

Development Management Delegated Decision Report

B/21/0519



SUMMARY OF APPLICATION

Application Reference	B/21/0519		
Application Type	Full Planning Permission		
Proposal	Proposed single storey detached outbuilding for use of dog grooming facility		
Location	33, Princess Road, Kirton, Boston, PE20 1JW		
Applicant	Miss Deanna Smith		
Agent			
Received Date:	01-Dec-2021	Consultation Expiry Date:	12-Jan-2022
Valid Date:	01-Dec-2021	Statutory Expiry Date:	26-Jan-2022
Date of Site Visit:	15-Dec-2021	Extension of Time Date:	N/R
Objections received?	None		
5 day notification record: N/A			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Planning Permission		
Report by:	Emma Dennis		
Date:	13/01/2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of a two-storey detached dwelling located on the southern side of Princess Road which is in the settlement of Kirton. The house includes a driveway leading up to an integral single garage and two-storey dwellings either side.

The site is located in a mainly residential area with Thomas Middlecott Academy being located north-east of the application site.

DETAILS OF PROPOSAL:

It is proposed to erect a timber building in the rear garden to be used as a dog grooming salon. The building will measure 4.3m by 3.0m by 2.5m high.

The salon will be run as an appointment only business with only the applicant taking appointments and no other member of staff will be employed.

RELEVANT HISTORY:



B/21/0375 Proposed single storey detached outbuilding for use of dog grooming facility.
Refused – 17/11/2021.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2011-2036** shows the site as being within Kirton's Settlement Boundary, but no particular allocations or designations apply. The relevant Policies of the Local Plan are:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

At the heart of the National Planning Policy Framework 2021 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; and
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Environmental Health have no objections in principle but strongly suggest the hours of operation are restricted, if granted, to protect neighbouring amenity. The hours suggested by the applicant would not be opposed.

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) does not wish to object to this planning application.

THIRD PARTY REPRESENTATIONS RECEIVED:

The occupier of 59 Thorne Way indicates that they have concerns regarding the extra on-street parking and traffic the proposed dog grooming salon will create.

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:

- Principle of development;
- Design of the proposal and impact on the character and appearance of the area
- Impact on residential amenity
- Highway safety and parking
- Flood Risk

Principle of development

Policy 1 of the Local Plan identifies that, within Kirton's Settlement Boundary, development will be permitted that supports the village's role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

It is considered that the proposal, which entails the establishment of an ancillary business use within a residential curtilage, meets these requirements of Policy 1.

Design of the proposal and impact on the character and appearance of the area

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposed timber outbuilding is to be erected in the rear garden of No.33 and will measure 4.3m by 3.0m by 2.5m high. It will be accessed via an existing side gate which is on the western side of the host dwelling.

The area surrounding the application site is predominantly residential in character. However, given that the site will remain predominantly in residential use, the proposed new use is of limited scale and the building is domestic in its scale, design and materials, it is considered that the proposal will not appear incongruous or otherwise harm the area's character or appearance.

To conclude it is considered that this proposal is in accordance with SELLP policies 2 and 3.

Impact on residential amenity

Policies 2, 3 and 30 of the SELLP seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

Paragraph 130 of the NPPF (2021) seeks, amongst other things, to create places that are safe, inclusive and accessible. Furthermore, it advocates the promotion of health and well-being, with a high standard of amenity for existing and future users. Crime and disorder, and the fear of crime, should not undermine the quality of life or community cohesion and resilience.

There will be additional vehicle movements on the site as a result of the proposed use. However, given the modest scale of the proposed activity, one staff member and an appointment system for customers, it is considered that the impact this proposal will have will not be harmful to the amenity of these neighbouring properties.

No letters have been received from the neighbouring properties immediately adjacent to the application site.

Subject to a condition to limit the hours during which the business will operate (as sought by the Borough Council's Environmental Health Department), it is considered that the proposal will not significantly harm neighbours' amenity and that it will therefore meet these requirements of Policies 2, 3 and 30.

Highway safety and parking

SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels. SELLP Policy 3 states that developments will be permitted where the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking is secured. Policy 36 indicates that all new development should provide vehicle and cycle parking in accordance with the minimum parking standards set out in Appendix 6.

The proposed dog grooming salon only includes one member of staff, the applicant, and will run on an appointment only basis which will keep the level of activity on the site to a minimum. There is sufficient parking available for customers wishing to use a vehicle and the access arrangements are satisfactory with sufficient visibility to allow drivers intending entering the highway to judge if/when it is safe to complete the manoeuvre. This is a view shared by the Highways Authority.

As a consequence, it is considered that the proposal meets these requirements of Policies 2, 3 and 36.

Flood risk

Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. The application is accompanied by a flood risk summary which states that there would be a low risk of flooding from river and the sea and a low risk of surface water flooding.

It is considered that the proposals meet the requirements of SELLP Policy 4.

CONCLUSION:

To conclude this proposal is considered to be an acceptable form of development that accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2011-2036 and Sections 4, 12 and 14 of the NPPF (2021).

RECOMMENDATION:

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

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>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plan(s):</p> <ul style="list-style-type: none"> Plan A Block Plan

	<ul style="list-style-type: none"> ▪ Plan C Proposed Elevations ▪ Plan D Proposed Floor Plan <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>
3	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no additional windows or doors shall be inserted into the rear elevation of the outbuilding hereby approved.</p> <p>Reason: To protect the privacy of residents in adjoining or nearby property in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>
4	<p>The use hereby approved shall only take place between the hours of 0800 Hours and 1700 Hours Mondays to Fridays and Saturdays between the hours of 0800 Hours and 1700 Hours and at no time on Sundays or on public holidays.</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>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>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.</p>	