



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 13 May 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2009/0306: Application to permanently divert public
footpath
Former Hardingstone Allotments, Newport
Pagnell Road, Northampton

WARD: Nene Valley

APPLICANT: JS Bloor (Northampton) Ltd
AGENT: N/A

REFERRED BY: N/A
REASON: Determination of applications for the
diversion of footpaths are not delegated

DEPARTURE: No

**APPLICATION TO PERMANENTLY DIVERT PUBLIC FOOTPATH TO
ENABLE DEVELOPMENT TO OCCUR:**

1. RECOMMENDATION

1.1 That an Order be made pursuant to Section 257 of the Town and Country Planning Act 1990 in respect of a proposal to permanently divert part of the public footpath at the former Hardingstone Allotments, Newport Pagnell Road as shown for identification purposes on the attached plan.

2. THE PROPOSAL

2.1 This application has been submitted under the provision of Section 257 of the Town and Country Planning Act 1990 to permanently divert a footpath at the above site in order to implement a Planning Permission. The West Northamptonshire Development Corporation granted planning permission on 3rd March 2010 to erect 71 dwellings. Part of the approved proposal showed that approximately 215m of the footpath

would be relocated in an easterly direction in order to provide for sufficient amenity space for the development.

3. SITE DESCRIPTION

- 3.1 The site is located to the north of Newport Pagnell Road and to the south of Martins Lane. Relatively recent residential development has occurred to the east and south of the site. Of additional note is that two schools are located adjacent to the site. The site was formerly the Hardingstone Allotments. The land is reasonably flat; there are a small number of trees located on the Newport Pagnell Road boundary. None of these trees are protected by Tree Preservation Order.
- 3.2 The footpath in question runs on a north-south alignment between Newport Pagnell Road and Martins Lane and is immediately adjacent to the westerly boundary.

4. PLANNING HISTORY

- 4.1 07/0357/FULWNN – Residential development of 71no. dwellings with associated roads, car parking, public open spaces and access to Newport Pagnell Road - Approved
- 4.2 The above application was considered by Northampton Borough Council's Planning Committee (as a consultee) on 16th January 2008. The Committee and resolved not to raise any objection to the proposal but requested that WNDC consider issues relating to affordable housing, land contamination, noise attenuation, allotment provision and waste storage.

5. PLANNING POLICY

- 5.1 **National Policies:**
PPS1 – Delivering Sustainable Development
PPG 13 – Transport
- 5.2 **East Midlands Regional Plan 2009**
Policy 2 – Promoting Better Design
Policy 46 - A Regional Approach to Behavioural Change
- 5.3 **Northampton Borough Local Plan**
H7 & H11 – Housing Development
E40 – Crime and Vandalism

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 **Hardingstone Parish Council** – No objections
- 6.2 **Ramblers Association** – The footpath is well used and the diversion will mean a part extinguishment of this right of way.

6.3 Further statutory consultation will be carried out as part of the order making process.

7. APPRAISAL

7.1 On account of the development of this site for residential purposes already benefiting from planning permission, the primary purpose of this application is to establish whether a diversion of the footpath is necessary in order to implement this planning permission. As a result of this, the need to provide for suitable amenity space means that it would not be possible to implement a satisfactory standard of development without diverting the path.

7.2 If the path were to remain in its current position, it is likely that the requisite boundary treatment required for the development's garden spaces would create a 'corridor' effect on each side of the footpath. This is likely to create an unattractive environment that would be potentially unsafe on account of the lack of surveillance of the footpath. This would conflict with the requirements of Policy E40 of the Northampton Local Plan, which seeks to create safe places. It is likely that if this arrangement were to occur, the footpath would not see a significant amount of use as pedestrians as pedestrians would be likely to favour safer alternatives, thereby also undermining attempts to encourage more sustainable means of transport.

7.3 When dealing with the planning application, WNDC considered securing revisions to the scheme in order to create more surveillance of the footpath in its existing position. However, this was not pursued on the basis that any increased surveillance would also result in increased overlooking of the adjacent school.

7.4 It is acknowledged that the footpath in its existing location does have some historical significance, however, the section that is to be diverted is relatively short in length (approximately 215m) and therefore the overall impact on the character of the greater footpath would be negligible. As the application seeks to divert the footpath over a short distance as opposed to closing the existing path, it is considered that there would be a minimal impact on the degree of accessibility of the area to pedestrians and walkers.

7.5 The proposed alignment of the footpath was shown on the plans considered by Northampton Borough Council's Planning Committee on the 16th January 2008, to which no objections were raised.

8. CONCLUSION

8.1 The proposed diversion of the footpath is necessary to implement the development on account of it being a requisite to securing a satisfactory standard of development. If the footpath were to remain in

its current position, it is likely that it would not represent a safe or widely used route and attempts to increase the amount of surveillance of the current alignment would be likely to have a detrimental impact upon the amenities of surrounding properties. As a diverted route can be accommodated within the layout of the approved development permitted development with the minimum of disruption, it is considered that the proposed diversion is acceptable.

9. LEGAL IMPLICATIONS

9.1 Completion of an Order is required to permanently divert the footpath.

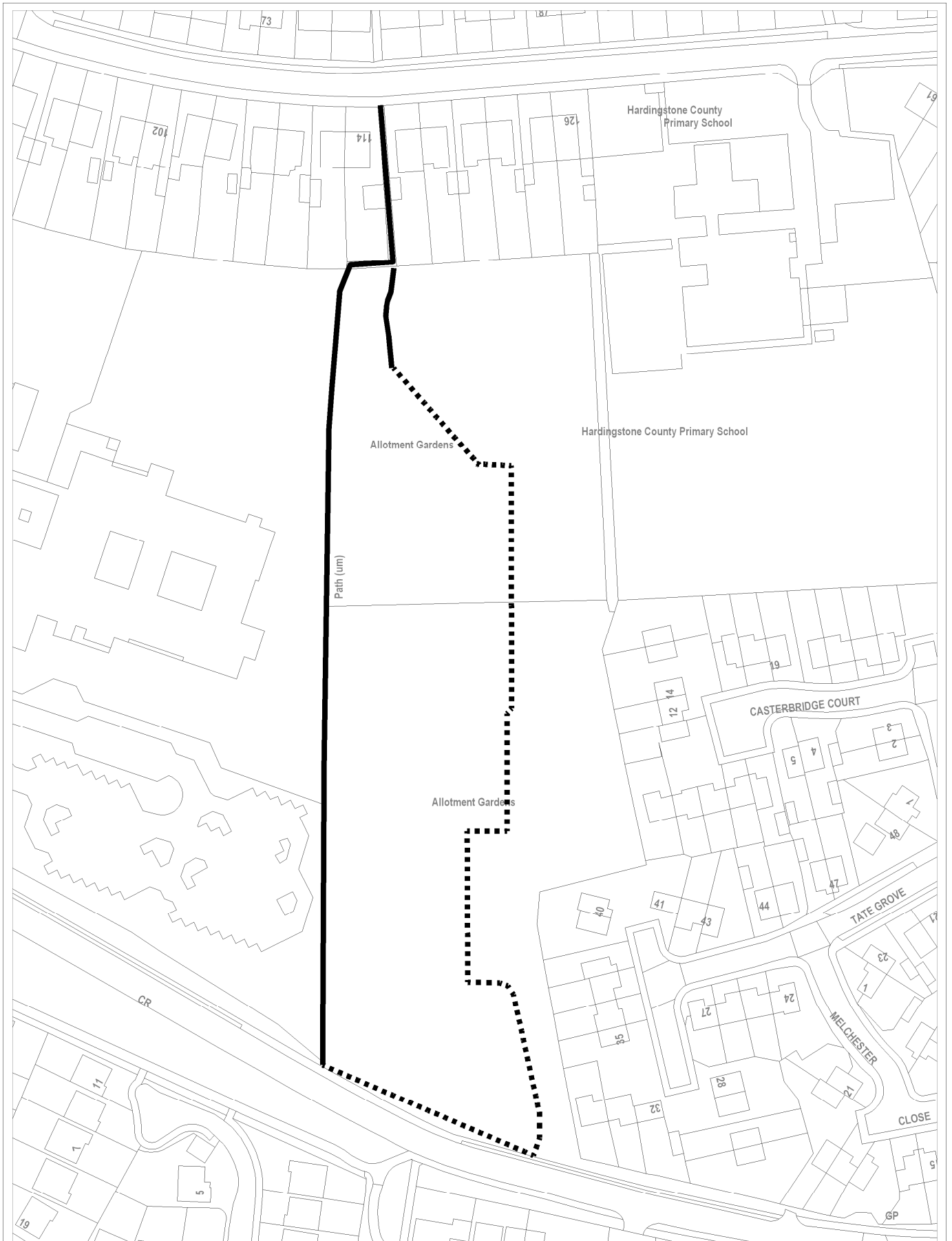
10. BACKGROUND PAPERS

10.1 Item 12a from the Planning Committee meeting of the 16th January 2008

11. SUMMARY AND LINKS TO CORPORATE PLAN

11.1 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.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	13/4/10
Development Control Manager:	Gareth Jones	15/4/10



Name: Committee May 13th
 Date: 28th April 2010
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title

Former Hardingstone Allotments, Newport Pagnell Road

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