

## Appendix 1

### JOINT DEVELOPMENT CONTROL COMMITTEE (CAMBRIDGE FRINGE SITES)

Report by: Joint Director of Planning and Economic Development

Date: 14 September 2016

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<b>Application Number</b>	AI/JS/39/117		
	Related planning applications		
	-07/0620/OUT (Clay Farm, Outline Application)		
	-15/2296/S73 (Quad 21, City Council, Hill Residential)		
	-14/1201/REM (Quad 21, City Council, Hill Residential)		
	-15/0844/REM (Parcels 8a and 8b, Countryside)		
<b>Date Received</b>	29 March 2016	<b>Officer</b>	James Stringer
<b>Target Date</b>	-		
<b>Parishes/Wards</b>	Trumpington		
<b>Site</b>	Public Footpath 117- running along the rear of Foster Road properties		
<b>Proposal</b>	Application for an order to permanently divert a public right of way involving diversion of part of Public Footpath No. 117 Cambridge, required to enable further development of the Clay Farm site, Trumpington.		
<b>Applicant</b>	Hill Residential Limited, on behalf of Cambridge City Council		
<b>Recommendation</b>	<b>APPROVE</b> the diversion		
<b>Application Type</b>	Section 257	<b>Departure:</b>	No

The above application(s) have been reported to the Planning Committee for determination by Members in accordance with the Scheme of Delegation for the Joint Development Control Committee for the Cambridge Fringes.

SUMMARY	The proposed diversion of Cambridge Footpath No. 117 is acceptable
RECOMMENDATION	APPROVE

### Background

This application is made under S257 of the Town and County Planning Act 1990 to permanently divert a public right of way. The whole of the affected land is split into two sections, a northern section owned and being developed by Countryside Properties and a southern section owned by Cambridge City Council and being developed by Hill Residential. The latter of these land parcels has been subject to

a recent S73 application (15/2296/S73), approved by the JDCC on 17 February 2016, to amend approved plans associated with the public footpath under 14/1201/REM.

The diversion will move a section of the public footpath 2 metres closer to the rear boundary fences of Foster Road properties to ensure that the residential development can be constructed on the original line of the footpath. The width of the public footpath would be 3 metres for the section delivered by Countryside Properties and 2 metres for the section delivered by Hills Residential (adjacent to the Foster Road properties). The proposed length of the new route would be 295m, an increase of 1 metre compared to the existing route. The footpath is currently natural but would be a bound surface constructed to the County Council's Housing Estate Road Construction Specification. If the diversion order is successful, the maintenance of the route would transfer to the County Council as Highways Authority.

The application is prepared for Cambridge City Council by Cambridgeshire County Council. It has been subject to separate consultation and representations. These are outlined and assessed in the accompanying report.

Under the legislation, an order to divert or stop up a Public Right of Way can only be made if the County Council is satisfied that it is necessary to do so to enable development to be carried out in accordance with the approved planning permission(s).

## Summary

The overall effect of the diversion on public enjoyment is considered to be neutral. The application to divert part of Public Footpath No.117 meets the requirements of section 257 of the Town and Country Planning Act 1990, in that it is necessary to enable development to take place.

## Recommendation

-That the Joint Planning Control Committee gives their **APPROVAL** that the proposed diversion of Cambridge Footpath No. 117 meets the legislative tests set out in s.257 of the Town and Country Planning Act 1990.

-That this **APPROVAL** be reported to Cambridgeshire County Council, as agents for Cambridge City Council and indicate an Order should be made.

-That the final route be inspected by Cambridgeshire County Council as Highway Authority and certified as satisfactory before the Order comes into effect.

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## Background Papers

- Application File 07/0620/OUT (Clay Farm Outline Application)
- Application File 15/2296/S73 (Quad 21, City Council, Hill Residential)
- Application File 14/1201/REM (Quad 21, City Council, Hill Residential)
- Application File 15/0844/REM (Parcels 8a and 8b, Countryside)

**Contact details**

To inspect any related papers or if you have a query on the report please contact:

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