

**[6]** Full Planning Permission

S/177/01345/ 24

**APPLICANT:** Mr. & Mrs. R. Whitley,

**VALID:** 10/09/2024

**AGENT:** Neil Dowlman Architecture,

**PROPOSAL:** Planning Permission - Erection of 1no. pair of semi detached dwellings, construction of a vehicular access and internal access road.

**LOCATION:** LAND AT MANOR FARM, EAST ROAD, TETFORD

## **1.0 REASONS FOR COMMITTEE CONSIDERATION**

1.1 The proposal falls within the Council's scheme of delegation however when the previous outline application on site was determined by committee, Members required that subsequent Reserved Matters are brought to committee. Although this is not technically a Reserved Matters application, it is the first detailed application at the site and in line with Members request, so is presented to committee for determination.

## **2.0 THE SITE AND SURROUNDINGS**

2.1 Tetford is a 'ring' village with a circular road with green space within at the centre of the village. Tetford lies in the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The application site is on the 'inner' part of the ring off East Road. It is currently a grassed field and previously used as a touring caravan site. There are trees and hedging along all boundaries with high trees along the western boundary, beyond which is a number of fish breeding ponds, although these have recently been drained and filled. There is a sycamore tree in the southeast corner of the site which is subject to a preservation order (TPO).

2.2 To the south is a fishing complex and to the north and east are residential properties. There is a public footpath that runs next to the application site alongside its southern boundary and links East Road with the Watermill and a network of paths across the open countryside, within the ring, to the west. There is an existing access into the site off East Road. The whole field is approximately 0.3 hectares in area.

2.3 To the south-west, beyond the fish farm is Tetford Water Mill which is a Grade II listed building. The nearest neighbouring property is Highbury to the north and there are dwellings on the opposite side of East Road.

## **3.0 DESCRIPTION OF THE PROPOSAL**

3.1 This is full application for the erection of a pair of semi-detached properties. This is the first detailed application which is part of a scheme previously granted outline approval for six dwellings across

the wider site. The history is detailed at section 5 of this report.

- 3.2 For this application the proposal is to erect a pair of dwellings closest to the road. The proposal also includes the access and internal road to serve all plots. The access is central to the road frontage. The proposed pair is to the south of the access road and its principal elevation faces north onto the new road. As such, its side elevation faces East Road, with its parking served from the existing access in between.
- 3.3 As part of the proposal, the TPO sycamore is proposed to be felled.
- 3.4 If this is approved, it is expected that further individual applications would be submitted for the remaining plots.

#### **4.0 CONSULTATION**

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

##### **Publicity**

- 4.2 The application has been advertised by means of a site notice and neighbours have been notified in writing.

##### **Consultees**

- 4.3 PARISH COUNCIL - Support. It was considered the material details submitted were very similar to the outline planning already approved and Council were made aware that the proposed properties were for existing younger residents of the community. No further comments or concerns were raised from Cllrs or residents.
- 4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions with acceptable visibility and the proposal would therefore not result in an unacceptable impact on highway safety.

The applicant should note the existence and location of Public Footpath Tetf/33/2. Access to this route should remain unobstructed throughout construction. The PROW should not be affected during construction; should any works be undertaken which affect the Public Footpath there must be prior discussion with Lincolnshire County Council Countryside section.

This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water

flood risk and drainage proposals for this planning application.

4.5 ENVIRONMENTAL SERVICES (Environmental Protection) – no reply

4.6 ENVIRONMENTAL SERVICES (Drainage) – no reply

4.7 ENVIRONMENTAL SERVICES (Contamination) –The proposed residential development is a sensitive end-use. It is the developer's responsibility to assess and address any potential contamination risks. No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination and that any potential risks can be reduced to an acceptable level. the applicant should submit the Screening Assessment Form for this department's consideration prior to the application being determined in accordance with National Policy guidance. However, if the council is mindful of determining the application without the information required under National Planning Policy guidance, then this department would recommend including a series of conditions to secure contamination investigation and mitigation.

4.8 HERITAGE LINC'S (as advisors to LPA) The proposal is located in an area of archaeological interest, and within the medieval settlement of Tetford. Extant earthworks of the medieval settlement include a moated site adjacent to the proposal site. It is recommended that the developer should be required to commission a Scheme of Archaeological Works, according to a written scheme of investigation to be agreed with, submitted to and approved by the local authority. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. A pre- commencement condition is recommended.

4.9 STREET SCENE - no reply

4.10 ANGLIAN WATER - The foul drainage from this development is in the catchment of Tetford Water Recycling Centre that will have available capacity for these flows. From the Application form and Technical Note RLC/1032/TN01 dated 01-06-2022 submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water via infiltration. We must also advise that Anglian Water has no designated surface water sewers in the area of the proposed development and surface water discharge is not permitted into a designated foul sewer. Therefore we are unable to offer a surface water solution for the development site at a later stage.

### **Neighbours**

4.11 2 letters raising the following key planning issues:

First floor side windows facing east potential to overlook dwellings opposite

One mature tree has already been cut down and we note the existing large mature sycamore is recommended to be felled. We are aware trees will be planted on the site but these will take many years to mature. We would ask that only one entrance is permitted to this site which would enable more hedging to be planted along the roadside to soften the appearance of this development, which will be very exposed to the road and which will undoubtedly change the characteristic of the road.

Encourage developers and applicants to incorporate swift bricks into building plans

4.12 The Ward Councillor is aware of the application via the Weekly List.

## **5.0 RELEVANT SITE HISTORY**

5.1 1397/93 – Outline erection of a dwelling. Refused. Subsequent appeal dismissed. Inspector considered as not ‘infilling’ and an extension to the ribbon development beyond clearly defined edge of settlement. Site is part of countryside between two parts of the village. Pleasing character and part of open space allocation at the time. A dwelling would be an intrusion into this area of pleasant open countryside which would harm this part of the village.

5.2 1402/07 - Outline erection of a house with double garage. Proposal covers the whole of the current site and was refused due to ‘Given the sites large size, its siting within a protected open area alongside a public right of way and its location at the edge of a village in the Lincolnshire Wolds Area of Outstand Natural Beauty, it has not been adequately demonstrated how a dwelling could be accommodated on the application site without harming the character, appearance and open quality of the locality’.

5.3 2094/12 - Planning Permission - To level the land of existing caravan site and the provision of landscaping (works already started).  
Approved.

5.4 308/20 - Outline erection of 6no. dwellings (with means of access and layout to be considered). Withdrawn.

5.5 2206/20 - Outline erection of 6no. dwellings (with means of access and layout to be considered) - approved 1st July 2021.

N.B. The layout for this submission shows the dwellings laid out in depth across the site and shows four detached dwellings and one pair of semi-detached dwellings at the entrance to the site. The layout showed a new private drive serving 5 of the properties off East Road whilst the existing access is retained for one of the dwellings. Condition 1 required Reserved matters to be submitted within 4 years

and that 'layout, appearance, landscaping and scale' all need to be agreed and that 'No development shall commence unless approval of the reserved matters has been obtained'. The wording of the condition requires all reserved matters to be agreed prior to commencement.

Condition 4 states that '*The landscaping details as required by condition no 1 of this permission must include retention of all trees and vegetation as annotated on approved plan no. A3371-1-001 and demonstrate how the enhancement and biodiversity mitigation measures, as outlined at section 5.2 of the Ecology and Protected Species Survey dated December 2019 produced by Helen Scarborough have been taken into account. Details to be submitted must include details of how the landscaping is to be managed and retained.*'

(As officer comment, it is relevant to note that this permission is slightly unusual insofar that the Outline proposal description states that the layout is to be considered, whilst condition 1 of that permission states that layout still needs to be agreed as a Reserved Matter. Therefore, it seems that whilst the general layout was considered, the requirements of the condition provide opportunity and flexibility of the layout to refine the size and positions of the dwellings at Reserved Matters stage.

However, since determination, a roadside tree has been felled due to its dangerous state. The recently removed tree at the front conflicts with the plan referred to in condition 4 and the number of trees on the rear boundary differs too. There are 3 main trees and a cluster, whereas the plan of the condition suggests several in a line. Collectively, the difference in numbers and loss of the roadside tree suggests this condition can't be complied with. As such, although the permission is extant (in terms of the implementation period) it is considered that the permission can't practically be taken up.

## **6.0 PLANNING POLICY**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

### **East Lindsey Local Plan**

SP1 – A Sustainable Pattern of Places

SP2 – Sustainable Development

SP3 – Housing Growth and Location of Inland Growth

SP4 – Housing in Inland Medium and Small Villages

SP10 – Design  
SP11 – Historic Environment  
SP16 – Inland Flood Risk  
SP22 – Transport and Accessibility  
SP23 – Landscape  
SP24 – Biodiversity and Geodiversity  
SP25 – Green Infrastructure

## **National Planning Policy Framework**

### **7.0 OFFICER ASSESSMENT OF THE PROPOSAL**

#### **Main Planning Issues**

7.1 The main planning issues in this case are considered to be:

**Principle/AONB/open space/design**  
**Heritage assets**  
**Biodiversity**  
**Access**  
**Drainage**  
**Impact of the development on the amenity of the neighbours.**  
**Principle/AONB/open space/design**

7.2 As noted above, whilst there is an extant permission for 6 dwellings across the wider site, there is doubt whether it can actually be implemented. Nevertheless, that permission was granted recently against current adopted policy and effectively establishes the principle for development of the site. As such it is a material consideration of significant weight.

7.3 However, given the element of doubt as to the ability for implementing that permission and that this current proposal has been submitted as a 'full' application, where all matters are considered, it is necessary to establish the policy context for the whole site.

7.4 SP1 (A Sustainable Pattern of Places) confirms Tetford as a 'Large Village' in recognition that it provides a range of services and facilities catering for its own needs and those of nearby smaller villages. In the context of East Lindsey, 'Large Villages' are a second-tier hierarchy settlement and in principle considered sustainably suited for appropriate levels of housing growth.

7.5 SP3 (Housing Growth and the Location of Inland Growth) confirms the housing requirement in the Plan period and sets out the housing allocations in the inland towns and large villages. It then goes on to consider how housing growth proposed for windfall sites (such as this site) will be considered. The policy indicates support for windfall proposals where in 'appropriate locations' within the settlement and outside of, but immediately adjacent to, the developed footprint of the settlement.

- 7.6 The site would satisfy those initial locational requirements. However, the policy further requires that to qualify as an 'appropriate location' the site, if developed, would (amongst other things):
- retain the core shape and form of the settlement,
  - not significantly harm the settlements character and appearance and
  - not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
- 7.7 It is also a policy requirement for qualification as an 'appropriate location' that any proposal does not conflict, when taken as a whole, with national policy or other policies in the Local Plan.
- 7.8 The Core Strategy recognises that the allocations and existing commitments represent a minimum housing figure and that other suitable sites may come forward during the plan period. Amongst the explanatory text of Policy SP3, paragraph 2.46 highlights the importance of windfall development which allows additional housing growth beyond that provided through allocations. It acknowledges they should not harm the character and amenity of the settlement and do not compromise the achievements of a sustainable pattern of development. Paragraph 2.47 continues by stating that 'large villages' (such as Tetford) have fewer services and facilities than the towns and therefore it is particularly important that windfall development is carefully managed.
- 7.9 It is considered therefore, that the provision of appropriate levels of additional housing in the village would as a matter of principle comply with Local Plan policy as well as recently updated national policy objectives (NPPF December 2024) for significantly boosting the supply of homes.
- 7.10 With the above policy context in mind this particular area is more open in character, but it is robustly defined and visually separated from adjacent agricultural or open land to the south and west by strong boundary landscape edges.
- 7.11 It is considered therefore, that in terms of the overall village form, the site does lie adjacent to the settlement footprint and development here would retain its core shape.
- 7.12 However, there are other requirements of the policy that need to be considered including that development should not significantly harm the settlements character and appearance or that of the surrounding countryside or rural setting of the settlement. SP10 of the Councils' Local Plan relates to the design of new development. It sets out criteria by which the Council will support well-designed sustainable development, which maintains and enhances the character of the Districts' towns, villages and countryside. This advice is reiterated in the National Planning Policy Framework in paragraphs 131-141 (NPPF Dec 2024).
- 7.13 Tetford lies within the Lincolnshire Wolds National Landscape - an Area of Outstanding Natural Beauty (AONB) which by national designation has the

highest status of protection and which requires great weight to be given to the conservation and enhancement of its landscape and scenic beauty. That NPPF position (paragraph 187, Dec 2024) is also recognised in policy SP3 and policy SP23 (Landscape). Policy requires consideration against the East Lindsey Landscape Character Assessment 2009. The site is located just within G2 – Little Cawthorpe to Skendleby Wolds Farmland but lies on the border with area G3 – Hainton to Toynton All Saints Wolds Farmland. Both areas are described as having a distinctive and very intact rural landscape with few detracting features with an overall landscape sensitivity that is moderate to high. Hedgerows are identified as a key characteristic of the areas.

- 7.14 The character of the village of Tetford is significantly defined by single-row frontage development (which constitutes its historic basis as a 'ring' village) and its visually strong relationship with the surrounding countryside, permeating into its core. Although there are examples of development behind the road frontages (such as Woodman's Yard, properties on Church Lane immediately north of North Road, the Primary School, Hawthorne Lane and the close, off East Road), these do not particularly undermine the overriding characteristics of the village and its setting within the valued AONB landscape and do not set a precedential presumption of support for similar forms of development.
- 7.15 Past departures from historic layouts, however, should not necessarily be seen as setting a desirable precedent, especially in valued landscapes such as the AONB, and there is a requirement that each proposal should be considered on its own merits.
- 7.16 The site is seen by many as part of a wider open space and part of the wider countryside that permeates into the core of the village. As such SP25 – Green Infrastructure is relevant and states that development will only be permitted on open spaces not identified on the Inset Maps (such as this site) provided unacceptable harm will not be caused to their appearance, character or role in providing:
- the setting for a designated or non-designated heritage asset;
  - an important element in the street scene or a well-defined visual relief in an otherwise built up frontage; particularly in the case of ribbon development extending into the countryside;
  - a locally important habitat;
  - a prominent site at the entrance to settlements that provides the setting for the built environment;
  - a landscaped area forming part of structural open space within a development site;
  - informal amenity or recreation space; or,
  - formal public greenspace, such as parks and gardens and allotments.
- 7.17 It is considered that the distinctive character of Tetford is significantly defined by its visual connection and relationship with the countryside within which the village is set as well as by its distinctive form – in essence two main



cluster areas of development with a swathe of open countryside partially separating the two.

- 7.18 In considering this issue, of relevance is the appeal decision on this site dating back to 1993 (application 1397/93 refers). The planning policies have notably changed since then, so too have some of the surroundings but the site itself remains largely the same. At that time, the Inspector considered the development of this site as an extension to the ribbon development beyond clearly defined edge of settlement. The Inspector considered that the site was part of the countryside between two parts of the village of pleasing character and part of the open space allocation at the time. He concluded that a dwelling would be an intrusion into this area of pleasant open countryside which would harm this part of the village. This was also acknowledged in the East Lindsey Settlement proposals document of that time where it recognised the two distinct parts to the village dissected by the river and open fields to the west and that a key feature was that of frontage development. The Inspector concluded that the proposal would undermine that separation of the two parts.
- 7.19 However, since that appeal, vegetation at the site has grown, policies have changed and other development, including Hawthorne Lane opposite the site has altered the character of the immediate vicinity.
- 7.20 Indeed, for the recent outline application, the applicant commissioned a Landscape and Visual Impact Appraisal (LVIA) undertaken by Parker Planning Services and dated March 2021. That was a thorough and detailed analysis of landscape character and landscape sensitivity, and assessment of the affects of the proposed development on the landscape. The latter is based on the layout and access proposed and although no elevations were available at that stage, the submitted block plan confirmed two storey houses. Although no detailed plans of the dwellings were known, enough information was available for proper assessment. That assessment was based upon the effects at year 1 when built form had been completed, and landscaping had been planted (but not yet established or grown); and Year 15 – when sufficient time would have gone by to allow the built form elements to have weathered, and for any landscaping interventions such as trees, shrubs and grassland to have established.
- 7.21 The assessment's overall conclusion was that the majority of the surrounding landscape would be completely unaffected visually should the proposals for the site take place. That was due to the enclosed nature of the site which reduces outward visibility and moderates the outward effect the proposals would have on their surroundings. The report did however identify significant effects from the roadside but overtime the landscaping mitigation improves this. In considering the effect on the village and local countryside, having regard to existing and proposed vegetation around the site, the assessment concluded that the character of the wider area would remain fundamentally unchanged with the proposals in place.
- 7.22 The findings of that LVIA were considered to be robust and the grant of

planning permission (as noted above) a material consideration of notable weight. Furthermore, the LVIA findings are considered equally relevant in the consideration of this proposal. Assessment of impact on the village form/character is however, also required including consideration of impact on the 'ring' development form that is punctuated sporadically by areas of green/open space giving obvious and sometimes perceived sense of connection to the surrounding (and in the case of Tetford the defining central area) open countryside.

- 7.23 In that respect, it is acknowledged that the proposal (as a whole, 6 plots) would lie outside the single depth frontage which constitutes the basis of much of the village character. However, to some extent development behind the road frontage has already occurred and equally contributes to the wider village character. As examples, Woodmans Yard, property on Church Lane immediately north of North Road, the primary school, the close off East Road and that opposite the site on Hawthorne Lane. There are further examples on the north side of South Lane which extends towards the central core which provide for development of depth away from the road frontage. That said, past departures from historic layouts should not necessarily be seen as setting a desirable precedent and there is a requirement that each proposal should be considered on its own merits, although it is not considered that these developments have unduly harmed the overall distinctive 'ring' village character or result in unacceptable visual intrusion into the green, open 'heart' of the ring.
- 7.24 Given these considerations it is considered that any harm to the wider AONB will be minimal with only localised impacts on character, primarily in relation to the site itself and the immediate experience of users of the footpath to the south and from the roadside. As a consequence the wider AONB status is not unduly undermined or compromised, although it is accepted that there would be localised change in character within the immediate site area.
- 7.25 The LVIA does not specifically mention the 'ring' or circular nature of the road around the village but given its conclusion, the development would not compromise this in any case. Whilst the proposal would 'close the gap' between the two halves of the village, this is already partially closed by the recent development opposite the application site (Hawthorne Lane) and the overall established character and appearance of the pleasant rural village and AONB would remain. The site, as a whole is physically divorced from the main central core with only a short boundary between the two areas. As such, there is little obvious functional connectivity between these two areas other than the fact that they are both devoid of buildings. That said, it is appreciated that the public footpath from East Road provides a link to the central core and users currently enjoy an open aspect to that route thereby forming part of the central core area.
- 7.26 It is clear that the proposal will affect views from the public footpath that runs alongside the sites' southern boundary. This is a relatively enclosed route with vegetation either side but the openness beyond that on both sides is evident. The proposal may dilute this on one side, but the retention of the

landscaping would mitigate any adverse impact. Whilst the proposal would change the character and potentially the enjoyment of the route it is not considered to be an issue that justifies objection to the scheme as a whole.

- 7.27 Views of the proposal from the main central core area (the agricultural field) are limited and obscured by boundary vegetation. As a consequence the development would have little physical impact on the main central core area and essentially views from the paths in the central core area would be limited to views of the proposed roof tops which would not be dissimilar to the views of the existing village.
- 7.28 Of some relevance is the development currently ongoing on the south side of North Road. This is a scheme for 7 houses originally refused by this committee, contrary to officer recommendation, but allowed at appeal. (Application N/177/2428/18 refers) There is an overlap of key issues. The reason for refusal centred on the harm to the distinctive character and qualities of the 'ring' village of Tetford and in particular the Lincolnshire Wolds Area of Outstanding Natural Beauty, particularly by virtue of the impact it would have on users of Public Footpath No. 33. However, the Inspector concluded that whilst acknowledging there would be a change to the appeal site which would affect users of the footpath in particular, the overall character and appearance of the pleasant rural village and AONB would remain. Although there is a similarity in terms of visual impacts from the central open area of the 'ring', that site frontage was already firmly defined by a built presence to the road whereas the current application site is more open and creates a sense of connection to the open area beyond, albeit limited by the vegetation around the site.
- 7.29 As stated above, each application should be considered on its own merits but it can be seen that the appeal addressed the issue of the potential erosion of the central core area and a dilution of the ring. These issues are applicable at the current application site and, like the appeal site, it is relatively self-contained and is not obviously functionally or visually connected to the central core area, other than via the footpath route. As such, development would not compromise this central area.
- 7.30 Taking all the above into account in this particular issue it is concluded that whilst there is some localised harm to views from East Road and the use of the footpath, the impact on the AONB as a whole is limited. Furthermore, whilst the proposal will further dilute the central open space through the settlement it is not to a significant degree, which undermines this area as a whole. The conclusion differs to that of the 1993 appeal decision and vegetation is likely to have grown since, offering the now enclosed nature of the site which is important to the assessment's conclusion.
- 7.31 That said, since the recent outline application, one roadside tree has been felled due to its dangerous condition and another is proposed to be felled due to its condition to facilitate this application. See discussion below). Therefore, the loss of two important trees on the roadside will open the site up to views from East Road. Some roadside smaller landscaping will remain.

However, even with the loss of those trees it doesn't undermine the overall conclusions above.

- 7.32 Therefore, given the recent site history and the policy context it is considered that the principle of housing at this site remains acceptable.

### **Trees**

- 7.33 An Arboricultural Report is submitted with the application. Its specific to the application site, rather than the wider site. In relation to the roadside TPO it states 'Sycamore 1156 is in poor condition and is dying back in such a way as to indicate it cannot be saved. The foliage is small, yellow and around 30% of what might be expected as normal... I do not consider Sycamore 1156 to be worthy of retention'.
- 7.34 In addition, the report notes a section of roadside boundary hedge for removal as a result of the proposed development to facilitate the access.
- 7.35 As such the proposal seeks to remove the tree. An Arboricultural Method Statement and Tree Protection Plan accompanies this application describing how tree protection measures and construction techniques will be used to assure the protection and retention of the trees elsewhere on the site where possible.

### **Design**

- 7.36 The proposal seeks a pair of semi-detached dwellings at the entrance to the site wider site. The proposal also seeks the access to the site and the driveway serving the remainder of the wider site. In effect it will set the broader plot layout. Indicative layout for the remaining plots is shown. It shows a new main access central to the roadside frontage. This will meander through the site, with 5 plots will be to the south, and a single plot to the north. The indicative siting for the north side plot is set back from the roadside giving a long front garden, bordering the access road.
- 7.37 The principle elevation of the proposed two dwellings face north and front onto the proposed access road, essentially overlooking the front garden of the northern plot. As such its side elevation is close to and faces onto East Road. Given that a tree on the boundary has previously been felled due to a health risk and a further tree is to be felled, this opens up this boundary to views from the roadside to a greater extent than when the outline application was being considered.
- 7.38 The proposed dwellings are a symmetrical pair based on a simple 'T' shape design with central, canopied doors, a central chimney stack and a projecting central rear wing. It's well-proportioned and appropriate in scale and form for the site. It could be argued that the dwellings would serve the street scene better if they fronted onto East Road. As it is, they are side onto it and given the alignment of East Road and the approach from the south, the rear will also be partially visibly on the approach.

- 7.39 However impact is mitigated by surviving and proposed vegetation around the site. Of note also, is the recent development opposite where properties are 'side onto' the road. Furthermore, there is logic in proposing the dwellings to front onto and overlook the new access road that it relates to.
- 7.40 Overall, the siting and design of the dwellings is considered appropriate in this context having regard to the loss of the roadside tree and to policies SP10 (design) and SP23 (AONB/landscape)

### **Heritage assets**

- 7.41 In determining applications involving listed buildings there is a statutory requirement (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 for Local Planning Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.42 SP11 of the Councils' Local Plan aims to secure the continued protection and enhancement of heritage assets in the district and supports proposals that preserve and enhance heritage assets and their setting and the special character, appearance and setting of conservation areas. This advice is reiterated in the NPP including paragraphs 202-221(NPPF Dec 2024) which relate to proposals which affect heritage assets and paragraphs 212-216 which provide guidance on considering potential impacts on the significance of designated and non-designated heritage assets.
- 7.43 Submitted with the application is a Heritage Statement, specific to this application, which addresses the proposals impact on heritage assets and in particular the Grade II Tetford Mill to the south west of the site. Its overall conclusion is 'Tetford Mill is a grade II listed building. Its setting has been thoroughly considered in accordance with Historic England's guidance, GPA3. Significant elements of the setting of Tetford Mill relate to how the mill is experienced at the end of Mill Lane / public footpath junction. The proposed development is not within the setting of Tetford Mill and there is no intervisibility between the two sites. The proposed development will not alter how the setting of Tetford Mill is experienced. The sense of enclosure and rural quiet which form a part of the experience of the setting of Tetford Mill will not alter as a result of the proposed development. There will not be any harmful impact on the setting of Tetford Mill as a result of this proposal'.
- 7.44 This conclusion is essentially the same as that of the previous Heritage Statement which related to the outline application for 6 dwellings. Given the above, this issue is not considered decisive.
- 7.45 Heritage Lincolnshire, as advisors to the LPA suggests there is a high potential for archaeological remains associated the medieval settlement to be preserved on the site and the proposed development would have a significant impact on any surviving remains, however, this issue could be satisfactorily dealt with by condition in order to secure a mitigation strategy which is a reasonable request in this case and the same outcome of when

the outline application was considered.

### **Biodiversity/ecology and Biodiversity Net Gain (BNG)**

- 7.46 In accordance with Local Plan policy SP24 and para 193 (NPPF Dec 2024) of the NPPF biodiversity and the opportunity to provide a biodiversity gain should be considered. In this case, an Ecology and Protected Species survey dated December 2019 was carried out. For the recent outline application an update, dated 15<sup>th</sup> February 2021, was submitted and for this current application a further update report has been undertaken. The latter is dated 13<sup>th</sup> May 2024.
- 7.47 In brief, the latest updated report acknowledges some small changes since the 2021 survey. It notes the removal of the roadside tree which had ash dieback and in a dangerous condition. Some of the small alder, willow and sycamore trees along the western fence were blown over in bad weather events. Overall, it concludes that the ecological status of the site has not altered since the last survey was completed in 2021. It further advises that the habitats and biodiversity enhancements recommended in the 2019 report remain relevant and are summarised below:
- Use of native and locally appropriate plants in any landscaping schemes – including the provision of berry-bearing species
  - Retention of the existing trees/hedgerows on the site boundaries
  - Plant flower borders within any landscaped areas using night scented flowers in order to attract night flying insects
  - In order to provide suitable habitats on site to encourage high invertebrate activity, including declining pollinators, some grassed areas on the site should be seeded with appropriate wildflower mixes
  - Any tree planting on site should comprise native species to provide foraging opportunities for various birds. At least two native trees should be planted on site in order to compensate for the loss of a mature tree along the eastern boundary.
  - Ensure that all site boundaries have access gaps for hedgehogs and install two hedgehog shelter boxes within the wildlife areas located around the adjacent Manor Farm fishing lake complex.
  - Install four integral bat roost units within the new dwellings on the site. Ideally Ibstock or Weinberger specifications should be used
  - Ensure the lighting scheme used for the new development does not illuminate newly installed bat roost units and retains the site boundaries as dark unlit corridors for foraging and commuting bats.
- 7.48 These measures are entirely reasonable, consistent with government advice and, where appropriate, can be secured by condition should permission be granted.
- 7.48 Subject to some exemptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in

biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

7.49 Included in the exemptions are Self and Custom Build Development, meaning development which:

1. consists of no more than 9 dwellings;
2. is carried out on a site which has an area no larger than 0.5 hectares; and
3. consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

7.50 Through the submission the applicant has confirmed the application is made on this basis. Therefore, based on the information submitted, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because of the statutory exemption claimed.

### **Access**

7.51 Chapter 9 of the NPPF promotes sustainable transport. It states that the potential impacts of development on transport networks need to be addressed and sets out considerations for plan-making and assessing proposals. When assessing development proposals paragraph 116 (NPPF Dec 2024) states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Para 115 calls for safe and suitable access to the site and for 'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'.

7.52 National advice is reflected in the Local Plan and in particular Policy SP22. This supports 'development in or adjoining towns, large and medium villages where it is accessible to key facilities' (as opposed to small villages and isolated locations). It supports development that gives pedestrian and cycle movements priority; supports development that 'has been shown to be planned taking into account disabled users and parents/carers with buggies and young children'. It also requires a minimum of one parking space per dwelling at sites such as this. Policy SP10 (design) also requires (amongst other criteria) for development to ensure 'it is easy for everyone to get around by incorporating safe and attractive roads, cycleways and footways that enable people of all abilities to access shops, jobs, schools and other community facilities'

7.53 This is an detailed application for 2 dwellings with access being considered for the whole site at this stage. A private drive is to serve 5 of the dwellings

in addition to utilising the existing access to serve one dwelling. The works within the highway to facilitate this will require separate consent from the Highway Authority. No objection has been received from the Highway Authority and the access is considered to be acceptable.

### **Drainage**

- 7.54 Paragraphs 170 – 182 of the NPPF (Dec 2024) discuss Planning and flood risk. Of key relevance is paragraph 182 which encourages sustainable drainage systems to control flow rates and reduce volumes of run off, and which are proportionate to the nature and scale of the proposal.
- 7.55 This national advice is reflected in SP16 in the Local Plan at para 6 which states 'All new development must show how it proposes to provide adequate surface water disposal, including avoiding impacting on surface water flow routes or ordinary watercourses. The Council will expect this to involve the use of Sustainable Urban Drainage Systems along with other appropriate design features, including the retention of any existing water features on a site'. The policy also requires surface water connections to existing combined or surface water systems to be made only in exceptional circumstances; for the Council to support 'development that demonstrates an integrated approach to sustainable drainage that has positive gains to the natural environment'; and for new development to 'show how it can provide adequate foul water treatment and disposal or that it can be provided in time to serve the development'.
- 7.56 In this case, there is a mains foul water system in East Road and it is reasonable to ensure that connection is made to this system. If permission is granted a condition can be imposed.
- 7.57 With regards to surface water, as this is a 'minor application' it is for the LPA to determine whether this is acceptable. The proposal for dwelling roof water to discharge to crate soakaways. One for each dwelling. Both are indicated on the site layout and allow existing and proposed landscaping to be retained/provided. The flood risk Assessment submitted with the application demonstrates that ground conditions are suitable for this site. Securing the precise location can be secured by condition to ensure that it doesn't affect landscaping.
- 7.58 For the road it is proposed to be impermeable material creating its own soakaway.

### **Impact of the Development on the Amenity of the Neighbours.**

- 7.59 Paragraph 135 of the NPPF (Dec 2024) seeks to protect residential amenities with SP10 in the Local Plan having a similar aim.
- 7.60 In this case, the existing dwellings most affected by the proposal would be the dwellings opposite the site access and Highbury, with the latter sitting alongside the site's northern boundary.



- 7.61 For the two plots proposed, although the principle elevation faces towards Highbury, it would be separated by the proposed plot in-between on the north side of the proposed access road and in any case has a good separation distance not to harm is residential amenity.
- 7.62 The two plots are side facing onto East Road. In terms of bulk and massing given the distance in-between (approx. 28m) these will have minimal impact on those dwellings to the east, served of Hawthorne Lane. There are windows on the proposed east elevation, namely at ground floor there is a secondary living room and a large patio in the recessed wing. At first floor there's a bathroom and a bed window at the recess area. These face the dwellings to the east but again through distance, the relationship is not unreasonable.
- 7.63 Clearly having a new access road and 6 dwellings to the side of Highbury and opposite Hawthorne Lane is very different to the current scenario of a field and its access. A development of this nature is always going to result in some increase in noise and disturbance for those residents who live alongside as an increased number of vehicles and pedestrians move along the adjoining roads and footpaths and future residents enjoy their house and garden. This proposed scheme would be no exception, however, this would not be to the extent that it would significantly harm the amenities of the existing residents.

## **8.0 CONCLUSIONS**

- 8.1 The Local Plan housing strategy outlined at policies SP1-SP4 offers general support for windfall sites such as this in Tetford. However, this support is qualified and needs to be balanced against any significant harm the proposal would have on the character and appearance of the settlement in question, its surrounding countryside and the rural setting of that settlement. Policies SP3, SP10 and SP23 also apply.
- 8.2 In this case, a LVIA was submitted with the previous application to aid determination which concludes that the majority of the surrounding landscape and countryside would be completely unaffected visually should the proposals for the site take place. However, it could be argued that the assessment does not really get to the heart of the concern regarding the importance of the central swathe of open land through the village.
- 8.3 This report also outlines a number of other issues, but none render the application unacceptable or cannot be made acceptable by the imposition of conditions. As such, the defining issue rests on the impact the proposal would have on the character of the village by the loss of this area of open space.
- 8.4 Having regard to the recent approval, which is a material consideration of reasonable weight, it is concluded that whilst there would be some localised harm to users of the adjoining footpath and to views from East Road, especially given the loss of two roadside trees, this would not be to the

extent that it would harm the wider character of the area or significantly compromise the central open swathe.

- 8.5 Given that the proposal is also acceptable on all other grounds, the application is recommended for conditional approval.
- 8.6 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

## **9.0 OFFICER RECOMMENDATION: Conditional support**

**RECOMMENDATION:** Approve

subject to the following conditions:

1. Full planning permission  
The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents and any drawings approved subsequently in writing by the local planning authority pursuant to any conditions on this decision letter.

A3371-3003 B	Received by the LPA on 17.12.2024
A3371-3001 G	Received by the LPA on 17.12.2024
SL0492/01	Received by the LPA on 14.10.2024
SITE LOCATION PLAN	Received by the LPA on 10.09.2024
A3371-3002A	Received by the LPA on 05.09.2024
5540.Tetford.ND.TPP	
TREE PROTECTION PLAN	Received by the LPA on 05.09.2024

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

- 3 Part 1. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:
  1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording
  3. Provision for site analysis
  4. Provision for publication and dissemination of analysis and records
  5. Provision for archive deposition
  6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Part 2. The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Part 3. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework and SP11 of the East Lindsey Local Plan

- 4 Prior to the commencement of development hereby permitted, the tree protection measures detailed on approved drawing 5540.Tetford.ND.TPP must be fully implemented. The protection measures must remain in place at all times during construction.

Reason: To ensure the existing on- site vegetation is protected site during construction in the interest of the visual amenity of the area and biodiversity value of the site having regard to SP10, SP23 and SP24 of the East Lindsey Local Plan.

- 5 The scheme of landscaping and tree planting shown on approved Drawing SLO492/01 shall be carried out in its entirety for each plot within 12 months of occupation of each respective plot. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure appropriate landscaping is on site in the interest of the visual amenity of the area and biodiversity value of the site having regard to SP10, SP23 and SP24 of the East Lindsey Local Plan.

- 6 No development above DPC level shall take place until a schedule/sample of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: to ensure the finished appearance is appropriate to this site having regard to policies SP10 and SP23 of the East Lindsey Local Plan.

- 7 The dwellings shall not be occupied until the optional water efficiency requirement in Part G(2)(b) of the Building Regulation limiting water consumption to 110 litres per person per day has been complied with. Any replacement fixture and fittings relating to water consumption must not exceed the 110 litres/person/day limit calculated in accordance with the methodology in the Water Efficiency Calculator for New Dwellings.

Reason: To reduce demand for finite resources as the district is in a water scarce area. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

- 8 The development must include the provision of 4 integral bat roost units which must be installed prior to occupation of the development and retained thereafter.

Reason: To protect and enhance local biodiversity in accordance with SP24 of the East Lindsey Local Plan.

- 9 Notwithstanding the submitted details, no external lighting shall be installed on site unless details of such lighting, including design, location, the intensity of illumination and fields of illumination, have been first submitted to, and approved in writing by the Local Planning Authority. Details to be submitted must include an assessment to ensure any lighting does not illuminate newly installed bat roost units (condition 8) and retains the site boundaries as dark unlit corridors for foraging and commuting bats. Any external lighting that is installed must accord with the details so approved.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, the interest of protecting the amenity of nearby residents and in the interest of biodiversity and ecological enhancement. This condition is imposed in accordance SP10, SP11 and SP24 of the East Lindsey Local Plan and the National Planning Policy Framework.

- 10 Notwithstanding the details shown on the approved plans, all foul water from the development hereby approved must be collected and discharged into the existing mains foul water system.

Reason: To ensure that the site is adequately drained and to avoid pollution. This condition is imposed in accordance with SP16 of the East Lindsey Local Plan.

- 11 All surface water from the development hereby approved must be collected and discharged into the rainwater discharge proposal (including the location of the private crate soakaways) as outlined on approved drawing A3371-3003 Rev B.

Reason: To ensure the development is not at risk of flooding and does not increase the risk of flooding elsewhere. This condition is imposed in accordance with SP16 of the East Lindsey Local Plan and the National Planning Policy Framework.

- 12 A scheme for the storage of refuse containers for all dwellings at the main site entrance onto East Road must be submitted to and approved in writing by the Local Planning Authority. The approved details must be fully implemented for each dwelling prior to its occupation and retained at all times in accordance with the approved details.

Reason: To ensure the storage of refuse containers does not harm the character of the area or highway safety, having regard to SP10 and SP23 of the East Lindsey Local Plan.