

## South Kesteven District Council

Development Management  
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SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

Mr James Griffiths  
Kier Living Ltd  
Lysander House  
Tempsford Hall  
Sandy  
SG19 2BD

## APPROVAL OF RESERVED MATTERS

Town and Country Planning Act 1990

Application No:	S19/1607
Date Received:	16th September 2019
Applicant:	Mr James Griffiths
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
Decision/Date	24th October 2019

South Kesteven District Council has considered this application under the Town and Country Planning Act 1990 (as amended) and **Approves Reserved Matters** for the development described above.

This permission is granted subject to the following Condition(s) and Reason(s) which are laid out in the order by which they must be complied with:-

### 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).

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## 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. This consent applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw or regulation.
2. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.
3. The permission to which this notice refers MAY contain the requirement to comply with certain conditions PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact South Kesteven District Council Development Management for clarification prior to the commencement of any works.
4. The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires a separate discharge of conditions application to be submitted.
5. 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.
6. 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.
7. 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.

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8. 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.

**Sylvia Bland**  
**Head of Development Management**  
**24th October 2019**

GENERAL DEVELOPMENT PROCEDURE ORDER 2015  
TOWN AND COUNTRY PLANNING ACT 1990

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same, or substantially the same, land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the service of the enforcement notice **or** within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householder which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000

Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Website: <https://www.gov.uk/planning-inspectorate>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.