

PROPOSAL:

Section 73 application for a minor material amendment for the alteration to proposed route of the diverted public footpath within the site approved under PA22/00375 (Variation of condition No.2).

SITE:

Land south-east of the Boathouse, Ramoth Way, Perranporth, TR6 0BY

APPLICANT:

Mr. Paul Ashton.



November 2023



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1. INTRODUCTION:

1.1

On 5th January 2023 the application PA22/00375 was approved for:

“Erection of dwellinghouse, formation of parking area, landscaping and diversion of footpath.”

on land south-east of the ‘Boathouse’, Ramoth Way, Perranporth, Cornwall, TR6 0BY.

The application site is shown in the OS extract in **Fig.1** and in the aerial view in **Fig.2** below. Views of the application site looking north and west respectively are shown in **Figs.3** and **4**.

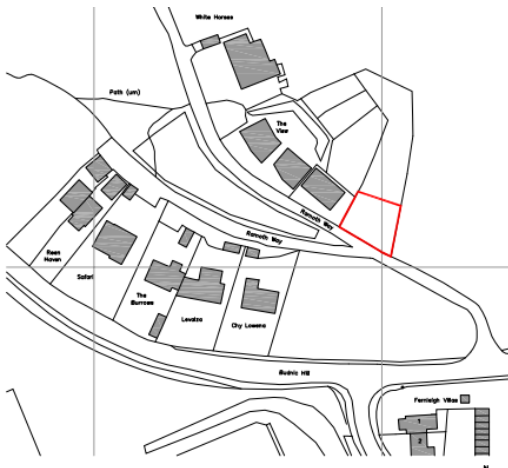


Fig.1 - Application site PA22/00375



Fig.2 – Aerial view.



Fig.3 – Application site looking north



Fig.4 – Application site looking west.

1.2

The application site is crossed by the public footpath known as *Carrick SW75SE Path No.341/44/3* north of Ramoth Way.

The footpath runs from the carriageway of Ramoth Way to the west of the site, then it enters the site and runs diagonally across it in an easterly direction and onto land owned by the Perranporth Golf Club which lies to the east.

The definitive route of the public footpath is shown in **Figs.5** and **6** below running from points A to C. The worn route of the footpath can just be made out in **Fig.6**. The footpath runs

across the lower part of the golf course and onto the B3285 on Budnic Hill. The extended route is shown in **Fig.7** below.

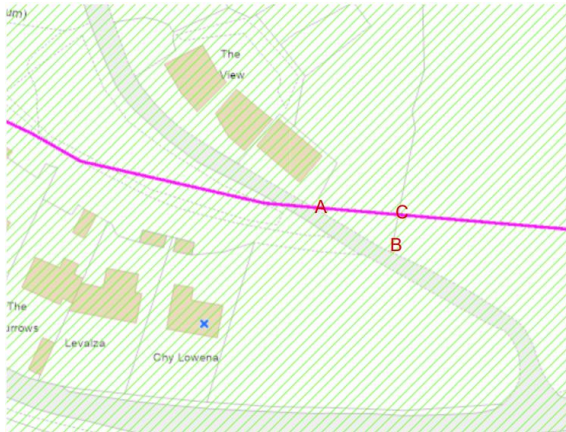


Fig.5 – Definitive route of Path 341/44/3 (A-C)



Fig.6 - Definitive route of Path 341/44/3 (A-C)



Fig.7 – Extended route of Path 341/44/3 to Budnic Hill.

2. PROPOSAL:

2.1

Since the application PA22/00375 was approved in January 2023 the application site has been purchased by Mr. Paul Ashton – the applicant for this non-material amendment.

Condition No.2 of PA22/00375 states that,

“The development hereby permitted shall be carried out in accordance with the plans listed below under the heading “Plans Referred to in Consideration of this Application”.

The plans referred to in Condition No.2 are listed below.

Site/location Plan BW1-0105171 received 31/01/22.

Block Plan 000 received 31/01/22.

Proposed 002 Elevations received 31/01/22.

Proposed 003 received 31/01/22.

Proposed 004 received 15/01/22.

Proposed PROW 001/FP received 20/12/22.

Proposed PROW 002 received 20/12/22.

Proposed PROW 002/FP A received 20/12/22.

2.2

The three approved Public Right of Way (PROW) plans are shown below in **Figs.8-10** below. Regrettably none of the approved plans accurately record the actual route of the footpath. The definitive map shows the route shown in **Figs.5-7** above. This is different to the route shown in **Figs.8-10**.

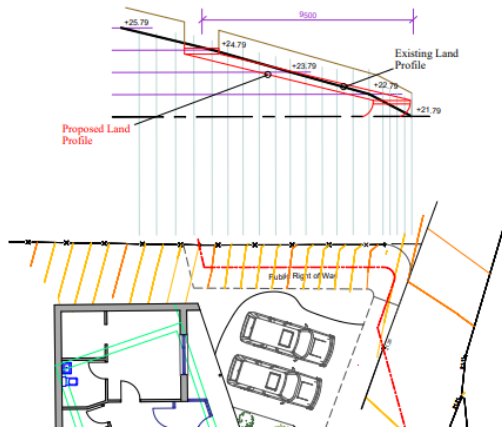


Fig.8 - Approved drawing No. PROW 001/FP



Fig.9 - Approved drawing No. PROW 002/FP

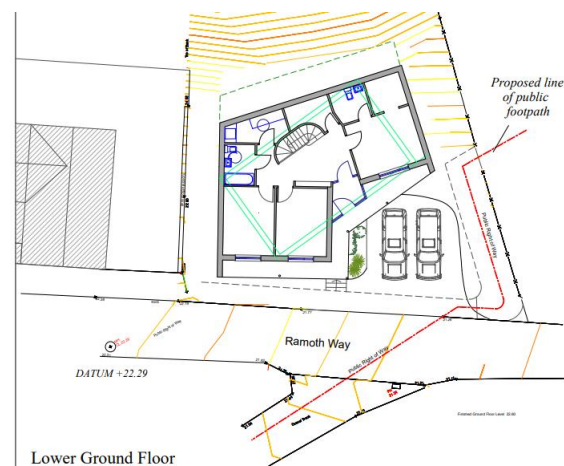
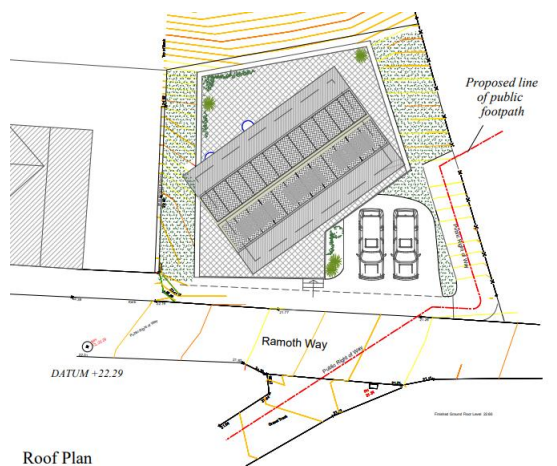


Fig.10 - Approved drawing No. PROW 002 FP Rev A

2.3

Upon acquisition of the site, it became apparent that the three approved plans indicating the route of the necessary public footpath diversion order included land outside of the owner's control. That would have necessitated notice being served on adjoining owners where the proposed diversion route shown on the approved plans would be proposed to go.

Ramoth Way and the adjoining roadway where the diverted footpath route was shown (in **Fig.9**) is privately owned. Owners of land affected by a proposed footpath diversion have the right to object and if their objections are not satisfied then the matter could go to a Public Inquiry. This extended timescale led to a re-evaluation of the proposed footpath diversion.

It was decided that the proposed footpath diversion could run within the application site along the site frontage and then join up with the originally proposed steps to the access point on the eastern boundary with Perranporth Golf Course.

That meant the approved plans in **Figs.8-10** that showed the new proposed diversion route had to be varied.

The most appropriate method of achieving this is by a Section 73 application to vary condition No.2 of PA22/00375 which lists the approved plans and create a new list of approved plans that reflect the new proposed footpath diversion route.

2.4

Michael Gibbons and Jane Tomlinson of the Council's Countryside Access Team were contacted in order to agree the process of diverting the public footpath entirely within that application site boundary, so no third parties were involved.

The plans in **Figs.11-13** were sent to the Countryside Access Team for approval. The plans were deemed acceptable such that the drafting of the actual order has commenced. It is intended that the consultation on the diversion order will run in parallel with the determination of this minor-material amendment application in the hope that the two can be approved together to allow works on the site to commence, once the pre-commencement conditions have been discharged.

2.5

The proposed plans to supersede the following plans,

1. Block Plan 000 received 31/01/22.
2. Proposed 003 received 31/01/22.
3. Proposed 003 Block Plan received 31/01/22.
4. Proposed PROW 001/FP received 20/12/22.
5. Proposed PROW 002 received 20/12/22.
6. Proposed PROW 002/FP A received 20/12/22.

with,

1. P1223-000 - Existing and proposed block plans
2. P1233-001FP Rev A - part plan and part elevation
3. P1233-002 - Proposed footpath diversion
4. P1233-002FP Rev B - Block Plans
5. P1233-003 Rev A – Block Plans

The originally approved elevation plans *Proposed 002 Elevations received 31/01/22* and *Proposed 004 received 15/01/22* both remain unchanged.

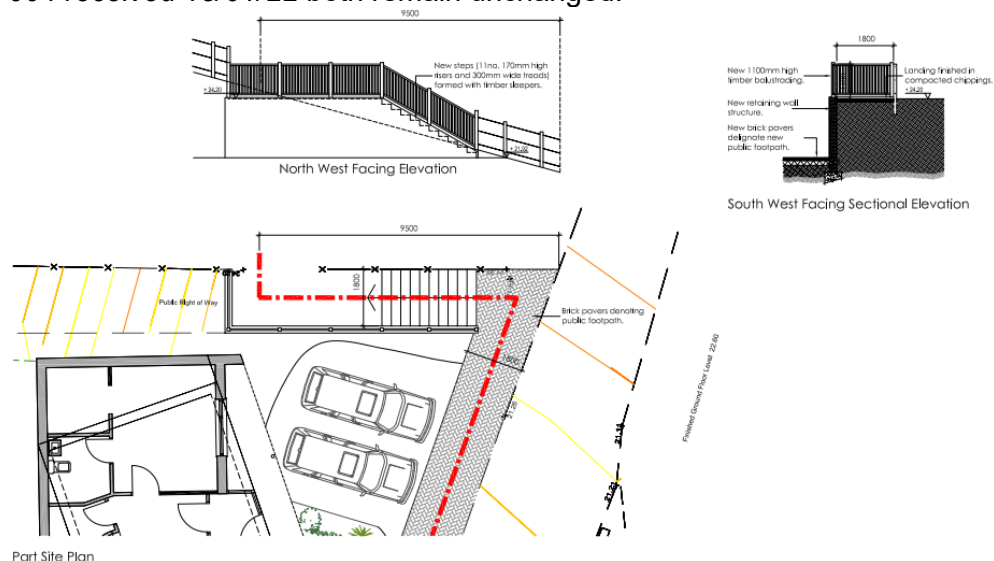


Fig.11 - P1223-001/FP Rev A – Proposed Part Plan and Elevation

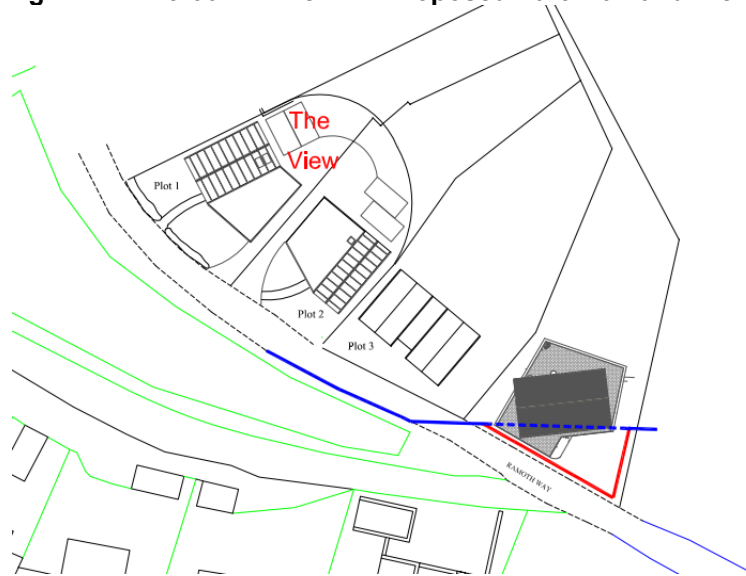


Fig.12 - P1223-002 – Proposed Footpath Diversion Route

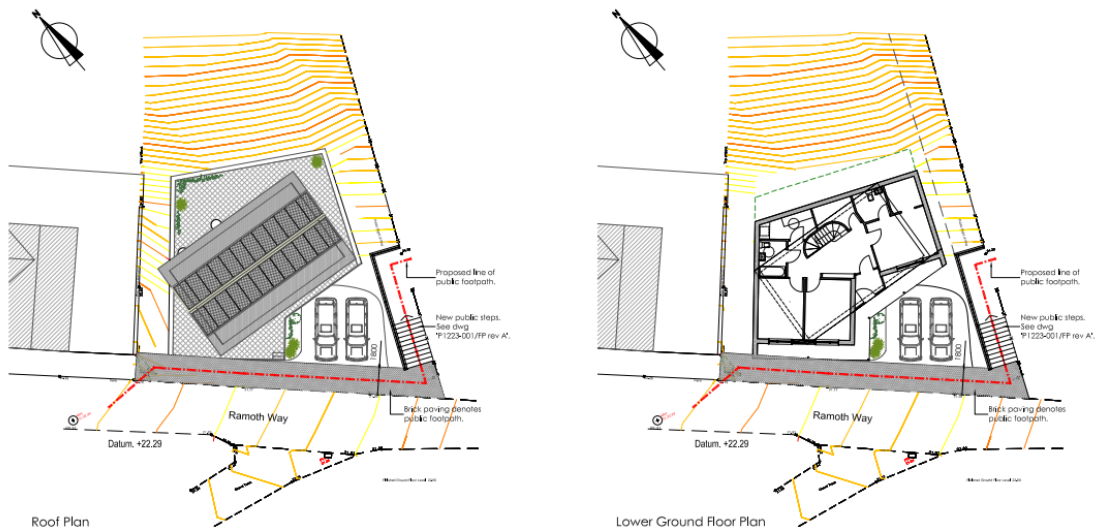


Fig.13 P1223-002/FP Rev B – Proposed Block Plan

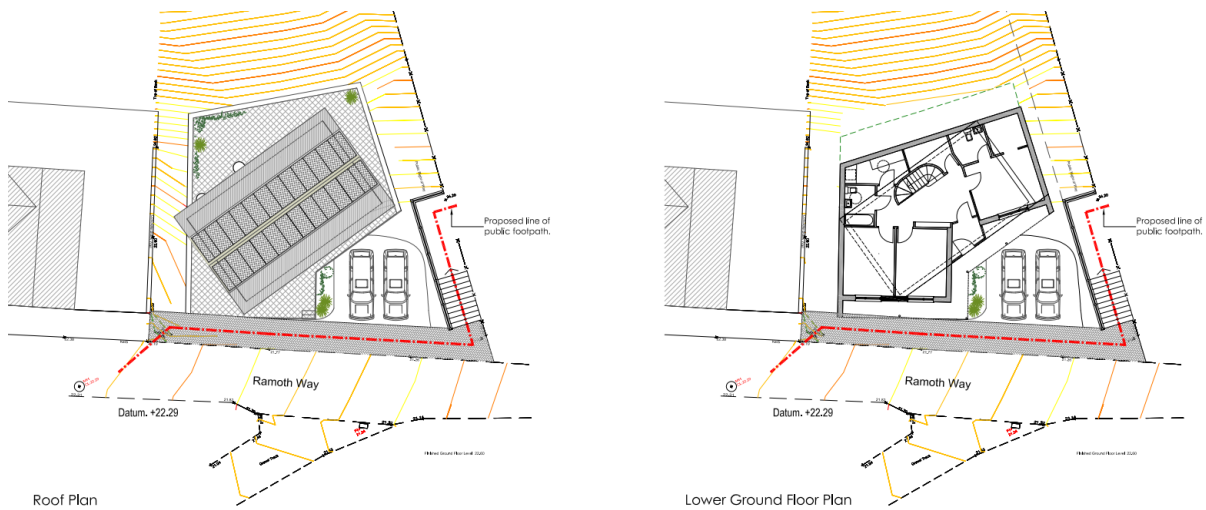


Fig.14 - P1223-003 Rev A – Lower Ground Floor and Roof Block Plan

2.6

The new proposed footpath diversion route enters the application site at the western corner and then runs eastward along the frontage of the site contiguous with the carriageway of Ramoth Way.

The route then follows the same alignment as shown on the approved plans along the eastern boundary of the site and turns to connect into the route of the footpath across the adjoining Perranporth Golf Course.

In discussions with the Countryside Access Team, it was agreed that the footpath should be clearly identified by a different material. Block pavements are proposed along the frontage up to the steps alongside the eastern boundary. Whilst construction of the dwelling is underway it is proposed to just gravel the path until construction works are complete to avoid damage to the pavement.

Enough space remains for the parking of the two vehicles clear of the new alignment of the public footpath.

2.7

The proposed eleven steps are 170mm high with a 300mm tread width and will be formed with timber sleepers with compacted chippings infill. The steps will be enclosed by a 1100mm timber balustrade for safety reasons. The steps and balustrade are shown on the plan P1223-001/FP Rev A – Proposed Part Plan and Elevation shown in **Fig.11** above.

CONCLUSIONS:

3.1

The necessity to re-route the public footpath known as *Carrick SW75SE Path No.341/44/3* north of Ramoth Way requires a diversion order and the submission of this minor material amendment application under Section 723 of the Town & Country Planning Act by varying the list of approved plans in condition No.2 of PA22/00375 on 5th January 2023.

3.2

The Countryside Access Team have been consulted on the re-routing as now proposed and have agreed in principle, in as much as the necessary diversion order is being drawn up to reflect it and run alongside the determination of this application.

The owner is also to submit an application to discharge the pre-commencement conditions attached to PA22/00375 so that work on the construction of the dwelling can commence once this application is approved and the diversion order is confirmed.

Graham Clark BA9Hons) DMS MRTPI
16th November 2023.

