

**PLANNING COMMITTEE:** 21<sup>st</sup> November 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/1104

**LOCATION:** Land south of Bedford Road

**DESCRIPTION:** Application for the permanent diversion of part of a footpath

**WARD:** Rushmills Ward

**APPLICANT:** Brackmills Point Management Company Ltd

**REFERRED BY:** Head of Planning  
**REASON:** No delegated powers to determine

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

##### **1. RECOMMENDATION**

1.1 That an Order be made pursuant to Section 257 of the Town and Country Planning Act 1990 to permanently divert part of Footpath KU9 on the site of new warehouses, south of Bedford Road.

##### **2. THE PROPOSAL**

2.1 The applicant has applied to permanently divert part of an existing footpath KU9, which runs between Bedford Road and High Street, Great Houghton to enable development to be carried out in accordance with planning permission granted under Part III of the Town & Country Planning Act 1990.

##### **3. SITE DESCRIPTION**

3.1 The development site to which the footpath is related to is located to the south eastern side of Northampton and has an area of approximately 18.8 hectares and is adjacent to the allocated commercial area of Brackmills.

3.2 In terms of the site's relationship with the surrounding road network, Bedford Road (A428) runs to the north of the site, although there would no direct access to the site from this highway. The development would be served by an extension to Thomas Dachser Way, which is a relatively new road, which links Liliput Road (one of the main entrances to Brackmills from Bedford Road) to recently constructed commercial buildings.

3.3 Planning permission has been granted to develop this site for two warehouses, including ancillary car parking and office facilities, in addition to landscaping.

## **4. PLANNING HISTORY**

- 4.1 N/2016/0412 – Demolition of farmhouse, associated buildings and the residential property of 'Little Norway'. Construction of two warehouse and distribution units (Use Class B8) with ancillary office accommodation, together with earthworks, access, service yards, parking arrangements, landscaping and other associated infrastructure including creation of footpath – Approved.
- 4.2 N/2017/0102 – Variation of Conditions 2, 6, 15, 22, 23 and 27 of Planning Permission N/2016/0412 (Demolition of farmhouse, associated building and residential property of 'Little Norway'. Construction of two Warehouse and Distribution units (Use Class B8) with ancillary office accommodation, together with earthworks, access, services yards, parking arrangement, landscaping and other associated infrastructure including creation of footpath) to amend layouts of the warehouse units in response to specific requirements from Decathlon – Approved.
- 4.3 N/2017/0716 – Non Material Amendment of Planning Permission N/2017/0102 for the relocation of Multi Use Games Area (MUGA) pitch from the site entrance to be adjacent to the Decathlon warehouse unit and relocate car parking spaces to the south of the warehouse unit – Approved.
- 4.4 Planning permission N/2017/0102 (as amended by application N/2017/0716) has been implemented, with a significant amount of earth works having been carried out.

## **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) and Northampton Local Plan (1997) saved policies,

### **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:

- 5.3 Paragraph 6 of the National Planning Policy Framework (NPPF) states the purpose of the planning system is to ensure the creation of sustainable development, which is elaborated upon within Paragraph 17, which states that planning decisions should encourage the fullest use of more sustainable means of transport, such as walking. Paragraph 29 also states that sustainable means of travel is of benefit to wider sustainability and health objectives.

### **5.4 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:

- 5.5 Policy S10 requires that developments are used to facilitate more sustainable means of transport, whilst Policy C2 states that new developments should mitigate any impacts on the transport system.

## 6. CONSULTATIONS/REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Brackmills Business Improvement District** – No objections.
- 6.2 **Great Houghton Parish Council** – Not opposing the proposed diversion, but request that the path be extended to provide a better link with Brackmills/Bedford Road or that consideration be given to the implementation of pedestrian crossing and a greater speed limit in Bedford Road.
- 6.3 **Highway Authority** – No objections.
- 6.4 **Open Spaces Society** – No objections.
- 6.5 **Ramblers Association** – No objections, but request that the path have a permanent surface, have a minimum width of 1.8m throughout its length, that either end does not feature stiles, and that as much access as possible be maintained throughout the construction process.

## 7. APPRAISAL

- 7.1 The relevant test to be applied to applications of this type is whether it is necessary to divert the footpath in order to implement a previously approved development. In this particular instance, planning permission has been granted to erect a new warehouse in close proximity to the existing route of the footpath. The warehouse is to be surrounded by a bund, which is necessary in order to provide visual mitigation from the warehouse, in addition to providing noise mitigation.
- 7.2 As planning permission does not confer a right to build over a public right of way, it would not be possible to construct the development in accordance with the permission unless the footpath were diverted.
- 7.3 The section of the existing path that is to be diverted has a distance of 257m and traverses the site in a straight line between the north western and south eastern boundaries. The revised route of the path has a distance of 319m and has a more sinuous route between the same points. In addition, it should be noted that the application site represents a section of a longer path running from Great Houghton to Bedford Road. The diversion represents an increase of approximately 9.2% over the entire length of the path. As a consequence, the proposed diversion, as a proportion of the total length, does not represent a significant increase.
- 7.4 Notwithstanding the above conclusion, it is also acknowledged that the revised route of the path would be comparatively level in nature, constructed with a uniform length and with a bound surface and lit.
- 7.5 The fact that the path would feature a bound surface and some lighting means that although there would be an increase in length, pedestrians would benefit from an improved environment in terms of enhanced safety as well as a path that is more conducive for use during periods of adverse weather conditions. For these reasons, it is considered that the proposed diversion would not create an undue level of inconvenience for future users of the footpath. It can also be concluded that these arrangements are likely to increase the attractiveness of the path to pedestrians irrespective of the increase in length, thereby promoting a more environmentally sustainable form of development.
- 7.6 It is noted that Great Houghton Parish Council have made some comments regarding the possibility of the path being extended or works being carried out in Bedford Road. In response, this falls outside of the scope of this application given that the key test is whether the proposed diversion is necessary in order to implement a previously approved development.

## **8. CONCLUSION**

- 8.1 It has been demonstrated that the approved development would obstruct part of Footpath KU9 and that the proposed diversion would not result in inconvenience or loss to the public in general. The making of the diversion order would enable planning permission already granted to be carried out whilst retaining the use of Footpath KU9. Accordingly it is considered appropriate for a diversion Order to be made under the provisions of Section 257 of the Town and Country Planning Act 1990.

## **9. BACKGROUND PAPERS**

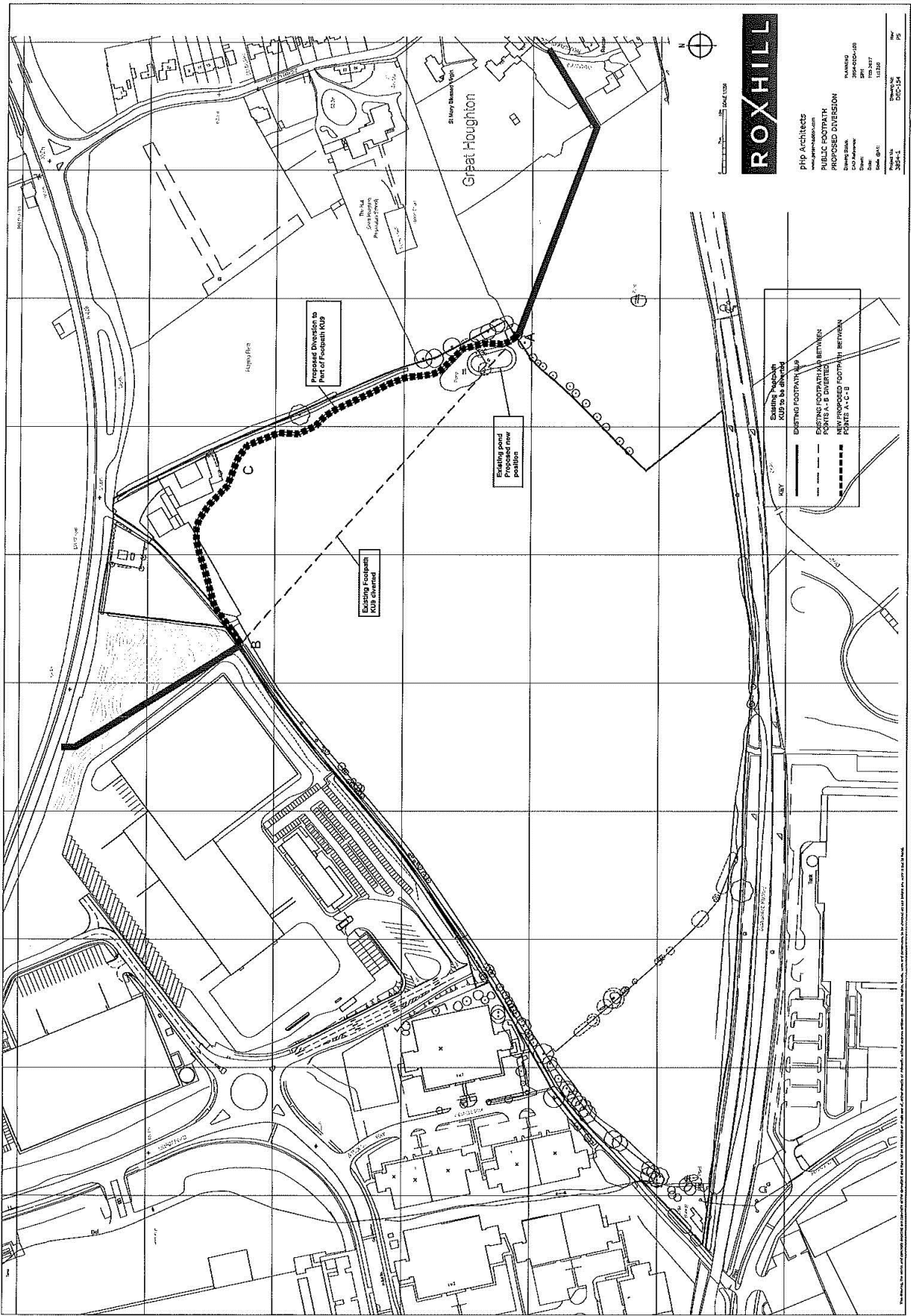
- 9.1 N/2016/0412, N/2017/0102 and N/2017/0716.

## **10. LEGAL IMPLICATIONS**

- 10.1 None.

## **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.



# ROXHILL

PJP Architects  
 www.pjp-architects.com  
**PUBLIC FOOTPATH**  
**PROPOSED DIVERSION**  
 Drawing: 2004  
 Project: 2004/01  
 Date: 11/20/04  
 Scale: 1:1000  
 Sheet: 2004-1  
 2004-1A

**KEY**

- Existing Footpath (to be removed)
- Existing Footpath (to be retained)
- Proposed Footpath (to be retained)
- Proposed Footpath (to be removed)
- Proposed Diversion to Part of Footpath RUP
- Building Footprint (to be removed)
- Points A, B, C
- Points A-C

Roxhill Public Footpath is a public right of way. The proposed diversion is subject to the approval of the local authority. The plan is for information only and does not constitute an offer of any services.