

BOROUGH OF KETTERING

Committee	Planning Committee	Item 6.3	Page
Report Originator	Michael Boniface	ENFO/2012/00015	
Wards Affected	Desborough Loatland	Date 09/10/2012	
Title	Authorisation for Planning Enforcement Action at 16 Station Road, Desborough		

1. PURPOSE OF REPORT

To seek authorisation to issue an Enforcement Notice in respect of unauthorised development at 16 Station Road, Desborough, shown in bold outline for identification purposes on the site plan attached to this report.

2. BREACH OF PLANNING CONTROL

Without planning permission, the erection of roller shutters over the front and side elevations of the bay window fronting the public highway.

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 step(s) to be taken within the specified time period(s); and for the reason(s) which are set out below:

3.1 Steps to be Taken

1. Permanently remove the roller shutters, runners, shutter box and make good the existing building
Time for compliance: 3 months
2. Remove from the land all building materials and rubble arising from compliance with requirement (1) above, and restore the building to its condition before the breach took place
Time for compliance: 4 months

3.1 Reasons For Issuing the Notice

The roller shutters were erected less than four years ago. By virtue of their solid design and bulky shutter box the development creates an inelegant, oppressive and inactive frontage to the public realm which detracts from the character and appearance of both the host building and the wider Conservation Area. This detrimental visual impact is further compounded by the stark unpainted finish of the shutters.

The solid design prevents views into the premises when the shutters are in use and prevents any sense of natural surveillance within this prominent shopping street. As such, the development fails to meet objectives for reducing crime and disorder through effective planning and serves only to reduce vibrancy within the town centre, creating a less than inviting environment.

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

Policy 13 (b), (h), (i) and (o) of the North Northamptonshire Core Spatial Strategy and with The Core Planning Principles and Part 7 of the NPPF.

The development also conflicts with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of development subject to a number of sustainable development criteria. In particular, development should:

- (b) seek to design out antisocial behaviour, crime and reduce the fear of crime by applying the principles of the 'Secured by Design' scheme;
- (h) be of a high standard of design which would respect and enhance the character of its surroundings;
- (i) create a strong sense of place by strengthening the distinctive historic and cultural qualities of the townscape; and
- (o) conserve and enhance designated built environmental assets and their setting.

The existence of other similar roller shutters in Station Road is acknowledged and the design and subsequent visual impact varies considerably. Information is being sought on the status of other roller shutters within the town so that an assessment can be made as to how matters might be progressed. The existence of inappropriate development only serves to highlight the detrimental impact to the character and appearance of the Conservation Area. This does not justify further inappropriate development in conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that development preserve or enhance the character and appearance of the Conservation Area.

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 site comprises a two storey building forming the end of a terrace on the main shopping street in the town. The ground floor is used as a hot food take-away and further commercial uses stand in close proximity.

Planning History

KET/2000/0573 – Variation of condition 5 of planning permission KET/1991/0830 to allow 7 days a week opening – APPROVED 21/09/2000

KET/1998/0208 – Illuminated shop sign on fascia, wall and hanging sign – APPROVED
02/06/1998

Planning Policy:

National Policies

Core Planning Principles

Part 7 – Requiring good design

Para.207 - Enforcement

Circular 10/97: Enforcing Planning Control - Legislative provisions and procedural requirements

Development Plan

North Northamptonshire Core Spatial Strategy (CSS)

Policy 13: General Sustainable Development Principles

5. APPRAISAL

The unauthorised roller shutters are mounted on the front and side elevations of the bay window which directly abuts the public highway.

On 08.02.2012 a site visit was carried out following a complaint from the member of the public. The roller shutters were viewed and the need for planning permission established.

On 18.04.2012 the Council wrote to the owner advising that the roller shutters were inappropriate within the Conservation Area, did not benefit from the requisite planning permission and that they should be removed within 28 days. The shutters have not been removed and remain in situ.

The development results in significant adverse impact to the character and appearance of the Conservation Area and is contrary to the development plan as set out above.

Paragraph 207 of the NPPF states that effective enforcement is important as a means of maintaining public confidence in the planning system.

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.

Background Papers:

Previous Reports/Minutes:

Title of Document:
Date:
Contact Officer: Michael Boniface

Ref:
Date: