

PLANNING COMMITTEE:	17 th December 2015
DIRECTORATE:	Regeneration, Enterprise and Planning
DIRECTOR:	Steven Boyes
APPLICATION REF:	N/2015/1238
LOCATION:	69 Maidencastle
DESCRIPTION:	Change of use of public area into domestic garden
WARD:	Rectory Farm Ward
APPLICANT:	Mr Leigh Evelyn
AGENT:	N/A
REFERRED BY:	Director of Regeneration, Enterprise and Planning
REASON:	NBC owned land
DEPARTURE:	No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposal would have a neutral impact on the character of the surrounding area and would not adversely impact on residential amenity. The proposal is considered in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

- 1.2 As consultation period will not finish until 21st of December, that delegated authority is given to the Head of Planning in consultation with the Chair of Planning Committee to determine the application taking into consideration any further consultation responses received.

2. THE PROPOSAL

- 2.1 The application proposes the change of use of a small area of grassed amenity land to the side of No. 69 Maidencastle to incorporate as part of the domestic garden. A close-board fence approximately 1.8m high would be erected to enclose the area of land concerned. The application has been amended to bring part of the proposed fence line 0.5m nearer to the house towards the front of the property to avoid a visual 'pinch-point' with the adjacent footpath.

3. SITE DESCRIPTION

3.1 The application property and adjacent land is owned by the Borough Council. The property is an end-terrace located within a residential area. The application site is bordered on three sides by footpaths one of which encloses a small area of grassed amenity land to the side of the property. There is no direct vehicular access to the property.

4. PLANNING HISTORY

4.1 There is no relevant planning history.

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).

5.2 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 14 has a presumption in favour of sustainable development seeking to approve development proposals that accord with the development plan without delay unless any adverse impacts would outweigh the benefits.

Paragraph 17 seeks to secure high quality design and a good standard of amenity for existing and future occupants of land.

5.2 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:

Policy S10: Sustainable Development Principles – seeks to achieve high standards of sustainable design incorporating safety and security considerations and to protect, conserve and enhance the natural and built environment.

5.3 Other Material Considerations

Growing Together Neighbourhood Plan

The consultation to the pre-submission draft of the Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) has been completed and preparations are underway for submission. This Plan carries limited weight.

The following policies are relevant to the determination of this proposal:

Policy 1: Design Quality – development should be designed to respond to and enhance the setting of Local Green Spaces and other valued green spaces.

6. CONSULTATIONS/ REPRESENTATIONS

6.1 **NCC Highway Authority** – no observations.

6.2 Neighbouring properties notified. The notification period will not expire until 21st December 2015. Delegated authority to the Director of Regeneration, Enterprise and Planning is sought to determine the application taking into consideration any further comments received.

7. APPRAISAL

7.1 The immediate surrounding area is characterised by a pattern of blocks of terraced properties interconnected by a number of footpaths and occasional small pockets of open space/amenity land.

7.2 The application proposes to enclose a relatively small proportion of the overall area of grassed open space situated to the side and rear of the property extending out from the existing side and rear boundary of the property by no more than 2.5m maximum.

7.3 The amended scheme moves the proposed fencing 0.5m further away from the footpath at the narrowest point assisting in maintaining a suitable level of open space either side of the footpath. The proposal would not adversely impact on residential amenity of nearby properties.

8. CONCLUSION

8.1 It is considered that extent of land to be enclosed would have a neutral impact on the overall character of the area and would not adversely impact on residential amenity. The application is therefore recommended for approval in principle subject to consideration of any consultation responses.

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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, scale 1:500 received 2/12/15.

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

10. BACKGROUND PAPERS

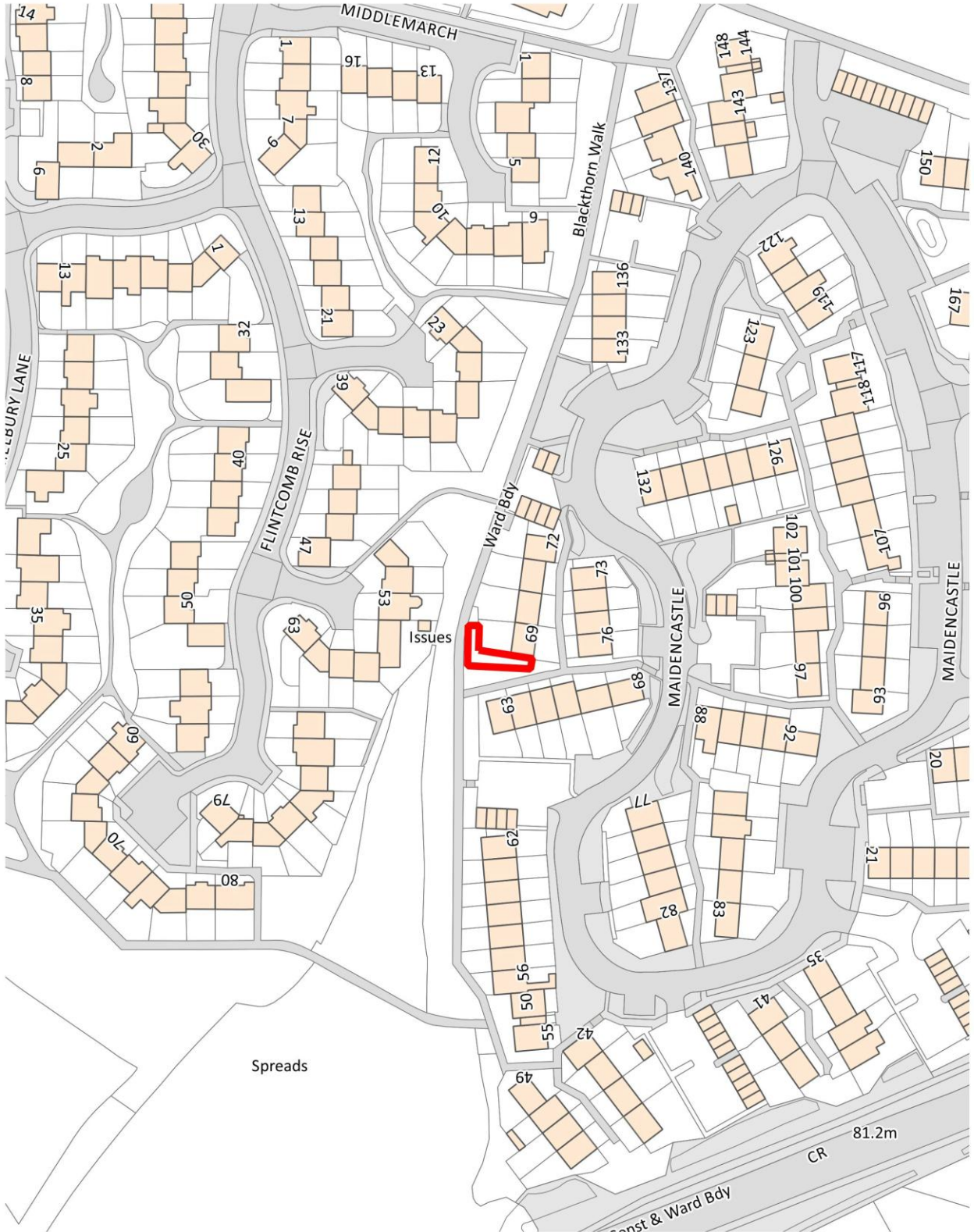
10.1 N/2015/1238

11. LEGAL IMPLICATIONS

11.1 None.

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: **69 Maidencastle**

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Date: 07-12-2015

Scale: 1:957

Drawn by: Planning