SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 18 December 2019**

(Author: **Lucy Buttery - Principal Planning Officer)**

Purpose: **To consider Planning Application H22-0994-19**

Application Number:	H22-0994-19	**Date Received:**	07 October 2019
Application Type:	FULL		
Description:	Erection of a pair of elevated modular concept dwellings		
Location:	Ashgrove Lodge Austendyke Road Weston Hills		
Applicant:	Larkfleet Limited	**Agent:**	Larkfleet Limited
Ward:	Cowbit, Weston and Moulton	**Ward Councillors:**	Cllr R Grocock Cllr A Casson Cllr A R Woolf

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H22-0994-19

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections received and policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 This is a Full planning application for the erection of a pair of elevated modular concept dwellings at Ashgrove Lodge, Austendyke Road, Weston Hills. The applicant is seeking a temporary 5 year permission for research and design purposes.

2.2 The design of the structure (known as a 'Koda') is contemporary, with the lightweight modular dwellings being sited on an elevated platform (approx. 2.4m high). The project proposes 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, with space requirements for the cars built in meaning that you are able to continue to use the space beneath.

2.3 The whole modular housing structure is proposed to be clad in grey metal sheeting (RAL 7024), similar to farm buildings in the area, with the frame being constructed of steel. There are no windows in the side elevations. Stairs at each side of the unit provides access. The structure is designed to fit above 8 standard sized parking spaces, with contiguous units fitting next to each other, and sharing stairways. Electric car charging points are intended to be incorporated into the frame structure to provide electric charging for the cars parked below.

2.4 Accommodation within the modular unit is designed to be 'open plan' with a mezzanine forming the sleeping accommodation. A compact kitchen and bathroom area and facilities unit is located at the rear of the unit. A front balcony/bike storage area is designed in front of a full height glass screen to the main living accommodation, which is concept designed to be efficient in size and

space saving. A balcony runs externally around the unit.

2.5 Six visitor parking spaces are provided within the application site and would be shared with the experimental elevating house adjacent.

3.0 SITE DESCRIPTION

3.1 The site is located to the east of Weston Hills and is accessed from the north side of Austendyke Road. The part of the site on which the modular dwellings are proposed to be sited was previously paddock land associated with the property known as Ashgrove Lodge to the east, but an area of compacted hardcore has recently been constructed in its place. Further to the east on the far side of Ashgrove Lodge is a large agricultural yard. There are three properties located nearby to the west, the nearest of which is a single-storey barn conversion immediately adjacent to the site access. There is hedging and trees along the Austendyke Road frontage and along the right hand side of the access which provides some screening. The rear boundary is mostly open.

3.2 The site is outside of the settlement boundary for Weston Hills (as set out in the South East Lincolnshire Local Plan, 2019), however 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). The application site largely falls within the confines of the boundaries of H22-1085-16, with the exception of an area that amounts to approximately 0.02ha which extends further northwards.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

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 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 19 - Rural Exception Sites
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving sustainable development
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

4.2 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H22-0105-18 - Details of external materials and site levels and floor levels (Conditions 5 and 8

of H22-0772-17) - Approved May 2018.

5.2 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.

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

6.0 REPRESENTATIONS

6.1 Weston Parish Council

Subject to the following provisions Weston Parish Council have no objections to this application:
a) Planning permisson for the modular concept buildings should be strictly limited to a maximum of 5 years.
b) It should be a condition that, after the maximum 5 year period, the buildings should be totally removed.
c) It should be a condition that they are not to be occupied at any point during the duration of the permission.
d) Strict hours of business should be imposed on the opening times of these concept dwellings so that disturbance to neighbouring properties is minimised.

6.2 LCC Highways/SUDS

Does not wish to restrict the grant of permission.

6.3 Public (2 objections summarised)

- Out of character with existing properties along Austendyke Road and are unsightly/an eyesore;
- Ribbon development;
- Would be in the interest of all parties to locate such dwellings in areas prone to flooding such as the Welland River area for example in Spalding or further afield in Cumbria or Somerset Plains or along the Humber Estuary;
- Access on to Austendyke Road is unsafe and motorists speed;
- Overshadowing;
- Impact of noise and air pollution from visitors on residents and dogs;
- Impact on wildlife;
- Potential structural damage to surrounding properties caused by vibrational ground works and would recommend monitoring equipment be installed;
- Devaluation of property;
- Potential for break ins.

6.4 Applicant's Agent

In response to the above public objections, the agent (on behalf of the applicant) has responded with the following:
- Out of character with existing properties along Austendyke Road and are unsightly/an eyesore; *This is a prototype showcase centre, and as such the proposed development is adjacent to another existing and already consented project.*
- Ribbon development; *This is not correct*
- Would be in the interest of all parties to locate such dwellings in areas prone to flooding such as the Welland River area for example in Spalding or further afield in Cumbria or Somerset Plains or along the Humber Estuary; *The site has been selected as is adjacent to another project site.*
- Access on to Austendyke Road is unsafe and motorists speed; *The site entrance is within a 40mph zone. Speeding of motorists cannot be assumed. LCC have approved the site location as a Project site centre.*
- Overshadowing; *The proposed elevated modular units are 17m from the habitable accommodation of the neighbouring dwelling, and (to the) north east. Sunlight is minimal from the direction of the site to the neighbouring dwelling. There are also no windows in the elevation of the neighbouring dwelling facing the proposed development.*

- Impact of noise and air pollution from visitors on residents and dogs; *The car park to be used is the existing consented car park for the Elevating project house. Expected visitors by appointment and to both sites at a time.*
- Impact on wildlife; *None expected as no trees affected. Existing flora and fauna to remain.*
- Potential structural damage to surrounding properties caused by vibrational ground works and would recommend monitoring equipment be installed; *No vibrational work is expected as only shallow strip foundations are necessary due to the lightweight nature of the structure. The car park and access roadway adjacent to the neighbours dwelling is already formed for the previous consented application.*
- Devaluation of property; *We cannot see how this could be expected from the application proposed.*
- Potential for break ins. *Ditto.*

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The key material considerations in respect of this application are:
- Principle;
- The character and appearance of the development and its surroundings;
- The likely impact upon residential amenity of nearby residents;
- Highway safety;
- Other planning considerations

7.3 Principle

7.4 The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is therefore classed as being in the Countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only be permitted that 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. It has not been demonstrated that the proposal is necessary to that location and the site in question is well removed from any settlement boundary and thus any meaningful provision of services and facilities. As such, the site is not considered to be within a sustainable location. The proposal does not, therefore, meet the provisions of Policy 1.

7.5 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.

7.6 It is important to note that the Council is capable of demonstrating a 5-year housing land supply (6.07 years as at 31st March 2019).

7.7 Paragraph 79 of the National Planning Policy Framework (2019) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 79 should apply in this instance. There are residential properties immediately adjacent, therefore the site cannot be described as remote or 'isolated'.

7.8 However, the purpose of the application in question is to gain a time limited permission to erect a prototype of a pair of elevated modular concept dwellings for research and design purposes. 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 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. Furthermore, permission has previously been granted for an experimental dwelling in this location. It is therefore considered that, on balance, the principle of this type of development in this location is acceptable.

7.9 Character and Appearance

7.10 The modular concept dwellings proposed are discernibly different in appearance to buildings traditionally constructed in South Holland and would indeed contrast with existing properties in the locality. However, the proposed dwellings would be set back within the site and screening is provided along the frontage in the form of hedging and trees as well as the frontage property to the south-west. 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.

7.11 Residential Amenity

7.12 Concerns have been raised in respect of the potential impact on residential amenity. The concerns specifically relate to overshadowing and the impact of noise and air pollution from visitors on residents and dogs.

7.13 The proposed dwellings would be approximately 6.6m in height once installed on the platform which would be similar to a traditional dwellinghouse. They would be sited approximately 21m to the north of the closest property which, taking into consideration the distance and the path of the sun, is considered acceptable and wouldn't result in undue overshadowing. Furthermore, a separation distance of 21/22m between facing windows of habitable rooms is widely considered appropriate in planning terms, thus there is not considered to be material harm in terms of overlooking that would justify refusal of this application on those grounds.

7.14 Concerns over noise and air pollution are noted, but it is not considered that the intensification of the use of the site would have a material adverse impact on neighbouring properties in this regard. A condition would be included to limit visitors to the site by appointment only and only between the hours of 9am-5pm Monday-Friday to reflect that imposed on the permission for the experimental elevating dwelling adjacent.

7.15 Highway Safety

7.16 Concerns have been raised about the access and highway safety. However, the Highways Authority has no objections and, as such, there is no defendable reason to refuse the application on this basis.

7.17 This application does not seek to amend the parking layout from that previously approved under H22-1085-16 which includes 4 spaces to the rear of Evergreen Cottage.

7.18 Other Planning Considerations

7.19 There are no protected species or habitats known to be in close proximity to the site. The proposed development will result in the loss of some paddock land but this is maintained and, as such, is considered unlikely to accommodate any matter of ecological importance.

7.20 Structural issues are dealt with under building regulations and damage caused to property is a private matter between neighbours which the planning system has no jurisdiction over. Furthermore, the agent has advised that no vibrational work is anticipated.

7.21 Devaluation of property and the potential for crime is a consideration but is one which only carries limited weight in the planning balance in this instance. There is no evidence to suggest that these concerns should be given significant weight that would justify a refusal of this temporary proposal on those grounds.

7.22 **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.

7.23 **Conclusion**

7.24 In normal circumstances, new residential development would not be permitted in such a countryside location on the basis that it conflicts with Policy 1 of the Local Plan. However, the purpose of the application is to gain a time limited permission to erect a prototype pair of elevated modular concept dwellings for research and design purposes and, on balance, is deemed to be acceptable in this location. It is not considered that there would be a material adverse impact on the amenity of nearby residents and, overall, the likely impact on the character and appearance of the area is considered to be minimal.

8.0 RECOMMENDATIONS

8.1 **Authorised to Grant a 5-year Temporary Permission subject to those Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The dwellings and elevated platform hereby permitted shall be removed from the site at or before 5 years from the date of this permission and the site restored to its former condition before that date.

Reason: The permission applied for is temporary for research and design purposes. The retention of the dwellings (and associated elevated platform) beyond this date would be contrary to local and national policy, which seeks to restrict new homes in the open countryside. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan;
Proposed Site Layout;
SAL-19-019-1014 Rev A;
Elevations;
1st Floor Plan;
2nd Floor Plan;
Section AA;
Section BB;
Section CC; and
Sections DD & EE.

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

3. The use of the development hereby permitted shall be restricted to research and design purposes only. It shall not be occupied as residential accommodation.

Reason: To ensure that the development is restricted to research and design use only and that the accommodation is not used for residential purposes. Residential use would be contrary to the provisions of national guidance contained in Section 5 of the National Planning Policy Framework, 2019 and to Policy 1 of the South East Lincolnshire Local Plan, 2019 which seeks to restrict residential development in the open countryside 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.
This Condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 5 of the National Planning Policy Framework, 2019.

4. Opening hours for visitors to the site shall be restricted to between 9am and 5pm Monday to Friday (inclusive) and shall be via prior appointment only.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

5. 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 subsequently determining to grant planning permission.

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

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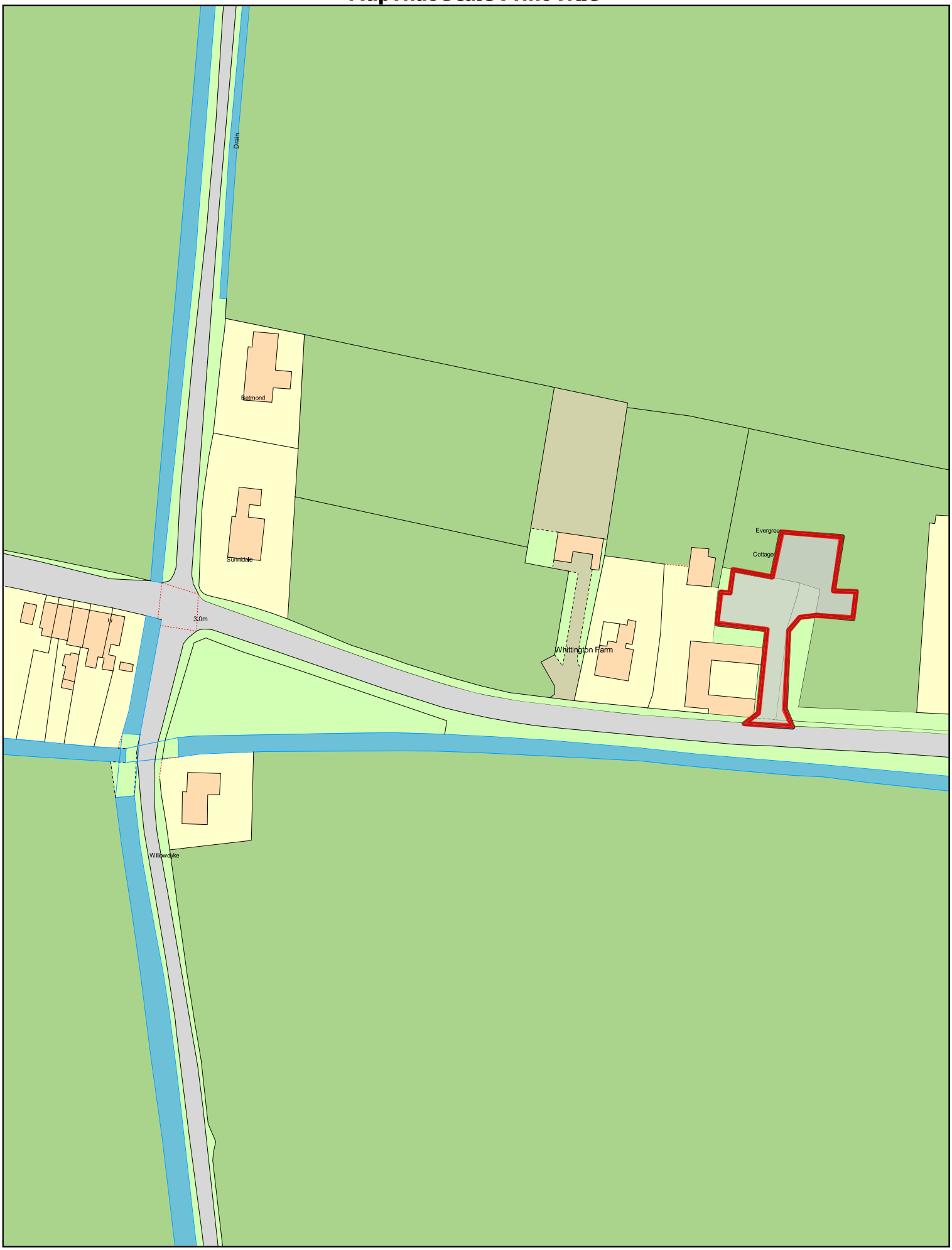
Background papers:- Planning Application Working File

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Appendices attached to this report: Appendix A - Plan A

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