

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 06 December 2017

(Author: David Grant - Planning Officer)

Purpose: To consider Planning Application H20-0882-17

Application Number: H20-0882-17

Date Received: 18 September 2017

Application Type: FULL

Description: Proposed dwelling including change of use of land for storage to allow business expansion

Location: Land adjacent and rear: Lift & Shift Ltd Broadgate Road Sutton St James

Applicant: Mr & Mrs Reed

Agent: Swann Edwards Architecture Ltd

Ward: The Saints

Ward Councillors: Cllr M D Seymour

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H20-0882-17>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Issues raised merit Committee consideration.

2.0 PROPOSAL

- 2.1 This application is for a proposed dwelling including a change of use of the land for storage to allow business expansion on land adjacent and to the rear of Lift & Shift Ltd, Broadgate Road, Sutton St James. The proposal is for an environmentally sustainable dwelling that seeks to meet the criterion within Paragraph 55 of the National Planning Policy Framework (NPPF) for a countryside dwelling of 'truly outstanding or innovative' design. One of the core planning principles of the NPPF is to 'support the transition to a low carbon future in a changing climate.'
- 2.2 The proposal would employ the very high Passivhaus energy efficiency standards, and would be an exemplar of energy efficient dwelling in the South Holland District. Technical matters relating to the energy efficiency of the proposed dwelling can be found in the Passivhaus Planning Package Report submitted with the application. The Building Control Department confirms that the dwelling complies with Passivhaus terms. Other elements of the proposal include rainwater harvesting, renewable energy generation, electrical car charging, powerless sewage treatment and superinsulation.
- 2.3 The supporting information contained with the Design and Access Statement states 'The driving force behind this application is to allow the clients to live adjacent their existing business to reduce their travel to work (increased sustainability through reduced vehicle movements) and to improve security for the area. The clients also own the adjacent south west land to the site, which they are currently in the process of developing a financially viable small holding to supplement their income and also allow them to produce much of their own food on-site'.

- 2.4 'The proposal comprises of the demolition of the existing blacksmiths forge, construction of a certified Passivhaus dwelling from recycled shipping containers sourced from the site adjacent and a comprehensive landscaping scheme. In addition, the application includes the change of use to the existing land north west of Lift & Shift to allow the existing storage business to expand.'

3.0 SITE DESCRIPTION

- 3.1 The application site is outside of defined settlement limits in the open countryside. The surrounding area is predominately rural and is characterised by buildings of varying ages and design.
- 3.2 The site is a parcel of previously developed brownfield land which contains a former blacksmiths forge building and scrubland of low value.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy SG1 - General Sustainable Development
Policy SG2- Distribution of Development
Policy SG3 - Settlement Hierarchy
Policy SG4 - Development in the Countryside
Policy SG14 - Design and Layout of New Development
Policy SG15 - New Development: Facilities for Road users, Pedestrians and Cyclists
Policy SG16 - Parking Standards in New Development
Policy SG17 - Protection of Residential Amenity
Policy SG18 - Landscaping of New Development
Policy HS7- New Housing in the Open Countryside Including Other Rural Settlements
Policy EC3 - Existing Employment Areas/Premises

National Guidance

National Planning Policy Framework (NPPF), March 2012

Paragraph 14 - The presumption in favour of sustainable development
Paragraph 17 - Core planning principles
Paragraph 34 - Vehicular movements
Paragraph 55 - Housing in the open countryside
Paragraph 61 - High quality and inclusive design
Paragraph 63 - Outstanding and innovative design
Paragraph 93 - Increasing delivery of low carbon developments
Paragraph 95 - Low carbon futures
Paragraph 97 - Increasing delivery of low carbon developments
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 10 - Meeting the challenge of climate change, flooding and coastal change

5.0 RELEVANT PLANNING HISTORY

5.1 None

6.0 REPRESENTATIONS

6.1 Sutton St James Parish Council

Support. Consider that the development should be tied to the business already on site.

6.2 County Highways & SUDS Officer

No objections to the proposal.

6.3 SHDC Environmental Protection

Due to the existence of a former Blacksmith's Forge on site request the contaminated land condition for this application in order to protect the end user.

6.4 Environment Agency

No objections as 'the hazard mapping contained with South Holland's Strategic Flood Risk Assessment shows the site to be unaffected if a breach of the flood defence was to occur'. The EA would however recommend that finished floor levels are set 300mm above ground level.

6.5 South Holland Internal Drainage Board

The watercourse on the North/West side of the boundary of the proposed site is the Board's maintained Bardlings East Watercourse. If the applicant wanted to do anything within 9 metres of the drain, they would need to formally apply to the Board for consent to do so.

6.6 Public

A resident of Old Fendyke supports this application, whilst the development is in a rural location the business is bringing enterprise into the area which should be encouraged. Businesses like this bring sustainability to the village when the traditional rural businesses are struggling. The business has grown from nothing and has a limited impact on the area'.

7.0 MATERIAL CONSIDERATIONS

7.1 The key issues for consideration in this application are:

- Principle/Policy;
- Design and impact upon residential amenity;
- Highway Safety;
- Flood Risk and Drainage.

7.2 Principle/Policy

7.3 The NPPF sets out that 'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as 'the exceptional quality or innovative nature of the design of the dwelling'. The agent labels the proposal as an 'innovative solution that seeks to raise the standards of design in this rural area', thereby representing the special circumstances that allow a departure from the local plan. The agent considers that the dwelling is an 'innovative' design, to the very high 'Passivhaus' energy efficiency standards and will provide a leading example of a low energy design in the District.

- 7.4 It is noted that the NPPF states, great weight should be given to outstanding or innovative designs which help raise the standard more generally, which reflect the highest standards in architecture, which significantly enhance the immediate setting and which are reflective to the defining characteristics of the local area. This does not automatically mean a good design should result in the relaxation of the settlement policy in rural areas. However, truly innovative and exemplar design when taken in combination with the wider impacts on the open countryside may, in exceptional circumstances, be justifiable.
- 7.5 Examples of previously approved Passivhaus dwellings have been provided by the agent at the neighbouring authority of Fenland District Council
- 7.6 With regard to extension of existing business to the rear of the site, this matter is assessed against Policy EC3 of South Holland Local Plan, which states 'Proposals for new development, redevelopment and changes of use for employment uses within existing employment curtilages and / or proposals for the expansion of existing employment undertakings will be permitted provided they are acceptable in terms of environmental impact, the level of traffic movement and intrusion into the open countryside'
- 7.7 'Exceptionally the redevelopment and/or change of use to non employment uses will be permitted where the existing use is unsatisfactory or where the benefit of the proposed use outweighs the need to retain the existing use.'
- 7.8 The proposed change of use of land to the rear of Lift & Shift is considered to allow the existing business the opportunity to grow without a material impact upon the environment, traffic or intrusion into the open countryside. Impacts on visual, environmental and aural amenity will be minimised due to the proposed extension location.
- 7.9 The Council does not currently have a five-year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework indicates that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply.
- 7.10 Paragraph 49 of the Framework goes on to stress that, in the absence of a five year supply, housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 also states that there is a presumption in favour of sustainable development and, where the relevant policies are out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. It is not considered that the proposed development would cause significant and demonstrable harm to the site.
- 7.11 The NPPF recognises the need to achieve sustainable development and states 'sustainable development is about positive growth - making economic, environmental and social progress for this and future generations.' The proposal will now be assessed against the above three criteria.
- 7.12 Economic
- 7.13 The dwelling would allow the applicant to live adjacent to their business which will provide increased security to the site. The proposed change of use of land to the rear of the site will allow this successful local business to grow and support the local economy. The proposal will also create temporary jobs during the construction period and use locally source materials. A dwelling in this location will also help contribute to the local economy of Sutton St James by supporting the shops, post offices, pub and butchers. The proposal is considered to be in accordance with Local Plan Policy EC3.
- 7.14 Social
- 7.15 The proposal will allow the applicants to live and work on the same site, which should help their business to grow. The dwelling would be an exemplar of energy efficient living and would help to bring forward the issue of the potential of low carbon housing to the attention of the district to address current and future environmental concerns. Regarding social concerns this application

accords with advice given in paragraphs 61, 63, 93, 95 and 97 of the NPPF.

7.16 Environmental

7.17 The proposed dwelling and curtilage will be sited on brownfield land from the former blacksmith's forge which aids with the sustainability element of the application. The proposed landscaping through retention of existing boundary hedgerows and new planting will help improve biodiversity in the area. In addition, the proposed dwelling is created from recycled and repurposed shipping containers and will be the first Passivhaus in the district. The proximity of the property to the adjacent business will also reduce vehicular movements. Other elements of the proposal include rainwater harvesting, renewable energy generation, electrical car charging, powerless sewage treatment and superinsulation. This proposal accords with advice given in paragraphs 34, 93, 95, 97, 109, 111 & 118 of the NPPF and Policy SG7 of the South Holland Local Plan concerning energy efficiency. The proposal will not only satisfy the demands of Paragraph 55 but will create a low carbon, environmentally sustainable development, which is the golden thread running through the NPPF.

7.18 Design and impact upon residential amenity

7.19 Whilst no letters of objection have been received, matters of neighbour amenity are still required to be considered. In terms of the impact of the proposal upon neighbouring properties, it is considered that the proposed development would not result in any harm upon the living conditions of neighbouring properties. The amenity of future occupants should also be considered. The proposed dwelling will be an executive home (albeit of a unique design) set within landscaped grounds. There are not considered to be any issues which would create unacceptable living conditions for future residents.

7.20 The use of 8 shipping containers to form the property not only represents low carbon recycling, but it also considered to improve the visual flow of the site through a reciprocity of design with the exterior appearance of the adjacent business. The proposal is considered to accord with design guidance contained within paragraphs 61 and 63 of the NPPF.

7.21 Highway safety, parking provision and traffic

7.22 The proposal will create an additional dwelling in the area, however, traffic movements should decrease as a result of the applicants living and working from what is ostensibly the same site.

7.23 Flood Risk and Drainage

7.24 The South Holland IDB state that the watercourse on the North/West side of the boundary of the proposed site is the Board's maintained Bardlings East Watercourse. If the applicant wanted to do anything within 9 metres of the drain, they would need to formally apply to the Board for consent to do so.

7.25 The site is located in Flood Zone 3 on the Environment Agency Flood Maps. However the South Holland District Council 2115 SFRA Hazard & Depth Maps place the site at the lowest risk of flooding, therefore meeting the requirements of the exception and sequential tests

7.26 Conclusion

7.27 The proposed dwelling reuses brownfield and recycles shipping containers, whilst utilising Passivhaus design and various energy efficient elements to minimise environmental impact. It is acknowledged that the proposed design is divisive and may to some present a discordant, jarring building at odds with the fenland landscape when compared to vernacular rural dwellings in the vicinity. However, this is dictated by the design ethos to achieve high levels of energy efficiency and sustainability, raising the general standard of design and construction within the district whilst not cause significant or demonstrable harm.

7.28 The development will introduce an exemplar, innovative dwelling within a rural location. Its individual and energy efficient design will provide for a unique dwelling within the District which

outweighs any concerns regarding the location of the proposal. As such this proposal is considered to be acceptable and complies with the aims of Paragraph 55 of the NPPF.

- 7.29 The proposals also provide for an expansion of the existing business which is considered acceptable in terms of Policy EC3 of the South Holland Local Plan, 2006.

8.0 RECOMMENDATIONS

- 8.1 **Grant permission subject to those conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
SE-564 Dwg No 12 Revision C, 5557-1, SE-564 Dwg No 11, Design and Access Statement (Received 13 November 2017) & Passivhaus Planning Package Report.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The scheme of landscaping and tree planting shown on dwg. no. SE-564 Dwg No 12 Revision C shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

5. The occupation of the dwelling shall be limited to a person or persons solely or mainly employed, or last employed at Lift & Shift Ltd, Broadgate Road, Sutton St James

Reason: The site is in a rural area where it is the policy of the Local Planning Authority not to permit residential development except in the interests of agriculture or where related to the use of the land. The circumstances of this case relate to an Paragraph 55 dwelling, and permission is therefore confined to it.

This Condition is imposed in accordance with Paragraph 55 of the National Planning Policy Framework, 2012.

6. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A