

Item No.
[Item number and title as
on agenda]



PLANNING COMMITTEE: 9 February 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2009/0953
Change of use from amenity land to private garden
Land to rear of 10 Brookfield Road, Northampton

WARD: Kingsley

APPLICANT: Miss Clare Bluck

REFERRED BY: Head of Planning
REASON: Council-owned property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The proposed change of use of amenity ground to domestic garden will have no detrimental impact on the amenity of surrounding properties or the street scene and is in accordance with Policies E17 and E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 Permission is sought for the change of use of waste ground to the rear of the 10 Brookfield Road to be incorporated into the rear garden. The site is approx. 5-6m square and is fenced along the road.

3. SITE DESCRIPTION

3.1 The application site is a piece of overgrown ground located immediately beyond the rear garden of 10 Brookfield Road; an end of terrace house positioned on the corner with Randall Road. The land slopes to the north

from the house down the garden to the site. The site and the surrounding area are designated as residential in the Local Plan. The existing rear garden is approximately 30m long and the proposed change of use would extend it by some 5m.

4. PLANNING HISTORY

- 4.1 N/2004/0541 – two storey extension to side and rear – approved

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development

5.3 Northampton Borough Local Plan

E20 – New Development

E17 – nature conservation

6. CONSULTATIONS / REPRESENTATIONS

6.1 Representations received from:

83 Raeburn Road – previous applications refused as land used to be a brook and is unstable; also reported badger sets in area; also considers that if access was made easy then vandalism may be encouraged.

1a Randall Road - objecting on grounds that the site is badger land.

7. APPRAISAL

- 7.1 The main consideration is the impact of the proposal on the amenity of surrounding area, street scene and on the badger habitat in the area.

- 7.2 The site is part of a 5-10m strip of unused ground that runs between the rear gardens of houses along Raeburn Road and Brookfield Road. The land could be a former streambed, but no surface watercourse exists now and it is not in identified flood zones, although it is an area susceptible to surface water flooding. The strip is fenced across preventing access.

- 7.3 The Badger Report dated May 2009 submitted in support of the application states that the garden extension would have no impact on the badgers and the erection of the fence would not unduly disturb their habitat.

8. CONCLUSION

8.1 It is considered that the proposed change of use of the site to domestic garden will have no detrimental impact on the amenity of surrounding properties, the street scene, or wildlife habitat, and is therefore acceptable in accordance with Policies E20 and E17 of the Local Plan.

9. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

10. BACKGROUND PAPERS

None

11. LEGAL IMPLICATIONS

None

12. SUMMARY AND LINKS TO CORPORATE PLAN

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.

Position:	Name/Signature:	Date:
Author:	Ellie Williams	14 Jan 2010
Development Control Manager Agreed:	Gareth Jones	18 Jan 2010

