



**Applicants:**

Bellway Homes and  
David Wilson Homes

**Ward:**

Old Duston

# Northampton UDA Planning Committee Paper

Report by Director of Planning Services

Date of Committee Meeting: 12<sup>th</sup> July 2011

Agenda Item: 5

Description: Application to permanently divert public footpath KL10 (part) at the Former British Timken Works (Meeting Lane)

Address: Footpath KL10 Hardingstone , Former Timken site (Meeting Lane), Duston, Northampton

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## 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 British Timken Works (Meeting Lane) as shown on the attached plan.

### Reason for Approval

The diversion of the public footpath is considered necessary to implement the layout as approved under reserved matters consent ref: 08/0112/REMWNN, to secure a satisfactory standard of development. The proposed route of the footpath constitutes a safer alignment that can be accommodated within the approved scheme.

## 2. Description of Site

- 2.1 The site is the Former British Timken Works, which is currently under construction for residential development. The footpath currently extends along the southern boundary of the site from Sycamore Road to Main Road and part of the route is adjacent to Duston Conservation Area.
- 2.2 The majority of those residential properties within the British Timken development, to the north of the footpath, have been completed and occupied. To the south of the footpath is mix of residential properties, some of which are of historical importance.

## 3. Description of Proposal

- 3.1 The application has been submitted under the provision of Section 257 of the Town and Country Planning Act 1990 to permanently divert part of footpath KL10 within the site, in order to implement a planning permission. The diversion of the footpath was included as part of the approved layout for phase 2 of the development. It is proposed to divert part of the existing footpath in a northerly direction through the development, taking in the new village green and extending along the new footpath within the development. The new route would then rejoin the existing route where it meets Meeting Lane. The new route will be 28m longer than the existing footpath.
- 3.2 By way of background, an application was previously made to Northampton Borough Council and they resolved to make the order, which was subsequently made on 28<sup>th</sup> June 2010 and a consultation period of 28 days commenced. Following a number of objections to the order the matter was referred to the Planning Inspectorate and a public inquiry was scheduled to be held on the 12<sup>th</sup> July 2011.
- 3.3 It has subsequently come to light that the diversion order should have been made by the WNDC, as the '*competent authority*', under Part 10 of the Town & Country Planning Act 2010. This application therefore corrects that procedural error and following the necessary 28 day consultation period, the matter will be referred back to the Planning Inspectorate and the matter determined at a public inquiry, currently scheduled for December of this year.

## 4. Policy Considerations

- 4.1 National Planning Policy  
PPS 1 – Delivering Sustainable Development  
PPS 3 – Housing;  
PPG 13 - Transport

4.2 Northampton Local Plan

Policies E40, H7 & H11

5. **Site History**

5.1 WN/2006/0013 – Redevelopment to provide employment (B1 – Offices; B2 – General Industrial) uses, housing, sports facilities and public open spaces (outline application). Approved 19<sup>th</sup> April 2007

5.2 WN/2006/0013- Masterplan and Development Brief and Design Code. Approved 28<sup>th</sup> November 2007

5.3 08/0112/REMWNN – Reserved matters application including: layout, scale, appearance and landscaping pursuant to outline consent WN/2006/0013. Phase 2 – Erection of 167 dwellings, roads and sewers. Approved 30<sup>th</sup> July 2008.

6. **Considerations**

6.1 The primary consideration in this application is whether the diversion of the public footpath is necessary in order to implement the previously approved planning permission and achieve a satisfactory form of development. It is worth at this point setting out the background to the footpath diversion and the planning process that has been followed to date.

Outline Planning Permission

6.2 Outline planning permission ref: WN/2006/0013 was granted by WNDC subject to conditions and a legal agreement on 19<sup>th</sup> April 2007 for a mixed use development of the site comprising employment development (offices and light/general industrial), housing, public open space, community recreation facilities and mixed commercial/residential/community development.

6.3 Condition no.5 of the outline planning permission required the submission and approval of a Masterplan and Development Brief and Design Code (DBDC) for the site. In addition, paragraphs 2.1 and 2.2 of the s. 106 agreement required the submission and approval of both of those documents.

6.4 The Masterplan and the Development Brief and Design Code were formally submitted for approval in spring 2007 following discussions with officers at WNDC and other relevant parties. Following this process, a public consultation exercise was undertaken to provide an opportunity for the local community and statutory consultees to comment.

6.5 As part of this process an exhibition was held at Duston Community Centre and Library from 2<sup>nd</sup> July 2007 for a period of 3 weeks. WNDC officers were in attendance during the first week of the exhibition to answer any questions and queries, during which time approximately 170 people attended. The documents on display were also publicised in

the local press and were made available for viewing on the internet. In addition, the Parish Council and 15 statutory consultees attended presentations, which explained the documents in detail. WNDC's Board Members also attended a similar presentation and visited the site.

- 6.6 With regard to the detail contained within the Masterplan and DBDC, the diversion of public footpath KL10 is identified on a number of different occasions. The relevant extracts from the Development Brief and Design Code are set out below.

*Site Layout Principles*

- 6.7 There are a number of Key Groups identified across the site within the DBDC, one of which is Key Group 2: Village Green. Within the Design Principles for this area it states at paragraph 4.28:

*'To promote community safety, the existing footpath along the southern boundary should be diverted and appropriate surveillance of footpath links and open space should be provided.'*

*Movement*

- 6.8 Within this section of the DBDC at paragraph 5.48 it states that the aim is to provide footpath/pedestrian links across the site which are convenient, attractive and safe. It identifies *inter alia* the following criteria:

- iv) where possible footpaths and cycleways should be overlooked by dwellings;*
- v) all proposed footpath/cycleway links will be lit to enable their adoption by the highways authority;*
- vi) the layout should avoid footpaths/cycleways passing through open space corridors of less than 10m that are not overlooked and can be perceived as threatening.*

- 6.9 In addition to this, Figure 74: Footpaths and Cycleways clearly identify the diversion of footpath KL10 as a key combined pedestrian/cycle linkage on/through the site.

- 6.10 Following that consultation process the Masterplan and the DBDC were presented to the WNDC's Northampton Planning Committee on the 2<sup>nd</sup> October 2007. The Committee Report set out the issues that were raised by various respondents along with a response by WNDC's officers. Those comments were divided into those made by statutory bodies and interest groups, and those made by adjoining neighbours and other individuals.

- 6.11 Within the responses received from statutory bodies Northamptonshire County Council supported the diversion of the footpath within the site to provide a better route.

- 6.12 Within the application report, highways issues are specifically dealt with. With regard to the footpath diversion the report stated:

*The proposed footpath diversion into the site was welcomed by neighbours and consultees and in some cases strongly supported. Where diverted into the site the footpath is considered to be safer and convenient for pedestrians and cyclists.*

- 6.13 The Committee resolved to approve the Masterplan and DBDC and a letter was subsequently issued to David Wilson Homes on the 28<sup>th</sup> November 2007 confirming that the obligations under clauses 2.1 and 2.2 of Schedule 1 of the s. 106 were met. Condition 5 was not formally discharged as it also covered the employment land, which was dealt with under separate clauses within the s. 106.
- 6.14 In light of the wide scope of consultation and the overall level of public engagement, it is notable that no objections or adverse comments were made in respect of the DBDC's clear position regarding the diversion of this section of public footpath KL10.

#### Phase 2 Reserved Matters Approval

- 6.15 Further to the outline planning permission and the approval of the Masterplan and DBDC, the site has been subject to reserved matters application for each phase of the development. The section of public footpath subject to this application for diversion falls within Phase 2.
- 6.16 An application for approval of the reserved matters for Phase 2 was submitted 18<sup>th</sup> March 2008 for 167 dwellings. Within that submission all of the plans pertaining to the site layout show the diversion of the public footpath from its existing route to within the site. The application was subject to full public consultation, which included Duston Parish Council and all adjoining neighbouring properties.
- 6.17 In response to the consultation process, no comments were received from Duston Parish Council and only two letters were received from one neighbouring resident living on Sycamore Road. Those concerns focused on loss of light and overlooking which related to a proposed block of flats in the south west corner of the site. No comments were received regarding the diversion of the public footpath to within the site.
- 6.18 The footpath, as discussed earlier in this report, was proposed to be diverted to create a safer and more attractive environment. The layout of those dwellings constructed along the southern boundary of the site is such that they back onto the existing footpath. To secure a level of privacy to the rear gardens of those properties requires a form of boundary treatment. That creates an unattractive space, which is unlikely to be well used and therefore the relocation of the footpath would enable a more attractive right of way to be created with good quality natural surveillance.

## 7. Conclusion

- 7.1 During the development of the Masterplan and the DBDC the diversion of this footpath through the site was specifically identified as one of the design principles of Key Group 2 within the Duston 'Village' Interface Character Area. The fundamental reason behind this was the clear aim to improve safety so that users of the footpath are passively surveilled by the adjoining properties. Should the footpath remain along its current alignment then it would represent a less desirable option for the safety of users of the footpath.
- 7.2 The footpath is accommodated within the approved site layout with minimum disruption and the proposed diversion is considered appropriate and necessary.

# SITE PLAN



## KEY

Existing Path —————  
 Proposed Diversion ·········



Name: Development Control  
 Date: 1st July 2011  
 Scale: 1:1500  
 Dept: Planning  
 Project: Location Plan

**Title**

### Footpath - Former British Timken

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