

Pedestrian access at The Mead, Thaxted

Cabinet, 17 January 2013, item 11

**Committee:** Cabinet

**Agenda Item**

**Date:** 17 January 2013

**11**

**Title:** Pedestrian Access at The Mead, Thaxted

**Portfolio Holder:** Julie Redfern, Housing Portfolio Holder

Key Decision: No

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### **Summary**

1. This report is to inform Cabinet of a request from A S Planning Limited on behalf of Knights Development to grant an easement across a strip of council owned land allowing pedestrian access to/from a proposed new residential development, to facilitate better pedestrian links within the town.
2. Options to sell the land were also investigated to remove the council from any responsibility for the footpath and land.
3. Legal advice recommends the sale of the entire area of land to the developer to be the preferred option, to avoid on-going liabilities.
4. The proposed new development is pending a decision by the planning committee. A decision to approve the sale of land will not fetter the planning application process.

### **Recommendations**

5. That Cabinet approves the sale of the entire strip of land for £15,000 to enable the formation of a pedestrian access. The land will be sold subject to conditions preventing development of the land save for as a footpath.
6. That the developer pays all legal costs incurred including the councils.

### **Financial Implications**

7. The land concerned is a Council asset and the sale will raise a capital receipt of £15,000.

### **Background Papers**

8. None.

### **Published Papers**

9. Planning Application UTT/12/5754/FUL.

### **Impact**

- 10.

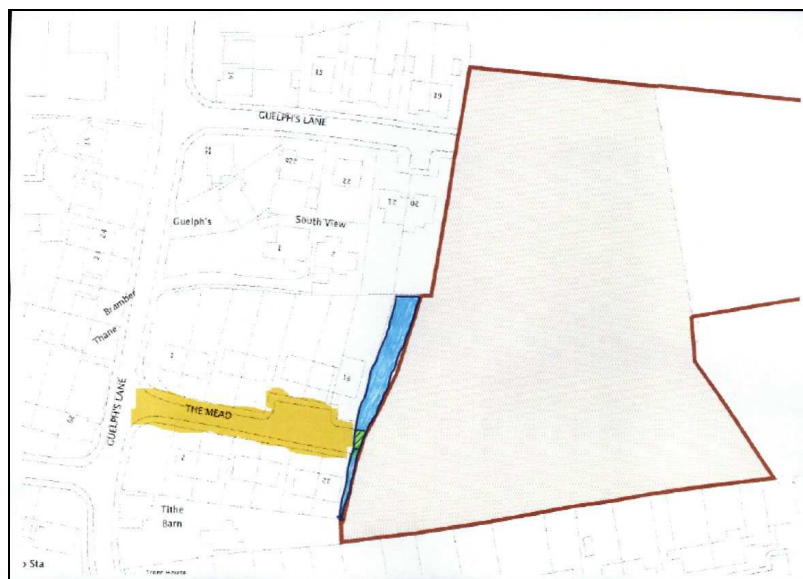
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Communication/Consultation	A S Planning Limited/UDC Legal Services
Community Safety	Increased pedestrian/cycle traffic
Equalities	N/A
Health and Safety	Temporary disruption while construction work in progress
Human Rights/Legal Implications	Decision to approve the sale of land will not fetter the planning application process
Sustainability	N/A
Ward-specific impacts	Increase to pedestrian/cycle traffic at The Mead
Workforce/Workplace	N/A

**Situation**

11. The Council has received a request from A S Planning Limited on behalf of Knights Development to indicate in principal if it is prepared to grant an easement across a strip of Council owned land adjacent to The Mead, Thaxted. This would facilitate a pedestrian footpath and cycle path for residents of the new development to reach the central town area.
12. The council owned land, shown on the plan below shaded in blue, forms part of a sloped grassed area between The Mead, shaded in yellow, and a proposed new residential development in Sampford Road, Thaxted, outlined in red. The proposed pedestrian/cycle route is shaded in green.
- 13.



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14. If retained the council owned land shaded in blue has no development potential. The land has limited development potential if the developer were to acquire it.
15. The developer has also sought permission from Essex County Council to secure a pedestrian route across their land to the south of the development site through to the public highway.
16. Discussions have taken place with the Parish Council to formulate proposals for the development.
17. A planning application No. UTT/12/5754/FUL received 9 November 2012 for the development of 60 dwellings together with new access, associated car parking, landscaping and open space is pending a decision.
18. The District Valuer has valued the site as follows:
  - a. an easement over the land (shaded green) to enable pedestrian access has been valued at £2,000
  - b. sale of the entire area of land (shaded green and blue) to enable pedestrian access in its existing use has been valued at £15,000
19. In the case of a, the easement would be subject to terms and conditions including responsibility for future maintenance of the footpath however the Council would continue to have responsibility for maintaining the surplus land.
20. In the case of b, all future responsibility for the land would be transferred to the developer. The land would be sold with terms and conditions to ensure that the access was adequately maintained and that the remaining land is maintained in its current form and is not developed on. The Council's legal advice recommends sale of the entire strip of land to be a preferred option to avoid future liabilities.

## Risk Analysis

21.

Risk	Likelihood	Impact	Mitigating actions
Residents of the new development may utilise the existing route regardless	3 – The existing area is un-surfaced and there are no current restrictions to its use	3 – Additional maintenance required without financial benefit to the Council	Sale to include responsibility for surfacing & maintenance
Increased traffic for residents of the Mead	2 – Overall increase in ward population	2 – Limited to pedestrian/cycle traffic as alternative access to be provided via	The planning process will provide an opportunity for residents to

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		Guelphs Lane	voice concerns
Potential disruption for duration of construction works	2 – Short term issue	2 – Limited to period of construction for new access	Sale to include conditions

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.