

ITEM NO.	
----------	--

TITLE	: APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH NUMBER 104, BURY		
TO / ON	: Planning Control Committee		29 July 2003
BY	: Borough Engineer		
STATUS	: FOR PUBLICATION		

1.0 TYPE OF DECISION

1.1 What type of decision is to be taken:-

EXECUTIVE DECISION			COUNCIL DECISION	
Key		Non Key	Yes	

1.2 If a key decision, has it been included in the Forward Plan

Inclusion in Forward Plan	No	Date of Plan	
---------------------------	----	--------------	--

2.0 SUMMARY

This report contains information regarding an application to divert part of public footpath number 104, Bury.

3.0 **OPTIONS AND RECOMMENDED OPTIONS (with reasons)**

That the Committee approve the application to divert part of public footpath number 104, Bury in order to allow development to take place and authorise the Council Solicitor to process the necessary orders.

4.0 **THIS REPORT HAS THE FOLLOWING IMPLICATIONS**

Corporate Aims

Improving Transport and the Environment.
Creating a better future for all generations.

Policy Framework

Maintaining the asset value of the highway network and contributing to community safety.

Statement by Monitoring Officer

The Monitoring Officer is satisfied that the recommendations of this report are in accordance with appropriate legislation and policy framework.

Statement by Director of Finance & E-Government

As the costs of the footpath diversion are to be met by Thumbs Up (Bury) Ltd there are no resource implications for the authority arising from the proposals.

Human Resource IT/Land and Property Implications

Wards/Area Boards affected

Unsworth Ward

Scrutiny Panel's Interest

Economy, Environment & Transport.

Consultations

Borough Planning & Economic Development Officer. Director of Legal and Democratic Services and Council Solicitor. Director of Finance & E-Government.
--

Call-in

--

Briefings

Executive Members/ Chair	Yes	Chief Executive	
--------------------------------	-----	--------------------	--

5.0 INTRODUCTION

5.1 An application has been received from Planning and Law on behalf of Thumbs Up (Bury) Limited to divert part of public footpath number 104, Bury under Section 257 of the Town and Country Planning Act 1990.

5.2 The diversion will allow completion of a development incorporating a warehouse, two storey office, service yard, car park and revised access off Dumers Lane, Bury.

6.0 BACKGROUND

6.1 Plan 1, PRW/104/BURY/DC/1 shows the section of footpath to be diverted as a solid line A-B and the proposed diversion as a bold dashed line C-B.

6.2 Plan 2, PRW/104/BURY/DC/2 shows the position of the path in relation to the surrounding network.

6.3 Section 257 of the Town and Country Planning Act 1990 permits the diversion of a right of way to allow a development to take place.

7.0 ISSUES

7.1 Part of public footpath number 104, Bury runs through an area of land for which planning permission has been approved for a warehouse, office, service yard, car park and revised access.

7.2 Diversion of the relevant part of the path will allow the development to take place.

7.3 The existing line of the path runs at the base of a rough, grassed area, adjacent to a security fence.

7.4 The proposed diversion would run at the top of the rough, grassed area which is to be landscaped by the developer, before meeting the remaining section of the footpath.

7.5 Both the existing and proposed paths are approximately 125 metres in length.

7.6 Thumbs Up (Bury) Limited have confirmed that they own the land crossed by the existing and diversion routes and have undertaken to pay all reasonable costs.

7.7 Preliminary consultations have taken place with prescribed bodies and no objections have been raised. (See Appendix 1 for list of consultees).

8.0 CONCLUSIONS

8.1 The proposed diversion will be of a similar length to the existing, provide a more open aspect for pedestrians and allow the development to take place.

8.2 That the Committee authorise the Council Solicitor to make the necessary orders to divert part of public footpath number 104, Bury, under Section 257 of the Town and Country Planning Act 1990.

**C M CANNON
BOROUGH ENGINEER**

Background documents:

Letter of application.
Definitive Map and Statement.

Enclosures:

Appendix 1.
Plans 1 and 2

For further information on the details of this report, please contact:

Mr I R Crook
Bury Metropolitan Borough Council
Engineering Division
Lester House
21 Broad Street
Bury BL9 0AW

Tel: 0161 253 6309