

# Development Management Delegated Decision Report

B/21/0324



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/21/0324		
<b>Application Type</b>	Full Planning Permission		
<b>Proposal</b>	Installation of static caravan unit to be used as ancillary accommodation		
<b>Location</b>	15, Willington Road, Kirton, Boston PE20 1EP		
<b>Applicant</b>	Mrs Mavis Wilson		
<b>Agent</b>	Mr Andrew Clover, Andrew Clover Planning and Design		
<b>Received Date:</b>	07-Jul-2021	<b>Consultation Expiry Date:</b>	10-Sep-2021
<b>Valid Date:</b>	07-Jul-2021	<b>Statutory Expiry Date:</b>	01-Sep-2021
<b>Date of Site Visit:</b>	---	<b>Extension of Time Date:</b>	22-Sep-2021
<b>Objections received?</b>	Yes		
<b>5 day notification record:</b>			
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
Cllr N Welton	10/09/2021	None	---
Cllr D Brown	10/09/2021	None	---
Cllr P Watson	10/09/2021	13/09/2021	Ok - Delegated
<b>Recommendation</b>	Approve		
<b>Report by:</b>	Richard Byrne		
<b>Date:</b>	09 September 2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

This application relates to the rear of 15 Willington Road which is an 'L' shaped plot. The front of the site, facing Willington road is occupied by a two storey detached property. Towards the rear of the site a series of outbuildings serve 'Wilsons Motorcycles' for sales and servicing of bikes.

The site borders a parcel of open space to the south which faces onto Penny Gardens.

The area of the garden subject of this application is adjacent to the rear garden of 55 Penny Gardens and a single storey building accommodated by residents of the nursing home.

### DETAILS OF PROPOSAL:

Planning permission is sought for the siting of a static caravan to be used as ancillary accommodation.



During the course of this application the unit has been revised and now measures 4.3 metres in width by 12.2 metres in length. The unit now measures 2.5 metres in height to the eaves and 3.6 metres to the roof ridge (taken from the ground level). The caravan is finished with composite cladding of a pastel shade with contrasting window frames and roof.

The proposed caravan is shown to be 4.5 metres from the revised easterly boundary of the site. The boundary was altered by 1 metre to the east during the course of B/20/0310.

### **RELEVANT HISTORY:**

B/20/0310 - Proposed construction of 5no. new dwellings. Granted 19 November 2020.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

The application site is within the settlement boundary. The site is not specifically allocated for any purpose by the Proposals Map associated with the South East Lincolnshire Local Plan (2011-2036) i.e. SELLP. As such the following policies contained within the SELLP are relevant to this application:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio
- Policy 29: The Historic Environment
- Policy 30: Pollution
- Policy 31: Climate Change and Renewable and Low Carbon Energy
- Policy 36: Vehicle and Cycle Parking

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

The revised National Planning Policy Framework came into force in July 2021 and is a material consideration in decision-taking. The parts of the NPPF that will be of particular relevance to the proposed development are:

- Chapter 1. Introduction
- Chapter 4. Decision-making
- Chapter 12. Achieving well-designed places
- Chapter 16. Conserving and enhancing the historic environment

### **National Planning Practice Guidance (PPG)**

### **CONSULTATION RESPONSES:**

#### **Highway Authority – received 28 July 2021**

- 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.
- Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed

development is acceptable and accordingly, does not wish to object to this planning application.

**Conservation Advisor** – received 02/09/2021

- The applicant has not provided sufficient information to demonstrate understanding of the noted heritage assets, their setting and how they may be affected by the application as required under Paragraph 189 of the NPPF.
- As a minimum the applicant should provide with the assessment required under Paragraph 189, photographs documenting the sight lines between the proposal site and the church to demonstrate the intervisibility (or lack of) between the site and heritage asset. Furthermore, this same exercise should be undertaken with other heritage assets both designated and non-designated.
- Whilst we anticipate there will be minimal to no impact upon heritage assets, provision of the requested information will enable us to provide more final comment upon this application.

n.b. a Heritage Statement has subsequently been submitted to accompany the planning application.

*Revised comments received 20 September 2021*

- Further to the receipt of the Heritage Statement we are advised there is no, or minimal intervisibility between the proposed site and nearby designated heritage assets.
- The objects causing the lack of intervisibility are existing modern sheds on the site, modern fencing or seasonal foliage of impermanent planting in the churchyard or behind 9-11 Willington Road.
- Whilst in principle the addition of the static caravan will unlikely cause harm to the setting of designated heritage assets, where the caravan would be visible such as in Fig 3 in the Heritage Statement, this would have a cumulative impact on the setting particularly of 9-11 Willington Road when combined with the modern sheds on site that protrude above the level of the existing fence boundary. There is lesser concern over the view between the Church and site due to the existence of buildings on the south side of Penny Gardens, as well as planting breaking up the intervisibility, however may still be visible during winter months.
- There is opportunity here to require better quality, additional screening by condition to this planning application – possibly evergreen hedging to provide a non-seasonal and improved boundary around the site which would negate any possible issues of setting with all nearby heritage assets.

**THIRD PARTY REPRESENTATIONS RECEIVED:**

The application has been advertised by notifying letters to the adjacent properties to the application site. A Site Notice was erected on Penny Gardens with an advertisement published in the press to accord with the procedures set out in the DMPO and the Council's Statement of Community Involvement.

One representation has been received (on the basis of the original scheme) and is summarised as the following:

- Significant footprint and will have a height greater than 2.5 metres within 2 metres of the boundary;
- Concerns who will be living in caravan as contradictory statements throughout the application;

- Applicant's only son lives next door so no need for accommodation;
- Overlook neighbouring gardens;
- Affect the views stated in the application for the five dwellings;
- Will create parking problems;
- Will displace dismantled motorbike parts.

### **EVALUATION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regard to this application are:

- Matters of principle
- Impact on heritage assets
- Effect on character and appearance of the area
- Impact on amenity
- Flood risk

#### **Matters of principle**

SELLP Policy 1 identifies that, in Kirton's settlement boundary, development will be permitted that supports the village's role as a Main Service Centre. It is considered that the siting of the caravan for the purposes of ancillary accommodation meets the requirements of Policy 1.

#### **Impact on heritage assets**

SELLP Policy 2 indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. SELLP Policy 29 seeks to preserve and enhance heritage assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings and conservation areas, their settings and any features of special architectural or historic interest. In the context of Sections 66 and 72 of the Act, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration – 'the first consideration for a decision-maker'. Planning decisions require a balanced judgement but, in that exercise, significant weight must be given to the objective of heritage asset conservation.

This statutory duty sits above the policy objectives identified above and, where harm would be caused, there is a necessity to establish the extent of that harm and consider this within the policy context. In practice, this requires a methodical approach to be followed wherein the relevant assets which would be affected are identified, along with their significance. Consideration can then be given to any effects on this significance arising from the proposals, which may be reduced through mitigation. If harm is identified, it is then required to establish the scale and extent of such harm, before moving on to matters such as the planning balance and weighing the public benefits arising against any identified harm.

#### **Heritage assets affected**

- 9 – 11 Willington Road – Grade II Listed Building
- Church of St Peter and St Paul – Grade I Listed Building
- Kirton Conservation Area
- Former Baptist General Chapel, Willington Road (non-designated)

### Level of significance

There is a relative distance between the proposed caravan and edge of the Kirton Conservation Area and Listed Buildings. Although the proposed caravan would be within line of sight, given the intervening means of enclosure and array of outbuildings to the rear of 15 Willington Road the effect to the setting of the listed building and edge of the Kirton Conservation Area would be less than significant.

### Impacts of the proposals on these assets

It is noted given the surrounding properties and associated gardens it would be difficult to gain views of the caravan within the same frame as the Listed Buildings. The proposed caravan would be read against the backdrop of existing outbuildings and neighbouring buildings, not necessarily against the listed building. Although the caravan would be in the vicinity of the listed building it would not harm their setting for the reason above.

Similarly given the reduced height of the proposed caravan and it now reads with the context of the surrounding outbuildings and neighbouring buildings it would not detract from Kirton's Conservation Area. In this instance it is not considered expedient to require planting of boundary vegetation to act as screening.

It is therefore considered that the proposal accords with these provisions of: Policies 2 and 29 of the Local Plan; and the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Effect on character and appearance of the area**

SELLP Policy 2 states that proposals requiring planning permission for development 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 its orientation.

The proposed caravan is set back into the site where it would detract from long range views over existing outbuildings. Taking into account the height it is considered the siting of the proposed caravan would not appear overly dominant in the streetscene and thus would not harm the wider character and appearance of the area.

The proposed size and scale is commensurate to the size of the garden plot and finish is a soft palette of materials respecting the residential setting.

The proposed caravan would satisfy SELLP Policy 2.

### **Impact on amenity**

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

In respect of the representations it is noted the caravan has been revised and has been lowered in overall height from ground level from the earlier iteration.

#### Effect on 55 Penny Gardens

The proposed caravan is positioned adjacent to the southwest corner of the neighbouring plot with a degree of separation from the rear of the neighbouring bungalow. Taking into account the revised height it is considered the proposed caravan would not result in a significant reduction of daylight and sunlight to the rear of the property. Given the proposed siting it is considered unlikely the proposed caravan would lead to an overbearing presence to the rear garden space.

Views from the easterly side of the caravan would have an offset relationship with 55 Penny Gardens. Although views could still be gained it is considered the loss of privacy would not be severe to sustain a refusal. A bedroom window is present in the northerly elevation of the caravan, which again, has an offset position to 55 Penny Gardens. Although views would be obscured, the window is closer to the boundary and may impact on privacy given the height above the existing fence.

Privacy will be considered below against the effect on White Gables Residential Home, however, a planning condition to partly obscure the north facing bedroom window of the proposed caravan would alleviate a significant loss of privacy.

#### Effect on White Gables Residential Home

It is noted that the north elevation and bedroom window would be in close proximity to the boundary of the care home and have views into the intervening space between the east side of the building and rear boundary of 55 Penny Gardens.

Taking into account the position of the gable end it is considered the shadowing effect and presence of the caravan would be limited over the course of the day and would not lead to a significant loss of amenity for the Home's residents.

In respect of privacy the northerly facing bedroom window would have direct views of the intervening space with the boundary of the residential home. Although the caravan has been lowered in height, the upper part of the window would overlook the boundary fence. In this instance it is considered expedient to require a scheme is submitted which is secured by planning condition to treat the bedroom window to prevent the space being not significantly overlooked which could lead to a loss of privacy.

#### Development site off Penny Gardens

The revised design of the caravan would maintain a distance of 10 metres between the windows of the approved development and the eastern side which serves a bedroom and living space. The intervening distance does increase slightly due to the slight splayed position of the approved dwellings.

The lowered level of the caravan does improve the relationship with the approved dwellings as the windows at ground floor would be partly obscured by the intervening fence. To maintain a level of privacy between the caravan and dwellings it is considered expedient to extend the obscurity treatment of the caravan windows around the easterly side.

The decrease in height of the caravan above ground level reduces the overall massing above the new position of the intervening fence. It is therefore considered the proposed caravan would not be imposing to the approved dwelling or their garden space.

It is therefore considered the revised design of the caravan, subject to a condition requiring a scheme for how the windows are obscured glazed, is acceptable and would not lead to a significant loss of amenity. The application therefore satisfies SELLP Policy 2, 3 and 30.

### **Flood risk and drainage**

SELLP Policy 4 seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered, and sets out particular requirements for certain types of applications.

Developments within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

The site is located in flood zone 3 and as such a flood risk assessment has been submitted to accompany the application. The caravan is sited in a low hazard flood risk area with a flood hazard depth of 0.25m.

The caravan will still be raised 300mm above ground level which is in excess of the predicted flood depth and the occupants of the annex would have access to the host property which provide safe refuge at first floor level.

The occupant's will be advised to register with the Environment Agency flood warning service.

It is considered that the proposal meets the requirements of Policy 4.

### **CONCLUSION:**

The proposal will not have unacceptably severe adverse impacts on the character and appearance of the area. Subject to condition will have no unacceptable adverse impacts on neighbours' amenity. The proposed caravan is acceptable in flood risk terms; and thus meets the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2011-2036

### **RECOMMENDATION:**

Approve, subject to the following conditions and reasons:

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	

1	<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received 07 July 2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>• 3821-01 Site Location Plan &amp; Existing Block Plan</li> <li>• 3821-02 Rev A Proposed Caravan &amp; Site Plan</li> <li>• Flood Risk Assessment issue 2</li> </ul> <p><b>Reason:</b> To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2011-2036.</p>
3	<p>The annexe accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 15, Willington Road, Kirton, Boston PE20 1EP, identified by the site edged red on the approved Site Location Plan.</p> <p>In the event that the caravan is no longer required for use as annexe accommodation, it shall be removed from the land, and the land restored to its former state in accordance with a scheme which shall first be submitted to and agreed in writing by the Local Planning Authority.</p> <p><b>Reason:</b> To ensure the building is used in accordance with the intentions identified in the application, to prevent the creation of an additional dwelling on the site, and to comply with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan 2011-2036.</p>
4	<p>Prior to the first occupation of the caravan hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority to show how glazing in the north elevation bedroom window and easterly facing bedroom and living space windows will be obscured to prevent a significant loss of privacy to the adjacent neighbours.</p> <p>The approved scheme shall then be fully implemented and completed prior to the first occupation of the caravan and maintained thereafter in perpetuity.</p> <p><b>Reason:</b> To safeguard the privacy of the future occupiers of the Penny Gardens residential development, No. 55 Penny Gardens and White Gables Residential Home from overlooking from the caravan to ensure the development accords with the requirements of Policy 2 and 30 of the South East Lincolnshire Local Plan 2011-2036.</p>

#### **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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.