

**North Northamptonshire Area Planning Committee
(Thrapston)
18th October 2021**

Application Reference	20/01343/FUL
Case Officer	Joe Davies
Location	Land Rear Of 57 High Street, Twywell
Development	Erection of new detached dwelling and associated landscaping works
Applicant	Blenheim Realty Ltd - Mr Sugars
Agent	Scroxtton & Partners - Mr Justin France
Ward	Thrapston
Overall Expiry Date	22 December 2020
Agreed Extension of Time	N/A

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation, as there has been an objection from Twywell Parish Council (contrary to officer recommendation) and more than three representations have been received from nearby residents.

1. Recommendation

- 1.1 That Planning permission is GRANTED subject to conditions.

2. The Proposal

- 2.1 This application seeks full planning permission for the erection of a detached, two storey dwelling. It would have a pitched roof with dormers at first floor level and would have a maximum height of 7.175 metres. It would be finished in red brick with a slate roof. There would be four parking spaces to the front of the dwelling and a large private amenity space to the rear. The site would be accessed from High Street via a shared driveway.

3. Site Description

- 3.1 The application site comprises land to the side and rear of an existing detached dwelling. Permission was granted for three dwellings on land to the north-west of the proposed site and to the rear of 57 High Street in 2020 and the proposed dwelling would use the same access. To the east of the site is the dwelling at Shrublands. To the west of the site are the dwellings at Woodland Cottage and 57 High Street. The site is in the Twywell Conservation Area.

4. Relevant Planning History

- 4.1 19/01119/FUL - Demolition of the existing stable and store buildings and construction of four new dwellings and associated landscaping work. – WITHDRAWN (05.11.2019)
- 19/01901/FUL - Demolition of the existing stable and store buildings and construction of three new dwellings and associated landscaping work (resubmission of 19/01119/FUL) – PERMITTED (28.07.2019)

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Twywell Parish Council

Twywell Parish Council has objected to the application. The grounds for this objection can be summarised as follows:

- Twywell already has issues with the road infrastructure;
- The entrance and visibility splay do not meet Highway standards, this would be exacerbated by an additional dwelling.
- The proposal would result in more than 5 dwellings being accessed from a private drive, contrary to highway policy DM15.
- The proposed dwelling would result in harm to the character and appearance of the Twywell Conservation Area.
- The proposed dwelling would be outside the settlement boundary line of Twywell contrary to the Rural North, Oundle and Thrapston Plan.
- A number of other developments have been recently granted within Twywell and the wider implications of this have not been taken into account.
- An increase in just 13 properties equates to a 16% increase in residents and highway traffic which Twywell does not have the infrastructure for.

5.2 Neighbours / Responses to Publicity

Eleven letters have been received from members of the public in response to the application. These can be summarised as follows:

- The proposed development would massively impact on surrounding dwellings particularly Shrublands and Woodland Cottage.
- There is currently an attractive view up High Street which would be destroyed by the proposed development.
- There would be an increase in vehicle movements.
- There could potentially be an impact in relation to water and sewage.
- Twywell is a conservation village and great care should be taken over new developments and their visual impact.
- The proposed development would fall outside of the village boundary.
- A traffic survey submitted has shown that there are vehicle movements of up to 400 cars per day at an average of 28.5 mph, with inadequate visibility splays danger arises.
- The Local Highway Authority have not visited the site and have only done a desktop study.
- There is already consent for 5 dwellings to be accessed from the private drive, anymore would be against Local Highway Authority policy.
- A previous application has been withdrawn at the site following objections from the Council's Conservation Officer.
- Twywell has recently become a rural development village, which conflicts with and becomes damaging to the Conservation Area.
- The land ownership on the site plan is incorrect.
- The proposed dwelling looks into the kitchen window and gardens of Shrublands, seriously compromising privacy.
- The proposed dwelling is too large for the site.
- The proposed dwelling would obstruct the view of the mature woodland which defines the settlement character as recognised in the Twywell Parish Plan and Village Design Statement.
- The dwelling would require crown lifting to peripheral trees, destroying their individual character and leaving them vulnerable to wind damage.
- The proposed dwelling, whilst set back slightly further from the street scene is 50% larger than that proposed on the 2019 application that was withdrawn.
- The front elevation is out of character for the area.
- There is insufficient visibility, Highways didn't object to the previous application as there they estimated the average vehicle speed to be no more than 20 mph, a recent traffic survey has shown it to be 28 mph. The proposed development would intensify vehicle movements on this access.
- The proposed dwelling would detract from the private amenity space at both Shrublands and Woodland Cottage.
- The proposed development, adding a 4th dwelling would provide a property density that is out of character with the local area.
- The proposed dwelling would cross the building line for the village.
- It would affect an already insufficient storm water drain.
- Any intensification of development in Twywell would exceed the capacity of the infrastructure.

5.3 Highways (LHA)

- The LHA has no objection to the proposed access as this has already been agreed in principle with the LHA under application 19/01901/FUL.
- The LHA has concerns over vehicles manoeuvring to the proposed parking spaces P03 and P04, these spaces should be reconfigured to allow for safe manoeuvring into the shared drive.
- The LHA requires confirmation of how many dwellings will be served from the proposed access, as more than 5 will be cause for objection as this will contravene NCC adopted policy (DM15), this includes parking arrangements for dwellings fronting the High Street.
- The application site is not affected by a Public Right of Way.

5.4 Waste Management

Waste collection containers will need to be presented at the adopted highway as the waste collection team would not enter a private driveway to empty them.

5.5 Environmental Protection

No objection but requested conditions regarding hours of construction and no burning.

5.6 Principal Conservation Officer

Initial comments raised concerns regarding the impact on the character and appearance of the Twywell Conservation Area, stating that the proposed development would appear incongruous in the street scene due to its design and siting. Following further discussion and amendments to the proposal, these concerns were satisfactorily addressed. This is explained in section 7 of this report.

5.7 Archaeology

The applicant has submitted the agreed Written Scheme of Investigation relating to 19/01901/FUL. This WSI does not cover the area of the new application, but the scheme of work would be the same and could be incorporated within the existing programme. An addendum to the WSI would need to be provided to confirm that this would be carried out. Subject to an addendum being provided, this could be secured by a suitably worded condition.

The proposed development will have a detrimental impact on any archaeological remains present. This does not however represent an overriding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. I will be happy to suggest appropriate wording for the condition once an addendum to the WSI is in place.

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 and Guidance

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 8 - North Northamptonshire Place Shaping Principles

Policy 11 - The Network of Urban and Rural Areas

Policy 25 - Rural Economic Development and Diversification

Policy 28 - Housing Requirements

Policy 29 - Distribution of New Homes

Policy 30 - Housing Mix and Tenure

6.4 Rural North and Oundle

Policy 1 – Settlement roles

Policy 2 – Windfall development in settlements

6.5 Emerging East Northamptonshire Part 2 Local Plan - Submission Draft March 2021

Policy EN1 – Spatial Development Strategy

Policy EN3 – Settlement Boundary Criteria – Freestanding Villages

Policy EN13 – Design of Buildings/Extensions

Policy EN14 – Designated Heritage Assets

Policy EN30 – Housing Mix and Tenure to Meet Local Need

6.6 Other Documents

Standing Advice for Local Planning Authorities (2016)

Parking Standards (2016)

Domestic Waste Storage and Collection Supplementary Planning Document (2012)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Design, Layout and Impact on the Character and Appearance of the Area
- Highway Safety and Parking
- Residential Amenity

7.1 Principle of Development

7.1.1 In general terms, Policy within the National Planning Policy Framework (NPPF), the North Northamptonshire Joint Core Strategy (JCS) (The Local Plan, Part 1) and the Council's emerging Part 2 Local Plan should be applied to the proposed development.

7.1.2 Whilst part of the site of the proposed development lies partly outside of the settlement boundary (approximately half of the footprint of the dwelling would be built outside of the settlement boundary), Twywell is a linear settlement. The site is also directly bounded on three sides by residential development and is enclosed to the rear by dense woodland. Whilst it is appreciated that the settlement boundary is generally defined to prevent sprawl into open countryside, by virtue of the adjacent land uses and the site's semi-enclosed position, the portion of the site lying outside the settlement boundary is both visually and functionally contained within the settlement. As a result it would be difficult to justify a refusal of the application on the grounds of harm to the character and appearance of the open countryside, or the setting of the village. This was reinforced by the Planning Inspector's decision, when 15/02079/FUL, Braesby, Southwick Road, Glapthorn was appealed, where the Inspector found that given the nature of the site and its surrounding land uses, although it was partly outside the settlement boundary, it was considered that no harm to the character and appearance of the open countryside would result.

7.1.3 Furthermore, it is 10 years since the Rural North, Oundle and Thrapston Plan (2011) (RNOTP), in which mapped settlement boundaries are defined was adopted and these policies pre-date the National Planning Policy Framework 2021 and the Joint Core Strategy (JCS). The narrative criteria to determining whether land is within the built-up area of a settlement or outwith, as set out in both the supporting text to JCS Policy 11 (paragraph 5.17) and Policy EN3 of the Emerging Local Plan Part 2 are both more flexible to the facts of a particular case than those set out in the RNOTP, requiring a site specific assessment against the criteria in every case. Although it is accepted that the weight that can be given to Policy EN3 is limited as whilst it has been submitted for examination, it is not yet adopted policy, it is nevertheless consistent with the National Planning Policy Framework 2021, hence the allowed Appeal referred to above, and indicates the direction of travel towards superseding mapped settlement boundaries.

7.1.4 For these reasons, whilst there is a degree of conflict with Policy 2 of the RNOTP because part of the development lies outside of the settlement boundary, the principle of the proposed development is considered to be acceptable, subject to the development being acceptable in all other respects.

7.2 Design, Heritage, Layout and Impact on the Character and Appearance of the Area

7.2.1 There were initially concerns raised by the Conservation Officer regarding the proposed development resulting in harm to the character and appearance of the Twywell Conservation Area. These concerns have now been resolved with the replacement of the UPVC windows initially proposed with timber and the repositioning of the building. The Conservation Officer has now stated

that he has no objection to the proposal. The significance of the Conservation Area as a designated heritage asset would be preserved in accordance with the NPPF and the statutory duty imposed on the Council under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development would be set well back from the street (25 meters approx.) and the design of the dwelling is considered to be in keeping with the design of the dwellings recently permitted to the west of the site. Development in depth and a varied building line with buildings of differing architectural styles are characteristics of the locality, and the proposed dwelling would reinforce these characteristics, rather than harmfully eroding them. The application site, in its current undeveloped and open state, does not make an important contribution to the character and appearance of the area. There are no important views across the land and the woodland to the rear will provide a pleasant green back drop and enclosure to the development.

- 7.2.2 The impact of the proposed development in relation to design, heritage and layout is therefore considered to be acceptable and would be in compliance with Policy 2 and Policy 8 (d) of the Joint Core Strategy.

7.3 Residential Amenity

- 7.3.1 In terms of the impact on the amenity of neighbouring occupiers, the proposed development is considered to be a sufficient distance away from neighbouring dwellings that there would be no significant impact in relation to loss of light or over-dominance. Although a side window is proposed facing one of the recently permitted dwellings to the west, this would be at ground floor level and would serve a bathroom and would therefore be obscure-glazed. On the eastern elevation, there would be one first floor side window. However, this would also serve a bathroom and would be obscure-glazed, the ground floor window on this elevation is considered to be a sufficient distance away from neighbouring dwellings that there would be no significant impact in relation to overlooking. There would also be no overlooking from the windows on the front and rear. The impact of the proposed development on the amenity of neighbouring occupiers is therefore considered to be acceptable. The occupation of the dwelling, including the use of the access driveway by vehicles will increase levels noise and disturbance to adjacent properties. However, given the relatively spacious setting to the dwelling and the driveway, this would not cause unacceptable harm to neighbouring occupiers living conditions.

- 7.3.2 In terms of the impact on the amenity of future occupiers, the proposed dwelling would comply with National Space Standards as required by Policy 30 of the Joint Core Strategy. There would also be sufficient amenity space serving the dwelling.

- 7.3.3 The impact of the proposed development on residential amenity is therefore, on balance, considered to be acceptable and would be in compliance with Policy 8 (e) and Policy 30 of the Joint Core Strategy.

7.4 Highway Safety and Parking

- 7.4.1 There would be 4 off-street parking spaces provided to serve the proposed

dwelling, which is one more than the required 3 spaces for a 4 bedroom dwelling. The parking provision is therefore considered to be acceptable and in accordance with adopted standards.

- 7.4.2 In relation to the access, Highways has stated that they have no objection to the proposed access as this has already been agreed in principle, including the visibility under the application 19/01901/FUL. Highways did however raise concerns over vehicles manoeuvring to the proposed parking spaces P03 and P04. These spaces have subsequently been repositioned in order to address this and the access to these spaces is now considered to be acceptable.
- 7.4.3 Highways has also raised concerns that more than 5 dwellings would be accessed from a private drive, contrary to their policy DM15. This is not sufficient justification for refusal, and refusals on this basis have been overturned at appeal in the past. To justify refusal the Council would need to demonstrate that a sixth dwelling using the access would cause unacceptable planning harm. No unacceptable harm has been demonstrated in this regard.
- 7.4.4 The impact of the proposed development on highway safety and parking provision is therefore also considered to be acceptable and would be in accordance with Policy 8(b) of the North Northamptonshire Joint Core Strategy 2016.

8. Other Matters

- 8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.2 Land Ownership: One of the neighbour comments raised an issue regarding the land ownership on the site plan being inaccurate. The Local Planning Authority has to take the information submitted regarding land ownership at face value, as the onus is on the applicant to submit an honest application. However, planning permission does not override land ownership or give the applicant permission to carry out development on land they don't own, without the consent of the land owner. It is an offence to knowingly or recklessly submit an inaccurate land ownership certificate.
- 8.3 Sewage and Drainage: Concerns have also been raised by neighbours and the Parish Council regarding the impact of the proposed development on sewage and drainage. The site lies in Flood Zone 1 and as a result, is not at risk of flooding. The issues of drainage and sewage are therefore a matter for building control.
- 8.4 Waste: The Council's Waste Management Team has stated that waste will need to be presented at the public highway with High Street. There is sufficient space to accommodate this and the provision of waste facilities for the proposed development is therefore considered acceptable.
- 8.5 Trees: Neighbours have raised concerns regarding tree works that would have to be undertaken as part of the proposed development. Advice has been sought from the Council's Senior Tree and Landscape Officer and will be reported on the update sheet.

8.6 Archaeology: In relation to archaeology, the proposed development would have a detrimental impact on any archaeological remains present. However, the Council's Archaeological Advisor has confirmed that this does not represent an over-riding constraint to development, provided that adequate provision is made for the investigation and recording of any remains. This will be conditioned and with this condition in place, the impact on archaeology is considered to be acceptable.

8.7 Environmental Matters: The Council's Environmental Protection Team has confirmed that it has no objection to the proposed development but conditions have been requested regarding no burning of materials on site and hours of construction to protect the amenity of neighbours during the construction period. With these conditions in place, there are no outstanding environmental concerns in relation to the proposed development.

9. Conclusion / Planning Balance

9.1 The proposed development is considered to be acceptable as it is not considered to cause adverse harm regarding the character of the local area. There would also be no significant adverse impact on either neighbouring amenity or highway safety, subject to the imposition of conditions. The benefits of the development and the lack of planning harms are material considerations that in this instance outweigh the minor degree of conflict with Policy 2 of the RNOTP, justifying development beyond the settlement boundary.

10. Recommendation

10.1 That Planning permission is 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: Statutory requirement under provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

- Proposed Site Plan – 1270 SAP XX GF DR A 10100 SO Rev 05;
- Proposed Elevations - 1270 SAP V1 XX DR A 30100 SO Rev 05;
- Proposed Elevations - 1270 SAP V1 XX DR A 30110 SO Rev 05;
- Proposed Floor Plans - 1270 SAP XX GF DR A 10110 SO Rev 04;
- Site Location Plan - 1270 SAP XX 00 DR A 10000 SO Rev 02.

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

3. Before any development is commenced on the development hereby permitted above slab level, samples of the external materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and finishes.

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

4. Prior to the first occupation of the dwelling the parking and turning facilities, as shown on the approved plans shall be provided and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

5. Prior to the commencement of development, details of the existing ground floor levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development hereby approved and adjoining sites shall have been submitted to and approved in writing by the local planning authority. All works shall thereafter 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 its surroundings.

6. Prior to the first occupation of the residential unit hereby permitted, measures shall be implemented to encourage water use to be no more than 105 litres/person/day (plus 5 litres/person/day external water use).

Reason: As this is an area of water stress and to accord with Policy 9 of the North Northamptonshire Joint Core Strategy.

7. Notwithstanding the submitted details, prior to the occupation of the dwelling, details of the boundary treatments (materials, heights, positions and appearance) to be used at the site must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the associated dwelling and thereafter retained and maintained in perpetuity.

Reason: In the interests of neighbour amenity and visual amenity.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

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 or Public Holidays unless otherwise agreed with the local planning authority.

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

10. 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.

11. Prior to the commencement of development, the access shall be constructed in accordance with the details set out on 'Proposed Site Plan - 1270 SAP XX GF DR A 10100 SO Rev 05'. Thereafter, the access shall be permanently maintained and retained in this condition.

Reason: In the interests of the dwellings having appropriate access.

12. Prior to the occupation of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the location of the storage and collection facilities for waste for the dwelling hereby permitted. The details shall include materials of any hard surfacing and the design and materials of any structure(s). The development shall be undertaken in accordance with these details prior to the occupation of the relevant dwellings and the facilities once provided shall be retained / maintained in perpetuity.

Reason: In the interests of securing appropriate waste arrangements.