

Development Management Delegated Decision Report

B/22/0126



SUMMARY OF APPLICATION			
Application Reference	B/22/0126		
Application Type	Full Planning Permission		
Proposal	Erection of glazed conservatory		
Location	Red Cow Inn, Gaysfield Road, Fishtoft, Boston PE21 0SF		
Applicant	George Bateman & Son Ltd		
Agent	Bella King, Bella King Design Ltd		
Received Date:	23-Mar-2022	Consultation Expiry Date:	18-May-2022
Valid Date:	23-Mar-2022	Statutory Expiry Date:	18-May-2022
Date of Site Visit:	07-Apr-2022	Extension of Time Date:	14-Jun-2022
Objections received?	Yes		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Cllr Noble	09/06/22	09/06/22	Yes
Cllr J Skinner	09/06/22	09/06/22	Yes
Cllr P Skinner	09/06/22	Not received	Yes
Recommendation	GRANT Planning Permission		
Report by:	Emma Dennis		
Date:	21 st April 2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of a public house located in a residential neighbourhood within the settlement of Fishtoft. The application site includes a large carpark, smoking shelter, raised decking area and a beer garden.

DETAILS OF PROPOSAL:

It is proposed to erect a conservatory to the side (south) elevation of the existing building which will replace an existing smoking shelter. It will measure 4.3m by 7.5m and will be constructed of rendered blockwork plinth to floor level to suit the gradient of the ground with deep trim and facing brickwork with a glazed uPVC frame and glazed roof.

RELEVANT HISTORY:

B/15/0134 – Erection of 1 dwelling and associated infrastructure.
Refused 03/06/2015.



Appeal dismissed 11/01/2016.

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 29: The Historic Environment; and
- Policy 36: Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 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; and
- Section 16: Conserving and enhancing the historic environment.

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Fishtoft Parish Council had the following comments and observations to make:

“The already limited parking area would be reduced meaning that vehicles would be using the local narrow roads

2. If planning is passed the council ask that it be with a condition that suitable parking arrangements be found, one suggestion is that the play area within the grounds be converted to a car park.

3. The council would like clarification of what the extension would be used for

4. If planning is passed the council ask that it be with a condition that the extension is not used for music events

5. The council recognises the need for a public house but as it is sited very close to many properties, has a concern of any noise pollution being increased.”

Environmental Health have no objections to this proposal and also confirmed that a noise limit condition is not necessary due to the provision of regulated entertainment being a licensing issue with ample provisions within the Licensing Act to deal with noise from such activities where public nuisance is caused

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) has concluded that as the access and parking arrangements remain unchanged it is considered that the proposals would not result in an unacceptable impact on highway safety, therefore the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Witham Fourth Internal Drainage Board had the following comments to make:

"1. A Board maintained culverted watercourse exists on the north-west boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT applies:

No person may erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow, or other similar growth within 9 metres of the top edge of the watercourse/edge of the culvert without the prior consent of the Board.

Please note the Board will not consent any permanent or temporary construction within the 9 metres BYELAW easement. Please refer to the Board's Nine Metre Easement Policy for further information:

<https://www.w4idb.co.uk/resources/document-library/consent-forms-and-guidance/>

2. Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped). A surface water development contribution (SWDC) will be charged on all rates of discharges. Please refer to the Board's Development & Consent Control Guidance for more information:

<https://www.w4idb.co.uk/resources/document-library/consent-forms-and-guidance/>

3. Board's Byelaw consent is required to discharge treated water to a watercourse (open or piped).

4. Board's Section 23 consent is required to culvert, pipe, or bridge any watercourse riparian or Board maintained."

THIRD PARTY REPRESENTATIONS RECEIVED:

A letter has been received from the occupier of No.19 Rimington Road. The issues to the proposed conservatory are as follows:

Proposed use of the conservatory

"Is it a dining room extension only or a party/venue room?"

Noise and lighting levels

"If it is a dining room extension and for that purpose only I have no problem. If it is to be used for music, function, party venue etc. then I do have a problem as this will in effect make my garden useless as a quiet zone and a relaxing area of which is its sole purpose. This conservatory will be both a light pollutant and a gross noise pollutant to both myself and all other 'homes' in the vicinity.

A glass conservatory does not, and will not hold back any disco or laser lights used in live or recorded music and will definitely not hold back much noise pollution from live bands, entertainment or disco. Also on a summer's day/evening/night, the windows and doors of this extension would be open which would mean that all noise within the room is also heard and felt outside of it. Also my bedroom is on the back of my home facing the extension meaning that we would be unable to have windows open."

Parking issues

“As the extension will take away some parking from the pub yard, and the conservatory will increase the numbers of people the pub can hold at any one time, has this increase in parking been considered as vehicle will have to be parked on the roadside? Also more homes are to be built down this road meaning that there will also be a lot more through traffic adding to the problems with roadside parking for the Red Cow.”

Issues were also raised regarding the method of notifying the neighbouring properties. Additional information was submitted to support the proposal and alleviate any issues the neighbours and parish have.

An objection has been received from the occupier of No.17 Rimington Road. The issues to the proposed conservatory are as follows:

Proposed use of the conservatory

“Whilst I have no objection to a conservatory, I am afraid these live bands could be sighted in the new conservatory during the summer months with all the doors and windows open and we will have what we had last summer excessive noise pollution of which I am aware that last year Nick Davis the environmental officer in the Borough did make a visit to the Red Cow and asked them to make a reduction in the noise nuisance. With this in mind this is my reservation and would object strongly to any development of this nature at the Red Cow. If their application were to be successful then I would hope that a condition of planning is that the conservatory is used solely for the purpose of dining and no music of any kind would be aloud in that building.”

EVALUATION:

The key planning issues in the determination of this application are:

- Principle of Development
- Impact on the character and appearance of the area and impact on heritage asset
- Impact on residential amenity
- Flood Risk and drainage

Principle of Development

The site is within the development area of Fishtoft (policies 1 and 2). The proposal comprises the erection of a glazed conservatory to an existing public house. Policies 1 and 2 of the South East Lincolnshire Local Plan (2011-2026) accepts such developments in principle, subject to the site specific impacts discussed below. Furthermore, policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) supports the viability and vitality of an area and add to the quality of services available including the expansion of existing public houses.

Impact on the character and appearance of the area and impact on heritage asset

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.

Policy 29 of the Local Plan seeks the conservation and enhancement of the area's historic environment.

This proposal consists of the erection of a glazed conservatory to be erected on the southern elevation of the public house and will replace a 'smoking shelter' which consists of a commercial grade parasol secured into the concrete floor.

Due to the building being positioned sideways on the plot, this proposal will be clearly seen from either direction of Gaysfield Road. The south and eastern boundaries consist of an existing hedgerow and established trees which screens views of the carpark from public vantage points. The conservatory is to be constructed of a white uPVC frame and glazed roof with a rendered brickwork frame, all of which will be in keeping with the existing building and will not look out of character in the local area.

The application site lies approximately 48m south of a Grade II listed War Memorial. It is considered that this proposal does not adversely impact the setting of the designated heritage asset due to the conservatory being located on the southern elevation of the public house and not in view of the war memorial. Furthermore, existing trees on the corner of Fishtoft Road and Gaysfield Road partially screen the view of the building from the war memorial.

To conclude it is considered that this proposal is in accordance with SELLP policies 2, 3 and 29.

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.

The application site consist of an existing public house which also includes a large customer carpark, an enclosed play area, a raised decking area, beer garden, smoking shelter and a staff parking area sited on the north side of the building. There are material considerations, which have to be taken into account in assessing the level of harm for the neighbouring properties and for the determination of this planning application.

Impact on properties west of the application site

No's 17, 18, 19 and 20 Rimington Road back onto the application site and are separated by a hedgerow and boundary fence/raised decking area. The end wall of the conservatory is located approximately 18m (at its closest point) away from the boundary shared with the properties on Rimington Road. It is considered that due to the separation distance from

the proposed conservatory to the neighbouring properties, there will not be any harmful impacts in terms of overshadowing, loss of light or overbearing and due to the existing boundary treatments in place, it is not considered that the proposed conservatory will lead to any loss of privacy or overlooking issues.

Impact on properties east of the application site

The properties located to the east of the application site are on the opposite side of Gaysfield Road and will be approximately 20m away from the side wall of the proposed conservatory. At this distance it is not considered that the proposed will have any harmful impacts in terms of overshadowing, loss of outlook or be overbearing. The conservatory is constructed of a glazed uPVC unit, however, issues regarding loss of privacy and overlooking issues are not expected to be significant due to the separation distance and give this part of the site is currently a smoking shelter.

In response to the issues raised by the occupants of No's 17 and 19, the agent has submitted an amended supporting statement which confirms the conservatory is needed due to the demand for extra seating and the use of it is purely for additional seating and it is not intended to be used for live music or entertainment. The times of use of the conservatory will be the same as the public house. The submitted plan showing the size of the car park and the number of spaces, even with the conservatory, is sufficient enough and the Highways Authority have raised no objections. In terms of noise pollution, Environmental Health were consulted and raised no objections due to the proposed use of the conservatory and added that if there was an issue where public nuisance is caused, the provisions of regulated entertainment within the Licencing Act are there to deal with it.

In respect of the impact on the occupiers of nearby dwellings, the proposal is considered to accord with SELLP Policies 2 and 3.

Highway safety and parking

Policy 2 of the Local Plan identifies vehicular access as a sustainable development consideration.

Policy 36 of the Local Plan indicates that all new developments should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6.

The application site benefits from a generous sized car park which has an existing capacity of 20 parking spaces. The erection of the conservatory will not result in the reduction of the number of cars that can park on the site as the proposed conservatory will replace an existing smoking shelter. The access benefits from clear visibility in both directions of the highway therefore it is not considered that this proposal will have a significant negative impact upon highway safety.

The Highway Authority has been consulted and have raised no objections to the proposal.

The application is considered acceptable and in accordance with the SELLP in respect of highway safety and parking.

Flood risk and drainage

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 assessment which confirms the site is within Flood Zone 3, however the floor level of the proposed extension will match the existing floor level which is similar to the external ground level on the south side, if not slightly above on the north, east and west elevations. The ground is graded towards the front of the site and away to the south, across the carpark and away from the building.

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, 4, 29 and 36 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"> ▪ 4576-02 B Site Block Plan ▪ 4576-06 Proposed Floor Plan and Elevations <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, 3, 4, 29 and 36 of the South East Lincolnshire Local Plan (2011-2036), and guidance contained in the National Planning Policy Framework (2021).</p>
3	<p>Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed within the application form received on the 23rd March 2022.</p> <p>Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036).</p>

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