

## **Officers Report**

### **Planning Application No: 138563**

**PROPOSAL:** Outline planning application to erect 6no. dwellings with all matters reserved - resubmission of 136727

**LOCATION:** Land off Dunholme Road Scothern Lincoln LN2 2UD

**WARD:** Sudbrooke

**WARD MEMBER(S):** Cllr Robert Waller

**APPLICANT NAME:** Mr Stuart Kinch

**TARGET DECISION DATE:** 31/12/2018 (Extension of time agreed until 11/1/19)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** Refuse outline planning permission.

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**This application is reported to Planning Committee because the applicant, Mr Stuart Kinch, is an elected Councillor of West Lindsey District Council.**

#### **Description:**

Outline planning permission is sought for the erection of six dwellings.

Matters of layout, scale, appearance, landscaping and access are all reserved for subsequent approval ("reserved matters").

The site is positioned on the north-eastern side of Dunholme Road, in Scothern (A medium village, under policy LP2 of the Local Plan).

The site area is approximately 0.9 hectares. Land levels rise gently to the North West. It is currently used for grazing. The site features a substantial hedgerow with occasional tree fronting Dunholme Road.

There are residential dwellings, with Scothern Nurseries positioned to the rear of no.'s 6 & 8, to the south-west, on the opposite side of Dunholme Road. To the south, on the opposite side of the road, development is underway for a residential development of 33 dwellings (outline planning permission 132275 and reserved matters 136923 and amendments).

To the north is an access track to Manor Farm with farmland beyond. To the east and south are further grazing areas. The Manor House, a grade II listed building<sup>1</sup>, is approximately 115m to the east of the application site.

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<sup>1</sup> View List entry here: <https://historicengland.org.uk/listing/the-list/list-entry/1309122>

An indicative site layout plan shows six dwellings set in garden plots, with five vehicular accesses from Dunholme Road requiring removal of sections of existing hedge. Retained and additional planting to northern and eastern boundaries is shown. The application form states surface water drainage would be dealt with via SUDS.

The application includes:

- Amended design and access statement
- Heritage statement
- Ecology and protected species survey

### **Relevant history:**

136727 Outline planning application to erect 6no. dwellings with all matters Reserved. Withdrawn by applicant 1/11/17.

W87/422/88 Outline application to erect dwellings. Refused 26/5/88.

### **Representations, in summary:**

Scothern Parish Council (in summary):

- Requests determination by planning committee.
- Does not support the application.
- The offer of £150,000 from the developer to Scothern Recreation Centre has not been taken into account as this is a private arrangement.
- Not a grassed field, it is part of Manor Park which is historically significant and important green area to residents.
- Existing village hall funds are private donations. Hall requires improvement.
- The flyer may not have been delivered to all residents and is flawed.
- The responses breakdown is inaccurate and includes non-local responses.
- Would significantly harm the character and appearance of the surrounding countryside.
- There is no demonstrable local community support.
- The development area is not continuous.
- Contrary to NPPF as there would be no community benefit during construction phase and the proposed contribution shouldn't be considered.
- Contrary to neighbourhood plan policy S1 as the site is not in the built up area and is not infill.
- Policy D1 is relevant.

Local residents:

Letters of support have been received from The Manor House; and from outside the District, from the following addresses: 1 Villa Way, Wootton, Northamptonshire; 8 Missenden Road, Winslow, which are summarised as follows:

- Proposal provides small number of attractive dwellings for professional families, which are badly needed, to live in Scothern.
- Wouldn't be obtrusive for neighbours, harm the listed building or its setting.
- Proposal is within the curtilage of the village.
- Proposal will provide funds to restore and upkeep the Manor House and village hall which without will be shut and likely sold for future development.
- Proposal would redress balance between Scothern and adjacent villages.

Letters of objection have been received from residents of the following Scothern addresses - 1, 3, 6, 9, 11 Lime Tree Paddock; Brookside Cottage, 18, 28 Main Street; 36 Craypool Lane; 6, 12, 18, 20, 22 Dunholme Road; Keepers Cottage, School Crescent; which are summarised as follows:

- Contrary to LP17. Site not allocated in the Neighbourhood Plan. Contrary to the plan as it is not within built up area.
- Already numerous housing developments in Scothern. Growth in the village has already exceeded policy requirements.
- No amenities or suitable infrastructure to accommodate growth.
- Executive homes are provided in recent village developments.
- Existing traffic and highway safety problems will be exacerbated.
- There are few remaining open spaces in the village.
- Harm to rural character of village, a scenic approach and historic value of listed building and its setting would be harmed. Loss of parkland and veteran trees. The Manor and parkland are a quintessential part of Scothern's landscape character and should be preserved.
- Ecological impacts. Habitat fragmentation.
- No social, financial or environmental benefit to the village.
- Increased noise pollution.
- Sewerage, health, school, electricity and broadband systems cannot cope with this development.
- Concerns raised with applicant's proposed village hall donation – perceived as a financial inducement; interpreted as 'buying planning support' ; unprofessional / immoral applicant behaviour ; perceived as trying to force peoples' decisions via donation to village hall redevelopment; proposal causes division; causes a distorted view of the application which should be judged on planning criteria alone.

General observations have been received from residents of 2 Back Lane, Scothern (summary):

- Scothern may lose its identity due to various developments. Scothern should remain a village. Surrounding villages have become like small towns.

- Was linking approval of the application with a donation to the village hall right?
- It is not established that the vast majority of the village are interested in the village hall or can see what benefit it would be to them.
- If the vast majority of villagers were interested in the village hall they would have exercised their right in the recent parish council referendum.
- I did support the extra parish tax for village hall equipment and am interested in the village retaining such an amenity.

Representations have been received with incomplete addresses from Church Street, Scothern (objection); Lime Tree Paddock, Scothern (objection); Sudbrooke Road, Scothern (support) which are summarised as follows:

- Scothern has been developed extensively. New housing and garden centre has resulted in increased traffic.
- Few open spaces in Scothern.
- Object to developer offering to buy planning support via payment to village hall.
- Rural character and historic value should be preserved.
- Housing growth in Scothern has exceeded targets.
- Objections based on personal grounds rather than planning principles. There would be benefits to the whole village.
- Small development will little impact on the village and would enhance Dunholme Road.
- Scothern Neighbourhood Plan supports proposal as a small infill development.
- Small part of The Manor site with no impact on the building.
- Contribution towards hall would be positive allowing renovation or rebuild.
- Majority of the village support the proposal.
- Presumption in planning law and guidance in favour of small developments.
- The proposal would support upkeep of the listed building.
- If refused, the alternative for the listed building would be worse for the village.

Witham Third District Internal Drainage Board: Forwarded its comments for the previous application which recommended a condition to secure a scheme for the provision, implementation and future maintenance of a surface water drainage system. Any discharge into a watercourse should be limited to greenfield rate.

LCC Local Highways and Lead Local Flood Authority: Principle of development is acceptable. Conditions recommended regarding provision of 1.8m wide footway and drainage. A legal agreement between landowner and LCC is required to secure these highway improvement works.

Environment Agency: Has no comments to make.

#### LCC Archaeology:

- Heritage statement incomplete. This has led to incomplete conclusions being drawn regarding this development's impacts on the historic environment.
- The Heritage Statement also does not fully acknowledge that the proposed development is in historic parkland.
- This site is a non-designated heritage asset which contributes to setting of the listed building.

“Recommendation: it is therefore recommended that the developer be required to revise their Heritage Statement to take into account several major publications that describe the significance of this site to the village's medieval and later history (details below), and in light of this consider the impacts upon the historic parkland that constitutes the setting for the Listed Manor House. Following this, the Design & Access Statement should also be revised in order to address how the proposed development on this sensitive site will mitigate the harm caused to the historic environment. It is recommended that this application is not determined until the information required has been provided. This is in order to fulfil the local planning authority's requirement to ensure developers meet their obligations to describe the significance of heritage assets affected (NPPF 189), and to take account of such evidence using any necessary expertise in order to minimise conflict between heritage assets and any aspect of the development (NPPF 190) and the need to have "special regard" to preserving the setting of a Listed building under the Planning (Listed Buildings & Conservation Areas) Act 1990.

#### WLDC Conservation:

The plans are outline supplying a plot form only, but it can be seen from these that the properties are large, and although a variety of plans is provided, the plan form proposed is formulaic and bears no relationship to the historic form or traditional building that is locally distinctive in Scothern, and would result in a line of six very large new dwellings with prominently located garages.

A heritage statement is supplied, but states in its introduction, that this is an archaeological heritage statement, and therefore, contains no contextual analysis about how sensitive or otherwise, this setting is, but it does include a brief note stating that any new development will affect the setting of the grade II listed Manor House, but that this would be 'less than substantial harm' (which means that it does inadvertently concur that the development will result in harm to that setting)

This statement is very much lacking in consideration of this setting and does nothing to demonstrate how this setting is experienced from either within the site or beyond it and does not consider any historic links seen on old OS maps regarding how the parkland was designed to interact with the house itself. The proposed development will very much impact on the setting of the house and is likely to give rise to harm to that setting and how it is experienced.

The development will also impact on how the setting is experienced from within the land and from the house itself and the setting of a listed building does not have to be publicly accessible to be considered significant.

The proposed development would be a substantial intervention to this historic setting and would cause harm to the setting of the listed Manor House as a result.

## **Relevant Planning Policies:**

### **Statutory test**

Planning (Listed Buildings and Conservation Areas) Act 1990

“66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

### **Development plan**

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); Scothern Neighbourhood Plan (January 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

### **Lincolnshire Minerals and Waste Local Plan**

- **Core Strategy and Development Management Policies**
- **Site locations**

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/minerals-and-waste/88170.article>

The site is not within a Mineral Safeguarding Area or allocated waste/minerals site.

### **Central Lincolnshire Local Plan**

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP4: Growth in Villages

Policy LP10: Meeting Accommodation Needs

Policy LP12: Infrastructure to Support Growth

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity  
Policy LP25: The Historic Environment  
Policy LP26: Design and Amenity  
Policy LP55: Development in the Countryside

### **Scothern Neighbourhood Development Plan**

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/scothern-neighbourhood-plan-made/>

S1: Location of new development

H1: Future Housing Need

H2: Housing Mix and Type

D1: Design and Character

T1: Parking standards

T2: Pedestrian and Cycle Routes

E2: Biodiversity

C1: Provision of new or improved community facilities

C2: Retention and improvement of existing community facilities

### **Other**

### **Central Lincolnshire Developer Contributions Supplementary Planning Document**

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

### **National Planning Policy Framework and Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

### **Main issues**

- Scothern Neighbourhood Plan – Residential Developments
- Central Lincolnshire Local Plan – Residential Developments
- Demonstration of Clear Community Support?
- Community Facilities
- Impact on heritage and village character
- Impact on residential amenity
- Highway impacts
- Drainage
- Ecology

### **Assessment:**

### **Scothern Neighbourhood Plan – Residential Developments**

In light of the above policy context the first requirement is to establish whether the proposal accords with the Development Plan, which includes the Scothern Neighbourhood Development Plan. Policy S1 of the SNP reads:

*“S1: Location of new development*

*New developments will be focussed within the built up area of Scothern.*

*Proposals for development located within the built up area will be supported, provided they accord with the provisions of the Neighbourhood Plan and other relevant development plan policies.*

The built up area of Scothern is defined as the continuous built form and excludes:

1. Individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of Scothern;
2. Gardens, paddocks, and other undeveloped land within the curtilage of buildings on edge of Scothern where land relates more to the surrounding countryside than to the built up area of Scothern;
3. Agricultural buildings and associated land on the edge of Scothern; and
4. Outdoor sports and recreation facilities and other formal open spaces on the edge of Scothern”

The application site is considered to be undeveloped land within the curtilage of a building where the land relates more to the surrounding countryside than to the built up area of Scothern. Therefore, Policy S1 presumes against the proposal.

The site is not allocated by Policy H1. The plan states (page 19) “any additional housing requirement will be limited to small scale infill within the existing built up area of the village. Limiting additional development to infill will help to ensure that the village does not further expand into the open countryside and that new development is located within sustainable locations, close to the village centre and amenities.”

The application site is not considered to be an infill site within the existing built up area of the village as it fronts open land on three sides and relates more to the countryside than the built up area. The proposal is contrary to Policy H1.

Policy H2 states:

*“H2: Housing Mix and Type*

*All new developments for housing should meet locally identified needs. Proposals that provide a mix of houses and which cater for the housing needs of the local community will be supported. Proposals that include one and two bedroom houses based on the local housing need will be particularly supported.*

*At least 30% of dwellings on sites of over six dwellings should be built to the higher access standards in Part M4 (2) of the Building Regulations, other than in circumstances where the commercial viability of the scheme would be unacceptably affected.”*

And:

“The neighbourhood plan will seek to tackle these affordability issues by ensuring that a mix of dwellings sizes and types are provided in the village and by encouraging the provision of smaller dwellings.”



Scale is a reserved matter. Nonetheless, the size of the application site and the number of dwellings proposed is indicated to result in large dwellings on large plots or an inefficient use of land (6.6 dwellings per hectare). The former would conflict with Policy H2 which encourages smaller more affordable dwellings with a mix of housing. The latter would be contrary to LP26 part (a) of which requires proposals “Make effective and efficient use of land”.

It would therefore be relevant, and necessary, for a planning condition to require the final housing mix to be agreed with the Local Planning Authority, in order to ensure compliance with policy H2.

Overall, the proposal is not supported and is considered would result in a departure from the neighbourhood plan.

The neighbourhood plan approach of allowing additional housing in infill plots only is more restrictive than the strategic policies of LP2 and LP4 of the Central Lincolnshire Local Plan (CLLP). Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires “If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document”. The proposal must therefore be considered against the provisions of the CLLP, including policies LP2 and LP4.

### **Central Lincolnshire Local Plan – Residential Developments**

Policy LP2 designates Scothern a medium village where:

“Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support\*\*\*\*, the following applies in these settlements:

- they will accommodate a limited amount of development in order to support their function and/or sustainability.
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.
- typically, and only in appropriate locations\*\*, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances\*\*\*\*\* proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.”

Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

“\*\* throughout this policy, the term ‘appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an ‘appropriate location’, the site, if developed, would:

- retain the core shape and form of the settlement;
- not significantly harm the settlement’s character and appearance; and
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.”

Six dwellings are proposed, amounting to the scale of residential development “typically” permitted under LP2. Located within historic parkland, adjacent to the built up area, it is considered the development would not retain the core shape and form of the settlement. It therefore needs to be determined as to the impact upon the character and appearance of the settlement, its rural setting and that of the surrounding countryside in order to determine as to whether this is an “appropriate location”.

Policy LP4 permits 10% growth in Scothern, equivalent to 36 dwellings. The number of dwellings approved within the parameters defined in the CLLP (as of 04/12/2018) is 73<sup>2</sup>.

Settlement Name/App. Ref.	Hierarchy Position	Base number of Dwellings	Growth Level	Number of Dwellings for Growth	Dwellings Approved	Completions Pre 2012	Dwelling Completions 2012 - 2018	Outstanding dwellings with permission	Date of decision	Remaining Growth
Scothern	Medium Village	364	10%	36	73	0	1	72		0
134424					1	0	0	1	05/08/16	
137555					1	0	0	1	25/05/18	
136336					2	0	0	2	08/08/17	
134778					2	0	0	2	19/09/16	
134686					1	0	0	1	03/11/16	
136923					33	0	0	33	22/02/18	
132983					1	0	0	1	10/05/16	
<del>Superseded 131584</del>	-	-	-	-	<del>2</del>	<del>0</del>	<del>0</del>	<del>2</del>	<del>03/11/14</del>	-
130063					1	0	0	1	15/10/13	
132027					30	0	0	30	29/06/15	
126157					1	0	1	0	20/08/10	

(Extract from Housing Growth Table as of 04/12/2018)

The 10% growth allowance under policy LP4 is exceeded. A need for clear local community support is required under the terms of Policy LP4 which states:

*“A proposal within or on the edge of a village in categories 5-6 of the settlement hierarchy should be accompanied by demonstrable evidence of clear local community support\*\* for the scheme if, in combination with:*

- a. other development built since April 2012;*
- b. any extant permissions; and*
- c. any allocated sites,*

*the proposal would increase the number of dwellings in a village by more than 10%”*

Whether a demonstration of clear local community support for the scheme has been evidenced, will be addressed later within the report.

Policy LP4 sets the following sequential test:

<sup>2</sup> See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

*“In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:*

- 1. Brownfield land or infill sites, in appropriate locations\*\*, within the developed footprint\*\* of the settlement*
- 2. Brownfield sites at the edge of a settlement, in appropriate locations\*\**
- 3. Greenfield sites at the edge of a settlement, in appropriate locations\*\**

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.”

The proposal complies with the numerical limit of up to 9 dwellings, set by policy LP2. The road front hedge with intermittent trees and undeveloped character of the site is considered an important characteristic of the village which contributes in a significant way to the character and appearance of this part of Scothern and in turn to the setting of the listed building, The Manor House. The proposal is considered to significantly harm the settlement’s character and appearance and its rural setting, as well as the setting of the listed building (discussed in more detail below). This is not considered to be an appropriate location for development, as defined in the CLLP. The proposal is therefore contrary to Policy LP2. This inappropriate location does not fall to be considered on any tier of the sequential test in Policy LP4. The proposal is contrary to LP4.

Natural England’s Agricultural Land Classification Map indicates the site forms part of a small area of potential grade 2 very good agricultural land. This qualifies as best and most versatile agricultural land as defined in the NPPF. The application site was in use for sheep grazing at the time of the officer’s site visit. The indicative map suggests this is the only parcel of such high grade land near the village of Scothern. Policy LP55 part G seeks to protect such land unless certain exceptions are satisfied, the first stating “There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations)”. The proposal is considered contrary to Policy LP55 part G.

### **Demonstration of clear local community support?**

As set out above, the development would exceed, along with other permitted developments / allocations, the growth allowance under policy LP4. The policy therefore requires demonstrable evidence of clear local community support.

This is described in the Local Plan (within policy LP2) as follows:

*“\*\*\*\* throughout this policy and Policy LP4 the term ‘demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support*

*generated via a thorough, but proportionate, pre-application community consultation exercise.*

*If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council. If an applicant is in doubt as to what would constitute a 'thorough, but proportionate, pre-application consultation exercise', then the applicant should contact the applicable local planning authority."*

The accompanying Design and Access Statement (DAS) considers a thorough and proportionate pre-application consultation process was undertaken; a flyer explaining the proposal and asking for feedback was delivered to dwellings throughout the village; the flyer described the proposals for the 6 dwellings and the additional benefits of the contribution to the village hall; a copy of the flyer is provided at appendix B of the now superseded DAS. It continues:

*"70 responses were received from local residents with the following results:*

*Agree = 70*

*Disagree = 29*

*Not sure = 6"*

*"The consultation process has therefore shown an obvious majority in favour of the proposed development."*

The application does not include specifics of each response because it considers this would be contrary to data protection laws, and instead sets out its own summary of such. No copies of correspondence, demonstrating community support are therefore included within the application.

The application does not explain what 'throughout the village' means in terms of addresses consulted. It states that *"It is suggested that the local community should be taken as being the village of Scothern and surrounding parishes."*

It also states some responses were from outside of this area, for example Exeter and Nottingham. It is therefore unclear as to the extent of consultation undertaken. However such responses would not be considered to be a representation of the "local community".

The Parish Council, within their representations, have queried the extent of consultation undertaken. By way of comparison, the neighbourhood plan states there are 366 households within Scothern.

Furthermore, the quoted response numbers are contradictory, viz, 70 responses but if 70 agree, 29 disagree and 6 aren't sure the total would be 105, not 70.

If the survey results were substantiated, 29 disagree means there has been a meaningful level of objection to the proposal and it could be that as much as half of the respondents (29 disagree plus 6 don't know= 35 (half of 70) do not actively support the proposal.

It can also be noted that, following a period of publicity, representations made on the application (at the time of writing) do not reflect or support the applicant's claim that there is clear local community support for the development. The clear majority objecting as part of the planning application consultation does not lend itself to demonstrating 'clear local community support' in any way. The responses received thus far, also make no reference to any community consultation exercises having taken place.

The application does not include copies of the neighbour responses therefore the claimed response cannot be verified.

The onus is placed on the applicant to demonstrate '*at the point of submitting a planning application to the local planning authority, that there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise.*'

The application does not provide any evidence of a thorough, but proportionate, pre-application consultation exercise. It has not provided any clear evidence of local community support for the scheme.

Representations made on the application do not support the applicant's claim that there is clear local community support (with a majority raising objections), and the Parish Council makes clear that it does not support the application.

The Design & Access Statement states (paragraph 4.2) that a flyer was hand delivered to residents in the village - "*The flyer described the proposals for the 6no dwellings and the additional benefit of the contribution to the village hall*" and includes an example of the consultation leaflet. This makes express comments to the effect:

*"£150,000 to be given to Scothern Village Hall, should the application for six new homes gain planning permission. We need your help in securing enough community support to make this possible..."*

The application does not include any obligation or commitment to making any such contribution. Planning law<sup>3</sup> sets out that:

*(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*

*(a) necessary to make the development acceptable in planning terms;*

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<sup>3</sup> Regulation 122 of The Community Infrastructure Levy Regulations 2010 (<http://www.legislation.gov.uk/ukxi/2010/948/regulation/122/made>)

*(b) directly related to the development; and*

*(c) fairly and reasonably related in scale and kind to the development.*

Whilst it would be open for the applicant to make a voluntary payment “outside” of the planning system, the consultation pamphlet clearly seeks that this be taken into consideration at the time of the consultation exercise, by members of the local community.

Indeed, the Design & Access Statement implies this was indeed a factor within their consultation responses. It quotes that comments ‘in favour’ included *“This would be a welcome boost for the village hall which is much needed”* and *“Scothern’s facilities are poor and a new village hall will help to solve this”*.

The application does not include any proposals for a new village hall, or any planning obligation (which would need to comply with the statutory test, above) or mechanism to improve facilities at the existing village hall. The representations do not therefore appear to directly relate to the development that is the subject of this application.

The CLLP examiners report provides helpful commentary on community support:

*“113. Secondly, Policy LP4 allows for additional development where there is “clear local community support” (or, where demonstrable evidence of this cannot be determined, support from a Parish or Town Council). Again, this aligns with the principles of ‘localism’. The Inspector examining the Fenland District Core Strategy Local Plan concluded that a similar policy approach recognised that “individual communities are best placed to determine the level of growth required beyond these thresholds.” The same logic applies here, and the policy places a responsibility on local communities to base their support or otherwise on sound planning reasons. In overall terms, the plan builds in a suitable level of flexibility in these villages to allow for the possibility of more development even when the specified village growth level has been achieved.”*

The inclusion of demonstrable clear local community support was agreed as suitable and aligned to the principles of localism, provided the support (or otherwise) was based on ‘sound planning reasons’. With the support for this application predicated, in part, on the promise of the donation, i.e. not a planning consideration, it casts doubt on whether support is based on sound planning reasons.

It is concluded that the application has not demonstrated clear local community support.

It is not considered to have demonstrated a thorough but proportionate exercise through which demonstrable evidence of support for the development that is subject of this application.

The Parish Council does not support the proposal.

It is concluded that the proposed development will be contrary to policy LP4 of the CLLP.

### **Community Facilities**

As stated above, the public consultation exercise made explicit reference to a financial contribution of £150,000 towards the village hall.

The accompanying Design and Access Statement puts forward that the development will meet the social objectives of the NPPF as *“the development will provide a large contribution of £150,000 to assist the local village hall project. This project will provide new facilities to be used by the local community creating a considerable social benefit...”* On page 17, it further states *“The applicant has pledged to donate £150,000 to this cause from monies derived from the proposed development which would enable grant aid to be obtained.”*

Whilst the Statement implies that this financial “donation” should be taken into consideration as part of the application, the application makes no provision for any obligation in order to do so.

The NPPF (paragraph 56) states that planning obligations must only be sought where they meet the statutory tests:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.”*

Policy LP12 provides the policy context for developer contributions. It requires development contribute towards the delivery of relevant infrastructure, which can take the form of a contribution towards the provision of local or strategic infrastructure required by the development either alone or cumulatively with other developments. LP12 sets out further guidance on implementation of this policy will be set out in a Developer Contributions Supplementary Planning Document (SPD).

The SPD states:

*“Community Halls & Facilities  
12.7 Village and community halls can be an important local recreational resource. This is recognised in Local Plan Policy LP15 which seeks to ensure that where possible existing community facilities are protected along with the requirement for new development to make provision either on site or off-site. LP15 and its supporting text define community facilities.*

*12.8. The provision of new and improved community facilities is considered to be a local issue. Therefore, with the exception of Sustainable Urban Extensions over the threshold set out below, contributions will not be sought and provision should be made utilising other funding sources such as the local proportion of CIL receipts which a neighbourhood or parish may receive.”*

The SPD is clear therefore that it would not expect contributions to be sought towards community halls and facilities and that provision should be made through other funding sources such as CIL receipts.

A S106 planning obligation would not therefore meet paragraph 56 of the NPPF or the statutory test. In any event, no such mechanism has been put forward by the applicant.

Policy C1 the neighbourhood plan states “The community has expressed support for the redevelopment and or refurbishment of the existing village hall and this is also considered as part of Community Aspiration CA1 for use of *CIL monies* (my emphasis).” Section 5 Community aspirations sets out these aspirations *do not* form part of the statutory development plan for Scothern but provide a guide for future projects and a steer should the identified development opportunities arise. CA1 identifies Improvements/enhancements to the village hall.

Policy C2 states “The retention, continued use, refurbishment and improvement of all the community buildings and their associated uses will be supported.”

Accordingly therefore, the Neighbourhood Plan makes provision for CIL monies to go towards such facilities (as is expected by the Central Lincolnshire SPD).

It is not demonstrated that a contribution towards the village hall is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Nor, in any event has the applicant committed to any obligation as part of the planning application under consideration.

A number of residents that have made representations on the application have raised concerns with this aspect, note that this would be a private arrangement between the developer and Scothern Recreation Centre, and question the ethics and morals of such a practice.

Whilst it is open to the applicant to make a voluntary contribution towards such a cause, it is not a material consideration that can be taken into account or can be afforded any weight as part of the determination of this planning application.

### **Impact on heritage and village character**



The Local Planning Authority has a statutory duty as respects listed buildings in exercise of planning functions:

*“S66(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

This test is reflected in Policy LP25 of the CLLP which also seeks appropriate consideration of archaeological potential.

Policy LP17 of the CLLP seeks:

*“To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.”*

Policy LP26 of the CLLP encourages development to prevent ribbon development and retain natural features such as trees and hedgerows.

Policy D1 of the SNP supports proposals that have regard to the Scothern Character Assessment, particularly where they respect the archaeological, historic and natural assets of the surrounding area; recognise and reinforce local character in relation to height, scale and space of buildings; enhance pedestrian and cyclist connectivity; respect local landscape quality ensuring that views and vistas are maintained wherever possible. The policy names Manor Farm as a listed building and states “The surrounding countryside, landscape and natural features within Scothern contribute to the character of the area and its sense of space. In order to retain the village feel the areas of countryside surrounding Scothern will be retained and ribbon development will not be supported.”

The neighbourhood plan character assessment (CA), views and vistas, states:

*“Sheep are often grazed on Manor Park/ Paddock, a tract of privately owned land on the east side of Dunholme Road.” The application site is in the Dunholme Road Character Area whilst the Manor House is in the Scothern Historic Core Character Area. The CA states the historic core is “bounded by Manor Park to the north” and “houses in this area benefit*

*from views of the privately owned Manor Park.” The CA identifies “The Manor House and grounds are at the western end of this area.” (Main Street). The Dunholme Road Character Area section identifies the application site as Manor Park stating “Grazing land within Manor Park forms the eastern side of Dunholme Road. The area has wide verges, thick, natural hedgerows and mature trees. Farm buildings lie to the north of Manor Park.”*

The Manor House, Scothern is an early 19th century house, on the westerly bounds of Scothern constructed of a gault brick in the Regency style, and of sufficient architectural and historic merit to have been listed grade II (a designated heritage asset). To the left of the house, and forming a key element of its setting is a large, pleasant green space likely to have been part of the designed landscape which included tree planting and a pond. The 1906 OS map (surveyed in 1886 and revised in 1904) shows a circular driveway to the south elevation of the house, and a path and a driveway terminating in views over the land to the west. This land also contains ancient ridge and furrow, and the site is that of an ancient manor. There are a number of trees within the parkland, and the site is bounded by a natural hedge and trees which give rise to a sense of enclosure to the parkland from within, with glimpses through from the road when seen from Dunholme Road. On the southern boundary of the park the landscape is viewed from under a canopy of trees and the sense that this is an important landscape seen beside the house is a very important element of how this setting is experienced outside the site. This landscape forms a high quality setting to the grade II listed house, which has a principal architectural elevation to looking to the SW, including historic views over part of the proposed development site.

Scothern is a predominantly stone built village, with a range of historic plot sizes and there are few large green spaces to be seen. The land west of the Manor House is a major contributor to a feeling of green space in the village, particularly on approach from the Dunholme Road and travelling into the village, with the hedge and tree-lined route providing a sense of arrival.

A heritage statement is supplied, but states in its introduction, that this is an archaeological heritage statement, and therefore, contains no contextual analysis about how sensitive or otherwise, this setting is, but it does include a brief note stating that any new development will affect the setting of the grade II listed Manor House, but that this would be ‘less than substantial harm’ (which means that it does inadvertently concur that the development will result in harm to that setting) and also, mentions briefly that the principal elevation of the listed building has a view over its land to the south. This statement is very much lacking in consideration of this setting and does nothing to demonstrate how this setting is experienced from either within the site or beyond it and does not consider any historic links seen on old OS maps regarding how the parkland was designed to interact with the house itself. The proposed development will very much impact on the setting of the house and is likely to give rise to harm to that setting and how it is experienced.

The development will also impact on how the setting is experienced from within the land and from the house itself and the setting of a listed building does not have to be publicly accessible to be considered significant. The proposed development would be a substantial intervention to this historic setting and would cause harm to the setting of the listed Manor House as a result.

The public benefits arising from the proposal are limited to the provision of a footpath to the front as required by LCC Highways. This benefit is not considered to outweigh the harm caused to the setting of the listed building.

The accompanying Design & Access Statement (DAS) sets out that *“The income derived from the sale of the application site will also provide the finance to help with the ever-present need for repairs and general maintenance of the Manor House and therefore help secure the future of the building in the longer term.”*

However, the application does not set out a costed list of necessary repairs to the Listed Building – or any obligation / commitment for making monies available for this purpose. Accordingly, it is considered that no weight can be given to the application as a potential “enabling development” in this regard. Paragraph 202 of the NPPF is not engaged.

The proposal would result in ribbon development which is contrary to Policy D1 and LP26 part e. Furthermore, the required footway is likely to result in the erosion of the quality of some or all of the established roadside verge as well as hedge and trees in order to gain vehicle access. This would harm the positively identified features “wide verges, thick, natural hedgerows and mature trees” identified in the CA.

LCC Archaeology does not recommend any conditions.

The proposal would cause unacceptable harm to the setting of the listed building and would harm the character of Scothern, contrary to the statutory test and aforementioned policies.

### **Impact on residential amenity**

The application site is relatively removed from existing residential dwellings with a gap of approximately 25m between the site frontage and those of the dwellings opposite on Dunholme Road. Whilst the outlook for residents of these dwellings would change it is not considered the proposal would result in harm to residential amenity by virtue of issues such as overlooking, loss of light or a sense of overbearing. The impact on residential amenity accords with Policy LP26.

### **Highway impacts**

Access is a reserved matter and is therefore not being considered as part of this application. LCC Highways has not raised any concerns with the proposal

in terms of the principle of development. It can reasonably be assumed access would be from the Dunholme Road frontage or the farm track to the north or a combination of both.

Policy T1 requires new residential development must provide the following minimum number of off street parking spaces per dwelling:

- 1 or 2 bedrooms 2 spaces
- 3 or 4 bedrooms 3 spaces
- 5 or more bedrooms 4 spaces

Policy T2 requires new developments provide for safe, direct and landscaped pedestrian and cycle routes through the development and into the village centre where these are required by the development and do not currently exist.

LCC Highways requirement for a footway extension along Dunholme Road and vehicle parking required by Policy T2 could be included as conditions if the application is approved.

The impact of the proposal on highway safety and convenience are otherwise considered acceptable in accordance with Policies LP13, T1 and T2.

### **Drainage**

The application form states surface water drainage will be dealt with by SUDS. No further details are provided. A condition would be required to ensure drainage is dealt with in accordance with the SUDS hierarchy of infiltration, watercourse then sewer and Policy LP14.

### **Ecology**

Policy LP21 requires the proposal to minimise impacts on biodiversity. Any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

Policy E2 requires all developments protect, manage and enhance the network of habitats, species and sites of importance including trees, hedgerows and roadside verges; minimise impacts on biodiversity; and where possible seek to deliver a net gain in biodiversity.

The submitted report of ecology and protected species survey identifies some bird potential within boundary planting that would need to be subject to standard mitigation with removal outside breeding season or following inspection if during the breeding season. Great Crested Newt eDNA testing of ponds was carried out with negative results. Hedges should be searched for hedgehogs prior to works within them. Enhancements for birds, bats and hedgehogs are recommended.

Protected species are not considered to represent a constraint to development. Enhancements are proposed. The proposal complies with LP21 and E2.

### **Conclusions**

The proposal would be contrary to the provisions of the Neighbourhood Plan, would exceed the growth permitted under Policy LP4 and does not demonstrate clear local community support. This is not considered to be an appropriate location for development and would harm the character and appearance of the area and the setting of a grade II listed building without benefits sufficient to outweigh the harm.

The proposed development is found to be contrary to the provisions of the development plan, in particular policies LP2, LP4, LP17, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan; and policies S1, H1 and D1 of the Scothern Neighbourhood Plan

### **Recommendation**

It is recommended this application for outline planning permission is refused for the following reasons:

- 1) The development would, in combination with other development built since April 2012, other extant permissions and allocated sites, increase the number of dwellings within the village by more than 10%. The application does not demonstrate evidence of clear local community support. Development would therefore be contrary to policy LP4 of the Central Lincolnshire Local Plan.
- 2) The development would not be focussed within the built up area of Scothern and is not considered to qualify as an “appropriate location”. It is therefore contrary to policy S1 of the Scothern Neighbourhood Plan, and policy LP2 of the Central Lincolnshire Local Plan. This is an inappropriate location for development, is not infill development, does not meet the definition of any tier of the site development sequential test, is likely to result in an inefficient use of land and entails development on part of what may be the only parcel of grade 2 best and most versatile agricultural land in Scothern. Development would therefore be contrary to Policies LP2, LP4, LP26 and LP55 Part G of the Central Lincolnshire Local Plan and Policies S1 and H1 of the Scothern Neighbourhood Development Plan.
- 3) The proposal would result in ribbon development, the loss of undeveloped roadside verge, hedging and trees, and development of land that positively contributes to the setting of a listed building. The proposal is considered to significantly harm Scothern’s character and appearance and its rural setting. There would be harm (less than substantial) to the setting of The Manor House, a grade II listed building, without the demonstration of any public benefits that would otherwise outweigh the identified harm. The proposal is contrary to

Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and Policy D1 of the Scothern Neighbourhood Development Plan and associated Character Assessment.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report