

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0346-21 **Applicant:** IMN Properties Ltd.
Proposal: Proposed pair of semi detached dwellings
Location: Adj. 21 Salem Street Gosberton Spalding
Terminal Date: 1st April 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	0

RESIDENTS	4	0	0	1
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Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

PROPOSAL

This planning application is for the proposed erection of a pair of semi-detached houses in the backland plot, adjacent to 21 Salem St, Gosberton.

The proposed houses are of a contemporary, simple design, featuring rendered walls, clay pantile roof, with standard 3 window 1 door front and rear elevations, with 2 side windows (1 on each storey).

SITE DESCRIPTION

The proposal site is a backland site, within the Gosberton Conservation Area. The proposal plot is situated behind a large, C21st apartment development fronting Salem Street, and next to the car parking facilities of the Co-Op situated on High Street. The site itself is shielded completely from public realm views within the Conservation Area, and is not within visual range of any listed properties. However, the site is situated within eyeshot of the Locally Listed Salem Street Methodist Church.

To the South of the site is the rearward elevation of the Salem Street apartment complex, To the North and West of the site is the Co-Op car park, further to the West and South, is the extreme ends of the garden of 25 Salem Street. To the east of the site is the car park for the apartment complex.

RELEVANT PLANNING HISTORY

H08-1078-00 Residential development comprising 10 apartments (renewal of H08-0767-97) - Outline approved 13/11/00.

H08-0431-03 Residential development of six 2 bedroom flats and four 1 bedroom flats - Reserved Matters approved 01/07/03.

REPRESENTATIONS

Cllr Bingham - Ward Member

Objects to the proposal on the grounds that it would constitute overdevelopment of the site, would present parking issues to the site and also does little to compliment the historic environment.

Gosberton Parish Council

No objections.

SHDC Environmental Protection Officer

No objections or comments.

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections and does not wish to restrict the granting of planning permission.

For this proposal the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Additionally, sufficient parking provision has been provided for the proposed dwellings where 2 parking spaces are shown for dwellings with three bedrooms or less.

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

Lincolnshire County Council Historic Environment Officer

The submitted HIA is not sufficient for the Local Planning Authority to make a reasoned determination on this application.

A subsequent updated HIA has been submitted by the applicant.

Public

8 Letters were received on behalf of 6 residents. 6 of these letters were of objection. The points of objection can be summarised as follows;

- Impact of traffic will be unsustainable to Salem Street
- Proposal will lead to parking issues along Salem Street, as it is already overcrowded and parking often overflows from the extant apartment complex.
- Proposal combined with the Coffee Shop on Salem Street will lead to excessive parking load on Salem Street.
- Bus already has issues traversing Salem Street due to roadside parking, and the stop is often obstructed, this proposal will exacerbate this issue.
- Properties will overlook rear of residences situated on High Street, to the North.
- Additional families will create a disturbance and noise issues. This could also impact upon the use of the Methodist Chapel

1 Letter of support was received from a member of the public, but was later countered by a letter of objection from the same individual.

Finally, 1 letter was received from a third party to request that the Planning Authority condition the use of 'Swift Bricks' to encourage Swift preservation in fulfilment of the Authority's commitments to biodiversity.

PLANNING CONSIDERATIONS

Principle of development

The site is located within the settlement boundary for Gosberton, as set out in the South East Lincolnshire Local Plan (2019). Gosberton sits in the Minor Services Centre tier of the settlement hierarchy (Policy 1: Spatial Strategy) in the Local Plan.

This policy states that within Minor Service Centres: "development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill". The proposed development can be considered to be infill development.

Furthermore, the Salem Street site sits in Flood Zone 1, the lowest possible risk category. As such, no Flood Risk Assessment is deemed necessary and the site can be considered to be appropriate for residential development without specialist adaptations to account for flood risk potential.

The proposal is therefore considered acceptable in principle.

Heritage Impact

The Local Planning Authority does not consider there to be any detrimental impact upon the conservation area proposed by this application. Whilst the proposed development does not make extensive use of standard Conservation Area designs or appropriate materials, the site is positioned exclusively such as that it would not be visible from the public realm along Salem St, and is situated behind the Salem St Apartment Complex, making use of matching design and materials. As such, it

would be inappropriate and incorrect to state that the proposal is introducing any new designs or materials into the immediate area - this also means that the view of the site from High Street will not amount to substantial harm of the Heritage asset, as the proposed design is matching to that which appears already at the rear of 21 Salem St, meaning that the view as appreciated from High St will not be substantially impacted

A development of this kind would not be considered acceptable in a Conservation Area setting in isolation or in a street frontage setting. However, given the circumstances of the surrounding development and the fact that the site is not visible from Salem Street, it can be considered that the proposal has no impact upon the appreciation of the Designated Heritage Asset and therefore, the proposal leads to a preservation of the Historic Environment. In order to preserve the site from any harm to the potential appreciation of the Heritage Asset, Permitted Development Rights will be removed from these properties by means of condition.

Design, Size, Scale and Layout

The Local Planning Authority does not require any further amendments to the design or layout of the proposal.

The proposal is for two 3 bedroom semi-detached dwellings. The existing dwellings in the vicinity are fairly similar in terms of design and scale, particularly those featured within the 21 Salem St development of flats which hosts this proposal and the dwellings further to the East along Salem St. In principle, the design of the dwelling would not be unduly out of keeping with existing development in the vicinity.

The proposed pair of semi-detached dwellings would be somewhat at odds with the existing pattern of terraced, street frontage development along this part of Salem St. However, the proposal by virtue of being visibly shielded from public view along Salem St, would not impact upon appreciation of current patterns of development and due to the nature of the site, retains ready access to the road, without the need for the creation of any additional vehicular accessways.

The block of 2 dwellings is proposed to be approx. 1.5m from the western boundary, approx. 20.4m away from the eastern boundary, approx. 1.5m from the northern Boundary, and separated from the rear elevation of 21 Salem St by approx. 2.9m. These are acceptable separation distances and will allow suitable access to the rear. The proposed pair of dwellings would be approx. 11.465m in width by 8.765m in depth. The driveway would be situated to the front of the dwellings, sharing the extant vehicular access for 21 Salem St and is suitable for manoeuvrability.

Taking into account the size of the plot and scale of the proposed development, it is considered acceptable in terms of mass, scale and bulk.

In light of the above, the proposed semi-detached dwellings are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential Amenity

It is not considered that there would be a material adverse impact on residential amenity in terms of overlooking, loss of light or an overbearing effect.

There are 2 windows proposed which could be considered to present an overlooking risk. Those being the 1st floor west-facing bathroom window of the southern property and the north-facing side elevation window on the northern property. Both of these windows create views from non-habitable rooms (a bathroom and a hallway) and so it is unlikely that overlooking would be an issue. In the case of the north-facing window, this vantage point only looks directly onto the rear car park of the High Street Co-Op shop, and so visibility into the rear residential garden of 50 High Street would only be possible over a substantial distance, covering an open, publicly accessible plot. The closest point of Number 50 High St's boundary is approx. 10.7m away, with the closest elevation of that dwelling being a further approx. 4.4m, away, at 15.1m. Furthermore, the west-facing window which is assessed as a potential source of overlooking is screened from the rear garden of the property to the west by a large wall which would limit some overlooking risk - moreover, due to the viewing angle of the proposed window, the only potentially visible section of the property would be the very end of the rear garden.

It could be suggested that 56 High Street to the west of the site is also at risk of overlooking. However, multiple factors are involved in mitigating the risk to this property. The boundary with the site and 56 High Street is approximately 12.5m away from the rear elevation of the two properties and the closest elevation of 56 High Street is yet further away at roughly 25m distance between the closest window of the proposal and the closest elevation of the dwelling at 56 High Street. The dwelling at 56 is also situated well to the north at an obscure angle in relation to the rear elevation of the proposed structure. Furthermore, the high wall to the west of the site extends along the entire western boundary, also shielding the gardens of 56 High Street. This effect is also enhanced by the positioning of a number of large, dense and established tree plantings which entirely shield any possible views directly between sites. These trees are also protected via planning regulation by virtue of their position within the Conservation Area.

With regards to overshadowing risk, at the closest point, the proposed dwellings would be some 18.74m from the closest elevation of the closest property within an East-West sunlight trajectory. The proposed houses are well north of this property meaning that no habitable part of 25 Salem Street would be impacted by any potential for overshadowing or loss of light, with the only area impacted by some overshadowing being the Northern end of the garden. Overshadowing of garden area is not in itself considered to be a sufficient harm to residential amenity to form a material reason to refuse an application of this type.

Some residents raised objections to the potential for increased noise generation. Given the site is already host to several families, and the extant properties are already likely to play host to children, in addition to the dense, village centre nature of development, it is unlikely that the addition of 2 new family units into the site will have a substantial effect upon noise and disturbance in the area, and a certain degree of comings and goings, as well as noise generation should be expected in a dense settlement-centre residential area such as the proposal site. Therefore, the potential for noise generation is not considered a material reason for rejection in this case.

It is plausible to suggest that the 1st floor bedroom window on the northern gable elevation of 21-23 Salem St could overlook the proposed houses, specifically into the upstairs southern gable elevation window. This is particularly the case as the window which could overlook into the proposed houses is a habitable room and the separation distance is only at an approximate 5m. However, both of the potentially overlooked windows on the proposed development form part of non-habitable rooms (landing and a downstairs bathroom), the latter of which will consist of opaque glass, ensured by means of condition. Therefore, the risk of loss of privacy is in this instance deemed to be negligible.

Parking Provision and Road Safety

Whilst many of the received objections were based upon the impact upon road safety and parking along Salem St, the local highways authority have been consulted and found that due to the fact that the access and parking arrangements for the site remain unchanged, save for the creation of 4 new parking spaces within the existing plot would not have an undue effect upon road safety. Furthermore, they found that the created parking spaces were sufficient to fulfil the needs of the development - this is in accordance with Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan, as the provision of 2 spaces per property falls within the essential minimum standard for 3-bedroom properties.

Documentation later received confirmed the allocation of spaces for the remainder of the Salem St site, confirming that the site was capable of receiving 2 parking spaces for each of the existing 2 bed flats, 1 parking space for each existing 1 bed flat and 2 guest spaces in addition to the provision for the proposed properties. This is acceptable under Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019).

Refuse Storage and Collection

The applicant was asked to supply details of the refuse storage and collection arrangements, as the site would exist along a private driveway of greater than 30m distance from the roadside. The wider Salem St apartments site is already serviced by a private refuse collection service (Mick George). It is proposed that waste will be presented in the same manner as the remainder of the properties on the site, to the rear of the 21 Salem street block, away from the public highway, and the new dwellings proposed by this application will benefit from the same private waste collection service.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed pair of semi-detached dwellings will not lead to substantial harm to the character or appearance of the locality or amenity of nearby residents. It is acceptable on flood risk and highway grounds. It is therefore considered to be in accordance with Policies 1, 2, 3, 4, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019.

Conclusion

For the above reasons, this application is found to be in accordance with Policies 1, 2, 3, 4, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2021). Therefore, it is recommended that this application be approved.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.