

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

RECORD OF DECISION TAKEN BY OFFICERS UNDER DELEGATED POWERS

This is a record of a decision taken by an officers under delegated powers and where necessary taken in consultation with members and officers.

Delegated Power

Scheme of Delegation 4th July 2019.

Functions:

2.10 – Leisure, Arts and Green Spaces policies and strategies

2.11 – Parks, Gardens, and amenity areas including play areas and allotments

Decision Taken

Implementing a link between two adjacent estate footpaths currently blocked/ bisected by a fence

Utilising the provisions of the Localism Act 2011 to approve work/ action under section 1 to remove fencing and join footpaths to NCC adoptable standards.

The cost involved is circa £2,000.00 (NCC/Norse Highways) Quotation)

Background:

North Side of fence – Planning permission 2/99/0876/F – Construction of 18 dwellings and associated works

South Side of fence – Planning permission 05/02454/O + 06/01844/RM - construction of two bungalows

The area comprises two separate sites, both separately owned. Both schemes were approved with footpaths within the design, the later scheme appears to show the footpath will be connected to the north thus creating a link from Bexwell Road through to the Civray Avenue Estate to the north.

However, the original developer appears to have demarcated some of the boundaries of their site by installing a fence, and a portion of this was left in place after their works were complete, this portion of fence now bisects/ separates the two footpaths making them un-usable as a through route.

The planning decisions were approved without any requirement to remove the fence to link the two footpaths merely to construct the paths to an adoptable standard for Norfolk County Council to finally adopt and maintain.

As such in the unusual circumstances of the case there is no breach of planning legislation apparent that planning enforcement powers could use to link the two paths in this instance.

However, Legal advice suggests that the removal of the fence panels and associated works can be undertaken by using section 1 of the Localism Act 2011.

Information available indicates –

Downham Market Town Council supports the proposed action.

However, residents living in the development to the south have raised concerns.

Although Norfolk Police initially opposed the opening of the footpath, they have subsequently revised this advice as:

I understand the need to open up the footpath, the council will need to ensure that security for the residents on the footpath route is not compromised by this permeability, i.e. provide accessibility to the rear of the properties. I would like to be reassured that the footpath will be well lit, devoid of any hiding places and not have any street furniture which will entice congregation.

At a recent inspection it was noted that a lamp post is present close to the junction of the two footpaths, street furniture such as waste/ litter bins and benches were not present, and no apparent access to the rear gardens of any affected properties was seen.

Members of the public have also expressed support for the work/proposal.

As the work involved is adjacent to an existing footpath adopted by Norfolk County Council and will facilitate connection to the presently un-adopted footpath, it is considered prudent that the work is carried out by NCC as they will ensure the standard of work meets their requirements in order to adopt the connection point and the other footpath (if subsequently offered for adoption).

Local residents have been kept fully apprised of the situation and the intention of the council to open the footpath. If this recommendation is approved then further notice will be given to the immediate neighbours prior to the work being commenced.

Reasons for the Decision

To allow members of the public and nearby residents of the area to freely utilise the footpath that was clearly always intended to be open.

Options considered

1. Do nothing
2. Remove the fence, connect and make good the footpaths as always intended.

Any declarations of interest and details of any dispensations granted in respect of interests.

None

List of Background papers

Scheme of Delegation (4th July 2019)

Planning permission 2/99/0876/F – Construction of 18 dwellings and associated works

Planning permission 05/02454/O + 06/01844/RM - construction of two bungalows

Relevant extracts of the Localism Act 2011

Authorisation

Post Held

Signature

Date



Consultation

If the decision is made, consultation with the members/officers, please give details:

Signed by Member as consulted:

Date

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	Planning enforcement utilising provisions of the Localism Act				
Is this a new or existing policy/ service/function?	Existing (delete as appropriate)				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Enhancement of the local amenity by the removal of fencing to create a continuous public footpath.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
Other (eg low income)			X		
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No	Actions:			
		Actions Name ...			
Assessment completed by: Name M Clarey					
Job title Planning enforcement Team Leader					Date 7 th September 202

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.