

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

Application Reference	21/00405/FUL
Case Officer	Sunny Bains
Location	Blatherwycke Road, Bulwick, Northamptonshire
Development	Erection of two detached dwellings
Applicant	Jonathan Radcliffe
Agent	Ross Thain Architects – Mr Tim Grice
Ward	Oundle
Overall Expiry Date	29 October 2021
Agreed Extension of Time	29 October 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Parish Council recommendation is contrary to that of the case officer and more than three objections have been received.

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 erection of 2No. detached dwellings. The Site Plan (1402 01P Rev B) identifies these dwellings as Plot A and Plot B which are subdivided by the proposed access road. Plot A is sited to the north-west of No.2 Millies Lane (No.2) and Plot B is sited to the east of Highgate House, Main Street .
- 2.2 Plot A would be a detached property sited near the road frontage and would consist of a side and rear extension. The dwelling would have a ridge height of 8 metres and would be a maximum width of 18.5 metres. The property would be accessed from the western boundary which leads to

a double integral garage.

- 2.3 Plot B would be a detached property sited near the rear boundary of the site with a two-storey extension sited close to the eastern boundary near Blatherwycke Road. The proposed dwelling would be an 'L' shape and measure 8.7 metres high with a width of 19.8 metres. The property would have two accesses along the eastern boundary and a detached car port towards to the southern boundary.
- 2.4 The existing access off Millies Lane would be used to serve the proposed dwellings and the land north of the application site (Paddock Land) by service vehicles for inspection and maintenance of the community septic tank (north of the site).

3. Site Description

- 3.1 The application site is situated on the periphery of the settlement of Bulwick and is located to the north of Millies Lane. The site comprises agricultural land and measures 0.17 hectares. Residential dwellings are located to the east, south and west of the site whilst to the north lies agricultural land.
- 3.2 The site lies within flood zone 1 (low risk) and within close proximity (circa 19 metres west of the application site) to Bulwick Conservation Area.

4. Relevant Planning History

- 4.1 20/01162/FUL – Erection of two detached dwellings – withdrawn – 09.02.21.
- 4.2 13/00874/FUL – Erection of 2 No. dwellings (class C3) with associated garages, car parking and other ancillary works – Withdrawn – 21.11.14
- 4.3 01/00461/FUL – Two detached dwellinghouses and garages – Grant – 06.09.01
- 4.4 01/00462/FUL - Two detached dwellinghouses and garages (revised scheme) – Grant – 06.09.01
- 4.5 00/00392/FUL – Four dwellings and access – Granted – 27.07.01
- 4.6 00/00051/FUL – Residential development (8 houses) with access road – Refused – 15.05.00 – This application was appealed and dismissed.
- 4.7 00/00107/FUL – Four detached houses with garaging (resubmission) – Refused – 15.05.00. This application was appealed and dismissed.
- 4.8 99/00489/FUL – Four detached houses with garaging –Refused – 14.10.99
- 4.9 96/00661/FUL - Five dwellinghouses (change of house types) – Granted – 13.03.97
- 4.10 95/00632/REM – Nine dwellings (approval of reserved matters -

EN/92/0091) – Approved – 19.10.95

- 4.11 95/00411/VAR – Variation of Condition No. 2 to extend period for submission of reserved matters until 05.11.97 (nine dwellings- EN/92/0091/OUT) –Refused – 27.07.95
- 4.12 92/00091/RWL - Residential development (9 dwellings) (outline renewal - time limited EN/88/1046 -Granted – 05.11.92
- 4.13 86/01102/OUT – Residential development – Withdrawn – 24.11.86

5. Consultation Responses

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

5.1 Bulwick Parish Council

Object for the following reasons:

- The development is outside the village boundary.
- The development would create highway safety issues.

5.2 Neighbours / Responses to Publicity

Fourteen letters have been received. The issues raised are summarised below:

- Poor outlook and loss of light on neighbouring properties;
- Loss of privacy due to the surrounding land levels and height of the proposed dwellings in contrast to neighbouring properties;
- Noise disruption during construction and from vehicles of future occupants;
- Lack of open space provision;
- The design, scale and mass would be out keeping with the local character;
- Outside the village settlement;
- Cause road congestion and safety hazard to local residents due to narrow road;
- No need for housing in Bulwick;
- Development would set a precedent if approved;
- Impact on the residents view of the open countryside;
- No affordable housing provided; and
- Impact on wildlife.

5.3 Natural England

The development site falls within the impact risk zone of Bulwick Meadows Site of Special Scientific Interest (SSSI). Natural England has not objected to the application but advised that comments are sought from the Council's Ecological Officer.

5.4 Highways (LHA)

No objection to the proposed development subject to the field access only being used by the sewage tanker and no other agricultural vehicles.

5.5 Archaeology

No objection subject to an archaeological pre-commencement condition being imposed.

5.6 Principal Ecology Officer

An objection on ecological grounds would not be substantiated and a condition for the external lighting is recommended.

5.7 Principal Conservation Officer

No objection.

5.8 Environmental Protection

No objection subject to conditions.

5.9 Waste Management

No representation received.

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 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 11 - The Network of Urban and Rural Areas
Policy 13 - Rural Exceptions
Policy 25 - Rural Economic Development and Diversification
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 (RNOTP) (2011)

Policy 2 - Windfall Development in Settlements

Policy 6 - Residential Parking Standards

Policy 9 - Buildings of Local Architectural or Historic Interest

6.5 Other Relevant Documents

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

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

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

North Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Character, Appearance and Historic Environment
- Residential Amenity
- Highway Safety and Parking
- Natural Environment

7.1 Principle of Development

7.1.1 The application site abuts the settlement boundary of Bulwick and is therefore technically located within the countryside. Albeit, it is surrounded by residential development to the east, south and west, of the site boundary, with the north facing agricultural land. Policy 2 of the RNOTP and Policy 11 of the JCS support new developments within the settlement with the exception of supporting residential development within the open countryside that is for agricultural purposes or satisfies the 'rural exception' criteria set out in Policy 13 of the JCS.

7.1.2 The proposed dwellings would be general market housing rather than affordable housing or for agricultural purposes. As such, the proposal fails to comply with the aforementioned policies.

7.1.3 Notwithstanding the above, the nature of this application is similar to the appeal application that was allowed on August 2016 (APP/G2815/W/16/3149683). The appealed site, similar to the application site, was outside the settlement boundary but abutted it and was encompassed by residential development on three sides of the appeal site with the fourth side abutting agricultural land. The Planning Inspector held that due to the visual and functional containment of the site within the settlement pattern as well as its limited use for agricultural land, that the site could not be considered as open countryside.

- 7.1.4 To this effect, the Inspector held that the condition and position of the site formed a material consideration and that the benefits afforded from the development would significantly and demonstrably outweigh any harm caused to the conflict with the settlement boundary which is in line with Paragraph 47 of the National Planning Policy Framework 2021 (NPPF).
- 7.1.5 Therefore, taking the above into consideration, it is considered that the principle of residential development on the site would be acceptable.
- 7.1.6 Notwithstanding the above, the applicant states that the site has a 'fallback' position due to Millies Lane being constructed in 1991 to serve 9 properties following approval from Highways. This would conflict with the planning history which denotes a reserved matters application was approved in 1995 (95/00632/REM) and the officer report for the refused application (00/00107/FUL) in 2000 noted that planning application 95/00632/REM had lapsed at the time. Therefore, in the absence of a certificate of lawfulness, it is considered that there is no 'fallback' position on the site.
- 7.1.7 Overall, the principle of residential development on the site is considered to be acceptable, subject to the below policy considerations.

7.2 **Character, Appearance and Historic Environment**

- 7.2.1 The proposed dwellings would be sited at the end of Millies Lane which is a cul-de-sac and comprises of large dwellings of a rural character. The topography of Millies Lane reduces towards the end of the road with the application site being the lowest level. The proposed dwellings would also be of a large scale and mass, with Plot B being larger than Plot A. The proposed dwellings in comparison to the size of the plots is not considered to result in overdevelopment and whilst the scale of the proposed dwellings would be larger than the other dwellings along Millies Lane, this is not considered to result in significant harm to the character of the area.
- 7.2.2 The architectural design of the proposed dwellings would contrast with the properties along Millies Lane, however, it is considered that the proposed dwellings would introduce a positive variation to the context of immediate setting, which given its position within the lane is not considered to significantly detract from the intrinsic character of the neighbouring properties. A materials condition can be imposed, should permission be granted, to ensure the proposed materials closely reflect those of the neighbouring properties so the local rustic vernacular is preserved and so a high quality development is delivered. In doing so, it is considered that the proposed dwellings would complement the local character.
- 7.2.3 Bulwick Conservation Area and a number of Grade II listed buildings, as well as St Nicholas's Church (Grade I listed building), are located near the application site to the west. The Conservation Area is circa 19 metres from the site and the closest Grade II listed building (Inchmore House, Main Street) being circa 50 metres with St Nicholas Church being circa 122 metres.

- 7.2.4 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. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.
- 7.2.5 The Principal Conservation Officer has verbally advised that the proposed development is not considered to cause harm to the historic and architectural merits of the Conservation Area or the settings of the listed buildings due to the siting of the proposed dwellings and the surrounding built form. The case officer concurs.
- 7.2.6 Overall, it is considered that the proposed dwellings would not cause adverse harm to the character of the local area or the architectural and historic setting of the conservation area and listed buildings. Therefore, the proposed development complies with Policy 2 and 8(d) of the JCS and Paragraph 130 of the NPPF.

7.3 Residential Amenity

- 7.3.1 Nos.2 and 3 Millies Lane (Nos. 2 and 3) would be sited closest to Plot A and Nos. 7, 8 (Nos. 7 and 8) and Highgate House (Highgate House), Main Street would be sited closest to Plot B.
- 7.3.2 The proposed dwelling on Plot A would be set into the site, away from the adjoining boundary by 4.2 metres and from the side elevation of No.2 by circa 8.5 metres. The side elevation of No.2 has a single-storey side extension with a flank gable wall and the main side elevation has a door serving a study room. No.2 also has a generous plot and would be at a higher ground to the proposed dwelling. The proposed dwelling would have two first-floor windows serving bedrooms that would face onto the side elevation of No.2, given that these are secondary windows a condition can be imposed for them to be obscure glazed which would mitigate the harm of overlooking. As such, it is considered that the proposed dwelling would not result in adverse harm to amenity of No.2.
- 7.3.3 Millies Lane separates No.3 and the proposed dwelling on Plot A resulting in a distance of circa 10 metres from the front elevations. The distance and arrangement of the properties is similar to the existing dwellings Nos.1 and 2 Millies Lane and therefore it is considered that outlook, privacy and natural light of No.2 would not be severely harmed.
- 7.3.4 The side elevation of Highgate House would be circa 7 metres from the side elevation of the proposed dwelling on Plot B. Highgate House is sited on a lower ground level than Millies Lane, as such the design and access statement expresses that the proposed dwelling would be positioned lower into the ground so the ground-floor finished floor level would be one metre lower than the level of the existing turning head. The street scene plan (1402B) illustrates that the proposed height of the dwelling would be slightly higher than Highgate House and the site plan (01P rev B) illustrates that the proposed dwelling would partially be setback from the

rear elevation of Highgate House.

- 7.3.5 Highgate House has two side windows, likely to serve bedrooms, that would face onto plot B but given that these are secondary windows, as well as the position of the proposed dwelling and the distance, it is considered the outlook from these windows would not be severely harmed. Similarly, it is considered that the outlook from the rear windows would also not be severely harmed. Also, the balcony on the side elevation would be at a sufficient distance (circa 20 metres) to not cause harm from overlooking.
- 7.3.6 Given the orientation of the built form, position of the proposed dwelling, size of the plot and separation distance, it is considered that the proposed dwelling would not cause adverse harm to the amenity of Highgate House.
- 7.3.7 No.7 and 8 Main Street are at a sufficient distance (circa 30 metres) in order for their residential amenity to not be affected by the proposed dwelling. It is also considered that the proposed garage near No.7 would not cause harm to its residential amenity.
- 7.3.8 There would be sufficient gap between the proposed dwellings and neighbouring properties for the amenity of the future occupants to not be severely harmed. A condition can be imposed for landscaping along the adjoining boundary of Highgate House to prevent overlooking from the side windows.
- 7.3.9 The proposed dwellings would provide adequate internal amenity space in line with National Space Standards and adequate external amenity space would also be provided.
- 7.3.10 Overall, it is considered that the proposed development would not cause adverse harm to the amenity of neighbouring properties and would provide adequate amenity for future occupants. Therefore, the proposed development complies with Policy 8(e) and 30 of the JCS and Paragraph 130 of the NPPF.

7.4 Highway Safety and Parking

- 7.4.1 The proposed development would utilise the existing access off Millies Lane to form a private shared access to the proposed dwellings and to the septic tank located to the land to the north-east of the site, which in the ownership of the applicant.
- 7.4.2 Highways has no objection to the proposed development subject to the access only being used by the sewage tanker and no agricultural vehicles. The applicant states that the agricultural land to rear of the site has an alternative vehicular access off Blatherwycke Road which they would use instead of Millies Lane access should permission be granted.
- 7.4.3 Notwithstanding the above, it is acknowledged from comments of the local residents that agricultural vehicles currently use Millies Lane. It is outside the planning remit to prohibit certain vehicles from using a road and a condition could not be imposed in line with Paragraph 55 of the NPPF due to it being unenforceable. As such, a reason for refusal on this matter

could not be substantiated. Nonetheless, an informative can be imposed to stipulate that the access is not to be used by agricultural vehicles.

- 7.4.4 The proposed development would provide adequate onsite parking provision in accordance with Northamptonshire Parking Standards.

7.5 **Natural Environment**

- 7.5.1 Bulwick Meadows Site of Special Scientific Interest (SSSI) is located near the site and the site has mature hedgerow along its boundary. It is noted that concerns have been raised by local residents about the proposed development causing negative impact on wildlife. The Principal Ecological Officer considers that the proposed dwellings would not generate a significant number of visitors putting pressure on the SSSI or nearby potential wildlife sites. It is also noted from the comments of the Ecological Officer that the proposed development would not cause significant harm in terms of biodiversity and therefore an objection on ecological grounds could not be substantiated.

- 7.5.2 As such, the proposed development is considered to comply with Policy 4 of the JCS.

8. **Other Matters**

- 8.1 Representations: The concerns raised by objectors and the Parish Council have been considered and addressed within the above sections to which it is either considered that the proposed development would not result in significant harm or the concerns can be mitigated by condition. Notwithstanding this, some of the concerns fall outside of the above assessment and are addressed below:
- 8.2 Lack of open space: The application is for a minor development and does not require the provision of open space in accordance with the Open Space Supplementary Planning Document.
- 8.3 No affordable housing provided: The application is for a minor development and would not require the provision of affordable housing under Policy 30 of the JCS.
- 8.4 Noise disruption during construction and from vehicles of future occupants: The noise generated from construction phase would be temporary and the noise from vehicles of the future occupants is not considered to result in significant harm. Environmental Protection has also not expressed any concerns in regards to this matter. Therefore, a reason for refusal on these grounds would not be substantiated and the proposal is considered to accord with Policy 8(e) of the JCS.
- 8.5 Impact on the residents view of the open countryside: Right of view is not a material planning consideration.
- 8.6 Development would set a precedent: Each application is assessed on its own merits and therefore no precedent would be set with the approval of this application.

- 8.7 Sustainability: Policy 9 of the JCS seeks for developments to incorporate measures to ensure high standards of resources and energy efficiency and reduction in carbon emission. A condition can be imposed for details of the sustainable measures to be incorporated.
- 8.8 Waste: The refuse bin would be collected from the public highway, similar to the rest of the dwellings along Millies Lane.
- 8.9 Pre-commencement conditions: The applicant has agreed to the suggested pre-commencement conditions denoted within the 'conditions' section of this report.

9. Conclusion / Planning Balance

- 9.1 The application site, although located outside of the settlement boundary, has a close relationship, in visual and functionality terms, with the settlement. Therefore, taking into consideration the appeal decision (APP/G2815/W/16/3149683) and the character of the site in relation to the settlement, it is considered that the principle of residential development is acceptable.
- 9.2 The proposed development is also considered not to cause adverse harm in terms of local character, historic environment, residential amenity, highway safety and natural environment.
- 9.3 It is therefore considered that the proposed development complies with local and national policies and thus it is recommended that planning permission is granted.

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 The development hereby permitted shall not be carried out above slab level, until product details of external materials including a sample panel of the wall and roof materials have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
- Reason: To achieve a satisfactory elevational appearance for the development.

- 3 Before the first occupation of the development hereby approved, the windows on first-floor east side elevation of the proposed dwelling on Plot A that serve bedroom nos.3 and 4 (as per the floor plan 03P rev C) shall be fitted with obscured glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and any part of the window (s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

- 4 Prior to commencement of development hereby permitted, details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels, and cross sections, of the development including the neighbouring properties along Millies Lane and Main Street, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the levels shown on the approved drawing(s).

Reason: To protect and safeguard the amenities of the adjoining occupiers.

- 5 Prior to commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved prior to the occupation of the development hereby permitted and thereafter maintained and retained in perpetuity. The landscaping details to be submitted shall include:-

- a) means of enclosure
- b) hard surfacing, other hard landscape features and materials
- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

- 6 Prior to the installation of external lighting, full details of a lighting scheme, including a plan showing the position and product specification, shall be submitted to and approved by the Local Planning Authority. Thereafter, the lighting shall be installed in accordance with the approved details and maintained and retained in the agreed manner in perpetuity.

Reason: To safeguard the ecological environment.

- 7 Prior to the first occupation of the development hereby permitted, details of biodiversity enhancement features (including product detail and location plan denoting the position of the biodiversity enhancement feature) shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the development and maintained and retained in the agreed manner in perpetuity.

Reason: To safeguard and enhance the ecological environment.

- 8 Prior to the occupation of the dwellings hereby permitted the access, turning and parking spaces denoted on the site plan (02P rev C) shall be constructed and thereafter maintained and retained in perpetuity. The access shall be drained away from the public highway.

Reason: In the interest of highway safety and residential amenity.

- 9 Prior to any development above slab level, details of sustainable measures to be incorporated within the proposed dwellings, shall be submitted to and approved in writing by the local planning authority. Thereafter, the proposed development shall be constructed in accordance with approved details. The details shall include electrical vehicle charging points and water and energy efficiency measures to demonstrate compliance with Policy 9 of the North Northamptonshire Joint Core Strategy 2016.

Reason: In the interest of climate change and environmental protection

- 10 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 205

- 11 No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary 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 unless otherwise agreed with the local planning authority.

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

- 12 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.

- 13 The development hereby permitted shall be carried out in accordance with the approved plans as follows:

Location plan – 1402-01P Rev B

Proposed site layout plan – 1402-02P Rev C

Proposed elevation and floor plan (plot A) – 1402-03P Rev C

Proposed elevation (plot B) and streetscene plan – 1402-04P Rev C

Proposed elevation and floor plan (Plot B) – 1402-05P Rev D

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 In the interest of highway safety and in order to prevent private motorists finding themselves in conflict with, and in opposition to the large vehicles associated with an agricultural interest, Millies Lane should not be used by agricultural vehicles at any time.