

**North Northamptonshire Planning Committee (North)
6th December 2023**

Application Reference	NE/23/00524/FUL
Case Officer	Sunny Bains
Location	40 Main Street, Yarwell, Northamptonshire
Development	Demolition of existing two storey dwelling and detached garage and erection of new dwelling part single, part two storey dwelling with integral store/garage
Applicant	Mr & Mrs D Currie
Agent	RAW Architecture Ltd – Ms Helen Raymond
Ward	Oundle
Overall Expiry Date	15 December 2023
Agreed Extension of Time	15 December 2023

Appendix A – Location and Site Plan

Appendix B – Appeal Decision (APP/M2840/W/22/3302907)

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation due to the Officers recommendation being different to that of the Town Council.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 This application seeks full planning permission for the demolition of an existing dwelling with a detached double garage and the erection of a new 5 bed roomed dwelling with an integral garage.

- 2.2 The proposed dwelling would measure 7.7 metres high with a width of 20.5 metres and a depth of 21.1 metres. It would consist of a two-storey side element off the western elevation that projects past the principal elevation and up to the front boundary of the site.
- 2.3 The proposal also includes partial removal of the front wall to enable parking provision and manoeuvring of a vehicle within the drive and garage.
- 2.4 The proposed dwelling would utilise the existing access off Main Street.
- 2.5 A recent appeal decision (APP/M2840/W/22/3302907) has been issued on the application site which allowed a similar development as this proposed scheme. The elevations plan (A301 / H) illustrates the difference between the approved scheme and the proposed scheme.

3. Site Description

- 3.1 The application site is situated within the settlement of Yarwell and is located to the south of Main Street. A detached dwelling with a detached double garage is located on the site.
- 3.2 The site is predominately surrounded by residential dwelling, of which the closest Grade II Listed Buildings to the site are Nos.30, 39 and 44 Main Street. The site also lies within flood zone 1 which is a low risk area of flooding.

4. Relevant Planning History

- 4.1 NE/21/00535/FUL – Demolition of existing two storey dwelling and detached garage and erection of new dwelling part single, part two storey dwelling with integral garage – Allowed at Appeal (APP/M2840/W/22/3302907) – 06.12.22.
- 4.2 84/00781/FUL – Single storey extension and double garage – Approved – 13.06.84.

5. Consultation Responses

A full copy of all comments received can be found on the Council's website.

5.1 Yarwell Parish Council

Object for the following reasons:

- Impact on residential amenity;
- Harm to heritage assets;
- Impact on the local character;
- Overdevelopment of the site

5.2 Neighbours / Responses to Publicity

Three number of letters have been received. The issues raised are summarised below:

- Impact on residential amenity;
- Harm to heritage assets;
- Impact on the local character;
- Overdevelopment of the site;
- parking unsatisfactory;
- It would be used for Airbnb.

5.3 Nature Space

It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the Amber Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

"The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

If the applicant wishes to completely avoid any risks relating to great crested newts, they have the option to enquire for North Northamptonshire Council's District Licence, which provides full legal cover for any impacts to great crested newts and therefore removes the risk of having to stop works if great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at www.naturespaceuk.com.

5.4 Highways

In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations:
The LHA can confirm no objections to this application however please note the following observations;

- The applicant must ensure that the foundations and construction of the boundary wall does not undermine or encroach upon the highway.
- The applicant will be required to obtain the correct licensing, from NNC Highways Regulations in order to install or alter the site access

and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place.

5.5 Environmental Protection

Due to the close proximity to residential properties I suggest the below condition is included in any permissions granted:

There shall be no burning of any material during construction, demolition or site preparation works.

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031.

5.6 Principal Conservation Officer

In light of the appeal decision there is no objection to the proposed scheme.

5.7 Principal Ecological Officer

The application and ecological report have been reviewed and we are satisfied that there is a limited possibility that protected species may be affected by the demolition of the dwelling.

The recommendations within the report should be followed:

"Bats

Bat boxes should be installed on the new building in a south facing position at a height of not less than three metres.

Any external lighting should be kept to a minimum and directed downwards using hoods and cowls; particular care will be taken to avoid lighting newly created roost features.

Birds

Nest boxes for House Sparrow and Swift (in groups of three) should be installed on the new building to enhance the biodiversity of the site."

5.9 Waste Management

No comments.

5.10 Consultee comments not received:

- Senior Tree and Landscape Officer
- Community Development Officer
- Natural England

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development

Policy 2 - Historic Environment

Policy 3 - Landscape Character

Policy 4 - Biodiversity and Geodiversity

Policy 5 - Water Environment, Resources and Flood Risk Management

Policy 6 - Development on Brownfield Land and Land Affected by Contamination

Policy 8 - North Northamptonshire Place Shaping Principles

Policy 9 - Sustainable Buildings and Allowable Solutions

Policy 11 - The Network of Urban and Rural Areas

Policy 28 - Housing Requirements and Strategic Opportunities

Policy 29 - Distribution of New homes

Policy 30 - Housing Mix and Tenure

6.4 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)

Policy 2 - Windfall Development in Settlements

Policy 9 - Buildings of Local Architectural or Historic Interest

6.5 Emerging East Northamptonshire Local Plan Part 2 (LPP2)

Policy EN1 – Spatial Development Strategy

Policy EN2 – Settlement Boundary Criteria (Urban Areas)

Policy EN3 – Settlement Boundary Criteria (Freestanding Villages)

Policy EN4 – Settlement Boundary Criteria (Ribbon Developments)

Policy EN13 – Design of Buildings / Extensions

Policy EN14 – Designated Heritage Assets

Policy EN15 – Non-Designated Heritage Assets

6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)

Northamptonshire County Council - Local Highway Authority Parking Standards (2016)

East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Character, Appearance and Historic Environment
- Residential Amenity
- Highway Matters

7.1 Principle of Development

7.1.1 The proposal seeks a replacement dwelling on the application site which is located within the settlement of Yarwell. Policy 11 of the JCS, Policy 2 of the RNOTP and Policy EN1 of the LPP2 supports residential development within the settlement boundary. The previous appeal decision also establishes the principle of development for a single dwelling

7.2 Character, Appearance and Historic Environment

7.2.1 Main Street is characterised by residential dwellings of mixed scale, mass and age; albeit, the more traditional appearance of the surrounding buildings is a distinctive character.

7.2.2 Nos 30, 39 and 44 Main Street are located within close proximity to the application site and are designated as Grade II Listed buildings. The existing building onsite is not designated as a listed building, although it is recognised as a non-designated heritage asset due to its historical and architectural merit.

7.2.3 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is similarly reflected by Policy 2 of the JCS and Paragraph 199 of the NPPF. Policy 2 of the JCS and Paragraph 203 of the NPPF also seek the conservation of non-designated heritage assets and requires a decision maker to make a balanced judgement regarding any harm and loss of the heritage asset.

7.2.4 It is noted from the comments of Yarwell Parish Council as well as local representations that they consider the proposal would cause harm to the setting of the listed buildings as well as the local character due to its modern design, scale, mass and materials.

7.2.5 The blue outline on elevation plan (A301 / H) depicts the approved scheme permitted by the appeal (APP/M2840/W/22/3302907). This plan also illustrates that the majority of the smaller elements of the approved scheme would be taller than the proposed scheme, except for the ridge height of the proposed main dwelling which would be slightly higher (circa 200mm) than the approved scheme. The bulk of the proposed scheme would be less overall than the approved scheme.

- 7.2.6 The proposed materials reflect those of the approved scheme which the Planning Inspector found to be acceptable and not to have an adverse impact on the setting of the surrounding listed buildings or the local character. A condition is recommended to ensure that samples of the proposed materials are submitted for approval, given the sensitivities of the site.
- 7.2.7 Regarding the non-designated heritage building onsite, the Planning Inspector concluded the following:

'The proposed development includes the demolition of the appeal building and erection of a new dwelling. Although not recorded on a local list of designated heritage assets, consistent with the approach outlined within the Planning Practice Guidance, the Council identified the building as being a non-designated heritage asset as part of the decision-making process on the planning application.

The evidence indicates that the original, L-shaped thatched cottage was established in the late nineteenth century, during which time, the building served as the village shop. Historically, the appeal building and Post Office on the opposite side of Main Street (now a residential dwelling) provided a central focus to the village and supported its future growth and independence. These factors combined contribute to the significance of the building.

As it stands today, the dwelling is somewhat unremarkable within the context of the village and more significantly, unrecognisable from the historical structure. The thatched roof has been replaced with interlocking tiles and, while some of the original stone remains on the front and side elevations, the upper floor is largely of a single brick skin, with a part rendered finish. The traditional appearance and modest proportions of the original cottage have been further eroded by subsequent extensions to the property together with other external alterations including the replacement and alterations of openings. Internally, there is limited evidence of the original building or its historical function remaining and my attention has not been drawn by the Council to any features of notable value. Consequently, whilst work to bring the building closer to its original form and significance may be theoretically possible, the above modifications have significantly undermined the building's historical integrity, architectural interest and overall significance.

Therefore, notwithstanding the historical association of the building with the village, other than its location, I find it to be of very limited heritage significance. Although the appeal proposal would result in the complete loss of the non-designated heritage asset, the replacement dwelling would largely reflect the L-shaped layout of the existing building and would occupy a similar position albeit substantially larger in scale. The site would therefore continue to provide built form of a similar nature as it has historically, and the development would thus maintain the site's presence and contribution to the street scene. Consequently, on the basis of the balanced judgement required by the National Planning Policy

Framework (the Framework) and based on the available evidence indicating that the heritage significance of the existing building is, with the exception of its location, now largely negligible, I find that the proposed development is acceptable and would preserve the site's remaining heritage significance.

Accordingly, the proposed development would not have an unacceptable effect on the significance of a non-designated heritage asset. The proposal therefore accords with Policy 2 of the North Northamptonshire Joint Core Strategy 2016 which seeks to protect, preserve and where appropriate enhance heritage assets. The proposal is also consistent with the Framework, which amongst other objectives seek to conserve and enhance the historic environment.'

- 7.2.8 The proposal reflects similar characteristics as the approved scheme, and although there are material differences such as orientation of part of the dwelling, scale and mass, fenestration arrangement, and roof lines, they are not considered to be of a significant difference that would substantiate a reason for refusal.
- 7.2.9 The Principal Conservation Officer also considers that the proposal would not cause harm to the setting of the listed building or the non-designated heritage asset and thus has no objection to the proposed scheme.
- 7.2.10 As such, on balance, it is considered that the proposal would not cause adverse harm to the significance of the non-designated heritage asset or the setting of the listed buildings or the character of the local area. Therefore, the proposal complies with Policy 2 of the JCS, EN14 and 15 of the LPP2 and the historical policies of the NPPF.

7.3 Residential Amenity

- 7.3.1 The side elevation of the proposed dwelling would be circa 2.1 metres from the side elevation of No.32 Main Street (No.32) and 1.2 metres from the side elevation of No.44 Main Street (No.44).
- 7.3.2 The side windows of No.32 would look directly at the side flank elevation of the proposed dwelling, however, currently this occurs with the existing dwelling and compared to the approved scheme the proposed western section of the development would be positioned further away from No.32 and would have a sloping roof away from the neighbouring property so therefore would have less impact. As such, it is not considered that the outlook from these windows would be demonstrably impacted. Likewise, the rooflights on the slope of the roof facing No.32 is not considered to result in loss of privacy or overlooking due to the being at an oblique angle.
- 7.3.3 No.44 has a flank side wall and the side windows that are closest to No.44 would be obscure glazed and therefore no harm would occur in terms of overlooking and loss of privacy. The proposed side windows on the main dwelling that face No.44 would overlook the front garden of No.44 which is visible from the public realm and currently occurs with the existing dwelling so therefore it is not considered to result in significant harm in terms of overlooking and loss of privacy.

- 7.3.4 Given the orientation of the built form, position of the proposed dwelling and the plot sizes of the neighbouring properties, it is considered that the proposed dwelling would not cause adverse harm to the amenity of the neighbouring properties in terms of overshadowing, overbearing, outlook and overlooking.
- 7.3.5 The Planning Inspector also noted that the approved scheme, which is not too dissimilar from the proposed scheme, would not cause adverse harm to the residential amenity of neighbouring properties.
- 7.3.5 The proposed dwelling would comply with the internal National Space Standards and retain an adequate level of private external amenity space.
- 7.3.6 Whilst, the concerns of the Parish Council and local residents are noted, given the above, the concerns would not substantiate a reason for refusal.
- 7.3.7 Overall, the proposed development complies Policy 8(e) of the JCS, Policy EN13 and Paragraph 130 of the NPPF.

7.4 Highways

- 7.4.1 The proposal would utilise the existing access off Main Street. The Local Highway Authority does not object to the proposed development but it is highlighted that the construction of the boundary wall should not encroach on the highway and that the correct licensing would need to be obtained from Highways. These points can be added as informatives.
- 7.4.2 The Northamptonshire Parking Standards stipulate that a dwelling with 4 bedrooms or more should provide three car parking spaces onsite. The site plan (A100 J) illustrates that three cars could park onsite with the introduction of the proposed scheme.
- 7.4.3 As such, the proposed development complies with Policy 8(b) of the JCS.

8. Other Matters

- 8.1 Neighbour comments: representations from local residents have been taken into consideration and addressed above.
- 8.2 Concerns has been raised by the objectors in relation to the proposed dwelling being used for Airbnb. This is not a material planning consideration. Should the dwelling be used for anything other than a C3 Use (residential) or subdivided into more planning units then it would require planning permission in its own right, and enforcement action could be taken to remedy this. This planning application has been assessed on its planning merits.
- 8.2 Equality: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.3 Pre-Commencement Condition: The pre-commencement condition has been agreed by the Applicant.

9. Conclusion / Planning Balance

- 9.1 The principle of development is supported by national and local plan policy and the application site has permission for a replacement dwelling similar to that of the proposed scheme consented by the appeal decision APP/M2840/W/22/3302907). This therefore establishes the principle of development which is considered to be acceptable.
- 9.2 The proposed development is not considered to cause adverse harm to the character of the local area, setting of the nearby listed buildings, the non-designated heritage building, residential amenity of neighbouring and future occupants and in respect to highways.
- 9.3 As such, the proposed development would comply with national and local plan policies and is therefore recommended that planning permission is granted subject to conditions.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. No development shall commence until details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the existing and adjoining sites have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings.

3. No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted including samples of the wall and roof materials together with joinery details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To achieve a satisfactory elevational appearance for the development.

4. No development shall take place above slab level until details of sustainable design measures to be incorporated within the proposed dwelling have been submitted to and approved in writing by the local planning authority. The details shall include an electrical vehicle charging point and water and energy efficiency measures. The measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the dwelling and retained as such thereafter.

Reason: In the interest of climate change and environmental protection.

5. Prior to the first occupation of the development the proposed access and on-site parking/turning area shall be laid out in accordance with the approved plan (Drawing No. A102/P), surfaced in a hard bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be permanently retained for the purposes of parking and turning only.

Reason: In the interest of highway safety.

6. No gates shall be installed within a minimum 5.5 metres distance from the highway boundary. Gates must be hung to open inwards only.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

7. Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud or other debris deposited on the road as a result of the development must be removed immediately by the operator/contractor.

Reason: In the interests of residential amenity, highway safety and visual amenity.

8. There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

9. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank/Public Holidays.

Reason: To ensure the protection of the local amenity throughout construction works.

10. During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes, or take other

suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

Reason: To ensure the protection of the local amenity throughout construction works.

11. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species.

Reason: In order to protect and safeguard the amenities of the area.

12. Prior to the occupation of the development hereby permitted, Bat boxes (in a south facing position at a height of not less than three metres) and nest boxes for House Sparrow and Swift (in groups of three) shall be installed on the new building and any external lighting shall be kept to a minimum and directed downwards using hoods and cowls. Particular care must be taken to avoid lighting newly created roost features. These features shall thereafter be retained and maintained in a serviceable manner in perpetuity.

Reason: In the interest of biodiversity enhancement.

13. Prior to the development above slab level of the development hereby permitted, details of the boundary treatment shall be submitted to and approved by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans and the all approved boundary screening shall have been installed prior to the first occupation of the development hereby permitted.

Reason: In the interest of protecting the local amenity.

14. The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Drawing No. A100/J – Site Location and Site Plan;
 - Drawing No. A102/P – Proposed Floor Plans;
 - Drawing No. A301/H – Elevations – Proposed.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

12. Informatives

1. The North Northamptonshire Joint Core Spatial Strategy 2011-2031 policy 10 (e), Provision of Infrastructure, encourages developers to provide for fast broadband to new buildings (including but not exclusive to housing, commercial, retail or leisure). This should be gigabit capable and where possible, full fibre broadband connectivity. Early agreement with a telecoms provider is key to being able to enhance your asset. The network capability delivered by full fibre technology supports the fastest broadband speeds available, is considered future proof, and will bring a multitude of opportunities, savings and benefits. It may also add value to the development and is a major selling point to attract potential homebuyers and occupiers, with many people now regarding fast broadband as one of the most important considerations. Proposals should be compliant with Part R, Schedule 1 of the Building Regulations 2010 (soon to be amended to strengthen requirements for gigabit connectivity to new dwellings) and the Approved Document R.

Some telecoms network providers have dedicated online portals providing advice for developers, including:

Openreach Developer Portal (openreach.co.uk)

Virgin Media <http://www.virginmedia.com/lightning/network-expansion/property-developers>

Gigaclearnetworkbuildcare@gigaclear.com (rural areas and some market towns)

OFNL (GTC) <http://www.ofnl.co.uk/developers>

CityFibre <http://cityfibre.com/property-developers>

Details of other fibre network providers operating locally can be found here <http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx>.

For help and advice on broadband connectivity in North Northamptonshire please email bigidea.ncc@northnorthants.gov.uk

2. The applicant must ensure that the foundations and construction of the boundary wall does not undermine or encroach upon the highway.
3. The applicant will be required to obtain the correct licensing, from NNC Highways Regulations in order to install or alter the site access and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place.