

KETTERING BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING & COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: KETTERING BOROUGH COUNCIL of Municipal Offices, Bowling
Green Road, Kettering in the County of Northampton.

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there have been breaches of planning control, under Section 171(A)(b) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material planning considerations.

2. THE LAND AFFECTED

Land situate at Westfield House, West Street, Kettering, in the County of Northampton as is shown for the purposes of identification only on the attached plan and edged in red.

3. THE BREACH OF PLANNING CONTROL ALLEGED

On 23rd May 1995, planning permission was granted for conversion and extension of the building and land to create 14 flats for the elderly, subject to conditions. One of the conditions is that the footpath through the site from West Street shall be maintained in a reasonable condition to the satisfaction of the Local Planning Authority and shall be kept open and available for public use during daylight hours. It appears to the Council that the condition has not been complied with fully, because the footpath has been obstructed at the western boundary by a combination of fencing and planting, which prevents public passage.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that this breach of planning control has occurred within the last 10 years, and it is the policy of Kettering Borough Council that:

"Proposals for the development of sensitive sites identified in the schedule in Figure 3.4 will only be granted planning permission where:

- i. the design is of a high standard and reflects the local character of the relevant sensitive area of the Borough's settlements through the sympathetic use and colour of materials, elevational treatment, building size and mass and site layout; and
- ii. the landscape proposals are of a high standard and assist the integration of the site within the relevant sensitive area.

The provisions of this policy will also apply to any other site which may come forward for development and which is within, adjacent to, or would affect significant views of, a historic core of any of the Borough's settlements".

It is also the policy of Kettering Borough Council that:

"Planning permission for new development, especially if it is residential in character, will be granted where adequate provision is made for the incorporation of traffic management or traffic "calming" measures. Such measures should:

- i. minimise the potential for excessive traffic speeds;
- ii. provide an enhanced environment;
- iii. ensure the safety of pedestrians and cyclists;
- iv. prevent extraneous traffic from entering the area concerned; and
- v. ensure the otherwise safe flow of traffic related to the proposal.

The Local Planning Authority will impose conditions and seek appropriate planning obligations where necessary to ensure the provision of such measures".

The loss of the pedestrian link is considered to be detrimental to the accessibility of the Westfield playing fields, play area and areas to the west of the town centre, particularly housing for the elderly. This is contrary to the above policies which are applicable to the land affected.

5. WHAT YOU ARE REQUIRED TO DO

The steps required to remedy the breach of planning control are:

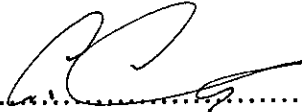
- (a) Remove the section of fencing obstructing the footpath from West Street.
- (b) Remove the planting from the section obstructing the footpath from West Street.
- (c) Lay proper foundations and a tarmacadam top surface to the section of footpath where the planting has been removed.
- (d) Maintain the footpath in a condition suitable, open and available for public passage during daylight hours.

Time for compliance with all requirements: 1 month from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

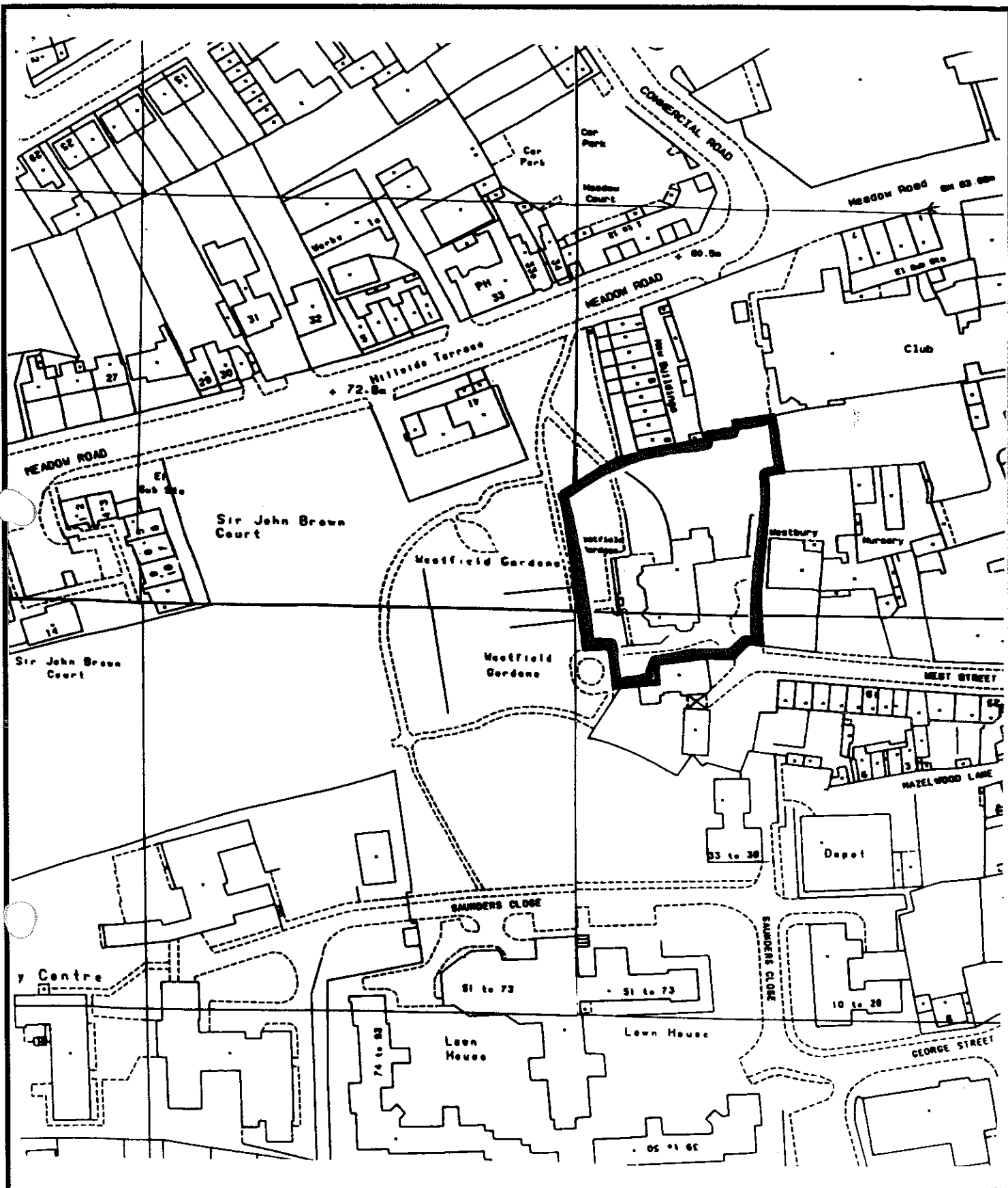
This Notice takes effect on 10th November 1996 unless an appeal is made against it beforehand.

DATED: 4th October 1996

Signed 

Head of Legal Services
(Proper Officer for this Purpose)

Kettering Borough Council
Municipal Offices
Bowling Green Road
KETTERING
Northants
NN15 7QX



Title:

Enforcement Notice Town and Country
Planning Act 1990 Westfield House,
Kettering. EN 96/0131.

Scale: 1:1250

North:



Date: 02/10/96

Drawn by: JSW

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Kettering
Borough Council

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this Notice but any appeal must be received, or posted in time to be received, by the Secretary of State before 10th November 1996. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 10th October 1996 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.