DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0809-18**	**Applicant:**	**Mr Rex Login**
Proposal:	Residential development for up to 14 dwellings		
Location:	Land Off: Holbeach Drove Gate Holbeach Drove Spalding		
Terminal Date:	19th April 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	5
RESIDENTS	8	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for residential development for up to 14 dwellings at Land off Holbeach Drove Gate, Holbeach Drove. The proposal seeks to provide up to 14 dwellings in a backland development on agricultural land. An existing shed will be demolished to create a new vehicular access off Holbeach Drove Gate to access the development. As the proposal is outline, any permission granted would be solely to address the principle of development. Matters such as house type, and road layout would be addressed at the reserved matters stage.

Site Description

Save for the proposed vehicular access point, the proposal is immediately adjacent, but outside of the defined settlement limits of Holbeach Drove under the Draft South East Lincolnshire Local Plan, and is therefore classified as being located in the open countryside. The surrounding land is predominately in residential use with further agricultural land beyond the north west boundary.

History

H09-0186-91

At frontage access point - Residential development (2 plots) - Approved - 15 May 1991

H09-0462-94

At frontage access point - Erection of 2 dwellings - Approved - 08 July 1994

H09-0789-95

At frontage access point - Erect three-bed bungalow and garage - Approved - 08 September 1995

Consultation Responses

Given the scale of the proposal, a large number of consultee responses have been received. Each point will be shown individually below. The agent sought to respond to any comments received and GDPR compliant redacted responses were sent. Given the large number of responses the agent response (AR) will be immediately below any matter raised. Beneath each consultee and agent response will be an officer response under the abbreviation OR.

Anglian Water

Requests a standard foul water condition. Requests an informative that the applicant / agent discusses other drainage matters prior to submission of a reserved matters application.

Lincolnshire Police

The Crime Prevention Design Officer has made some recommendations as to designing out crime to be considered at the reserved matters stage.

Environmental Services

"Access roadways to all residential properties should be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways. This will enable refuse/recycling collections to be carried out from outside individual properties without the need for communal collection points at the point where private driveways adjoin public highways. If not utilised correctly communal collection points become areas of dispute for residents of adjacent properties.

Environmental Protection Officer

Requests full contaminated land condition.

Requests a development contribution of £9,240.00.

Strategic Development Officer - Education

Requests a development contribution of £33,982.00

County Highways & SUDS Officer

No observations

Housing Strategy Officer

Requests 25% of the development should be provided as affordable housing.

The affordable housing should be delivered in accordance with the affordable housing as described in Annex 2 of the National Planning Policy Framework dated July 2018, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this.

The affordable contribution should be provided with a tenure split of 70% in favour of Rented and 30% affordable home ownership dwellings, however this may be reviewed if it is deemed that the location is not sustainable for affordable rented homes.

It would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units, although I appreciate the detail may not be known at outline application stage.

It would be preferable for the homes to be built to the 'National Space Standards'. As a minimum the affordable homes should be built to the former Housing Corporation Design and Quality standards which for this development would be at least:
1 beds 2 person 45sqm
2 beds 4 person 67sqm
3 bed 5 person 82sqm
4 bed 6 person 95sqm.

Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

The developer should also seek to secure a Registered Provider for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the developer require this.

The Strategic Housing Market Assessment also identifies a recommended mix for market housing to meet current and projected housing needs in the district. The recommendation is as follows: 1 bedrooms- 5%, 2 bedrooms- 35%, 3 bedrooms- 45% and 4 bedrooms- 15%. We would expect the market housing to broadly reflect this.

Agent Response (AR) - "Whilst remaining on the subject of affordable housing officer in a previous conversation the council officer in charge of affordable housing has confirmed that due to transport links affordable housing in itself would not be suitable but is agreeable to a percentage of the homes being affordable by way of shared ownership, these would most likely be the small row of terraced as they present the most opportunity for those seeking to join the property ladder, as such the area has been determined as suitable by the appropriate officer for the planned levels of affordable housing which meets with the owners original wishes."

Councillor Chandler

I have received detailed concerns from residents regarding this application . Letters have been

forwarded to the planning officers which outline the concerns I would ask that these matters be fully considered and that I be advised of the date the matter is reviewed at the chairman's panel.

MEMBERS OF THE PUBLIC PLANNING COMMENTS

Outside of the defined settlement limits of Holbeach Drove.

AR - "This resident believes that the site does not meet the settlement boundary requirements of the South East Lincolnshire Local Plan, this element of the application was dealt with in section 6 of the Design and Access Statement which forms part of the documents submitted and confirms that not all of the site is within the settlement boundary, this has been accepted, however it lies in extremely close proximity."

"Other Service Centres that each settlement boundary has been defined having regard to the following guidelines:
a)The settlement boundary encloses the main built-up area (or areas, in the case of a few settlements) of the town or village.
b) The settlement boundary also encloses:
I. areas of amenity and/or recreational open space, the appearance and character and/or use of which is worthy of protection; and
ii. sites with planning permission for development situated on the edge of the main built-up area."

"To aid decisions on defining settlement boundaries for those settlements categorised as Other Service Centres and Settlements, the Joint Policy Unit undertook an internal consultation workshop with Members of the South East Lincolnshire Local Plan Steering Group (SELLPSG) to consider and agree potential changes to settlement boundaries."

"The Steering Group agreed a revised 'settlement hierarchy' for South East Lincolnshire on which to base more detailed work on the Local Plan. As part of this work, the Steering Group proposed a review of each of the smaller settlements in the settlement hierarchy, defined as 'Other Service Centres and Settlements', to assess potential for infill development and where the settlement boundary might be defined. Some areas (Algarkirk, Frampton Church End, Gedney Dawsmere, Langrick Bridge, Nene Terrace, Throckenholt and Tongue End) presented no opportunity for infill development."

"Importantly however Holbeach Drove was one of the areas which was assessed under the following"Retain boundaries but with significant changes - removal of boundary for part of settlement or potential for change where non infill development would be encouraged". It is difficult, if not impossible to find a more localised site to the preferred site boundary edge."

Officer Response (OR) - This application was submitted prior to the formal adoption of the South East Lincolnshire Local Plan. However, the policy of restraint on development in the open countryside would still have been applied. Especially as this site constitutes backland development and the vast majority of the dwellings within defined settlement limits of Holbeach Drove constitute linear, frontage development.

Loss of Grade 1 agricultural land.

AR - "The same rationale applies to wildlife with some residents bringing up concerns that may simply not apply, but which they hope may cause sufficient reasons for what is, in effect development on wasteland."

"The land may have historically been used for daffodils etc, however for a long period of time is has been simply wasteland, the ditch and trees on the edge adjoining the field creating a natural barrier to modern farm machinery."

"The author states that the land is occasionally tended to by a Mr Congreve, this may be the current situation as the applicant Mr Login (who has for many years voluntarily tended the chapel gardens in the village) gets help to try and keep the area from overgrowing to an extent that it upsets the adjoining properties. The odd shape of the plot, coupled with the drain/ tree barrier make the plot simply far too unprofitable and problematic for the area covered to be viable agricultural land. There are no buildings/ crops/ assets on the land which has been vacant for many years."

"In regard to a tractor being used to keep the area tidy this is a gesture from Mr Login "just to keep it a bit tidy", allowing a local person with a small tractor access to keep an area tidy does NOT constitute agricultural usage."

OR - Wasteland is not a use classification. The land use was and remains agricultural. The suggestion that the current use of the land is either not beneficial or automatically mean that if vacant it should be built on is not supported by local or national policy.

Contrary to local and national policy.

AR - "The Local Plan may have been in development for some time but it is not the landowners responsibility to "bring forward" suggested plots, as such this is not a material planning condition. In regard to the site not being under consultation I refer the reader to my response in section 1.0 which shows it has been under consultation by both the steering group at SHDC and the SHLAA."

"In their summary they correctly state that policy should be the deciding factors. The proposed relaxation of the boundary, both from the councils own steering committee and the county councils Strategic Housing Land Availability Assessment (SHLAA) confirm a thrust that allows for such a small development to be easily accommodated."

"In respect of the fact that there may be other sites within the village that are available, whether planning is sought to develop them is a matter for their respective owners and does not affect this application."

OR - It is considered that the proposal is contrary to both local and national policy. Neither of which supports backland development in the open countryside, unless in exceptional circumstances. This situation does not constitute an exceptional circumstance.

Out of keeping

AR - "This development is, in my opinion unique in that there is a positive change to the street scene whilst providing a secluded, small close with no loss of views."

"Respectfully the development would only be seen by people entering the close itself, there would also be an improvement to the existing street scene and as there would be no disruption to the street scene in respect of the existing houses, with these considerations in my opinion the application is appropriate for the location."

"Should the villagers wish to protect the land and leave as is then once the land has been awarded outline planning consent there is nothing to prevent the villagers, including the author of 1D38 creating a trust and clubbing together to purchase the site and simply leave it as wasteland."

OR - Regardless of the nature of a final design, the proposal would be out of keeping with the pattern of development within the settlement limit. There are no other instances of backland development in the settlement and to allow this would create a precedent that would make other such similar developments difficult to resist.

Backland development in a linear settlement.

AR - "The local plan aims to provide a 5 year supply of deliverable housing and seeks to create a balance between the usable provision of land in a sustainable area, in regard to the infill element the applicant could have sought a single dwelling replacing the garage but this would have ensured that the site would become land-locked and as such never be able to be used for the sustainable housing that the village needs."

OR - There are no other instances of backland development in the settlement and to allow this would create a precedent that would make other such similar developments difficult to resist.

Plot sizes are small in comparison to existing plots.

AR - "In regard to garden size and so on the allocated plots may seem smaller than those enjoyed by many in the village, which were built on inexpensive land, however many modern plots have small gardens which are much more manageable."

OR - Provided plots provide an acceptable level of amenity for occupants and adjacent properties, then the proposed maximum number of dwellings of 14 should mean that plot size should not carry significant weight as planning concern.

"Creating homes for those wishing to remain in the village." - Questions how this is possible.

AR - "The author also states that there are no terraced houses in the village which brings into question the affordability for residents, especially those local residents who are looking to buy their first home. The average price for a home in Holbeach Drove (https://www.zoopla.co.uk/market/holbeach-drove/) is £247,000, this is far beyond the normal price band for first time buyers seeking to stay in the village."

"New developments have the option for help with help to buy schemes which require a far lower deposit than existing homes, in addition the shared ownership option would greatly assist those who simply cannot afford to buy an existing house in the village. The creation of a small row of five terraced houses, and the shared-ownership criteria set down by the council officer will allow opportunities for locals seeking to own their first home to get onto the property ladder without having to leave the village."

"In regard to land density the site has been well designed and leaves plenty of space for properties and vehicular parking. The author is correct that many premises have larger gardens, that is a quirk of more remote properties but one cannot assume a property is unsuitable simply because it may have a smaller garden. Many people are working or partially infirm and would welcome a more manageable garden. In my opinion the gardens are larger than those used on most modern developments and the number of proposed residences for the area would not be classed as overdevelopment."

OR - A condition cannot be put on an application with a requirement that it is sold to a local person. If so, how is local defined?

Overlooking from properties.

AR - "It is envisaged that the terraced, and probably the properties backing onto the side furthest away from the bungalows houses will be multi storey, the plots backing onto the bungalows are expected to be single storey dwellings, however the final design for the entire site will be detailed in the full planning application, which itself will be open for public consultation and local villagers will retain the right to comment on it as they seem fit."

OR - This application is only in outline form so therefore a determination as to overlooking cannot be made.

Overlooking from play area equipment.

AR - "The green space provision would allow a space for the younger generation to relax and maybe play, whether the site is developed with some play equipment would be a matter for when the site reaches full application, at this time no plans have been drawn up for the area so to assume that it will become a playing area with swings and so on and create a negative impact on the peace and quiet of the area is rather presumptuous, from a personal point of view I would welcome a nearby play area to myself as I like to see children having innocent fun and enjoying their childhood in a safe environment."

OR - This application is only in outline form so therefore a determination as to overlooking cannot be made.

No evidence of public transport provision submitted with the proposal.

AR - "The comments regarding bus services are noted, it is hoped that the increased footfall will make the route financially viable."

Noise from residents and users of play area.

AR- "there is no evidence at all to suggest that this development would create such an environment."

"The argument that the shed, after demolition would allow the egress/ access of machinery for farming would obliterate any habitat that the author holds so dear, and create far more noise that that created by a residential estate, as such I am at odds to understand such a proposal."

OR - Any presumption as to be potential behaviour of the users of the site carries minimal planning weight.

Maintenance and policing of play area.

AR - "The authors concern that people will drive down there to drop children off at the play area; this is highly unlikely as vehicles cannot access pedestrian walkways which would be around 1 metre wide. The authors concern that ·we would not be able to monitor people or vehicles· has concerns, can I
take it the author wishes to create a passport system or conduct a personally overseen vetting procedure for new residents and all potential green space users and impose a Police type Automatic Number Plate Recognition system on visitors to the site?- until further extrapolation and explanation of this point I am at a loss to suggest an acceptable response."

"The area, which is classed as "green-space" being in the far corner of the site is located there so that children can use the pedestrian walkway to access a safe area away from the main road. The triangular shape of the site prohibited the location of another building on the site. Again we would encourage local resident participation with the developer as to what would be suitable for the site."

OR - Any presumption as to be potential behaviour of the users of the site carries minimal planning weight.

Indicative location of play area with regard to safeguarding of users.

AR - "Can I take it the author wishes to create a passport system or conduct a personally overseen vetting procedure for new residents and all potential green space users and impose a Police type Automatic Number Plate Recognition system on visitors to the site?- until further extrapolation and explanation of this point I am at a loss to suggest an acceptable response"

Overshadowing

"It is envisaged that the terraced, and probably the properties backing onto the side furthest away from the bungalows houses will be multi storey, the plots backing onto the bungalows are expected to be single storey dwellings, however the final design for the entire site will be detailed in the full planning application, which itself will be open for public consultation and local villagers will retain the right to comment on it as they seem fit."

OR - This application is only in outline form so therefore a determination as to overshadowing cannot be made.

How does the proposal improve biodiversity?

No information submitted by the agent cannot adequately answer this question.

"The emerging plan has been through lengthy consultation during which time this parcel of land has not been brought forward by the owners or applicants as a potential site for inclusion in the development permitted by the Plan. As such it has not been subject to consultation. Therefore, planning consent would represent a major departure from the strategic housing plan."

No information submitted by the agent cannot adequately answer this question.

Loss of wildlife habitat for deer, badgers, bats, owls, squirrels, hedgehogs, weasels, frogs, toads, bees, foxes, hares, mice, rabbits, butterflies, moths, dragonflies, snakes, insects and a long list of birdlife.

AR - "In regard to potential loss of habitat during observations on site no animals, apart from a single wasp, were witnessed, in regard to owls especially a walking survey was done which showed no obvious opportunity for suitable roosts, the owners has no objections to the councils biodiversity officer examining the site at their own convenience. In respect of the loss of a potential feeding

ground the site borders a large field and as such will have minimal impact on any owl's food resource."

"As an appreciator of wildlife I am happy that squirrels and a hedgehog visit the authors garden, I also have such visitors even though I live in an urban area, there may be toads (I have them in my garden as I have a nature pond) but from experience they do not venture far from water as such they are probably coming from a neighbouring pond, probably in a neighbours garden. In any case the development will not cause toads any undue concern."

"In regard to birdlife I am not an expert on ornithology and in any case all potential loss of habitat issues will be dealt with by the councils biodiversity officer."

"The author states that the area is a site of habitat interest, during observations on site no animals, of any kind (except a solitary wasp) were witnessed, in regard to bats especially a walking survey was done which showed no opportunity for bat roosts, the owners has no objections to the councils biodiversity officer examining the site at their own convenience. The wildlife element of the proposal has been evaluated under the ODPM circular 06/2005 Biodiversity and Geological Observation and their impact on the planning system which covers such concerns, the circular correctly gives priority to sites that are designated as:-
a)Special Areas of Conservation (cSACs);
b)Special Areas of Conservation {SACs) designated pursuant to the Habitats Directive; and
c)Special Protection Areas {SPAs) classified under the Birds Directive.

The proposed site is none of the above, however there is an open invitation for the councils biodiversity office to visit the site at their own convenience."

"In regard to the bat population I have sought information from the BatConservation Trust (http:lj www.bats.org.uk/ index.php) which I have condensed below."

"Bats need different roosting conditions at different times of the year and they will often move around to find a roost that meets their needs. Some bats prefer hollow trees, some like caves and some use both at different times. Many bats shelter in buildings, behind hanging tiles and boarding or in roof spaces."

"For several weeks in summer, female bats gather in a maternity roost to have their babies. In winter, bats use hibernation roosts. Bats have been discovered roosting in all sorts of places, but there are three broad roost types that are the most common: roosts in trees, roosts in built structures and roosts in underground sites. Bats may also roost in bat boxes. UK bats do not construct roosts, but use structures that are already available.In winter, bats hibernate where they are less likely to be disturbed by light, noise and predators. Underground sites like caves, mines, cellars and service tunnels are ideal."

"Most bats in the UK evolved to roost in trees which provide shelter, as bats are not able to bore holes or make nests, they use whatever gaps are available - including cavities and crevices made by other animals, the natural decay of the wood or arboricultural methods. Trees such as oak, beech and ash are particularly suitable for bats."

"Roosts in buildings - Bats can be found in a variety of buildings and structures such as houses, bridges, barns and churches, bats often roost in houses, both new and old."

"In conclusion of the point re bats the fact that there are no suitable hibernation spots on the site, coupled with the absence of any suitable roosting spots would cast great doubt on the presence of any bats on this site."

"I have left an open-door invitation for the councils biodiversity officer to look around to get an accurate picture for reporting to the planning officer.....The same rationale applies to wildlife with some residents bringing up concerns that may simply not apply, but which they hope may cause sufficient reasons for what is, in effect development on wasteland"

OR - A walkover is not an adequate means of addressing wildlife populations and movements on the site. An ecological report from a qualified ecologist has not been submitted in support of this application.

Significant increase in proposed housing stock as a percentage of the settlement.

AR- "In regard to the number of houses existing, and the percentage of new homes this would bring the author is directed to a planning application for land off Wignalls Gate, Holbeach (H09-0326-17) which, although a very small settlement in itself was granted permission for 100 new dwellings.

The important note that has been set by planning precedent is that it is not the percentage change but the capacity for a village to accommodate additional housing, the modest total of 14homes would not, in my opinion be an unacceptable increase."

"The author is correct that two other sites have been identified by the South East Lincolnshire Strategic Housing Land Availability 2017 study, indeed I mention them in the Design and Access statement, however these plots of land are not the site that has been applied for, it is hoped that in the future these sites will be built on, thereby securing the potential for success of the businesses based in the village."

"Simply because there are some other developments in the pipeline has no effect on this application as "every application must be viewed on its own merits", as such the success, or otherwise of the other applications would only have an effect if there was a cumulative impact argument which would occur is several large developments were seen together, this is simply not the case for this application."

OR - The agent has contradicted their own argument by firstly using applications to justify their own, then subsequently stating: "every application must be viewed on its own merits."

Increase in traffic to rear of Campbell Place.

AR - "I respectfully do not concur that the increase in traffic from such a small development would cause such a change in traffic volume as to constitute a safety concern."

"In regard to the number of vehicles the houses will have suitable provision for parking, this will be agreed in reserved matters, in regard to on-road parking this is a matter for the highways agency."

Highway safety

AR - "In regard to the access to the corner of the road near the Stores there is currently an overgrowing bush between the proposed entrance and this corner. In consultation with the landowner (relation of the applicant) there is no objection to removing the hedge and replacing it with railings, thereby giving increased and permanent visibility. The author is politely informed that the Highways Agency will be the stakeholder responsible for addressing any road safety concerns and they will report back to the council accordingly, however I respectfully do not concur that the increase in traffic from such a small development would cause such a change in traffic volume as to constitute a safety concern."

"It is noted that the author states that vehicles exceed the speed limit, however the bend in the road near the Stores is quite sharp and cannot, in all reasonableness be taken in excess of the speed limit, if the author believes this to be the case then they should respectfully convey their concerns to the Highways Agency who will investigate potential solutions such as speed bumps etc. In relation to frequency of gang labour traffic this will not be effected."

OR - The County Highways & SUDS Officer has no highway safety concerns and has no observations on the proposal.

Overstating the importance of businesses within the settlement.

AR - "In regard to the local economy the author states that the Design and Access Statement lists 5 businesses, in actuality the statement reads "The application would support the local economy by bringing in additional population, there is a local shop/ petrol station and a nursery in the village itself and in the adjoin village of Gedney Hill", as such the number of businesses was never stated. In any case anyone who believes that local village businesses can "rely on custom from beyond Ho/beach
Drove" must surely be making assumptions about their sustainability. With respect this housing will help support local businesses and I cannot realistically understand why the author believes that anyone from outside the area would make a particular effort to drive to, for example, The Stores, a small local shop in order to buy groceries."

"The comments about the stock held at the local shop are also noted, although the stock could very easily be changed by the owners to meet the needs of the new residents."

Lack of facilties for new occupants.

AR - "In regard to the lack of facilities I concur that there are few facilities, however this is typical of a small village where there is simply not sufficient population or passing trade to support such facilities."

No footpath on side of road adjacent to vehicular entrance.

AR - "In regard to the pavement the cleared bushes will allow safe access to the shop."

Lack of local employment opportunity for proposed residents.

This was not addressed by the agent but iit s not the responsibility of the agent or development to create local jobs for future occupants.

Surface and foul water disposal.

AR - "The site is bordered by a drain (please see response from Anglian Water) and as such only a scheme for the disposal of foul water would need to be included in reserved matters."

Proposes to make a private driveway to the rear of Campbell Place into a public right of way.

AR - "In regard to the pedestrian access beside the bungalows the author may be interested to know that this land is still owned by the landowner, who sold some land to the council to build bungalows for the elderly in the 1960s but has, at this moment in time allowed a right of access to the residents of the bungalows and the land at his grace."

Increase in pedestrian movements to rear of Campbell Place.

AR - "In respect of "people walking past at anytime, day and night will impact on the quietness·, again is the author suggesting some type of silencing measure to prevent residents talking to each other?- if someone were to walk past, whilst talking then it would be, at most a very temporary situation and doubtful whether it would constitute a statutory noise nuisance, again and with appropriate respect for the point until further extrapolation and explanation has been received I am at a loss to suggest an acceptable response."

Light pollution from installation of street lighting and vehicular movements during non daylight hours.

AR - "In respect to the development causing a concern with the"dark starry night sky" then I assume the author believes that the light pollution would be a concern, may I reassure them that no floodlights, or other such lighting is anticipated, simply lighting in accordance with safe usage of footpaths and lighting used within the typical home, as such the view of the night sky will not be interrupted. The statement that he light pollution would affect the biodiversity of their garden is also without due explanation for me to generate a suitable response and I suggest they bring any such concerns to the councils biodiversity officer who I am sure will give them their respective weight."

"In respect of street lighting this would be a matter for consideration by the council and the Highways Agency should the site proceed to full application status."

Despite claims by agent that farm vehicles cannot access the land, photos showing maintenance of farmland by large vehicles can not be shown to agent to address due to GDPR.

AR - "There has been an accusation that a Mr Congreve tends the site in his tractor, therefore inferring a classification that the land is agricultural in nature, however this is not the actual case. The landowner has met with Mr Congreve on the 22nd October 2018 to clarify the position and it has been confirmed that Mr Congreve is allowed on the site in a private arrangement in order to keep the site neat and tidy, there is no contract between Mr Congreve and the landowner, it is simply a grace and favour situation to prevent the site overgrowing and becoming a nuisance to the nearby residents."

"The image, which would have allowed a response has been redacted, as such I am unable to comment, however it is assumed to be the same author as 1034 and as such I have responded in section 3.0"

The provision of housing for local people cannot be addressed by a condition.

AR - "It would be a great shame in my opinion to dismiss any chance for local residents who cannot afford to buy a home for circa £247,000 (see last para of section 1.3) but are forced to have to try to buy a shared ownership home elsewhere. The shared ownership houses on the proposed development would give local residents the chance to buy their first home whilst remaining in the village."

"There is a national need for housing and the fact that there would be affordable housing would encourage people into the village, however priority would be given to existing villagers wishing to get onto the property ladder. In regard to the uptake of the completed properties this would be a matter for the developer and their marketing team."

Potential for vehicles to park outside of development due to lack of parking provision at properties or to front of properties on the highway.

AR - "As far as the concern that people would park to allow usage of the green space this can easily be covered with a keep-clear, or access type sign. To assume that people would park on the road as opposed to the close it would seem the author is under the impression the green space provided will become a tourist attraction of some kind used by local visitors, may I reassure the author that the green space will not be advertised on an websites, nor have any publicity material printed to try and bring people into the village to use it."

"In regard to the number of vehicles the houses will have suitable provision for parking, this will be agreed in reserved matters, in regard to on-road parking this is a matter for the highways agency."

The Local Plan states that in Other Rural Settlements "Only a very limited amount of new development will be permitted and only in exceptional circumstances to meet demonstrated local needs."

Impact on mental / physical health of existing residents through stress and anxiety.

AR- "The change of an existing situation often brings such a reaction and I do understand that changes to an existing situation causes an immediate response of fright with some genuine concerns but often many that are simply unfounded."

MEMBERS OF THE PUBLIC NON PLANNING COMMENTS

Submitted plans show development on land not in applicant's ownership.

AR - "This author (their point 1) states that land that has not been as yet secured cannot be developed, the quirk of the planning system is that anyone can apply for land not currently under their ownership, the only piece of land is a small piece of garden which would have "squared off" the site to allow for a larger garden for the end bungalow. If this land is not made available then the garden for the new home will be slightly reduced. Whether this land is made available at a later date is between the author and the developer."

Loss of view over land outside of ownership.

AR - "I would like to take this opportunity to state that I personally understand that one gets accustomed to a view and virtually adopts it as their own, however unpalatable the truth is that there is no right to a view and times change, the challenge is to create a balance where suitable development can occur whilst not being so significant in nature that it causes such a dramatic change as to be classed as unacceptable. This is a balance that planning officers are charged with, guided my material planning considerations."

"In regard to change of view the fact is that for a long period of time residents have enjoyed a view of grassland which may be subject to change and it is this change itself that is the reason for the objections, however a change of view is not itself a material planning consideration."

Need

This concern carries minimal planning weight.

The amenity of dogs.

This concern carries minimal planning weight.

Reduction in property value.

This concern carries minimal planning weight.

The farmer still receives farming subsidies for landing they claim is not in agricultural use.

AR - "As regards any subsidies received re the non growing of crops this is respectfully not a planning matter."

OR - If the farmer was does receive subsidies, this would show that the land use is agricultural and not wasteland as the agent asserts.

Why can't the applicant provide solely infill development on brownfield at the entrance to the site?

This concern carries minimal planning weight.

The majority of properties could be occupied by families with children.

AR - "To assume that just because people are young automatically makes then an unwelcome attraction is itself rather saddening."

OR - This concern carries minimal planning weight.

Potential for anti-social behaviour by users of the play area.

AR - "The received letters received bring such concerns as noise, drink and drugs from the proposed green space, there is no evidence at all to suggest that this development would create such an environment, it is unfair to assume that new residents are hooligans, drunks or drug users."

OR - This concern carries minimal planning weight.

"Increase in crime. (None at present here)"

AR - "The received letters received bring such concerns as noise, drink and drugs from the proposed green space, there is no evidence at all to suggest that this development would create such an environment, it is unfair to assume that new residents are hooligans, drunks or drug users."

"In regard to a worry over an increase in crime this seems rather unfair as it infers that new residents will becriminals, in any case please see response from Lincolnshire Police."

OR - This concern carries minimal planning weight.

"Disturbance day and night to elderly members." - Cannot show preferential treatment on grounds of age.

OR - This concern carries minimal planning weight.

"The person who is wanting this development doesn't live round here."

AR - "The accusation that the owner's family do not have a local connection is factually incorrect, their family have been in the village for several generations and a viewing of the parish records will confirm this."

OR - This concern carries minimal planning weight.

Not consulted by the applicant prior to submission.

AR - "The Local Plan may have been in development for some time but it is not the landowners responsibility to "bring forward" suggested plots, as such this is not a material planning condition. In regard to the site not being under consultation I refer the reader to my response in section 1.0 which shows it has been under consultation by both the steering group at SHDC and the SHLAA."

OR - This concern carries minimal planning weight.

The agent omitting elements of pre-application advice that are not considered to support the proposal.

OR - This concern carries minimal planning weight.

Disturbance during construction

In regard to construction traffic and such these will be addressed in reserved matters.

OR - This concern carries minimal planning weight.

Lack of detail on an outline application

AR - "The area, which is classed as "green-space" being in the far corner of the site is located there so that children can use the pedestrian walkway to access a safe area away from the main road. The triangular shape of the site prohibited the location of another building on the site. Again we would encourage local resident participation with the developer as to what would be suitable for the site."

OR - This concern carries minimal planning weight.

The agent has also brought forward alternative uses of the land that the applicant has considered:

"There are alternative uses of the land, to date those that have been considered include:-
a) To enter into negotiations with a developer to create a small industrial estate which would potentially offer start-up businesses low rental facilities, this would bring potentially new employment into the village and assist new businesses in the area.
b) To enter into negotiations with a local developer to create a wood pelleting plant, such a plant would take in waste green wood (trees, branches, logging residues, stumps, roots, and wood waste) which would be processed into wood pellets. The waste leaves would be shredded and bagged up as mulch which would be for sale to gardeners. These pellets would then be bagged and sold as a source of biomass fuel and also horse bedding. Such a business would create employment in the area and bring in additional income for local tree and wood management companies.
c) To enter into negotiations with a local developer to create a small scale food factory, the area has the potential to grow crops, especially salads and as such has the potential to become one of the satellite operations run by one of the major food producers based in Spalding.
d) To enter into negotiation with Sycamore Planning Limited, or similar (see planning application number H2/1061/10) to create the construction of an additional site to their Decoy Farm situation.
e) Entering into negotiations with the South Holland District Council to address the lack of sites identified in the Boston and South Holland Gypsy and Traveller Accommodation Assessment (GTAA) 2016 which would assist the council to comply with their requirements towards Gypsies, Travellers and Travelling Showpeople under the National Planning Policy Framework (NPPF) 2012, Planning Policy for Traveller Sites (PPTS) 2015, and the Housing and Planning Act 2016.

Currently the agent and landowner believe that using the site for housing would be the least intrusive option, however should the application fail then these other options will be progressed without delay."

No letters of support have been received from either standard consultees or members of the public.

Conclusion

Since the application was submitted, the South East Lincolnshire Local Plan (2019) (SELLP) has been adopted. However, this does not materially change the policy status of the site as it remains outside of any settlement boundary and is therefore still classed as being in the countryside. Policy

1 of the SELLP 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 is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need. Since submission of the application, as of 31 March 2019 the Council can now claim a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6.07 years through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance.

The proposed development would set a harmful development by positioning residential dwellings in a backland, countryside location behind the main built-up area of the village. This would have an adverse impact on the character of the area and would set a harmful precedent for further development inside the settlement boundary. This would have a cumulative material adverse impact by eroding the countryside character of this area. It would therefore be contrary to Policies 2 and 3 of the Local Plan which seek, amongst other things, to ensure that new development does not have a material adverse impact upon the character and appearance of the locality.

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated refusal.

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 to refuse permission 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 to refuse permission 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

residents). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation to refuse permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.