

that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore LP14 is given full weight.

The site is in flood zone 2 (medium probability) and the development is more vulnerable. There are regeneration needs on this brownfield site towards the centre of Gainsborough and it is noted the site is currently in a poor condition following the demolition of the previous building. These are considered to be appropriate reasons to restrict the sequential test to the site boundary. The proposal passes the sequential test. More vulnerable development in flood zone 2 does not require application of the exceptions test.

The EA raises no objection to the site specific flood risk assessment and recommends a condition securing finished floor levels. The ground floor is significantly raised above surrounding ground levels in the interests of flood mitigation.

Foul and surface water are proposed to drain to main sewer. This is a common arrangement in this part of Gainsborough but needs to be sequentially justified therefore a foul and surface water drainage condition is required.

Flood risk and drainage matters are acceptable in accordance with LP14.

Highways

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

Objections regarding parking implications are noted. The conversion of 49 was allowed without on-site parking. On-street parking is a feature of this high density town location with terraced houses routinely not providing on-site parking. The Local Highways Authority raises no objections to the proposal. The policy test in LP13 q. is "For parking provision q. ensure that appropriate vehicle...parking is made for residents (and) visitors..... The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact." The CLLP and Neighbourhood Plan have no set parking standards based on bedroom numbers. On street parking can occur immediately to the front of the site. There is a traffic regulation order on the opposite side of the road and on the corner with Church Street and parts of the surrounding road network preventing parking Monday to Saturday 8am to 6pm. There are parking bays on Church Street but these are limited to 30 minutes with no return within 1

hour Monday to Saturday 8am to 6pm. Parking pressures are likely increased by the adjacent School. Additional parking pressure from 5 flats is unlikely to be significant particularly as some residents may not have cars. The proximity of the site to the town centre and availability of transport options other than the car lead to the officer conclusion it would be appropriate to allow the development without on-site parking facilities. However, this is considered to be the most finely balanced element of the scheme. Highway impacts are considered acceptable in accordance with LP13.

Other

Affordable housing is not required because the conversion of 49 has been subject to a non-material amendment reducing the number of flats to 5. This taken cumulatively with the proposal is below the threshold in LP11.

LCC Highways recommends a construction management plan and method statement condition but this is not considered necessary on a development of this scale.

Conclusion

The proposal entails a residential development near the centre of Gainsborough which is acceptable in principle. The amended design is appropriate and does not harm heritage assets. No harm to residential amenity or highway safety would be expected to arise. Flood risk and drainage matters are considered to be appropriate. There are no other known technical problems with the application, therefore it is recommended that permission is granted subject to the following conditions:

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

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

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

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

None.

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

2. Development shall proceed in accordance with the following approved drawings:
1000 Rev D
1001 Rev C

Reason: For the sake of clarity and in the interests of proper planning.

3. No development above damp proof course level shall take place until details of foul and surface water drainage (including a percolation test) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the development.

Reason: To secure appropriate drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

4. The development shall be carried out in accordance with the approved flood risk assessment (FRA) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 6.9 metres above Ordnance Datum (AOD)
- Flood resilience measures shall be implemented

These mitigation measures shall be fully implemented prior to occupation of the development. 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 LP14 of the Central Lincolnshire Local Plan.

5. Prior to their use in the development details of the external finishing materials shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To secure good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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

None.

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