# DESIGN AND ACCESS STATEMENT
# SEPTEMBER 2017




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**Proposed Live-Work development on land adjacent to Homeland,**
**Eaugate Road,**
**Whaplode Drove, PE12 0SP**

**Client : Mr S. Jeffs** **Date August 2017** **Project No JDA/2013/195**

## 1.0 Introduction :

**1.1**.1 This statement provides an assessment of the proposals by John Dickie Associates for the construction of a new detached dwelling house, double garage and workspace on land adjacent to Homeland, Eaugate Road, Whaplode Drove, PE12 0SP

In submitting this statement, the aim is to briefly explain the planning and design principles which have been used to formulate the Planning Application.

**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 existing setting.

## 2.0 Planning Policy Backdrop

**2.1** National Planning Policy Framework

**2.1.2** 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.

**2.1.3** 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.

**2.1.4** 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.

## 3.0 Regional Planning Policy

**3.1.1** The East Midland Regional Plan (Government Office for the East Midlands (GOEM), 2009) replaced the existing Lincolnshire Structure Plan (Lincolnshire County Council (LCC), 2006) and provides a broad development strategy for the East Midlands up to 2026. The plan recognised the requirement for effective protection or enhancement of the environment.

3.1.2 The Coalition Government has announced its intention to revoke all Regional Spatial Strategies outside London, and provision to do so has been included under s.109 of the Localism Act 2011. However, the Secretary of State has not yet issued the required revocation order and consequently the East Midlands Regional Plan still forms part of development plan relevant to the project.

## Local Planning Policies

### 2017 Update on the SHDC Adopted Policies and their Five Year Supply of Deliverable Housing Land :

On 5th July 2011 the South East Lincolnshire Joint Strategic Planning Committee Order 2011 came into force (2011 No.1455). This Order establishes a Joint Strategic Planning Committee (Joint Committee) for the areas of the districts of Boston and South Holland (known collectively as South East Lincolnshire).

The constituent authorities are Lincolnshire County Council, Boston Borough Council and South Holland District Council.

**The Development Plan**

South Holland District Local Plan, July 2006

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

Policy SG1 - General Sustainable Development
Policy SG2 - Distribution of Development
Policy SG3 - Settlement Hierarchy
Policy SG4 - Development in the Countryside
Policy SG11 - Sustainable Urban Drainage Systems (SUDS)
Policy SG14 - Design and Layout of New Development
Policy SG15 - New Development: Facilities For Road Users, Pedestrians And Cyclists Policy SG16 - Parking Standards in New Development
Policy SG17 - Protection of Residential Amenity
Policy SG18 - Landscaping of New Development
Policy HS6 - New Housing in the Group Centres (Non-Allocated Sites)
Policy HS7 - New Housing in Open Countryside including Other Rural Settlements

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.

**National Guidance**

National Planning Policy Framework (NPPF), March 2012

Paragraph 14 - The presumption in favour of sustainable development Paragraph 17 - Core planning principles
Section 4 - Promoting Sustainable Transport
Section 6 - Delivery a wide choice of high quality homes
Section 7 - Requiring good design
Section 8 - Promoting healthy communities
Section 10 - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG), 2014

**MATERIAL CONSIDERATIONS**

The key material issues for considerations in this application are: - Policy;
- Flood risk and drainage;
- Highway safety;
- The appearance and character of the development and likely impact upon residential amenity of nearby residents.

Policy

The site is located outside of the defined settlement limits of Whaplode Drove as outlined in the South Holland Local Plan, 2006. In this instance, the relevant policy context is Policy HS7 - New Housing in Open Countryside including Other Rural Settlements. HS7 states that new housing development will only be permitted where:

1) it is proven to be essential to meet the needs of agricultural, forestry or other workers and complies with Policy HS12; or
2) the proposal is for small scale, rural exception affordable housing that complies with Policy HS9.
Policy HS9 - Rural Exception states that on rural sites not identified for development in the Local Plan, affordable housing to meet local needs may be exceptionally permitted. However, due to the size of the proposed development and the likely number of dwellings presented, the applicant will not be required to enter into formal agreements for affordable housing contribution.

The proposal does not comply with Policy HS7. Furthermore, Policies SG2, SG3 and SG4 emphasises the importance of adopting a sequential approach which gives priority to the use of previously developed land and buildings within defined settlement limits, then to greenfield land within defined settlement limits and finally to land adjacent to defined settlement limits. With West Pinchbeck classed as 'other' rural settlement, only a very limited amount of new development will be permitted and only in exceptional circumstances to meet demonstrated local needs and where the location of the development is well related to the built up area of the settlement.

It is felt that the pattern and density of the proposal is well related to the current development along Eugate Road . The development proposal, is not considered to result in an unacceptable impact upon the landscape character of an area, either individually or cumulatively .

At the heart of the National Policy Framework (NPPF), is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". In that circumstance, Paragraph 14 of the NPPF is quite clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.

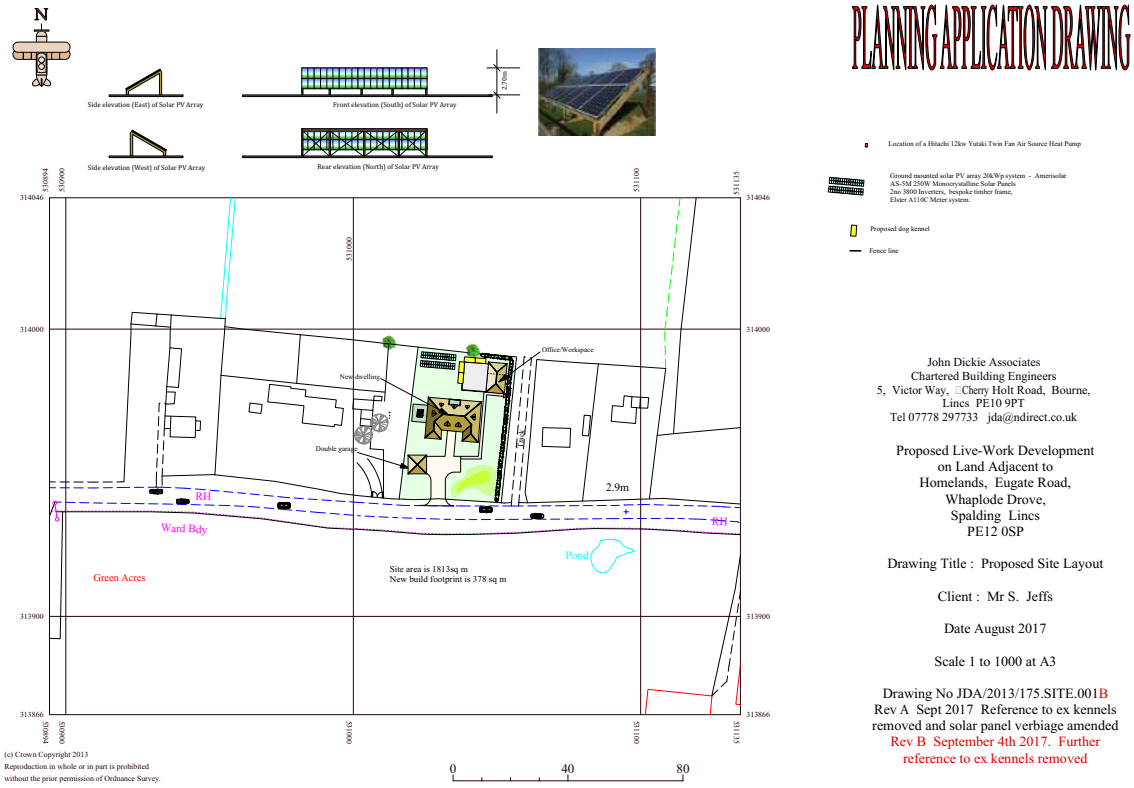
The Council cannot currently demonstrate a 5-year supply of deliverable sites as per the provisions of NPPF. In the context of the objectively assessed need identified in the Council's Strategic Housing Market Area Assessment (SHMA), and including a 20% buffer by virtue of a persistent under delivery of housing, the Council can only currently demonstrate a 3.3 year supply of deliverable sites (as of 31/12/16). As per the provisions of Paragraph 49 of the NPPF, the Council's Local Plan polices relevant to the supply of housing are considered out-of-date and the presumption in favour of sustainable development applies.

The site is within relatively close proximity to Whaplode Drove and we would contend therefore that there is not considered to be a policy objection to the development in principle and on the matter of sustainability when assessed against Policy SG1 of the Local Plan 2006. Much of the site at the moment requires extensive management and maintenance. By reusing part of it for an alternative but sustainable use and preserving/conserving the remainder as a natural habitat as illustrated by the proposal, it will encourage the reuse of redundant land together with creating an opportunity to improve the quality and function of the adjacent natural asset. As such, as per the provisions of the NPPF, we strongly suggest that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.
The principle of residential development in policy terms is, in our view, acceptable. The new dwelling proposed is not considered to be excessive or of a nature that would cause significant detrimental harm to the amenity of the area. We consider that residential development in this location would significantly and demonstrably outweigh any dis-benefits of housing development, in this particular location, as per the provisions of the NPPF.

**Conclusion on Policy ;**
Whilst the development does not wholly comply with local plan policy the lack of a 5 year housing land supply means that the guidance within the NPPF takes precedence and the development is considered to be sustainable in nature and to comply with NPPF guidance and will help deliver much needed housing.

## 5.0 The Design Solution as Submitted

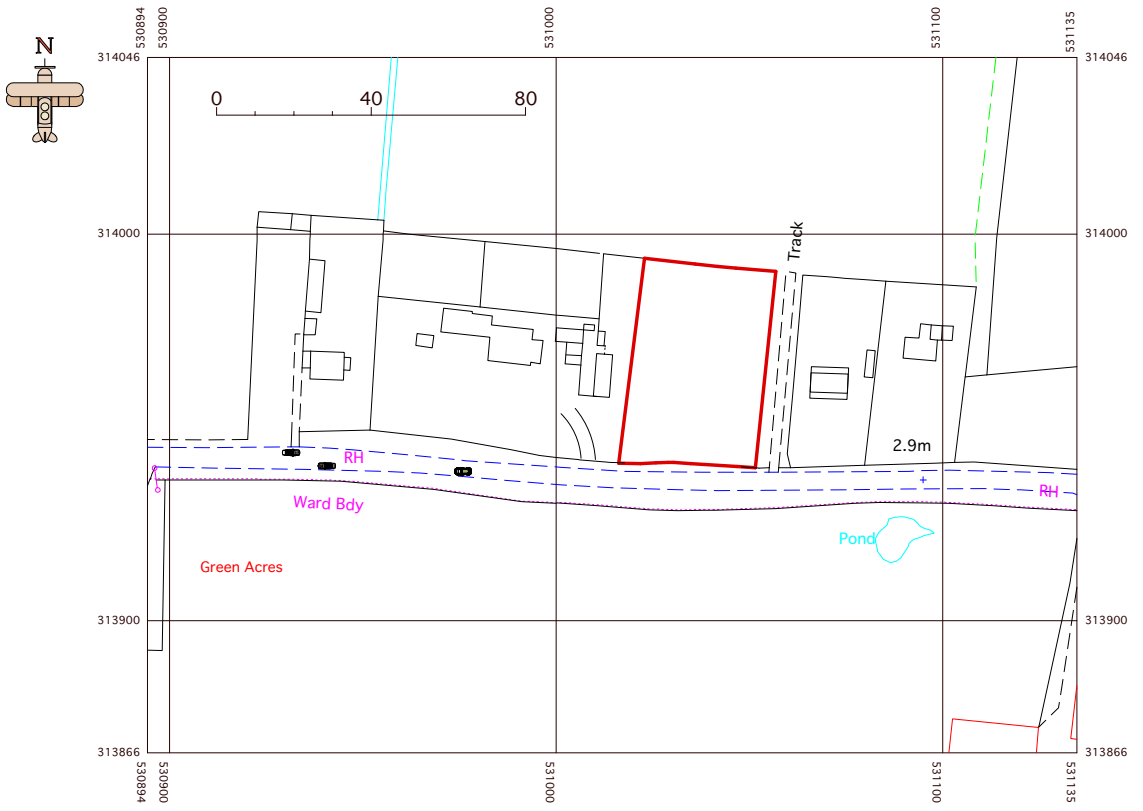
## Site Layout Plan




## Proposed Buildings



**Site Location Plan**




SCALE 1 TO 1250 AT A4 LANDSCAPE

**5.1.1 Use :**
The proposal is for a property intended for residential occupation in connection with a business operation.

**5.1.2 Amount of Development :**
The application site area is 1813 sq m The gross footprint of the new buildings is 378 sq m.

**5.1.3 Scale:**
The proportion of 'developed site' reflects the form and scale of development in the locale in terms of the 'footprint to plot' ratio - the garden/amenity area to the proposed dwelling is commensurate with the scale of the property. Similarly, the height and massing of the built form echoes the prevailing neighbouring properties on the otherwise built up frontage.

**5.1.4 Layout :**
The floor layout of the proposed dwelling and workspace has been carefully considered in order to avoid any harmful overlooking or impact of the adjacent properties. The positioning of the buildings within the confines of the plot has also been the subject of careful deliberation in order to minimise the visual impact and effects of 'massing' upon the adjacent properties and the surrounding landscape.

**5.1.5 Landscaping :**
Given the proprtions of the plot and the mature nature of the perimeter planting, there are clearly limited opportunities for the introduction of new soft landscaping. That said, the proposed Site Layout incorporates appropriate scope for both hard and soft landscaping within the constraints of the application site area. None of the trees on the site are protected.

**5.1.6 Appearance :**
The adjacent two storey dwelling is a late 20th century property that has been extensively altered and extended over time. The design of the new dwelling has been carefully considered to sit comfortably alongside the existing property and of a scale commensurate with the plot size.

**5.1.7 Access :**
Both vehicular and pedestrian access is via Eugate Road and the dwelling will be designed and built to accord fully with the requirements of Part M of the Building Regulations. There are no steep gradients either within the site area or at the road frontage. A double garage is proposed along with a block paved driveway/turning area that will enable vehicles to leave the site in forward gear.

**6.00 Planning backdrop :**
In November 2013, a Full Planning Application (H23-0985-13) was submitted to the Council for a 'live – work' development on an infill plot of garden land between Homeland and the adjacent bungalows. This application was refused on the grounds that the proposal is in 'open countryside' and that the 'need' for an 'agricultural dwelling' had not been proven - despite presenting compelling evidence of the applicants long standing rural pursuits business.

A subsequent Appeal was lodged and, whilst the Appeal was dismissed on sustainability grounds, the Inspector confirmed that the Council's Policies regarding 'agricultural dwellings – HS-7 - are 'out of date' insofar as they seek to 'regulate housing development'.

An application for a Lawful Development Certificate was then issued by the Council in respect of a swimming pool building which virtually replicated the footprint of the refused dwelling - in other words, a building that is almost the same size as the dismissed property can be erected in the same location without requiring ANY Planning Permission - it is considered to be 'Permitted Development'.

- **The case for the 'live –work' development is that plainly now down to the 'use' of a building rather than the principle of development now that the Council have agreed that a circa 2500sq m building can indeed be built on the plot.**

It would be possible now to build the swimming pool structure and then apply for a change of use to a dwelling and, given that the Government have significantly relaxed planning guidance (and indeed primary legislation) to allow the conversion of a range of buildings outside so called 'settlement boundaries', such a conversion may well be irresistible. Such a process, however, would result in a form of development not necessarily best suited to the site - it would be clearly preferable to allow a design solution that enables the most attractive built form.

It is no longer a valid argument to resist developments in this type of location on the grounds that it is 'outside the settlement boundary' - indeed, George Osborne and Liz Truss are on record as saying "*In a recent survey of rural businesses the main barrier to growth that most identified was planning restrictions. And if we are going to attract and maintain a dynamic workforce, we need to make it easier for people to stay in their rural communities and for newcomers to settle there too. We'll always want to protect our green belt and beautiful natural environments, but the lack of housing in rural areas is a scandal. Those living in villages want to see them thrive, want to maintain enough housing for their children to live in and want the local shop, school and village services to flourish.*
*Rural Britain is not only a distinct part of our national character, but an increasingly dynamic part of our*

*economy. Getting this right means people have greater choices about where they live and the jobs they do, businesses no longer have to be tied to our towns and cities and rural communities can flourish, to the benefit of us all."*

- **The Homeland proposal conforms with both the content and intent of this Ministerial guidance.**

The Homeland location is well served by a regular bus service that enable rapid access to nearby Spalding (the largest nearest Town - nine miles). This **is** a sustainable location, is **not** located within a Flood Zone, accords with all the recent changes to the planning system announced by Government and will enable a well established rural business to endure and indeed expand.

In conclusion, it is felt that the Local Authority, in resisting this proposal, are relying upon outdated local planning policies that have become increasingly overtaken by ongoing changes to National Planning Policies introduced by Government. The Council's position is further undermined by the ability to utilise Permitted Development rights as described in the foregoing text.

## 7.0 Conformity Checklist Erection of Detached Dwelling with Garage and Workspace at Eugate Road, Whaplode Drove.

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?

*The application documentation sets out an 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?

*Not applicable in this case*

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?

*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 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 compatible with the scale and density of surrounding development. It is proportionate to the site area. Criteria satisfied.*

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

*Not relevant or applicable in this case.*

- Layout

Do all spaces have a purpose?

*Yes. The proposed use of space, and the arrangements of the proposed building 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*

- Scale

Will the buildings sit comfortably with their surroundings?

*Yes. The design solution will ensure a development that is compatible with its surroundings. Particular attention has been paid to the siting of the proposed building. Criteria satisfied.*

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 included in the proposal. 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 existing dwellings. This will not be compromised 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 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. 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, Regional and Local policies. Criteria satisfied.*

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**Appendix One**
**Environment Agency Flood Mapping**

