

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Planning Committee</b>	<b>Item</b>	<b>Page</b>
<b>Report Originator</b>	Alan Davies	ENFO/2011/00090	
<b>Wards Affected</b>	34UEHL	Date	
<b>Title</b>	<b>Authorisation for Planning Enforcement Action at 22 Bridge Street, Rothwell</b>		

### 1. PURPOSE OF REPORT

To seek authorisation to issue an Enforcement Notice in respect of unauthorised development at 22 Bridge Street, Rothwell, shown in bold outline for identification purposes on the site plan attached to this report.

### 2. BREACH OF PLANNING CONTROL

Without planning permission the installation of two roller shutters and housing boxes to the front which measure approximately 2.5m x 1.5m and 1m x 1.5m. The roller shutters are installed externally and are finished in a dark brown colour.

### 3. RECOMMENDATION

That in respect of the breach of planning control described above, the Head of Development Services be authorised to issue an Enforcement Notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the steps to be taken within the specified time period; and for the reason which is set out below.

#### 3.1 Steps to be Taken

1. Permanently remove the roller shutters and the roller shutter housing from the shop front.

Time for compliance: 6 months

#### 3.1 Reasons For Issuing the Notice

The roller shutters and respective housing boxes have an obvious modern, solid, industrial appearance, preventing visibility into the shop. They do not reflect the character of the host building and neither preserve or enhance the character or appearance of the area and so they are not suitable for the historic heart of Rothwell Town Centre, a traditional market town which has a well-preserved Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires such development to preserve or enhance and this development fails to satisfy either.

As such the unauthorised development conflicts with the aims and objectives of the following planning policies:

- National planning policies PPS1, PPS5 and Policy 13 of the North Northamptonshire Core Spatial Strategy Supplementary Planning Document. It also fails to comply with the recently adopted Kettering Borough Shopfront Design Guidance SPD.

The Council considers that planning permission should not be given, because planning conditions could not overcome these objections to the development.

#### **4. INFORMATION**

##### **Site Description**

The application property is a three storey Victorian red-brick terrace building on the north side of Bridge Street, Rothwell. The property consists of a sweet shop at ground floor level and residential use on the first and second floors. The building is one of six matching red brick terraces which share the same brick type and stone detailing above and below the windows and around the ground floor doors. Together they make an attractive set of buildings within Rothwell Conservation Area and they create a sense of rhythm along this part of Bridge Street in Rothwell. Each of the six ground floor retail properties have similar window and shop front features and signage that attempts to retain the original character of these historic buildings. None of the surrounding buildings on this terrace have external security shutters.

##### **Planning History**

ENFO/2011/00090 – Enforcement Investigation relating to unauthorised roller shutters. Pending.

KE/1998/0518 – Illuminated shop sign. Approved 12/11/1998.

KE/1997/0711 – Removal of protruding architrave above shop fascia to provide space for signage. Approved 23/12/1997.

KE/1997/0465 – Change of use: Ground floor shop to A2 (Estate Agents) and retaining residential flat on upper floors. Approved 17/09/1997.

##### **Planning Policy**

##### **National Policies**

PPS1. Delivering Sustainable Development  
PPS5. Planning and the Historic Environment

##### **Development Plan**

##### **North Northamptonshire Core Spatial Strategy**

Policy 13. General Sustainable Development Principles

## Local Plan

33. Environment: Advertisements, Signs and Shop Fronts

64. Shopping: Development Within Established Shopping Areas

## SPD's

The Kettering Borough Shopfront Design SPD.

### 5. APPRAISAL

See planning application reference KET/2011/0732.

There are other less-harmful solutions to the security issue, such as laminated glazing, internal grilles more sympathetic with the age of the building and CCTV/surveillance measures; none of which have been explored prior to the installation of the inappropriate shutters without permission.

PPG18 (supported by advice in Circular 10/97) advises how local planning authorities should determine whether or not it is expedient to take enforcement action in respect of a breach of planning control. In particular it advises "*the decisive issue for the local planning authority should be whether the breach of control would unacceptably affect public amenity or the existing use of land or buildings meriting protection in the public interest*". Protection is merited in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that the unauthorised development has an unacceptable adverse impact which conflicts with the Development Plan and therefore it is recommended that enforcement action is authorised.

### Human Rights Implications

Service of an enforcement notice in this instance is not a breach of the property owner's human rights. Whilst it does affect their property rights they will have an opportunity to challenge the decision by way of an appeal against the enforcement notice and that provides adequate safeguards in accordance with the Human Rights Act 1998 incorporating the European Human Rights Convention.

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### Background Papers:

Title of Document:

Date:

Contact Officer: Alan Davies

### Previous Reports/Minutes:

Ref:

Date: