

Application No: H22-0321-23 **Applicant:** Larkfleet Group
Proposal: Erection of a pair of elevated modular concept dwellings to replace those previously approved under H22-0994-19 (for research and showhome purposes only)
Location: Adj. Ashgrove Lodge Austendyke Road Weston Hills
Terminal Date: 2nd August 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
19	Rural Exception Sites
22	Replacement Dwellings in the Countryside
23	The Reuse of Buildings in the Countryside for Residential Use
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving sustainable development
 Section 4 - Decision-making
 Section 5 - Delivering a sufficient supply of homes
 Section 9 - Promoting sustainable transport
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

Proposal

The proposal comprises a Full planning application seeking permission for the erection of a 'pair of elevated modular concept dwellings' on land to the west of Ashgrove Lodge, to the northern side of Austendyke Road, Weston Hills.

The proposal seeks permission for the 'modular buildings', to replace those previously permitted on site. The existing pair of modular concept buildings on site, which were permitted under reference H22-0994-19, were subject to conditions to ensure their temporary nature, with the approval granting temporary permission until 23rd December 2024.

Further to this, relating to a proposal of a similar nature, permission has also been granted on the adjacent site under references H22-0772-17 and H22-1172-21 for a single three bedroom dwelling. These were also subject to conditions to ensure its temporary nature, with the latter approval granting temporary permission until 5th December 2026.

The design of the proposed modular buildings (known as solohaus pods) is contemporary in nature, comprising relatively lightweight modular dwellings sited upon an elevated platform which would sit 2.4 metres high. The proposed modular concept buildings would be 3.14 metres in height, providing a maximum height of 5.54 metres once taking account of the 2.4 metre high platform. The development would comprise extensive glazing, with steel cladding (RAL 5007 & RAL 9005), along with access stairs and a glazed balustrade.

The proposal is designed to have windows to the front and rear elevations (north and south) but does not comprise windows to either side elevations. Parking spaces are to be provided beneath the structure, with the site also having the ability to accommodate further off street parking.

The development is proposed for use as R&D and showroom purposes, with no residential accommodation being sought. However, given its purpose as a 'concept dwelling', the internal layout is such as to provide an open plan arrangement comprising a living room/kitchen, a shower room and a bedroom to each of the two units.

Site Description

The application site lies to the northern side of Austendyke Road, within the wider location, to the east of Weston Hills. The site encompasses an area of land that, prior to the previously permitted development on site, comprised paddock land associated with the neighbouring property known Ashgrove Lodge.

The site, in its current form, comprises a pair of elevated modular concept dwellings, which were permitted for a temporary period of five years, under planning reference H22-0994-19; with this permission requiring the modular buildings to be removed from site by 23rd December 2024.

Neighbouring the site to the east lies Ashgrove Lodge, with agricultural land located beyond. A three bedroom 'experimental house' neighbours the site to the southeast. Nearby to the site, neighbouring to the west, are further properties, consisting of residential dwellings.

The site is outside of the settlement boundary for Weston Hills (as defined by the South East Lincolnshire Local Plan 2019) and, as described within the previous proposal on site, "a temporary planning permission (5 years) was previously granted for an experimental elevating house on an area of land to the south-east of where the proposed dwellings would be sited, which has been implemented (reference H22-1085-16)". This neighbouring development (referred to above as an 'experimental house' to the southeast) has been subject to a proposal that granted an extended period for this experimental property until 5th December 2026.

History

H22-0994-19 - Erection of a pair of elevated modular concept dwellings - Approved December 2019

H22-0105-18 - Details of external materials and site levels and floor levels (Conditions 5 and 8 of H22-0772-17) - Approved May 2018.

H22-0772-17 - Proposed three bedroom detached house for experimental use (temporary permission) - approved under H22-1085-16 - Modification of Condition 2 to allow amendments to previously approved plans - Approved September 2017.

H22-1085-16 - Proposed three-bedroom detached house for experimental use (temporary permission) - Approved December 2016.

Consultation Responses

Lincolnshire County Council Highways/SUDs

No objections: Given the intention for the proposed dwellings to be used principally for research and development purposes rather than as full-time dwellings, the number of vehicle movements onto and off the site would be expected to be negligible. The proposed development would involve no alteration to the existing vehicle access that serves the site.

The elevated nature of the proposed dwellings means that they would have no impact upon surface water flood risk.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Public/Third Party

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, no letters of representation have been received.

Planning Considerations

The key material considerations in respect of this application are:

- The principle of development;
- The proposed developments impact upon the character and appearance of the area and its surroundings;
- The proposed developments likely impact upon residential amenity of nearby or neighbouring residents;
- The proposed developments impact on highway safety;
- Amongst other matters.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle

The South East Lincolnshire Local Plan (SELLP) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area, whilst protecting and enhancing the environment; to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the SELLP sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the Sub-Regional Centres, followed by Main Service Centres. Lower down the sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP indicates that within 'Other Service Centres', development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill".

National policy, contained within the National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

However, the application site in this instance is sited within an area that falls outside of the defined settlement boundaries of Weston Hills. Policy 1 of the South East Lincolnshire Local Plan details that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". As such, the application site comprises a countryside location in this respect.

Within countryside locations development will be restricted to that which "is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits", with local plan policies detailing suitable types of development such as 'Rural Exemption Sites', 'Replacement Dwellings', and 'Reuse of Buildings'; all of which require specific criteria to be met.

In respect of countryside development, the supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The proposal is not considered to meet the provisions of either of these policies, nor does it comprise a 'Rural exemption Sites', and it does not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use).

In a similar context in respect of countryside development, Para 80 of the National Planning Policy Framework states that "planning policies and decisions should avoid the development of isolated

homes in the countryside unless one or more of the following circumstances apply". Criteria a-d of para 80 do not apply to this proposal as it does not comprise a 'rural workers dwelling' whereby a property is required nearby to their place of work, the conversion or viable use of a heritage asset, the re-use of a redundant or disused building, or comprise the sub-division of an existing residential building. Point e. of para 80 is clear in detailing that, for the development of new isolated home within the open countryside, the proposal must comprise a: "design of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area". The proposal has not been submitted in this regard and does not meet the requirements of a 'para 80 dwelling'.

In light of the above, it is considered that the proposal does not meet the provisions of Policy 1 as outlined within the report.

Notwithstanding this, it is noted that the development hereby proposed comprises 'modular concept dwellings', of which its primary purpose is to erect a prototype of a pair of elevated modular concept dwellings for research and design purposes.

The site has been subject to relatively recent planning history, in the form of reference H22-0994-19, which provided a time limited permission for similar elevated concept dwellings for a similar purpose. In that instance, it was detailed that the "key purpose of the project is to drive forward the concept of such dwellings being constructed on areas of hardstanding (typically a car park) which is only used part of the time in areas with a shortage of housing land. Therefore, unlike the experimental elevating dwelling that is currently under construction to the south-east, the primary purpose of these modular dwellings being elevated is not flood risk mitigation".

The aforementioned was granted on the basis that the permission was limited in time, given its clear policy conflict with Policy 1 of the South East Lincolnshire Local Plan. However, it is noted, as evidenced through the applicants agent within additional information submitted within the application process, the previous concept dwellings were erected and utilised during a challenging period, contending with the Covid-19 pandemic. Furthermore, the proposal hereby submitted comprises a revised approach, which the applicant seeks to gather further research.

It is also noted that the proposed 'dwellings' would not be occupied by any persons and it is not anticipated that there would be an inordinate number of visitors to the site, with no residential accommodation being utilised as an independent unit, albeit the layout comprises as such.

Given that no evidence has been forthcoming in respect of the developments need to be located within this specific location as opposed to a site within the defined settlement boundaries within the district, which are considered to comprise the sustainable settlements or part thereof; it has been clearly communicated to the applicants agent that the principle of development, as submitted, would typically be resisted and would warrant refusal of planning permission given its clear policy conflict. As would likely be the case should a further extension of this permission be sought at a later date, should this be subject to the same national and local plan policies; given that the planning balance, as described below, has been concluded based upon the specific purpose of the development and temporary nature.

In any event, permission has previously been granted for an experimental dwelling in the immediately neighbouring plot, which has been provided a similar extension for use until 5th December 2026; with its purpose being for a similar experimental/research nature.

As such, when considered on balance, whilst the proposal is at conflict with the development plan by way of it failing to accord with the requirements of Policy 1 of the South East Lincolnshire Local Plan, when viewed in principle, the temporary nature, the associated use of the immediately neighbouring site (also temporary in nature) and the justification detailed for its need for extension (in terms of the nature of use beyond the initial 5 year period, although being considered as a new independent development proposal), the principle of development is considered to be acceptable when viewed as a whole.

This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, the potential flood risk and impact on highway safety, which are discussed below.

Character and Appearance

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new is of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Specifically, paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

In respect of the visual appearance and character of the proposal, the proposed development of a pair of contemporary modular concept dwellings, elevated upon a framework, is discernibly different to that typically or traditionally constructed within the district of South Holland. The proposal would also differ and contrast, to a relatively large extent, to that of the existing properties in the immediate locality.

Notwithstanding this, the proposed development is sited as to be set back within the site, providing a segregation from the street scene. Screening is provided along the frontage in the form of hedging and trees, in addition to the existing frontages of properties to the south-west, which would lessen the prominence or visual impact of the proposal further. As detailed within the previous proposal, the "development along this part of Austendyke Road is more sporadic than to the west but there is no definitive 'building line' to follow. Given this, it is not considered that there would be a material adverse impact upon the character and appearance of the area that would justify a refusal of this temporary development on character grounds".

Furthermore, the proposal is to be limited to a temporary period, which would largely coincide with the previous permission that was somewhat hindered by events outside of the applicants or researcher control and with that of the neighbouring development.

Taking account of the design, scale of development and the nature of the proposal, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Residential Amenity

Paragraph 130 of the National Planning Policy Framework (2021) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed concept dwellings would comprise a maximum height that would be in excess of 5.5 metres, when incorporating the proposed elevated platform. This is not dissimilar to that of a residential property and is less than that typically expected for a two-storey dwelling.

Furthermore, the proposal would comprise appropriate separation distances to the neighbouring

residential properties, with the nature and purpose of the proposal ensuring that no significant impact would occur, given its likely level of 'occupation'.

It is therefore considered that no overlooking, undue overbearing impact or loss of light would occur to neighbouring properties as to warrant refusal of planning permission due to an unacceptable impact upon the occupiers residential amenities.

As detailed above, the scale and design of the proposal, coupled with the nature and purpose proposed, is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Highway Safety

Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposal would utilise the existing access point to and from the highway, as approved and currently utilised for the existing modular buildings on site. The proposal is not anticipated to give rise to an unacceptable increase in vehicular movement in comparison to that of the existing use.

Lincolnshire County Council, as Local Highways Authority, has raised no objections and, as such, there is no defensible reason to refuse the application for this reason.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal, when viewed in the context of Policy 1 of the South East Lincolnshire Local Plan, is at conflict with the development plan, with new residential development not being permitted in such a countryside location on the basis that it conflicts with Policy 1 of the Local Plan.

However, as detailed within the principle section above, the proposed development is considered to be acceptable in principle in this instance, on balance. This is largely given its purpose of gaining permission to erect a prototype pair of elevated modular concept dwellings for research and design purposes, which would be limited and controlled by way of a temporary permission.

It is considered that the proposed development does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking throughout the scheme. Given the above, it is considered, on balance, that the development proposed is acceptable.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the

National Planning Policy Framework (NPPF), 2021. Notwithstanding the aforementioned conflicts, the factors detailed within the report, coupled with the temporary nature of the development in this case, in considering all the matters raised above the planning balance is in favour of the proposal and the recommendation is for the development to be approved, on a temporary basis, subject to the conditions attached.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

This application is recommended for approval.