DESIGN AND ACCESS AND PLANNING STATEMENT



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Proposal : Demolition of Class Q Consented Agricultural Buildings and Erection of Three Dwellings, Associated Hard and Soft Landscaping and Creation of a Re-wilding Area at Witteman Nurseries South Drove, Spalding. Lincs. PE11 3BD

September 2023

Project No JDA/2023/720

1.0 Introduction :

1.1.1 This statement provides an assessment of the proposals by John Dickie Associates for the Demolition of Class Q Consented Agricultural Buildings and Erection of Three Dwellings, Associated Hard and Soft Landscaping and Creation of a Re-wilding Area at Witteman Nurseries, South Drove, Spalding. Lincs. PE11 3BD

The application site area is defined on the submitted OS based Location Plan. The site area is 4015 sq m.

In submitting this statement, the aim is to briefly explain the planning and design principles which have been used to formulate the Planning Application.
The Town & Country Planning (Development Management Procedure) Order 2015, requires certain types of application for planning permission to be accompanied by a Design and Access Statement.
This document takes due account of :

- Manual For Streets: DfT. March 2007

- The 2021 NPPF
- South East Lincolnshire Local Plan 2011-2036

1.2 The design and access statement is sub-divided into the following:
- Use
- Amount of Development
- Scale
- Layout
- Landscaping
- Appearance
- Access

1.3 The legislative requirements are set out in the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 and the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006.

The Council are prohibited from entertaining an application unless it is accompanied by a Design and Access Statement, where required, and the above legislative measures indicate what should be contained in such statements.

1.4 This Design and Access Statement will help to ensure that development proposals are based on a thoughtful design process and a sustainable approach to access. The Statement is intended to improve the quality of proposals: in preparing the design and access statement, we have considered and subsequently explained the merit of the design and how it relates to the rural setting.

1.5. Planning History
Class Q Prior Approval consent was granted under H16-0560-23 on the 14th August 2023 (Conversion of existing agricultural building into 3 dwellings). The principle of residential development has been established by virtue of this permission – the 'fallback position'.

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2.0 Proposed development and impact on the setting and general planning considerations :

It is considered that the following general planning considerations are relevant and applicable to this site;

- Does the development reflect the character of the locality?
- Integration and compatibility of design and scale with adjoining dwellings, paying attention to the building line, proportionality/massing, heights, eaves level and materials of adjoining buildings
- Maintenance of the building lines where they may be considered relevant
- Impact upon the residential amenities of any adjoining sites
- Impact upon the character of the urban streetscape
- The maintenance of appropriate standards of open space for existing and proposed developments if relevant
- The provision of safe means of access to and egress from the site which does not result in the creation of a traffic hazard
- The provision of appropriate car parking facilities

In the absence of more refined considerations within the development plan, these would appear to be the most relevant planning considerations in this particular form and scale of development. These aspects are considered fully in this Design and Access Statement.

3.0 Planning Policy Backdrop

3.1 National Planning Policy Framework

3.1.2 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

3.1.3 The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

3.1.4 It was adopted on the 27th March 2012 and is accompanied by the Technical Guide to the NPPF which provides additional guidance to local planning authorities to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework on development in areas at risk of flooding and in relation to mineral extraction. The NPPF was updated in July 2018 and July 2021.

3.1.5 Paragraph 2 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is repeated in Paragraph 47.

- Paragraph 8 describes three dimensions to sustainable development: economic, social and environmental. These give rise to the need for the planning system to perform a number of roles which are mutually dependent:
- Economic: contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation, and by identifying and coordinating the provision of infrastructure.
- Social: supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and
- Environmental: contributing to protecting and enhancing our natural built and historic environment, including making effective use of land.

3.1.6 Paragraph 10 states that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 continues, explaining that for decision taking this means:

'c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.1.7 Paragraph 12 explains how the Local Planning Authority's Development Plan is the starting point for decision making:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an

up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

3.1.8 Paragraph 38 states that Local Planning Authorities should approach development decisions in a '*positive and creative way*'. It continues with the approach to determining applications at Paragraph 47, where it states that decisions '*...should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing*'

3.1.9 Delivering a sufficient supply of homes

The NPPF is focused on the delivery of housing and built upon the Government White Paper '*Fixing our Broken Housing Market*' (DCLG, 2017). Indeed, Paragraph 59 describes the objective to significantly boost the supply of homes.

Paragraph 63 states:
Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

Paragraph 68 recognises the important contribution that small and medium sized sites can make to the housing requirement of an area, and requires local planning authorities to promote the development of a good mix of sites.

In order to do so, local planning authorities are expected to identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than 1ha.

Great emphasis is placed on the local planning authorities ability to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan. In addition, the authority must demonstrate delivery of housing over the previous three years. This is to ensure that consented development is built out. In this regard, Paragraph 76 states :
'To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.'

Paragraph 84 states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

3.1.10 Promoting Sustainable Transport

The framework seeks to maximise sustainable transport solutions and recognises that the opportunity to do so will vary between urban and rural areas. Paragraph 102 requires transport issues to be considered from the earliest stages so that opportunities from existing or proposed infrastructure is utilised and opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 105 states that if setting local parking standards for residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles

In considering planning applications, Paragraph 108 describes how it should be ensured that appropriate

opportunities to promote sustainable transport modes have been taken up; that safe and suitable access to the site can be achieved for all users; and any significant impacts to the transport network can be acceptably mitigated.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

In this context, applications should give first priority to pedestrian and cycle movements; facilitate access to public transport routes; address the needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive; allow for the efficient delivery of goods, services and emergency vehicles; and be designed to enable charging of plug-in and other ultra-low emission vehicles.

3.1.11 Achieving well-designed places

Paragraph 124 states that '*Good design is a key aspect of sustainable development, creates between places in which to live and work and helps make development acceptable to communities*.'

To provide maximum clarity about design expectations, visual tools such as design guides and codes are encouraged, with the level of detail and degree of prescription being tailored to the circumstances in each place.

Paragraph 127 states that planning decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; 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 ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 128 encourages applicants to
'work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.'

4.0. NATIONAL PLANNING POLICY GUIDANCE

The Planning Practice Guidance (PPG) Suite provides guidance on the interpretation of the NPPF as well as other matters. It does not form national policy, it instead provides advice to plan makers and decision takers.

Design

The importance of good design, as identified in Paragraph 124 of the NPPF, is reflected within this PPG.

Good design should:

- *ensure that development can deliver a wide range of planning objectives*

- *enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being*

Paragraph: 002 Reference ID: 26-002- 20140306 (March 2014)

The planning objectives identified by the PPG that good design can help to achieve include:

- local character (including landscape setting). Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.
- safe, connected and efficient streets. Streets should be designed to be functional and accessible for all, to be safe and attractive public spaces and not just respond to engineering considerations.
- access and inclusion. Good design can help to create buildings and places that are for everyone. Planning can help break down unnecessary physical barriers and exclusions caused by the poor design of buildings and places.
- Efficient use of natural resources. The structure, layout and design of places can help reduce their resource requirements in terms of energy demands, water and land take, and help to sustain natural ecosystems Having a mix of uses and
- facilities within a neighbourhood can reduce travel demand and energy demands.
- Cohesive and vibrant neighbourhoods. The vitality of neighbourhoods is enhanced by creating variety, choice and a mix of uses to attract people to live, work and play in the same area.

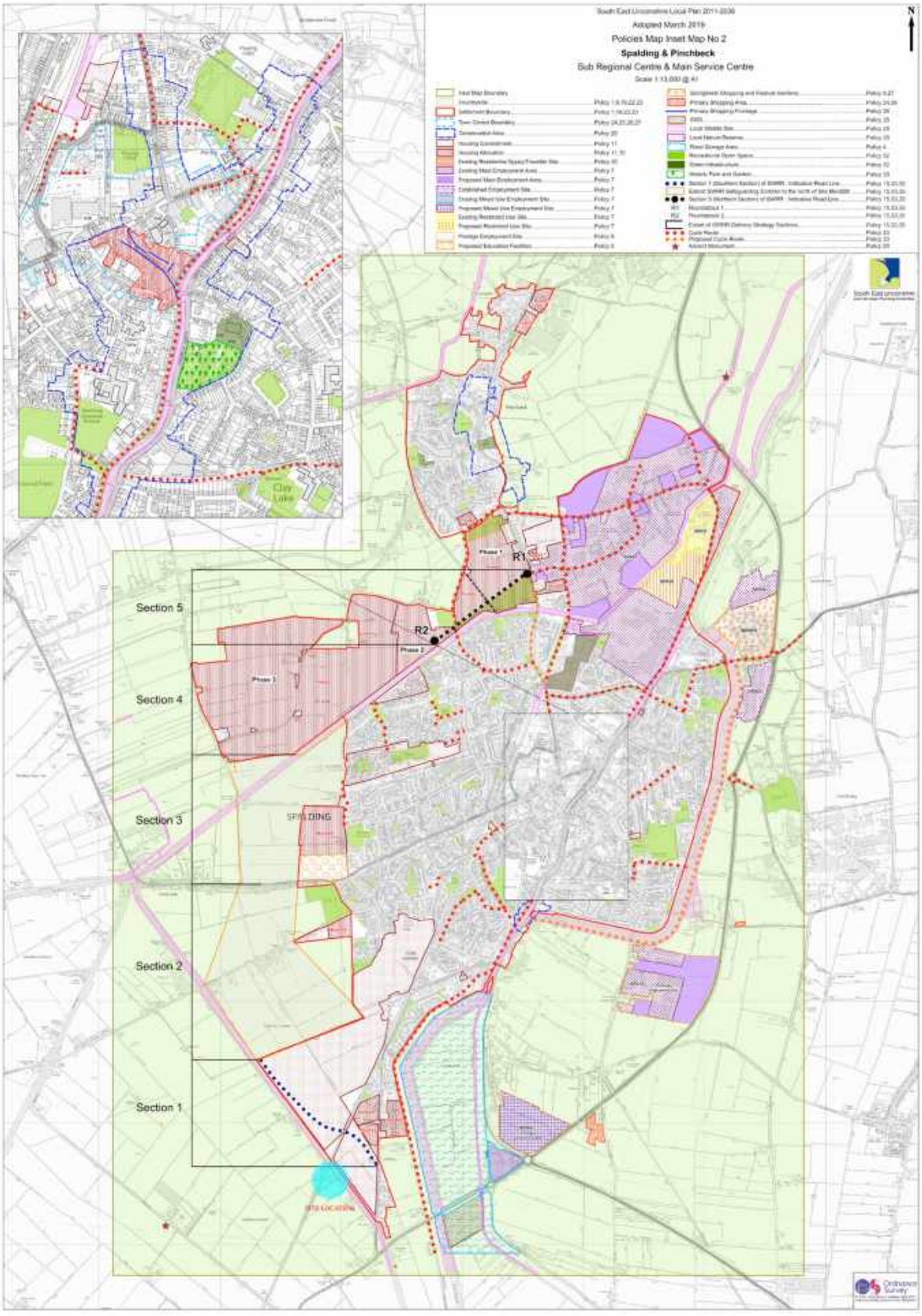
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5.0 The Adopted Local Plan: South East Lincolnshire Local Plan 2011-2036

The South East Lincolnshire Local Plan was adopted in March 2019. The current proposal will therefore be assessed in this statement in the context of the Adopted Local Plan.

Policy 1: Spatial Strategy

Inset Map 2 – Spalding and Pinchbeck is attached below with the site identified ;



Policy 2: Development Management states that Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. Size, scale, layout, density and impacts on amenity and the character of the area
2. Quality of Design and Orientation
3. Maximising the use of sustainable materials and resources;
4. Access and vehicle generation levels;
5. The capacity of existing community services and infrastructure;
6. Impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. Sustainable drainage and flood risk;
8. Impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
9. Impact on the potential loss of sand and gravel mineral resources.

This Design and Access Statement sets out how an overall sustainable design has been achieved within the current proposal and is consistent with the aims expressed within Policy 2.
The proposal is policy compliant.

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Policy 3: Design of New Development requires all development to *"create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials"* consistent with the relevant criteria set out within Policy 3. This Design and Access Statement and supporting documentation demonstrate how the proposal accords with the applicable requirements set out within Policy 3, presenting a proposed form and scale development that preserves the amenity of existing and future residents impacted by the development, is in keeping with the sense of place and character of the local area, is resilient to flood risk and includes landscaping sympathetic to ecology, biodiversity and infrastructure interests throughout.
The proposal is policy compliant.

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Policy 4: Approach to Flood Risk states circumstances in which development proposed within an area at risk of flooding (Flood Zones 2 and 3) will be permitted. The development has the benefit of Outline consent for residential development therefore no sequential test is required by Policy 4. The proposal includes a flood risk assessment which outlines mitigation measures with regard to flood risk consistent with point 3 of Policy 4. Point 3 outlines the requirements for information to be covered within a flood risk assessment to ensure site specific flood risks are covered. The applicant fully supports the policy and the mitigation measures outlined within the flood risk assessment. Given the mitigation measures proposed, the sustainability benefits of the development outweigh the flood risk given the dwellings.
The proposal is policy compliant.

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Policy 5 Meeting Physical Infrastructure and Service Needs states that planning permission will be granted for new development provided that developers can demonstrate that there is, or will be sufficient physical infrastructure and service needs capacity to support and meet the needs of the proposed development. All Mains Service and Utilities in the adjacent adopted Highway are available for use and have the required capacity to serve the proposed three dwellings.
The proposal is policy compliant.

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Policy 10 Meeting Assessed Housing Requirements puts forward a requirement for 19,425 dwellings in South East Lincolnshire over the Plan period (2011-2036) including 11,681 (467 per annum) in South Holland. The proposed development makes full use of the capacity of the site and provides a significant number of dwellings towards achieving the aspirations of Policy 10. We would also add that bungalows are in short supply in the South Holland area therefore the proposal to develop three high quality and adaptable dwellings will help address the imbalance in terms of supply & demand.

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Policy 11 Distribution of New Housing sets out new housing site allocations across the plan area. The extant Class Q permission confirmed compliance with Policy 11.
The proposal is policy compliant.

Policy 17: Providing a Mix of Housing requires new housing provision to seek to meet "*the long term needs of the Plan area in order to maintain and provide mixed, inclusive and sustainable communities. Family homes of two or three bedrooms are in highest demand for both the market and affordable housing sectors and one bedroom homes are also required to meet affordable needs*".
The proposal is policy compliant.

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Policy 18: Affordable Housing also requires that around 25% of housing on development sites of 11 or more dwellings in South Holland be affordable. The proposed development for three residential units negates the requirement for any Affordable Housing.
The proposal is policy compliant.

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Policy 28: The Natural Environment seeks the establishment of a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace. The proposal will not impact upon any international, national or local designated protected sites and the proposals maximise opportunities for the incorporation of biodiversity and high quality soft landscaping, consistent with the requirements of Policy 28.
The proposal is policy compliant.

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Policy 29: The Historic Environment requires development proposals to respect the historical legacy and character of South East Lincolnshire's historic environment. The proposed development is sufficiently separated from all nearby heritage assets and their immediate settings, that the proposals would not harm their significance or setting. In this case, a Heritage Impact Statement is not considered necessary.

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Policy 32: Community, Health and Well-being states that *"Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being"*. The design of the scheme demonstrates a permeable layout that relates well to the existing transport network. The development provides for a significant amount of amenity greenspace in an attractive, central location in keeping with the aspirations of Policy 32. The proposal includes the creation of a 're-wilding' zone of circa 1100 sq m.

Policy 36: Vehicle and Cycle Parking states that all new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities contained in Appendix 6. Each property will be provided with an electric vehicle charging point.
The proposal is policy compliant.

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Proposed Development Assessed Against Policies		
No	Policy Criteria	Commentary
1	Statutory, national and local designations of landscape features, including natural and historic assets	The site is not located within any statutorily or locally designated area.
2	Local distinctiveness and sense of place	The locality of the application site is predominantly C3 - Residential and agricultural. The character and appearance of the locality will not be materially harmed by the proposed development of the dwellings. In fact, the proposed design solution offers a measurable improvement over the current range of agricultural buildings.
3	Historic character, patterns and attributes of the landscape	The existing site is not considered important to the character of the landscape and the proposed development would be consistent with the pattern of development in the area No harm will arise. A measurable enhancement to the setting will arise from the proposed development.
4	The layout and scale of buildings and designed spaces	The general pattern of development in the locale will be maintained. The development of this site will have no adverse impacts upon the character and appearance of the locality.
5	The quality and character of the built fabric and their settings	The development will incorporate forms and materials consistent with the character of the locality.
6	The condition of the landscape	The development will complement the local built forms and landscape.

7	Biodiversity and ecological networks within the landscape	The site contains no features of biodiversity importance.
8	Public access to and community value of the landscape	The development will have no negative impacts in relation to this aspect
9	Remoteness and tranquility	Not relevant or applicable in this instance. No negative impacts.
10	Visual intrusion	The development will not be visually intrusive. Indeed, the development will offer some enhancement to the street scene.
11	Noise and light pollution	Not relevant or applicable in this instance. No negative impacts.
12	Conservation Area Appraisals and Village Design Statements, where these have been adopted by the Council	Not applicable in this case.
13	Impact on controlled waters	Not relevant or applicable in this instance. No negative impacts.
14	Protection of existing open space (including allotments and public open space, and open spaces important to the character, setting and separation of built-up areas)	There will be no loss of open space.

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6.0 General Planning Considerations

Set out below are a range of 'general planning considerations' that we consider pertinent to development proposals of this type, form and scale , indicating how the current proposals satisfy these considerations.

Integration and compatibility of design and scale with adjoining dwellings, paying particular attention to building lines, proportionality, heights, eaves/ridge levels and materials of nearby buildings.

These matters are critical to the consideration of this application. They have been fully covered in other sections of this Statement, where we have demonstrated that the scale and siting of the proposed dwellings affords due regard to the nature and character of the surrounding area. The development integrates in terms of scale and design with the neighbouring buildings/landscape, and will sit comfortably with the overall character of the locality. We would contend that the adjoining pattern of development will be reinforced.

***The footprint of the existing range of agricultural buildings on the site is 1275 sq m. The proposed development footprint is 515 sq m.**

The site appraisal identified the key design considerations relating to the site and the constraints that informed the design. The scale of the dwellings are appropriate to the site and setting. They will not dominate neighbouring properties and will positively integrate with the surrounding built form and landscape setting. The carefully considered design solution take due account of the open countryside setting incorporating much 'architectural dna' to be found in local vernacular agricultural buildings.

We contend that the proposed design offers both an enhancement to the current setting/appearance along with a significant reduction in development density.

Careful consideration has been given to the selection of all external materials, details of which can be found in the submitted drawings.

Facing Materials
Bricks. See plans
Roof Tiles. See plans – a mixture of Slate and Clay Pantiles
RW Goods. Brett Martin Cascade
Doors, windows and Lantern - Grey Anthracite PVCU
Boundary Treatment
See Site layout
Hard surfaces
The individual shared private drive and driveways/parking spaces will be formed in permeable paviors with paths in artificial stone slabs. The main driveway serving the properties would be formed using stabalised (permeable) gravel.

Maintenance of the front and side 'building lines' where applicable
It is not considered that building lines are a relevant or determining factor in this case.

Impact upon the residential amenities of adjoining sites and properties
The proposed development will not give rise to adverse or harmful amenity effects upon adjoining residential properties.
The separation distances are such that issues of overlooking and privacy loss will not arise.
There is adequate separation between the existing and proposed dwellings.
The scale of the proposed dwellings and the relationship to adjoining properties is such that there will be no overbearing impact upon adjacent properties

Potential impact upon the character of the streetscape
The development will have no adverse impact upon the streetscape - in fact it will strengthen the street scene by virtue of the high quality design.

The provision of safe means of access to and egress from the site which does not result in the creation of a traffic hazard
The entrance benefits from compliant vehicular and pedestrian visibility splays in both directions - 2.4 x 43m. Pedestrian visibility splays (2m x 2m) are also in place and fully compliant.

The provision of appropriate car parking facilities on the site
Adequate provision has been indicated for the parking of vehicles.

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7.0 Conservation Area Appraisal ;
Not applicable

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8.0. Contextual analysis

A contextual analysis has been undertaken to identify and understand the wider context and site features and how these will contribute or influence the design proposals. Residential development of the site is consistent with the residential characteristics of the locality.

Basic approach included ;
Start with desk based studies including a site visit. Consideration was given to public footpaths and potential connections, topography, surrounding land uses and landscape features, official designations, local and national policies, history and historic maps.

The site inspection included appraisals of the following ;
Assessment of trees and hedgerows, key views from within the site, ground conditions, wet areas, ditches, wildlife activity and boundaries, including rear garden fences of adjacent properties, views and approaches towards the site, local character, street character, movement - best walking routes to schools, shops etc., existing bus services and stops, cycle routes, footpaths.

Checklist for a site and contextual analysis	
Landscape	
	Response
• Landscape character, setting and history;	Refer to site analysis
• Topography;	Refer to topographic survey The site is relatively flat. The design solution (specifically finished floor levels) takes due account of the prevailing ground levels and the FRA recommendations.
• Views into and out of site and visual impact;	In terms of visual impact, the reduction in development density and the change to bungalows throughout will have demonstrably less impact that the existing buildings.
• Urban – rural interface;	We consider the street scene (the main 'rural interface') to be enhanced as a result of the development.
• Geology;	Not relevant
• Ecology and biodiversity, including biodiversity opportunity mapping;	Refer to the Biodiversity Mitigation and Enhancement proposals – in particular the proposed re-wilding zone.
• Green space, trees, hedgerows (green infrastructure);	Refer to the Biodiversity Mitigation and Enhancement proposals and the hard/soft landscaping proposals – in particular the proposed re-wilding zone.
• Hydrology and drainage (SuDS, existing flow paths, watercourses - blue infrastructure);	Refer to the landscaping and drainage proposals. Driveways will be formed using permeable paviors and stabalised gravel.
• Environmental risks, such as flooding and noise, air and water quality;	The proposal will not increase the risk of flooding. There are no measurable impact in relation to noise.
• Microclimate - Light, shade, sunshine and shadows; and colours, textures, shapes and patterns.	Refer to the Biodiversity Mitigation and Enhancement proposals and the hard/soft landscaping proposals. Light, Shade and sunshine have been given appropriate consideration in the scheme design.
Townscape	
• Views, vistas and landmarks;	We consider the street scene (the main 'rural interface') to be enhanced – see above.
• Edges, nodes of activity, gateways, eyesores;	Not applicable
• Land uses and mix of uses around the site;	The surrounding land uses are C3 Residential and agricultural. There are no land use conflicts
• Local character (positive examples nearby if nothing adjacent to site);	Refer to the site analysis

• History and heritage assets, such as listed buildings and conservation	Not applicable

Responding to context
The proposals have fully considered how to respond to the comprehensive site and contextual analysis work outlined above.

Design vision and Design development
A 'vision statement' is not considered necessary since the site benefits from an extant Class Q permission.

5. Strategic design
5A: Follow the process
The design process outlined in Part 1 has been followed. This is an urban development which, by its very nature, will minimise Carbon Dioxide emissions as a result of vehicle movements – public transport is readily available. The new Part L of the Building Regulations will result in minimised Carbon Dioxide emissions. Electric car charging points will be provided to each property.

5B: Responding to the climate emergency
"The UK's legally-binding climate change targets will not be met without the near-complete elimination of greenhouse gas emissions from UK buildings. The Future Homes Standard means that, from 2025, new build homes will no longer be permitted to have fossil fuelled space heating and hot water generation.

The new Part L of the Building Regulations will result in minimised Carbon Dioxide emissions. Hot water and heating will be provided via ASHPs powered in the main by the solar arrays.

Layout
• The design solution provides for connectivity within a walkable neighbourhood with good facilities;
• The design solution provides for pedestrians, cyclists and public transport users ahead of cars;
• The design solution will encourage healthy, active lifestyles;
• The buildings have been orientated to maximise beneficial solar gain – and shade against overheating
• The design solution promotes biodiversity and green infrastructure through a landscape-first and nature-based approach;
• Where possible, the development will use natural or recycled and local materials
• The design solution provides electric car charging points.

Buildings
The new Part L of the Building Regulations will result in minimised Carbon Dioxide emissions and high levels of insulation (a fabric first approach). ASHPs and solar panels will be installed along with triple glazing.
Notwithstanding the inherent site constraints, the design solution takes due account of ;
Building orientation
Efficiency of the building shapes
Amount of glazing
Heat pumps, mechanical and passive ventilation
Water Management
Materials in a building can be re-used if it is demolished or disassembled.

Water efficiency
Water efficiency, including the re-use and responsible use of water will be factored into the detailed design stage in order to comply with the latest Part L.

5D: A strong landscape structure

Landscape design has been considered at the very start of the design process to ensure ;
that sufficient space is given to landscape and drainage within the layout.
Biodiversity enhancements and other 'green infrastructure' are positioned in the optimum locations within the site
Additionally, the impact of lighting on landscape and biodiversity has been carefully considered
Designing for wildlife is of great importance - refer to the Biodiversity Mitigation and Enhancement proposals and the hard/soft landscaping proposals

5G: Sustainable drainage systems

Permeable surfaces are specified wherever possible and all storm water from permeable surfaces have an outfall to the IDB watercourse or soakaways.

5K: Strong front boundary treatments

Strong front boundary treatments are an essential ingredient of the streetscape and are very effective in enhancing the character of a street, creating a clear demarcation between
public and private spaces. The design quality will enhance the streetscape.

5Q: Car parking

Parking requirements have been considered at the outset of the design. Each new dwelling has its own dedicated double car port PLUS at least two compliant 5m x 2.5m parking spaces

6. Detailed design

6A: Build quality

It is important that build quality, materials and architectural detailing make a positive contribution to local distinctiveness, vernacular and character. The proposal offers a high quality design solution throughout using high quality architectural detailing and materials.
The high quality build will help the development to make a positive contribution to local distinctiveness, character and the street scene and townscape character in accordance with Local Plan policy

6B: Architecture

The focus in terms of design centred on quality and local character incorporating contemporary interpretations of local building forms, styles and details. Consideration has been given to how materials will last over time together with their maintenance, environmental performance and their general quality of appearance.

Order

Order can be a key element of good design and has been given full and due consideration in the development of the submitted proposals

6C: Materials

We have given careful consideration to the choice of all external materials for roofs, walls,
windows and boundaries to ensure they are appropriate for the site's context. Different combinations of materials are specified to create a certain character and identity for buildings.

6D: Roofs

The form, pitch and appearance of roofs are an important
determinant of character. All of the pitched roofs are set at 45 degrees in a traditional duo pitched arrangement taking the lead from predominant form and materials locally.

6E: Residential amenity

Residential amenity is determined by factors such as space, privacy, outlook, outdoor space and natural light. The proposed development takes due account of said guiding principles.

Windows do not look onto private areas of other homes, including habitable rooms (living rooms, dining rooms, bedrooms), kitchens and patio areas in gardens immediately adjoining the building. Adequate garden/amenity spaces have been provided.

6F: Refuse management
Dedicated bin storage areas have been shown for each individual property.

Waste Collection arrangements ;
Refer to the Site Layout.
All of the 'shared spaces' will be owned and maintained by a project specific Management Company. The service will include the procurement of a private household waste disposal contract for all plots.

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7.1.2 Amount of Development :
The site area is 4015 sq m – 0.96 acres. The proposed development represents a density of development commensurate with the surrounding area.

7.1.3 Scale:
The scale, massing and juxtaposition of the buildings is considered commensurate with the setting. Due account has been taken of the surrounding land uses and properties. The proposed dwellings will be served by adequate private amenity space. Dedicated bin storage will be provided and the properties will be provided with cycle storage facilities in their covered parking areas.

7.1.4 Layout :
The floor layouts of the proposed dwellings have been carefully considered in order to avoid any harmful overlooking (either way) of the surrounding properties. The orientation of the buildings, layout of habitable rooms and fenestration will take full advantage of the available site area and the tracking of the sun. Cars will be able to leave the site in a forward gear. The floor levels take due account of the relatively flat terrain and the recommendations in the FRA.

7.1.5 Landscaping :
A detailed Landscaping Scheme has been provided.

7.1.6 Appearance :
The carefully considered site layout and bungalow design recognises the site's constraints and opportunities resulting in an attractive form of development that will enhance the rural setting.

7.1.7 Access :
As shown - from South Drove.
The developer will set up a Management Company to maintain all of the shared spaces – private drive, footpaths, verges and landscaping areas – including the re-wilding zone.
The proposed road specification will be designed to withstand the minimum carrying capacity requirement for hard standing for pumping appliances (Fire Brigade) of 18 tonnes (not 12.5 tonnes as detailed in the Building Regulations part B5).

-

8.0 PLANNING BALANCE AND CONCLUSIONS

8.0.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 of the NPPF states that:
'Plans and decisions should apply a presumption in favour of sustainable development' and that for decision taking this means *approving development proposals that accord with an up-to-date development plan without delay.*

The planning application seeks Full Planning Permission for the development of 3no dwellings.

This Planning Statement finds that the construction of this small residential development is compliant with the Development Plan.

The proposal will deliver high quality homes which, in accordance with the Core Strategy will satisfy the high local demand for dwellings. The properties will be adaptable to the needs of the elderly, infirm or disabled.

- The development, as an example of good design, complies with the criteria listed within Paragraph 127 of the NPPF ;

- The development will not harm the amenity of neighbouring residents;

Through the incorporation of highly efficient heating and hot water systems and energy efficiency measures the proposals meet the requirements of sustainable developments. Air source heat pumps will provide for hot water and heating.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that for decision taking this means '*approving development proposals that accord with the development plan without delay.*'

Paragraph 8 of the NPPF describes the three dimensions to sustainable development: economic, social and environmental. Through its location and high quality design the proposals provide significant economic, social and environmental benefits, meeting the three dimension to sustainable development.

The development proposals therefore have significant policy support, applying both local and national policy tests. This must be weighed against the impacts of the development.

There will be short term impacts during the construction process through the movement of heavy goods vehicles, site deliveries and building. These can be controlled through a Construction Management Plan, and control of working hours. As such these impacts carry little weight.

The development will integrate satisfactorily with the existing built form and will give rise to no adverse amenity impacts.

The appraisal process has identified a clear and justified design and access solution for the site. This has been based upon a thorough appraisal of the site and the surrounding area. It has drawn upon the physical context of the site and the surrounding area.

*The footprint of the existing range of agricultural buildings on the site is 1275 sq m. The proposed development footprint is 515 sq m representing a reduction of some 40%.

In conclusion, the benefits derived from the proposed development weigh significantly in favour of the awarding of planning consent.

We have demonstrated that the proposals in this instance will fully accord with relevant national and the adopted Local Plan Policies.

In accordance with Section 54A of the Town and Country Planning Act 1990 and Section 38 of the Planning and Compulsory Purchase Act 2004, planning permission should be granted and no material considerations indicate otherwise.

The discussion of the relevant local policies as outlined above, alongside the referenced statements and technical documents, demonstrates that the proposal accords with local planning policy and that the proposal constitutes sustainable development. Therefore the proposal should be approved without delay consistent with national and local policy, such to enable the delivery of housing that will meet an identified and demonstrable need.

-

9.0 Conformity Checklist

Demolition of Class Q Consented Agricultural Buildings and Erection of Three Dwellings, Associated Hard and Soft Landscaping and Creation of a Re-wilding Area at Witteman Nurseries South Drove, Spalding. Lincs. PE11 3BD

The proposed development has been assessed against the CABE checklist for the preparation of Design & Access Statements

- Process

Does the statement show that the applicant has assessed the site's full context, including physical social and economic characteristics and relevant planning policies?

This report sets out a site appraisal that has been use to evaluate and formulate the proposals. From the appraisal conclusions are drawn to inform and guide the design response. Criteria satisfied.

Has the applicant demonstrated how they have taken account of the results of any community involvement?

Given the nature of the existing Land Use and the extant Class Q consent, it is realistically anticipated that the community would be generally supportive of the scale and form of development proposed.

Does the statement show that the scheme has emerged from a rigorous assessment- involvement-evaluation-design process rather than trying to justify retrospectively a predetermined solution?

This report sets out the detailed site appraisal process and methodology that has been use to evaluate and formulate the proposed development. The relevant planning context of the site has been carefully considered. Criteria satisfied.

- Design

Use

Would the application help to create an appropriate mix of uses in the area?

The predominant uses in the locality are C3 uses. The proposed use would be compatible with the overall character of this locality. Criteria satisfied.

Would different uses work together well, or would they cause unacceptable annoyance?

The proposed use is compatible with surrounding development. As such no compatibility issues are raised.

Criteria satisfied.

- Amount

Is the density appropriate?

The scale of development proposed is of low density. It is proportionate to the site area. Criteria satisfied.

Could the neighbourhood's services support the amount of development planned?

Spalding has services to cater for the scale or proposed development. Criteria satisfied.

- Layout

Do all spaces have a purpose?

Yes. The proposed use of space, and the arrangements of the proposed buildings and car parking/turning area illustrate an appropriate use of space. Criteria satisfied.

Will public spaces be practical, safe, overlooked and inclusive?

There is no public space as part of this scheme.

Will private spaces be adaptable, secure and inviting?

Yes. The development will be adaptable, secure and inviting. Criteria satisfied.

- Scale

Will the buildings sit comfortably with their surroundings?

Yes. The design solution will ensure a development that is compatible with its surroundings.

Will they, and parts like doors and windows be of a comfortable scale for people?

The scale and form of development will complement adjoining developments. Criteria satisfied.

- Landscaping

Has landscaping been properly considered from the start?

Yes. A Landscaping scheme has been submitted. Criteria satisfied.

Will it help to make the place look good and work well, and will it meet any specific aims for the site?

Landscaping presently makes a contribution to the character of the area. This will be enhanced by the scheme proposals. Criteria satisfied.

Appearance

How will the development visually relate to its surroundings?

In design terms, the development will complement adjoining development. This will ensure the new building integrates satisfactorily with its surroundings. Criteria satisfied.

Will it look attractive?

Yes. This application represents an opportunity to provide a high quality of design to complement the setting. Design, scale and building form are the most critical elements. Criteria satisfied.

- Access

Will the space be safe and easy for everyone to move around?

Yes. It provides as safe an easy environment for users. Criteria satisfied.

Will it make the most of the surrounding movement network?

The site relates well to existing movement networks. Criteria satisfied.

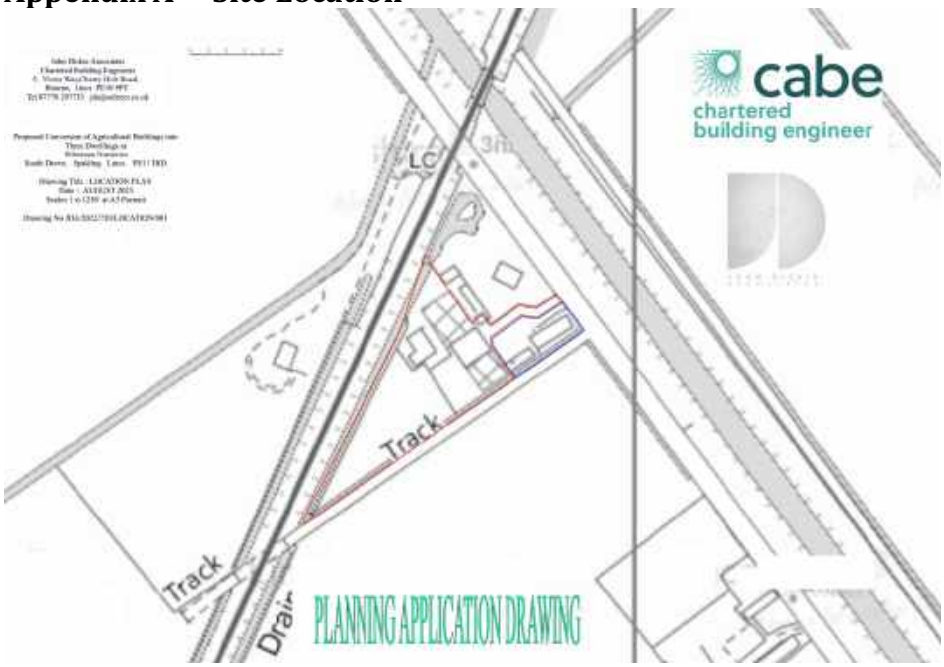
Has the applicant clearly described their policy approach and consultation, whether carried out or planned?

The development conforms to relevant National and Local policies. Criteria satisfied.

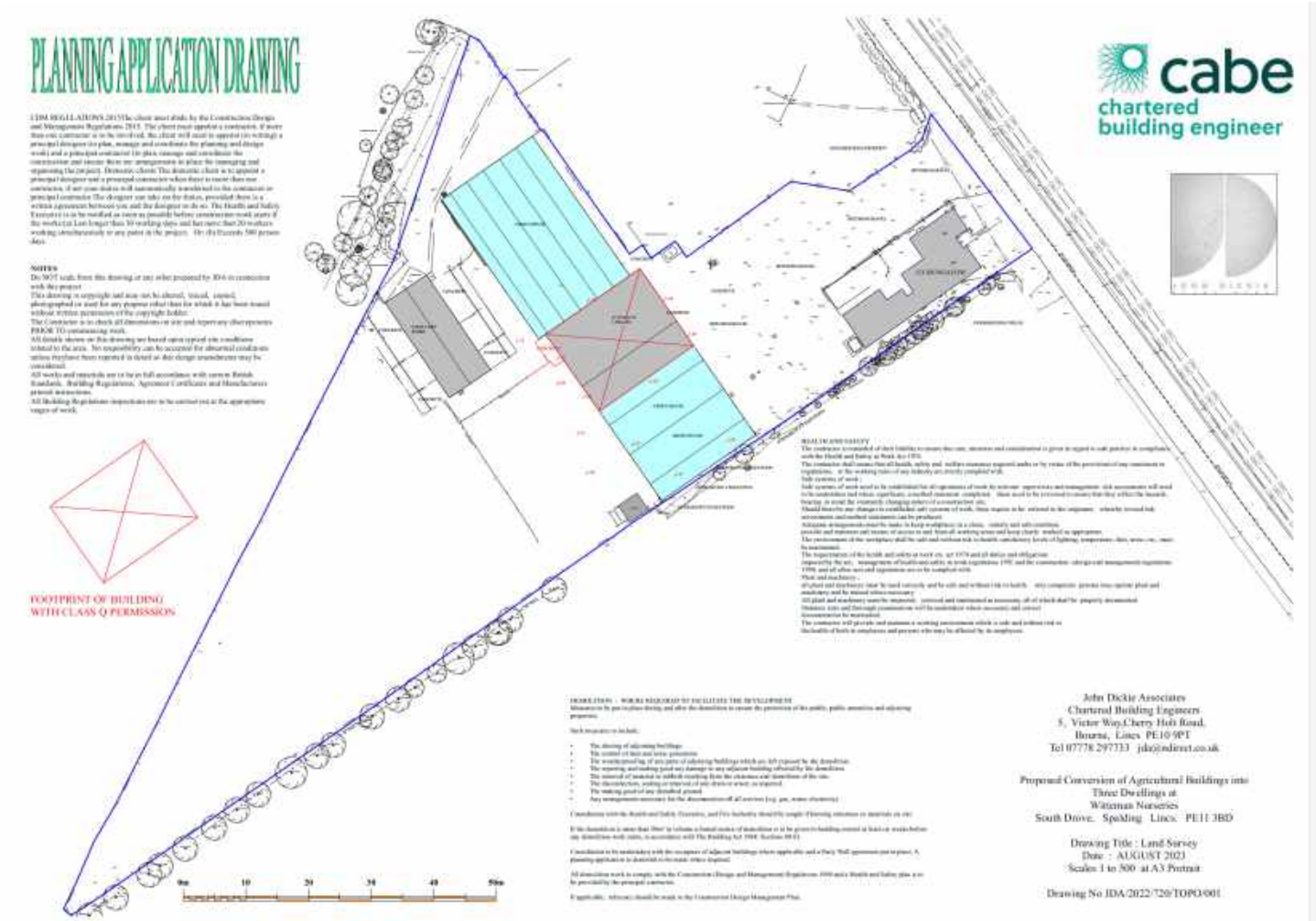


John Dickie C. Build E MCABE

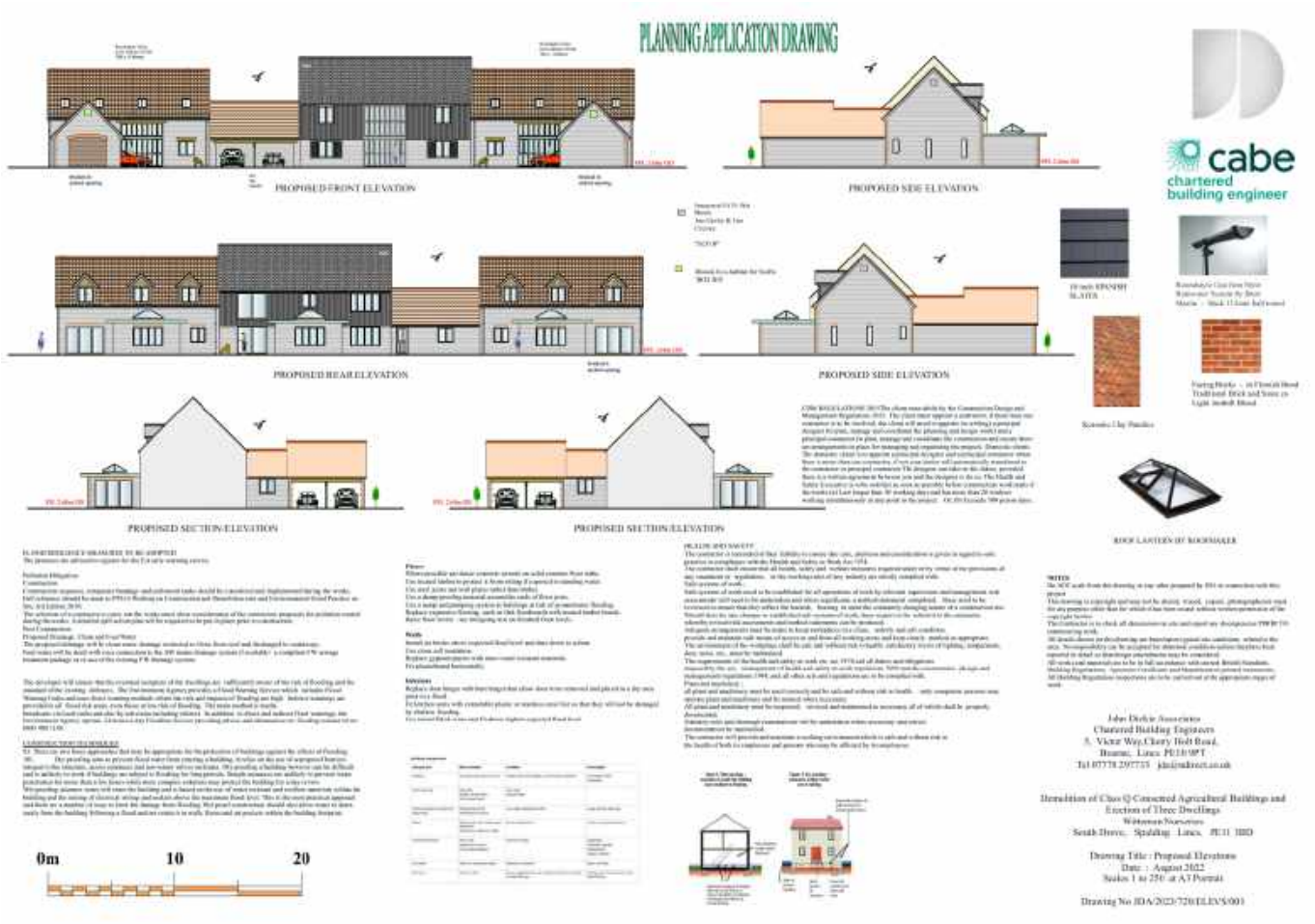
Appendix A - Site Location

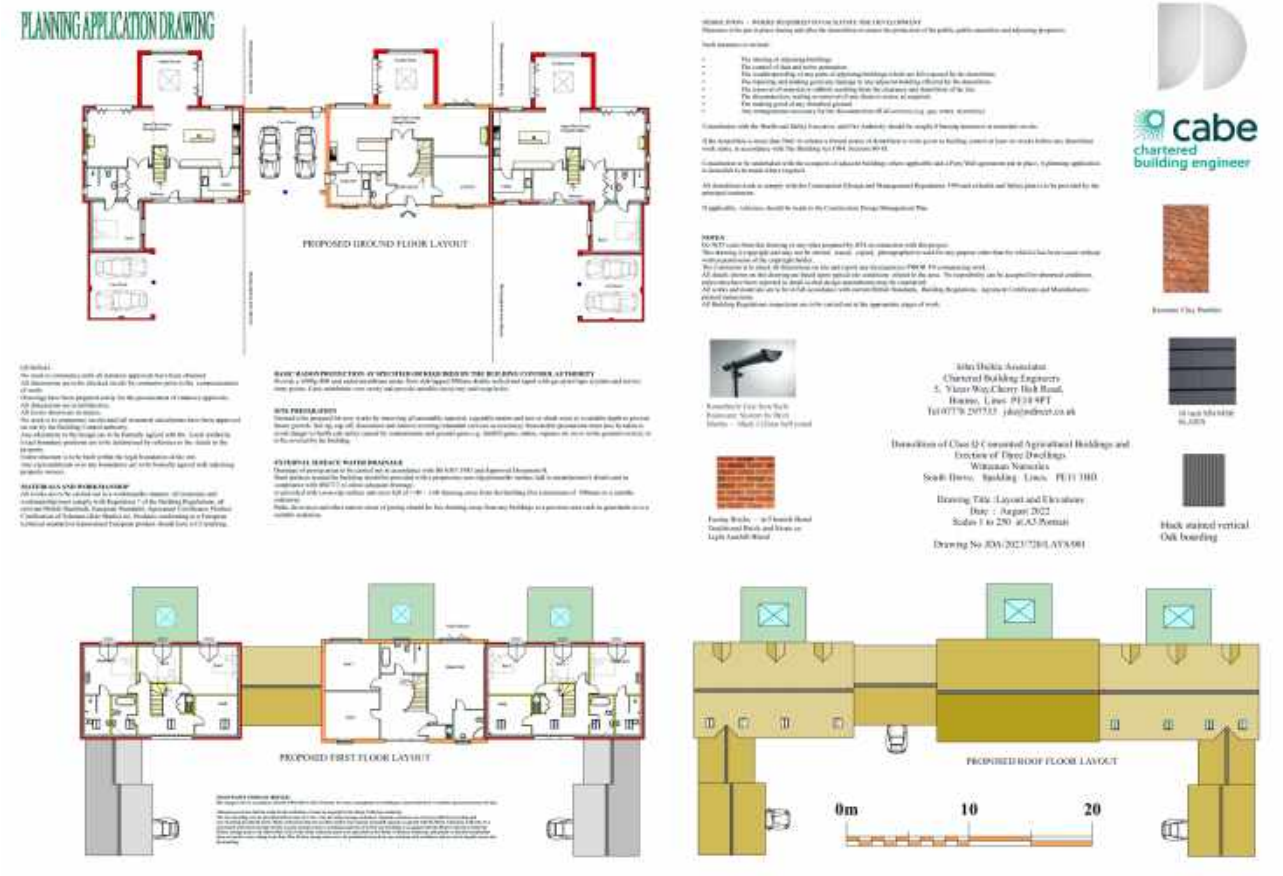


Appendix B - Topographic Survey

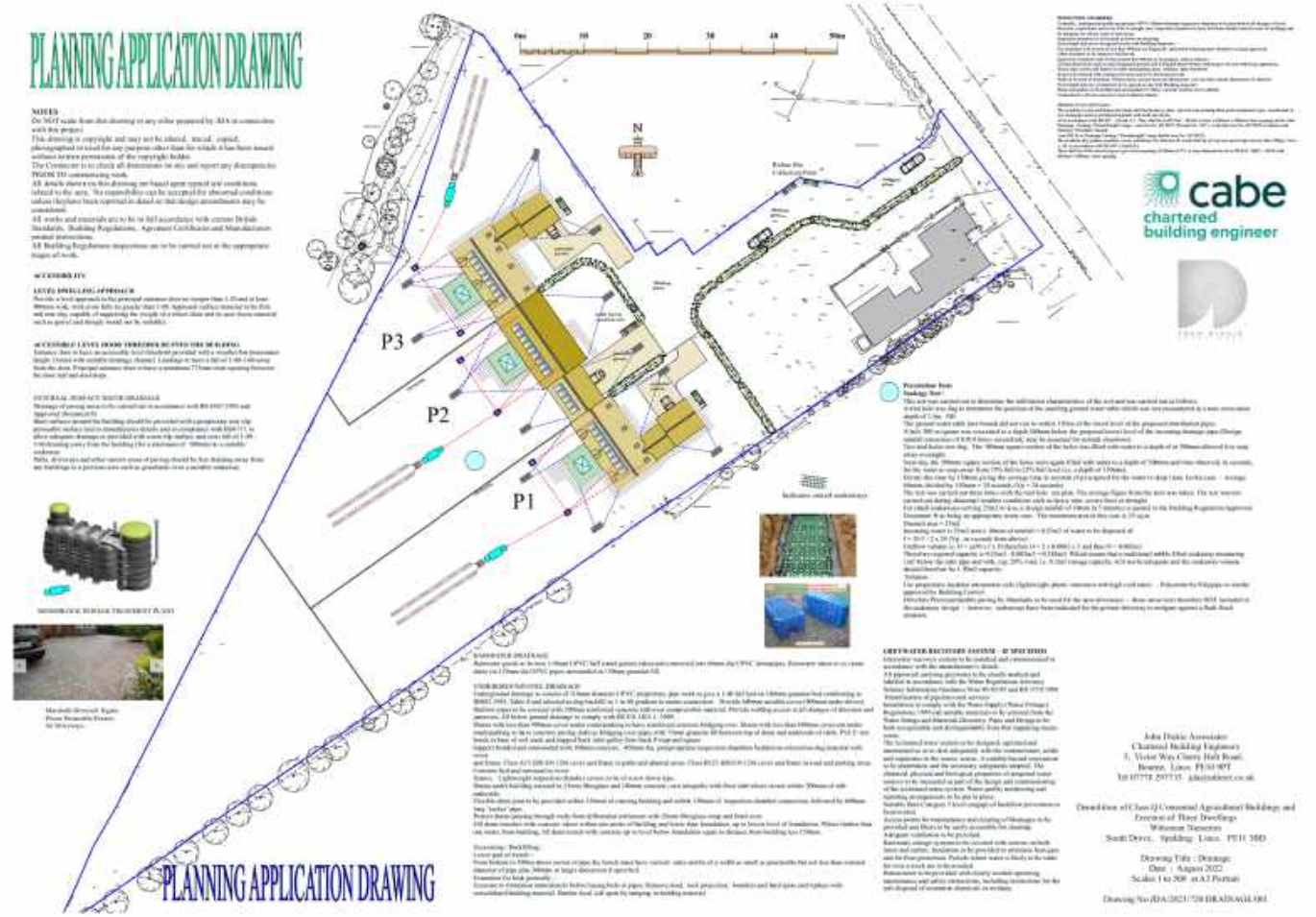


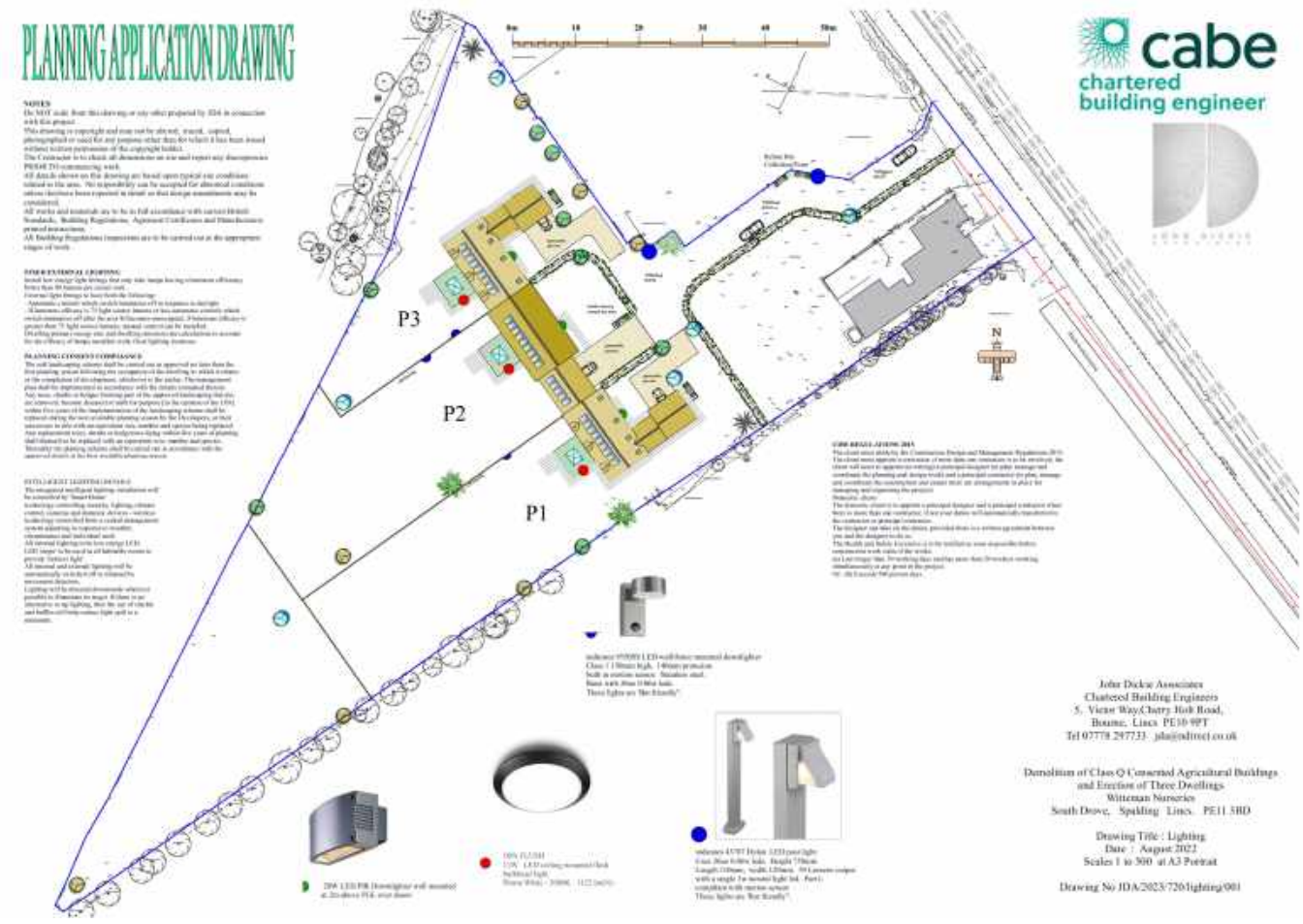
Appendix C - Scheme Drawings

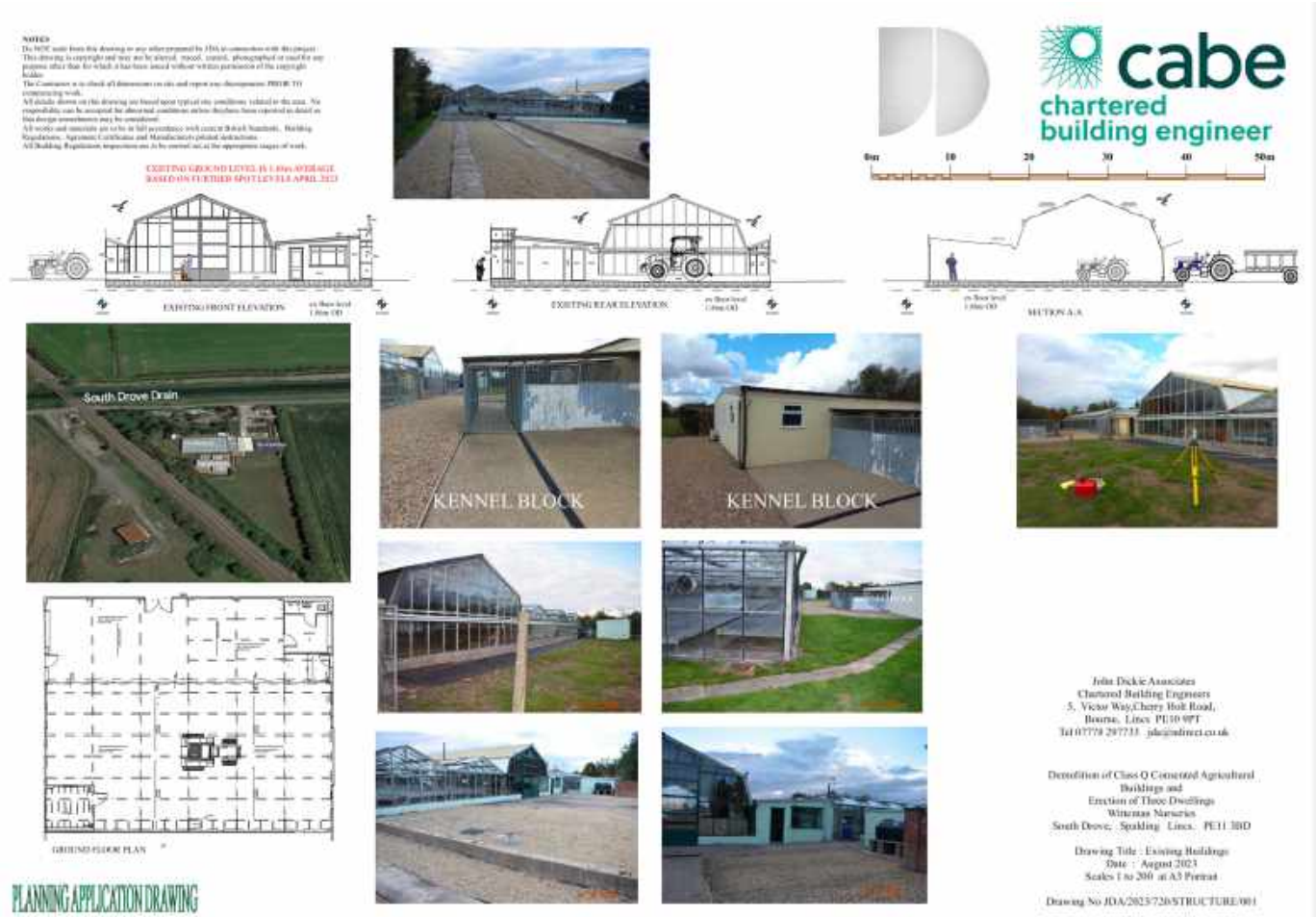





PLANNING APPLICATION DRAWING
cabe
chartered
building engineer
P1
P2
P3
N
RE-WILDING ZONE
Stabalised Gravel
new hedgerow
Grass
Trees
Mitsubishi 14kW ELU ASHP
Indicative Zone Covering Natural Stock B/G 0001 for Work
CLOSE BOARDED FENCING - OR DEFENDS CHOSEN
Proposed Site Plan
1:500 @ A3
0m 10 20 30 40 50m
John Dickie Associates
Chartered Building Engineers
3, Victor Way, Cherry Hall Road,
Bourne, Lincs. PE10 9PT
Tel 07778 297733 john@dickietel.co.uk
Demolition of Class Q Consented Agricultural Buildings and Erection of Three Dwellings
Wilsthorpe Nurseries
South Drove, Spalding, Lincs. PE11 3HD
Drawing Title : Site Layout
Date : August 2022
Scales 1 to 500 at A3 Portrait
Drawing No JDA/2023/720/SITE/001


PLANNING APPLICATION DRAWING
NOTES
ACCESSIBILITY
ACCESSIBLE LEVEL DOOR THRESHOLDS (EXTERNAL DOORS)
EXTERNAL DOOR SET WIDTH (MAIN DOOR)
SEWERAGE (PRIVATE TREATMENT PLANT)
RAINWATER DRAINAGE
UNDERGROUND SERVICE DRAINAGE
GREYWATER RECYCLING SYSTEM - DESCRIPTION
cabe
chartered
building engineer
P1
P2
P3
N
0m 10 20 30 40 50m
Percolation Tests
Soakage Test 1
Soakage Test 2
Indicative natural soakaways
Mitsubishi Hydrotank Eight
Private Treatment Plant
for Sewerage
John Dickie Associates
Chartered Building Engineers
3, Victor Way, Cherry Hall Road,
Bourne, Lincs. PE10 9PT
Tel 07778 297733 john@dickietel.co.uk
Demolition of Class Q Consented Agricultural Buildings and Erection of Three Dwellings
Wilsthorpe Nurseries
South Drove, Spalding, Lincs. PE11 3HD
Drawing Title : Drainage
Date : August 2022
Scales 1 to 500 at A3 Portrait
Drawing No JDA/2023/720/DRAINAGE/001


PLANNING APPLICATION DRAWING
cabe
chartered
building engineer
P3
P2
P1
N
John Dickie Associates
Chartered Building Engineers
5, Victor Way,Cherry Holt Road,
Bourne, Lincs PE10 9PT
Tel 07778 297733 jda@ndirect.co.uk
Demolition of Class Q Consented Agricultural Buildings
and Erection of Three Dwellings
Witteman Nurseries
South Drove, Spalding Lincs. PE11 3BD
Drawing Title : Lighting
Date : August 2022
Scales 1 to 500 at A3 Portrait
Drawing No JDA/2023/720/lighting/001


cabe
chartered
building engineer
EXISTING FRONT ELEVATION
EXISTING REAR ELEVATION
SECTION A-A
South Drove Drain
KENNEL BLOCK
KENNEL BLOCK
GROUND FLOOR PLAN
PLANNING APPLICATION DRAWING
John Dickie Associates
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5, Victor Way,Cherry Holt Road,
Bourne, Lincs PE10 9PT
Tel 07778 297733 jda@ndirect.co.uk
Demolition of Class Q Consented Agricultural
Buildings and
Erection of Three Dwellings
Witteman Nurseries
South Drove, Spalding Lincs. PE11 3BD
Drawing Title : Existing Buildings
Date : August 2023
Scales 1 to 200 at A3 Portrait
Drawing No JDA/2023/720/STRUCTURE/001



Appendix D - The 'fallback Position' in Relation to Class Q Permissions.

It would seem prudent to set out our collective thoughts on the question of a 'fall back 'position. Countrywide (and withing South Holland), there have been a great many applications for complete re-builds of agricultural buildings previously consented under the Class Q Prior Notification procedures

Principle of the development :
The application site is within a rural setting within a countryside location and has been given Prior Approval for the change of use of an agricultural building to three independent dwellings (C3).

Notwithstanding Planning Policies that seek to restrict residential development in the 'open countryside', the conversion of the existing agricultural building has Prior Approval under Class Q of the GPDO, planning reference number H16-0560-23 and is permitted development.

The presence of a prior approval for the residential dwellings, which could still be implemented, represents a viable and realistic fallback position were this proposal to be refused. It is clear that a refusal of this application would not therefore prevent the introduction of residential unit or indeed multiple units on the site.

It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with current and the recently adopted Local Plan Policies would not be warranted.

The 'fall back 'position - recent Case Law ;
The extant consent represents a significant material consideration.

So far as a 'fallback 'position is concerned, the basis for this is that there is already planning permission for a development that would have as much impact in planning terms as, or possibly greater impact than, the consented or permitted development, and that there is a realistic prospect that the developer will go ahead with that development if planning permission for the alternative development is not granted. This is therefore a valid case that planning permission should be granted for the alternative form of development.

On 8 September 2017, the Court of Appeal upheld a judgment of the High Court that such PD rights can properly be taken into account as a fallback position where some alternative form of development is then proposed.

This Case (Court of Appeal in Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314) clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme. The court also re-examined the correct interpretation of Class Q general permitted development rights (i.e., agricultural building to residential dwelling).

The case concerned an appeal of the first instance decision of Garnham J in dismissing a claim for judicial review of a planning permission granted by Tonbridge and Malling Borough Council. The development being the demolition of a barn and bungalow and the construction of four detached dwellings.

- It must be pointed out that the four detached dwellings bore no resemblance whatsoever to the agricultural barn - the overarching material consideration was in fact the 'principle' of residential development on the site.

Class Q in the Town and Country Planning (General Permitted Development) Order 2015 ("GPDO") authorised the barn to be converted into up to three residential units subject to a combined floorspace of up to 450sqm. The resultant effect being there could be four residential dwellings (ie. the converted barn into three dwellings and existing bungalow) on the site pursuant to this GPDO planning route. Such four dwellings being the same number of units for the proposed re-development of the site.

This alternative GPDO development was considered a 'fallback' position and given material planning consideration by the council in granting the permission. Specifically, the planning officer advised the council's planning committee that:

"a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms…the current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights".

<u>The Decision</u>
The Court of Appeal dismissed the appeal and thereby did not quash the council's grant of planning permission. Three issues arose on appeal. The first two concerned the interpretation of Class Q GPDO rights and the materiality of the fallback position. The Court also considered whether the council incorrectly applied the tilted balance towards sustainable development in paragraph 14 of the National Planning Policy Framework. The local plan being up to date. It was found that the council correctly hadn't applied the tilted balance on proper reading of the planning officer's report, and the ground failed.

<u>Class Q Interpretation</u>
The first challenge by the appellant concerned the correct interpretation of Class Q GPDO rights. Specifically, whether the exclusion of such rights in paragraph Q.1(b)&(h) to agricultural buildings exceeding 450sqm in cumulative floorspace applied:

(i) only to the extent of that part of the building changing use to a residential dwelling(s) (i.e., where a building exceeds 450sqm in floorspace then only such part up to 450sqm is permitted to change use under class Q. In this case the barn measured 600sqm); or
(ii) to the whole building meaning no building over 450sqm qualified for the Class Q GPDO rights.
The council had applied interpretation (i) above in determining the fallback position.
Lindblom LJ agreed with the council, and the first instance judge, that interpretation (i) above was the correct approach. He stated:

"This restriction is stated to be a restriction on the change of use, not on the size of the building or buildings in which the change of use occurs. Sub-paragraph Q.1(b) relates to a single act of development in which the building in question, or part of it, is "changing use". The floor space limit set by it relates not to the total floor space of the building or buildings concerned. It relates, as one would expect, to the permitted development rights themselves, which apply to the "cumulative" amount of floor space actually 'changing use under Class Q'".

Fallback Position
The second challenge by the appellant concerned whether there was a 'real prospect' of development under the Class Q GPDO rights on the lack of contemporaneous evidence that the landowner had contemplated such development.
Lindblom LJ confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement were:
the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice;
there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

He then concluded that the clear desire of the landowner to develop, and maximise the value of, the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fallback position in this case.

- Therefore, the council made no error in law in giving material weight to such fallback position.

Importantly for landowners, Class Q GPDO rights were confirmed to enable residential conversion of agricultural buildings exceeding in total 450sqm in floorspace albeit that only such part of the building within this limit can be converted. It was also confirmed that the fallback position can be a material planning consideration provided it is a clear possibility.

A prior approval application would clearly be positive evidence of an intention to develop, and would certainly put the fallback position beyond doubt.

It is our professional opinion that significant weight should be applied to the fallback position given that the effects of the development on the character and appearance of the area is neutral at worst - in fact, we would contend that the current proposal represents a significant improvement in terms of the open countryside landscape setting when compared with the Class Q proposal and the scale and massing of the existing agricultural buildings on the site. Therefore, despite the conflict with the policies of the Development Plan, the material consideration of the fallback position indicates that the application for a re-build should be allowed. The 'Main Issue' in this case is the appropriateness of the design rather than the principle of a new build - our design solution has been carefully considered and, if approved, would

allow the development of an 'barn conversion style' buildings in place of the unsightly agricultural development.

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Appendix A - Validation Checklist

Validation Requirement	Comment
Completed Form	Enclosed with application.
Site Location Plan	Enclosed with application.
Block Plan	Enclosed with application.
Existing and Proposed Elevations	Enclosed with application.
Existing and Proposed Floor Plans	Enclosed with application.
Existing and Proposed Site Sections, Finished Floor Levels and Site Levels	Enclosed with application.
Roof Plans	Enclosed with application.
Ownership Certificates	Enclosed with application.
Agricultural Holdings Certificate	Enclosed with application.
Design and Access Statement - including a Planning Statement	Enclosed with application.
Appropriate Fee	Enclosed with application.
Affordable Housing Statement	Not necessary.
Agricultural, forestry and other Occupational Dwellings Appraisal	Not applicable
Air Quality Assessment	The Proposed Development is not inside or adjacent to an AQMA and will not result in the designation of an AQMA, as such this Assessment is not considered necessary.
Biodiversity Survey and Report	Not required
Daylight/Sunlight Assessment	Not necessary.
Environmental Statement	There are no Environmental Impact Assessment issues arising from this proposal thus it is considered that an Environmental Statement is not required.
Flood Risk Assessment	Not required
Foul Sewerage and Utilities Assessment	Not necessary.

Heritage Statement	The Proposed Development does not affect a Listed Building or its setting and is not within a conservation area, as such this Statement is not considered necessary.
Land Contamination Assessment	Not necessary.
Landscape Details	Enclosed with application.
Lighting Assessment	Enclosed with application.
Noise Assessment	Not necessary.
Open Space Assessment	Not necessary.
Parking Provision	Enclosed with application.
Photographs and Photomontages	Enclosed with application.
Planning Obligations – Draft Head(s) of Terms	Not necessary.
Planning Statement	See subsequent sections of this Statement.
Site Waste Management Plan	Not necessary.
Structural Survey	Not necessary.
Transport Assessment	Not necessary.
Travel Plan	Not necessary.
Tree Survey/Arboricultural Implications	Not necessary.
Ventilation/Extraction Statement	Not necessary.
Sustainability Statement and Health Impact Assessment	Not necessary.
Renewable Energy Statement	Not necessary.
Waste Design Guide Toolkit	Not necessary.
Water Conservation Strategy.	Not necessary.
CEMP	To be covered by an appropriate condition

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