

Development Management Delegated Decision Report

B/23/0124



SUMMARY OF APPLICATION			
Application Reference	B/23/0124		
Application Type	Full Planning Permission		
Proposal	Application under s73 to vary Condition 2 (Plans) of permission B/21/0519 (Proposed single storey detached outbuilding for use of dog grooming facility) to facilitate changes to the detached Summer House		
Location	33, Princess Road, Kirton, Boston PE20 1JW		
Applicant	Miss Deanna Smith		
Agent			
Received Date:	24-Mar-2023	Consultation / Publicity Expiry Date:	30-Apr-2023
Valid Date:	06-Apr-2023	Statutory Expiry Date:	01-Jun-2023
Date of Site Visit:	17-May-2023	Extension of Time Date:	---
Objections received?	None		
5 day notification record: N/A			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation:	Approve with Conditions		
Report by:	Emma Turvey		
Date:	17 th May 2023		

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:

An application has been submitted under Section 73 of the Town and Country Planning Act 1990, for the variation of condition 2 (standard compliance plans) of planning permission B/21/0519.



The proposed change is to increase the size of the approved building from 4.3m (w)x3m (d)x2.5m (h) to 5.1m (w)x3.9m (d)x2.04m (h). The building will remain as per the original approved use of dog grooming and will be sited in the same location of the originally approved building.

This application has been submitted due to issues obtaining a building of the originally approved size.

RELEVANT HISTORY:

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

B/21/0519 Proposed single storey detached outbuilding for use of dog grooming facility – Granted.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

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

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; 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.

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

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of an application must be made in accordance with the Plan unless material

considerations indicate otherwise. The key considerations in regard to this application are considered to be:

- Design of the proposal and impact on the character and appearance of the area
- Impact on residential amenity
- Flood Risk and drainage

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.

Under the previous application, permission was granted for the erection of a single storey detached building to be used as a dog grooming salon. The proposed building will be located in the rear garden of the application site and will not be seen from public vantage points. The dog grooming salon will remain appointments only basis with only the applicant employed. This will ensure there will not be an major increase in vehicle movements to and from the site. It is considered that this minor change to the approved plan will not have a detrimental negative impact upon the character and appearance of the area.

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.

The proposed amendments do not include any windows in the elevations overlooking the closest neighbouring dwelling (No.31) and the proposed building remains single storey. It is considered that the slight increase in the size of the proposed building is a minor amendment and will not have any harmful impacts upon the occupiers of the neighbouring dwellings.

To note, no letters of objection have been received from neighbouring dwellings.

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

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 previous application was accompanied by an acceptable flood risk assessment. Under the previous application (B/21/0519) the submitted flood risk assessment was found acceptable and demonstrated that the proposed development site is not at significant flood risk and will not increase the risk of flooding to others.

The changes to the approved scheme are to increase the size of the proposed building only. There are not going to be any changes to the approved floor levels or drainage schemes.

The Lead Local Flood Authority have been consulted and raised no objections.

In all, it is considered that the proposal still meets the requirements of SELLP Policy 4.

CONCLUSION:

To conclude this proposal is considered to be an acceptable form of development that would not have detrimental impacts on the character of the area or amenity of neighbours and therefore accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and Sections 4, 12 and 14 of the NPPF (2021).

RECOMMENDATION: Approve with Conditions

CONDITIONS / REASONS	
1	<p>The development hereby permitted shall be begun before the expiration of three 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 - Proposed Elevation▪ Plan B - Location of Summer House▪ Plan C - Proposed Internal 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, 3 and 4 of the South East Lincolnshire Local Plan 2019, and guidance contained in the National Planning Policy Framework (2021).</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>

	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 2019 and guidance contained in the National Planning Policy Framework (2021).
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 2019 and guidance contained in the National Planning Policy Framework (2021).</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.