



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 17th October 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1093

LOCATION: 5 Primrose Hill

DESCRIPTION: Removal of Condition 7 of Planning Permission N/2014/1387 (Demolition of existing garage and erection of six one bedroom apartments) to allow access to flats

WARD: Semilong Ward

APPLICANT: Mr A Green
AGENT: CC Town Planning Ltd

REFERRED BY: Head of Planning
REASON: The subject Condition 7 was imposed by the Planning Committee

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

It is considered that the proposed removal of the condition would not result in an over development of the site and would have a neutral impact upon the character and appearance of the site and the surrounding area. The proposal is therefore in conformity with the National Planning Policy Framework; Policies BN3, H1 and S10 of the West Northamptonshire Joint Core Strategy; and Policies E20, E26 and H6 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The applicant seeks agreement to remove Condition 7 from the 2015 planning permission, which reads:

Nowithstanding the submitted plans no access shall be formed between the development hereby permitted and 5 Primrose Hill.

Reason: To prevent over development of the site in the interests of the character of the area to comply with Policy E20 of the Northampton Local Plan.

2.2 Should this condition be removed from the planning permission, all other conditions would be retained in full. It is also not proposed to alter the form of the previously approved development in any way.

3. SITE DESCRIPTION

- 3.1 The application site consists of a vacant site between two existing residential properties. The surrounding area is predominantly residential in character and also features one of the main routes into the town centre and the allocated centre at Kingsthorpe. The site is located within the Barrack Road Conservation Area and the majority of surrounding buildings are of substantial proportions and a traditional appearance.

4. PLANNING HISTORY

- 4.1 N/2014/1387 – Demolition of existing garage and erection of six one bedroom apartments at land to the side of 5 Primrose Hill – Approved.
- 4.2 The above application was approved by the Planning Committee at the meeting held on the 24th March 2015. The scheme was for the erection of a new building that would comprise six flats. This building also included a link door to the existing building in order to provide access to one of the existing flats. In determining the application, Members resolved to impose a condition requiring that this link be removed (thereby removing all access to one of the flats). It is this condition that is the subject of this application.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.3 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application.

Paragraph 17 emphasises the importance of good design that has a neutral impact.

Paragraph 49 states that applications for housing development should be assessed with reference to the overriding presumption in favour of sustainable development. This is in addition to Paragraph 50 which requires the delivery of a wide choice of homes.

5.4 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

- 5.5 Policy BN3 – Requires that new development has a positive or neutral impact upon the historic environment.
- 5.6 Policy H1 – It is a requirement for new housing developments to make the most efficient use of the land with regards to the location and setting of the site and its environs; the accessibility of the site; proximity to public transport routes and the impacts upon future and existing residents.
- 5.7 Policy S10 – Sustainable Development Principles – This policy requires that new developments protect, conserves and enhances the built environment.
- 5.8 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

- 5.9 Policy E20 – New Development – This policy states that new proposals should be of an acceptable design and ensure a neutral impact upon neighbouring properties in terms of light, outlook and privacy.
- 5.10 Policy E26 – Development in Conservation Areas – This policy requires that new proposals within conservation areas should be maintain or enhance the character and appearance of the locality.
- 5.11 Policy H6 – New Residential Development – Permission should be granted for new residential proposals, provided that they are of a suitable scale and density and would not have a detrimental impact upon the character of the surrounding area.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Town Centre Conservation Area Advisory Committee** – Object on the grounds that the proposed development would adversely impact upon the Conservation Area and that the situation could be overcome through reconfiguring the existing building.
- 6.2 Two objections have been received. Comments can be summarised as:
- The joining of two buildings would be out of keeping with the character of the area.
 - The applicant chose to develop the existing property in its current form, thereby requiring the link to the proposed development
 - The permitted flats could be sold separately, thereby reducing the prospect of the building being converted to a family dwelling.
 - The issue could be overcome by reconfiguring the existing property.
 - The proposal fails to accord with local planning policies.

7. APPRAISAL

- 7.1 The imposition of planning conditions need to follow three key tests: the first is that conditions can only be imposed for planning reasons; the second being that the condition must fairly and reasonably relate to the proposed development; and the third being that conditions should be reasonable all other regards.
- 7.2 In the case of Condition 7, it is appreciated that its imposition did relate to planning grounds, insofar as it pertained to concerns regarding the impact on the character of the area, which is a material planning consideration.

- 7.3 Notwithstanding this, there are some concerns regarding the validity of the condition in other regards. Firstly, it should be recognised that the original planning application sought permission for the new flats, with a link door to one of the existing ground floor flats. This door was included as the existing flat in question is currently accessed from the side of the building. Therefore, should the condition remain imposed, it would result in the loss of all access to one of the existing flats. This is of questionable reasonableness. Furthermore, if a new access were to be provided to the affected existing flat, it would require significant works to be carried out to the building, which, depending on their scale and type, could stimulate the need for a further planning application. This is also of questionable reasonableness.
- 7.4 Weight should also be given to the fact that there is no planning policy that specifies the maximum number of flats that can be served off of a single point of access within a building.
- 7.5 Whilst it is appreciated that part of the reason for the condition was to maintain the character of the area, it is noted that the proposed development represents a new building that reflects the form of the existing building that also includes a number of architectural features, such as door and window detailing, noted elsewhere within the surrounding area, including the Barrack Road Conservation Area. Whilst it is appreciated that there would be a physical link between the proposed and existing structures, this would not be observable from any public area and therefore this would not have a significant detrimental impact on the character of the surrounding area.
- 7.6 For these reasons, it is considered that Condition 7 fails to meet the tests as set out above. In addition, it should be noted that the development would contribute to the delivery of new housing in Northampton and weight should be given to the fact that the Council cannot currently demonstrate the requisite five year housing land supply. Refusing this application could delay the delivery of additional housing within the town, which would not be desirable.
- 7.7 In order to secure a satisfactory standard of development and to ensure consistency of decision making, it is recommended that all other conditions included within the original planning permission be reinstated.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the existing Condition 7 is unreasonable and as a consequence, it is recommended that it be removed from the planning permission.

9. CONDITIONS

- 9.1 (1) The development hereby permitted shall be begun before the 26th March 2018

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17042-L01 Rev A; 17042-L02 Rev. C; and 17042-S01.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

(3) Details and/or samples of all proposed external facing materials (including brick work, lintels and roof materials) shall be submitted to and approved in writing by the Local Planning Authority, before development commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(4) Details of all proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority, before development commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(5) Details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation or bringing into use of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(6) Full details of the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework

10. BACKGROUND PAPERS

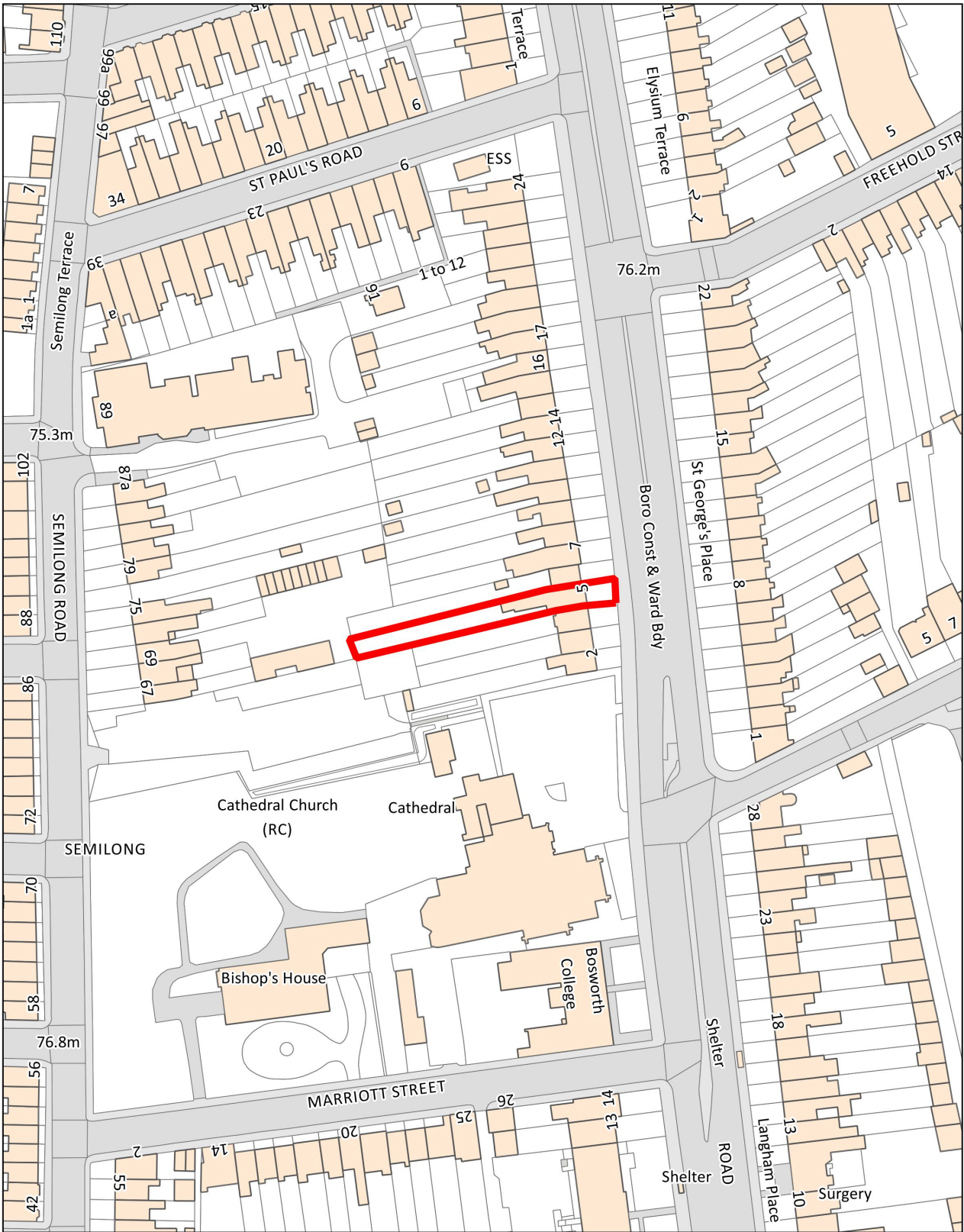
10.1 N/2014/1387 and N/2017/1093

11. LEGAL IMPLICATIONS

11.1 The development is CIL liable.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **5 Primrose Hill**

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Date: 04-10-2017

Scale: 1:1,250

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