



Application Reference:	S19/1607
Application Type:	Reserved Matters
Proposal	Footpath link from West Road to Welland drive including landscaping and footpath barrier (reserved matters pursuant to SK.94/0125)
Location	Land To The South Of West Road Bourne PE10 9RX
Applicant	Mr James Griffiths Kier Living Ltd Lysander House Tempsford Hall Sandy SG192BD
Agent	
Target Decision Date	11th November 2019
Extension of Time	
Recommendation	Approved conditionally
Report By:	Phil Jordan Development Management Planner
Recommendation authorised by:	Sylvia Bland Head of Development Management

Description of site

Linear undeveloped grass area with some small trees between the completed "Bourne Heights" development and West Rd and Welland Drive, adjacent to the roundabout. Part of the wider Elsea Park development.

Description of proposal

This is a reserved matters application (all matters) pursuant to SK.94/0125 which is the original outline permission for Elsea Park. It consists of a surfaced footpath between Welland Drive and West Road together with landscaping of the rest of the land. The landscaping would include a combination of a grassed area, stand alone trees and retention of a hedgerow along a ditch.

Relevant History

Reference	Proposal	Decision	Date
SK.94/0125	Residential and associated development, link road, estate roads, open space and landscaping	Approved Conditionally	04/06/2001

Relevant Planning Policies & Documents

Core Strategy

Policy EN1 - Protection and Enhancement

Policy SP3 - Sustainable Integrated Transport



National Planning Policy Framework

Section 8 - Promoting healthy and safe communities

Section 12 - Achieving well-designed places

Section 9 - Promoting sustainable transport

Representations Received

Parish Council	No Comment Received.
LCC Highways & SuDS Support	No Comment Received.
National Grid	No Comment Received.

Representations as a Result of Publicity

This application has been advertised in accordance with the Council's Statement of Community Involvement and 6 letters of support and 1 x letter of objection have been received. The points raised can be summarised as follows:

Objection: Concerns relating to privacy and potential trespass on adjacent garden land

Support: General support on the grounds of allowing pedestrians safe and appropriate access and egress from the Bourne Heights estate

Evaluation

Impact on the use on the character of the area

The path would be of appropriate materials and follows a logical route through the parcel of land. The landscaping would largely retain the current appearance or grassed area and hedgerow but would be enhanced by additional trees. The landscaping would be managed by Elsea Park Community Trust under the terms of the S106. Overall the proposal would ensure that this gateway to Elsea Park is pleasantly landscaped in accordance with CS policy EN1 and the NPPF.

Impact on the neighbouring properties

The footpath would pass in front of a private driveway serving a number of properties to the south (nos 15 and 17 Nene Close and no 96 West Road) as well as a garden area associated with no 15 Nene Close. There is a cast iron park fence separating the application site from these areas. Some concern has been raised about loss of privacy and potential trespass by pedestrians cutting through to Nene Close. These concerns are noted. However the relationship of the path to these houses is not dissimilar to most footways in the area which pass in front of houses and their front gardens and therefore there would not be an



undue loss of privacy. In terms of potential trespass, there is already physical barrier in the form of a fence which clearly delineates public and private space. It is not considered necessary or appropriate in this case to impose any conditions requiring additional boundary treatment and there are further opportunities for hedge planting beyond the fence, should the owners want to create further screening.

In this respect the proposal is in accordance with CS policy EN1 and the NPPF.

Highway issues

The proposed path would be beneficial in highway and pedestrian safety terms as currently there are no pedestrian footways connecting Bourne Heights with the existing footways on West Road, forcing pedestrians to either walk along the busy road or on a muddy verge. LCC Highways have raised no objection but have indicated that the applicant would need to enter into a separate legal agreement with LCC Highways for that part of the path which is within highway land on Welland Drive - this has been added as an informative. The path would provide a much needed link in accordance with CS policy SP3 and the NPPF.

Other

Cadent have noted that some of their gas supply equipment is located within the site and have asked for an informative to be attached.

Crime and Disorder

It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Conclusion

The proposal would ensure a pleasant green entrance to Elsea Park together with an essential pedestrian link in accordance with all relevant policies.

RECOMMENDATION: that the development is Approved/Allowed subject to the following conditions

Time Limit for Commencement

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).



Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. 4048-Link-02 received 06 September 2019
 - ii. 4048-Link-03 received 06 September 2019
 - iii. 4048-Link-04 received 06 September 2019

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

Standard Note(s) to Applicant:

- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.
- 2 The highway improvement works for those parts of the path within the adopted highway are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.
- 3 Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
- 4 Considerations in relation to gas pipeline/s identified on site:
Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.
If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

