

Development Management Delegated Decision Report

B/20/0236



SUMMARY OF APPLICATION				
Application Reference	B/20/0236			
Application Type	Full Planning Permission			
Proposal	Erection of a garden studio for yoga/exercise classes and a relaxation area			
Location	32, Tower Road, Boston, PE21 9AD			
Applicant	Mr Parker			
Agent				
Received Date:	07-Jul-2020	Consultation Expiry Date:	25-Aug-2020	
Valid Date:	04-Aug-2020	Statutory Expiry Date:	29-Sep-2020	
Date of Site Visit:	18-Sep-2020	Extension of Time Date:		
Objections received?	No			
5 day notification record: Not applicable				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Full Planning Permission			
Report by:	Grant Fixter			
Date:	23/09/2020			



OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located to the rear of 32 Tower Road, Boston and comprises the properties garden. All the site boundaries are defined by the properties curtilage. Regarding surroundings, there is an area of open space to the north, with residential dwellings gardens to the east and west, with the dwellings themselves south of the proposal.

DETAILS OF PROPOSAL:

The proposal is for the erection of a garden studio in which yoga and exercise classes hosted by the applicant will take place. When classes are not taking place, it is proposed the studio will be used in connection with the dwelling. The classes are normally twice a week, consisting of a maximum of 6 people which start no earlier than 10:00 and finish no later than 19:00.

Details of the design and layout of the proposal are demonstrated on the following plans:

- Plan 1: Proposed Floor Plan;
- B07476AA-02 – Flat Roof;
- Plan 2: Depth and length measurements;
- Plan 3: Proposed studio location;
- Plan 4: Elevations;
- Plan 5: Site Location Plan;
- Plan 6: Block Plan;
- Plan 7: Existing Parking at Dwelling;
- Plan 8: Additional Parking;
- Plan 9: Existing Drainage System

RELEVANT HISTORY:

There is no relevant planning history.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 36: Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

CONSULTATION RESPONSES:

Environmental Health

Have no objections to the application in principle and suggest the hours of use for the commercial purposes are conditioned in respect of protecting residential amenity. It is deemed the hours of no earlier than 10:00 and no later than 19:00 are reasonable and it should also be limited to Monday to Friday.

Lincolnshire County Council

The Local Highway and Lead Local Flood Authority have no objections to the application.

Witham Fourth Internal Drainage Board

Commented to say if there is any change to the surface water of treated water disposal arrangements stated in the application then the applicants should contact them.

Councillors

Councillor Griggs and Councillor Stevens did not comment.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations were received.

EVALUATION:

The key considerations in regards to this application are set out below:

- Design and the impact on the amenity, character and appearance of the area;
- Flood risk;
- Parking and the impact on the local highway network.

Design and the impact on the amenity, character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposal is for a single storey studio to be used for yoga and exercise classes hosted by the applicant. It is proposed the studio will be sited close to the rear boundary of the site which will help preserve the amenity of neighbouring residents. The studio will not be overpowering and will not present any overlooking issues.

Regarding design, from reviewing the submitted elevations and floor plans, it is deemed the proposal is acceptable in terms of scale, albeit 3 metres is on the absolute limit of acceptability in terms of height. There have been no details submitted regarding the external appearance of the studio so details surrounding this will be conditioned.

It is also deemed that the proposal will not have a detrimental effect on the character of the area, as minor outbuildings in gardens of dwellings are rather common.

In terms of usage, the applicant has stated that the classes will be twice a week for 6 people starting no earlier than 10:00 and finishing no later 19:00. These limitations help to preserve the residential amenity of the neighbouring residents and is deemed acceptable.

The development as proposed will not be significantly detrimental to neighbouring amenity as no significant levels of overlooking, overbearing or overshadowing will occur to the adjacent properties. Highway safety will not be significantly affected. The character of the area will not be adversely affected by the proposal. The proposal, therefore, complies with Local Plan policies 2 and 3.

Flood risk

Policy 4 of the SELLP state a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, the proposed works are essential infrastructure, and appropriate flood mitigation measures have been put in place. Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties.

The application site is located within Flood Zone 3, however, the proposal is for a single storey studio and it is considered the works would not increase the flood risk in the area or have an adverse effect on surface water.

Parking and the impact on the local highway network

Policy 36 of the SELLP requires all development to provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

This proposal will result in a minor increase in traffic movements on approximately two occasions during the week and, as such, parking and impact on the local highway network are material considerations for this application. Plan 7 'Existing Parking at Dwelling' shows the current capacity for off street parking, whilst Plan 8 'Additional Parking' shows where participants in the yoga classes could park. It is demonstrated that there is sufficient parking along Tower Road and Comer Close which will not obstruct any rights of access.

In terms of impact on the local highway network, this will be minimal and as there are no objections from Lincolnshire County Council, it is deemed the application is acceptable in regards to parking and increased vehicle movements and, therefore, complies with Policy 36 of the SELLP.

CONCLUSION:

The proposal is for a single storey studio to be used for exercise and yoga classes and there will be no adverse impact on the amenity or character of the area and is, therefore, deemed acceptable.

RECOMMENDATION:

GRANT Full Planning Permission subject to the following condition(s) and reason:-

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>			
<p>The development hereby permitted shall be carried out in strict accordance with the application received on 04/08/2020 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none">• Plan 1: Proposed Floor Plan;• B07476AA-02 – Flat Roof;• Plan 2: Depth and length measurements;• Plan 3: Proposed studio location;• Plan 4: Elevations;• Plan 5: Site Location Plan;• Plan 6: Block Plan;• Plan 8: Additional Parking;• Plan 9: Existing Drainage System <p>Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).</p>			
<p>The use hereby approved shall only operate between the hours of 10:00 and 19:00 Mondays to Fridays.</p> <p>Reason: In the interests of the amenity of nearby residents in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.</p>			
<p>The floor level of any building shall be no lower than that of the existing dwelling as per the Flood Risk Assessment.</p> <p>Reason: To provide the appropriate level of protection of 1.0% from fluvial flooding and 0.5% from tidal flooding in accordance with the National Planning Policy Framework and Policies 2 and 4 of the South East Lincolnshire Plan 2011-2036.</p>			
<p>No development shall take place above ground level until details of the external lighting and materials proposed to be used in the construction of the external surfaces of the building, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the new building is in keeping with the character of the area and is in</p>			

accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.

INFORMATIVES / NOTES

TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.