

**AGENDA ITEM NO. 8/3(d)**

<b>Parish:</b>	<b>Pentney</b>	
<b>Proposal:</b>	<b>VARIATION OF CONDITIONS 2 AND 3 OF PLANNING PERMISSION 19/01495/F: Proposed garage and boat store</b>	
<b>Location:</b>	<b>1 Abbey Lakes Close, Pentney, Norfolk, PE32 1FN</b>	
<b>Applicant:</b>	<b>Mr E McDonnell</b>	
<b>Case No:</b>	<b>22/00255/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham</b>	<b>Date for Determination: 4 May 2022</b>

**Reason for Referral to Planning Committee** – The Parish Council comments are at variance with officer recommendation and the application has been referred to Planning Committee by Sifting Panel.

**Neighbourhood Plan:** No

**Case Summary**

This application seeks to vary conditions 2 and 3 of planning permission 19/01495/F which gave consent in October 2019 for the construction of a garage/boat store at the application site. This application seeks to amend the approved plans in order to alter the design of the proposed garage/boat store.

**Key Issues**

Principle of Development  
Planning History  
Design considerations  
Neighbour Amenity  
Crime and Disorder Act  
Other material considerations

**Recommendation**

**APPROVE**

**THE APPLICATION**

The application site is an irregular shaped plot which lies to the eastern end of the water-ski lake and it set within Pentney Lakes leisure park. On site currently stands a wooden cabin which was granted planning permission in September 2001 (2/01/1157/F) as residential accommodation for the site manager. The site boundaries are open to the lake and there is post and rail fencing on the other boundaries.

This application seeks to vary conditions which were previously applied to planning permission (19/01495/F) to construct a garage/boat-store. Varying these conditions will allow a change to the design of the approved building.

## **SUPPORTING CASE**

I'd like to start by just reiterating that the permission in question relates to number 1, Abbey Lakes Close, the only plot on Abbey Lakes Close to benefit from permission for full residential occupancy. Naturally therefore, this is where myself and my family live.

With this in mind I've proposed a garage that fits our requirements while also trying to be considerate to the design in relation to surrounding cabins, material choices and roof lines.

In order to best fit into the surroundings, this particular roof line has been mirrored by that of two neighbouring cabins. The materials proposed are of a high quality, also aiming to fit in to the surroundings and be aesthetically pleasing to onlookers or neighbours.

We are a family of water-skiers. Some family members represent the country in the British water-ski team. We travel to competitions on weekends with a touring caravan. Living on the lake we also have boats. All of which need a place to be stored. Ideally; that isn't in the front garden, exposed for all to see. Hence the scale and proportion of the garage. I'm sure you'll agree to look out the window and not see a touring caravan is better than seeing one.

The amended design with doors (rather than the carport style) is again based on function and security with insurers suggesting such assets should be securely stored, as to replace these now (like for like) would be close to impossible and grossly more expensive than originally purchased for.

I'd like to add that there is no commercial requirement for this garage. Just simply a nice looking building, designed to keep my plot tidy and my assets secure. The plot doesn't currently have any garage space so finding places to keep things like lawnmowers, caravan awnings (and any other items a large family may have) as well as the already mentioned items is a challenge.

## **PLANNING HISTORY**

19/01495/F: Application Permitted: 17/10/19 - Proposed garage and boat store - 1 Abbey Lakes Close Pentney

2/01/1157/F: Application Permitted: 12/09/01 - Construction of residential unit for occupation by site manager (renewal) - Pentney Lakes Leisure Park Common Lane

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** As previously stated the Parish Council has concerns regarding the number of applications and changes made to this application which appears to be changing its use to a holiday home for the future.

**Environment Agency:** No comment to make, as the EA did not recommend either condition which is to be varied.

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## **REPRESENTATIONS**

No third party representations received.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues to consider when determining this application are as follows:-

Principle of Development

Planning History

Design considerations

Neighbour Amenity

Crime and Disorder Act

Other material considerations

## **Principle of Development**

Section 73 of the Town and Country Planning Act 1990, as amended, allows for the determination of applications to develop land without compliance with conditions previously attached. Within such an application the LPA shall consider only the question of conditions subject to which planning permission should be granted. If planning permission can be granted subject to conditions differing from those subject to which the previous permission was granted then an application made under section 73 should be granted. If it is decided that permission should be granted under the same conditions as was previously applied then the application should be refused.

This application seeks to vary conditions 2 and 3 of planning permission 19/00255/F in order to amend the already approved design for a proposed garage and boat store. This application will determine whether it is acceptable to alter the design.

## **Planning History**

Planning permission was granted in October 2019 for the erection of a garage and boat store at the application site. The consent was granted subject to three conditions, the first of which related to the time by which the development should commence. When the site visit was undertaken it was clear that development had commenced as the foundations had commenced.

Condition 2 was a standard condition relating to the approved drawings and this application seeks to vary the approved drawings.

Condition 3 related to the use of the approved garage/boat store and that it should be used for incidental purposes in relation to 1 Abbey Lakes Close and that at no time should it be used for business or commercial purposes. Within this condition, an approved drawing was referred to and therefore it is sought to vary this condition to include the revised drawing reference number. It is not the intention of the application to remove or vary the conditioned use of the garage/boat store, simply to refer to any revised plans as required.

## **Design considerations**

Overall, the proposed design is similar to that approved under application 19/01495/F with horizontal timber boarding and red clay pan tiles being proposed, however there are some differences in scale and height which are set out below.

Dimensions of garage/boat store approved under 19/01495/F:-

Length - 14.15m  
Depth of central section – 8.42m  
Depth of side ‘wings’ – 6.10m  
Height of central gable – 5.70m  
Height of hipped roof – 4.90m

Dimensions of proposed garage/boat store:-

Length – 13.85m  
Depth of central section – 8.35m  
Depth of side ‘wings’ – 7.05m  
Height of central gable – 6.75m  
Height of roof – 6.40m

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As is evident from the dimensions, the proposed building will be very slightly shorter than that already approved (-0.3m), and the depth of the central section will be very slightly shallower than already approved (0.07m). However the roof will be higher than approved in the central section by 1.00m and as the side 'wings' are nearly 1m deeper than the original, this has resulted in a taller roofline which is 1.5m taller than the originally approved hipped roof.

With regard to the design, as well as the roofline being taller and not hipped, the eaves of the central section would now match the two side 'wings', which previously had lower eaves than the central section. In addition, it is proposed to have doors on the central section rather than being left 'open' as they are on the original design. Notwithstanding this last feature, it would be possible to put doors on the existing structure without requiring planning permission.

Overall, the changes to the design of the garage/boat store are considered acceptable and would not be out of character with the locality which has a number of wood cabins, some of which have detached boat/stores. As such the proposal would comply with Section 12 of the NPPF 2021, and Policies CS06 and CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

### **Neighbour Amenity**

Whilst neighbour amenity was considered during the original application, the impact of the changes to the design on the lodge to the north-west have been considered. Whilst the amended proposal has raised the roof by 1.5m and the building is to the south-east of the neighbouring lodge, the distance between the proposal and this lodge, at approx. 20m, is such that the proposal is not considered to cause any amenity issues with regard to overshadowing and that the proposal changes to the design would not adversely impact amenity. As such the proposal is in accordance with Section 12 of the NPPF 2021 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

### **Crime and Disorder Act**

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

### **Other material considerations**

The Parish Council has objected to the proposal stating that 'as previously stated the Parish Council has concerns regarding the number of applications and changes made to this application which appears to be changing its use to a holiday home for the future.' The Parish Council did not object to the original application for a garage/boat store (19/01495/F) and this is the only application which has been submitted to vary the previously approved building so it is not clear exactly what the Parish Council comments refer to. With regard to the proposed building becoming a future holiday home, the same condition that was applied to the original planning application, limiting the use of the building to purposes incidental to the dwelling will be reapplied, and to change the use of the building would require planning permission.

This application is to vary conditions applied on a previous application and therefore material considerations such as highways impacts and flood risk etc was considered under the original application.

It was evident from the site visit that development had commenced as the foundations were under construction and therefore the time limit whereby development should commence should not be reapplied to the decision notice. Conditions 2 and 3 should be reapplied and amended to reflect the revised design.

## **CONCLUSION**

The amendments shown to the design of the previously approved garage/boat shed are considered in character with the locality and would not adversely impact upon amenity. It would be in accordance with Section 12 of the NPPF, Policies CS06 and CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 and therefore it is recommended that Members approve the application subject to amending the previously applied conditions as stated above.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans; MCD01.04.01 'Proposed Garage Details'.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The garage/boat store hereby approved shall be used for purposes incidental to the dwelling known as 1 Abbey Lakes Close, Pentney, shown in red on the approved location plan, Dwg. No. MCD01.04.01, only and shall at no time be used for business or commercial purposes.
- 2 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.