

## **PLANNING COMMITTEE – 2 MARCH 2005**

### **Report Of The Development Control Manager**

#### **MISCELLANEOUS ITEM**

#### **06/1998/042 CONSTRUCTION OF INFRASTRUCTURE WORKS INCLUDING ROADS, SEWERS & DRAINAGE/FLOOD ATTENUATION WORKS (PHASE 2), COTFORD ST LUKE**

The above reserved matters permission was granted in October 1999. It followed on from the outline planning permission (06/1994/018) for the residential development at Cotford St Luke. Part of the reserved matters approval provided for the provision of a 57 m length of footpath and cycleway in the general vicinity of a public footpath leading from what is now Burge Crescent around the western side of Burge Farm and linking with the lane leading to Burge Farm. The proposal necessitated culverting the stream in this area.

In 2000 a further reserved matters application (06/2000/021) for the erection of 7 dwellings to the south of Burge Farm was submitted by David Wilson Homes Ltd. The plans for this development showed a footway/cycleway to the west of the proposed development. What was not picked up at that stage was that the line of the footway/cycleway was in a slightly different position to the west of the line of that was previously approved as part of permission 06/1998/042. The land required for the provision of the works in the approved position had been sold on by Cofton Ltd, the original site developers. The David Wilson site has now been developed in accordance with the plans approved by permission 06/2000/021 and the dwellings occupied.

In 2003 a further reserved matters application (06/2003/009) for the erection of 127 dwellings on land to the south west of Burge Farm was submitted by Bryant Homes South West. This site is to the west of the David Wilson Homes development. The plans for this development also showed a cycleway/footway to the east of the proposed housing development. A notation on the plan stated 'cyclway provided by Cofton'. The line of the proposed footway/cycleway on the Bryant Homes site plan was broadly in the same position as that shown on the David Wilson Homes plan.

Following discussions with the Environment Agency with regard to culverting of the stream in the area, the Agency expressed concerns with regard to culverting, other than under Burge Crescent. Cofton installed the footway/cycleway in a position slightly further west than the line shown on the Bryant and David Wilson Homes plans.

As the Bryant Homes development proceeded, it became apparent that Cofton had provided the footway/cycleway within the Bryant Homes development. Consequently, the footway has been repositioned further east beyond the Bryant Homes site, but there was insufficient room between the residential development and the top of the bank of the stream to also provide a separate cycleway. The Environment Agency has again expressed its opposition to any works which would impede the flow of water along the stream.

A plan has now been provided by Taylor Woodrow Developments Ltd (formerly Bryant Homes) indicating the 'as built' position. This shows a tarmac footway just over 50 m in length 1.5 m wide with a short length of similar width gravel footway linking with the public right of way leading past Burge Farm.

The County Highway Authority has indicated that the minimum width for a combined footway/cycleway path would be 2 m, i.e. 0.5 m more than what has been provided. As indicated above, the Environment Agency has indicated that it would not be in favour of providing a wider path, because this would encroach on the banks of the stream. The path links the development at Cotford St Luke with the public right of way leading northwards out of the settlement past Burge Farm and linking with the lane leading to Burge Farm, which in turn leads to Tithill Lane. Although a cycleway in this area could provide the first stage of a potential cycle route along quiet lanes towards Bishops Lydeard, it is understood from the County Highway Authority that they have no plans to extend the cycleway network beyond the Cotford St Luke development.

Although it is unfortunate that a full width footway/cycleway cannot be provided for this small length of development, the path is hard surfaced and in the foreseeable future will merely link with a narrow gravel public footpath. In view of the approvals of the two residential developments, which supersede the original permission for the footway/cycleway, the Local Planning Authority is unable to require the full width of footway/cycleway to be provided.

## **RECOMMENDATION**

That the situation NOTED and the submitted amended plan be APPROVED under the minor amendment procedure.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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