

<b>Application Number:</b>	2022/0285/FUL
<b>Site Address:</b>	145 Wragby Road, Lincoln, Lincolnshire
<b>Target Date:</b>	3rd June 2022
<b>Agent Name:</b>	Children1st
<b>Applicant Name:</b>	Miss Jacqui Mason
<b>Proposal:</b>	Replacement of existing shed and erection of outbuilding/play room (Retrospective).

### **Background - Site Location and Description**

The application is for the erection of an outbuilding within the grounds of 145 Wragby Road. The application is made retrospectively as the outbuilding was erected without planning permission. The outbuilding replaced another outbuilding which was in the same position as the proposal albeit the proposal is larger.

The premises is a two storey building which operates as a nursery. An application was made to the Local Planning Authority (LPA) in 1995 to turn the property into a day nursery. The LPA had concerns regarding increased vehicular movements and general noise and disturbance. Further information was sought by the LPA from the applicant and conversations were ongoing with the Highway Authority. The application was subsequently not determined within its statutory target date and the applicant appealed to the Planning Inspectorate against the council's non-determination of the application.

The inspector concluded that the extra traffic movements would not cause unacceptable loss of residential amenity and permission was granted for the change of use to a nursery.

The application has received 6 objections and is therefore brought before Planning Committee for a decision.

### **Site History**

Reference:	Description	Status	Decision Date:
2014/0915/F	Erection of single storey extension to north elevation and extended entrance foyer. Alterations to existing car park and vehicle entrance. (Resubmission)	Granted Conditionally	13th April 2015
LD12/0644/95	Change of use of property from residential to a day nursery.	Granted Conditionally	21st February 1997

### **Case Officer Site Visit**

Undertaken on 16<sup>th</sup> June 2022.

### **Policies Referred to**

- Policy LP26 Design and Amenity

## **Issues**

- Impact on Visual and Residential Amenity

## **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

## **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	Comments Received

## **Public Consultation Responses**

Name	Address
Mrs And Mr S And R Ormston	1A Carlyle Walk Lincoln Lincolnshire LN2 4PW
Mr Tim Evans	5 Darwin Court Lincoln Lincolnshire LN2 4RY
Mr And Mrs M And A Callow	1 Carlyle Walk Lincoln Lincolnshire LN2 4PW
Jenny Ciabattoni	
Janet And David Simpson	6 Carlyle Walk Lincoln Lincolnshire LN2 4PW
Malcolm Walker	3 Carlyle Walk Lincoln Lincolnshire LN2 4PW

## **Consideration**

### **Policy Context**

Paragraph 11 of the revised National Planning Policy Framework outlines that decisions

should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 81 states that "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."

Policy LP26 of the Central Lincolnshire Local Plan 'Design and Amenity' is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. In relation to both construction and life of the development, the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The principle use of the site was established under application LD12/0644/95. In terms of the planning permission, there is no restriction on the number of children that could attend the nursery although this will be restricted based on staff levels by other Early Years Guidance and Legislation.

There have been 6 objections submitted against the proposal. These include concerns regarding: the application being made retrospectively, parking, traffic and noise experienced from the nursery, the visual impact of the shed, the concern that the proposal will result in more staff and children at the premises.

Several of the objection letters highlight concerns around the intensification of the use of the nursery particularly given the level of traffic experienced by neighbours as a result of the existing nursery. Whilst officers sympathise with these issues and indeed the Local Planning Authority highlighted these concerns with the Planning Inspectorate during the 1995 appeal hearing; the use as a nursery has planning permission and therefore the only consideration for the current application is whether the replacement shed is acceptable.

The outbuilding replaced a previous smaller shed in the same position. The applicant states that proposal would be used as a playroom and storeroom for when the children are playing or eating outside. The applicant also confirmed that the outbuilding does not result in an increased number of children at the nursery.

The outbuilding is positioned on the north-eastern boundary, adjacent to Carlyle Walk. The boundary is defined by a wall. As with the previous outbuilding, it is visible above the boundary wall. The outbuilding is of wooden construction and whilst it is larger than the previous outbuilding, it is not unduly prominent or harmful to visual amenity particularly as the boundary is enclosed from the street with a wall at this point. Furthermore, given the single storey nature of the proposal it is not considered to cause loss of light or appear overbearing when viewed from neighbouring gardens. Windows within the shed face into the application site and would therefore not alter the previous relationship in terms of privacy.

Given the nature of the proposal, officers consider the outbuilding is likely to only be used during the warmer months of the year when the children would already be outside in the garden area. Taking this into account, and that there was already a shed in the same position albeit smaller, officers do not consider that the shed would be the result of an unacceptable increase of noise and disturbance to neighbouring properties. The City Council's Pollution Control Officer has raised no objection to the proposal.

The outbuilding is not harmful to visual amenity and would not cause undue harm to the amenities which neighbouring occupiers may reasonably expect to enjoy, in accordance with CLLP Policy LP26.

#### Highway Safety, Access and Parking

No alterations are proposed to the access or parking arrangements.

Lincolnshire County Council as Highway Authority has assessed the application and has no objections in terms of highway safety or traffic capacity

#### **Application Negotiated either at Pre-Application or During Process of Application**

No.

#### **Financial Implications**

None.

#### **Legal Implications**

None.

#### **Equality Implications**

None.

#### **Conclusion**

The outbuilding would not be detrimental to the residential or visual amenities of neighbouring properties in accordance with LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

#### **Application Determined within Target Date**

Yes.

#### **Recommendation**

That the application is Granted