

# Agenda Item 37.

| Application Number | Expiry Date | Parish    | Ward             |
|--------------------|-------------|-----------|------------------|
| N/A                | N/A         | Shinfield | Shinfield South; |

|  |   |
|--|---|
| <b>Applicant</b>                             | Shinfield West Housebuilder Consortium  |
| <b>Site Address</b>                          | Shinfield Footpath 12, south of Parker Close, Shinfield, RG2 9RG  |
| <b>Proposal</b>                              | Application for the diversion of part of Shinfield Footpath 12 under Section 257 Town and Country Planning Act 1990 |
| <b>Type</b>                                  | N/A   |
| <b>PS Category</b>                           | N/A   |
| <b>Officer</b>                               | Andrew Fletcher   |
| <b>Reason for determination by committee</b> | Scheme of delegation  |

|                             |  |
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| <b>FOR CONSIDERATION BY</b> | Planning Committee on Wednesday, 9 December 2020 |
| <b>REPORT PREPARED BY</b>   | Assistant Director – Delivery & Infrastructure   |

| SUMMARY  |
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| <p>The Council has received an application to divert part of Shinfield Footpath 12 under section 257 of the Town and Country Planning Act 1990.</p> <p>The grounds for the making of the diversion order are part of the line of the path should be diverted to facilitate the redevelopment of the Shinfield West site in accordance with outline planning permission granted in March 2012 (WBC Ref O/2010/1432) and Reserved Matters consent under application reference 161189.</p> <p>It is recommended that the order is made.</p> |

| PLANNING STATUS  |
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| <ul style="list-style-type: none"> <li>• Major development location</li> <li>• Special Protection Area – 5 and 7 km</li> <li>• Minerals consultation zone</li> <li>• Nuclear consultation zone</li> </ul> <p><b>Legal Framework for the Decision:</b> Orders for the stopping up or diversion of footpaths, bridleways or restricted byways may be made under Section 257 of the Town &amp; Country Planning Act 1990 (“1990 Act”) if the planning authority is satisfied that it is necessary to do so in order to enable the development to be carried out in accordance with the planning permission.</p> |

| RECOMMENDATION  |
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| <ol style="list-style-type: none"> <li>1. That authorisation is given to the making of an order under s257 of the 1990 Act to divert part of Footpath 12 Shinfield as shown in Appendix A, to enable development to be carried out.</li> <li>2. If no objections to the order are received or any such objections are withdrawn, that the order may be confirmed</li> </ol> |

**3. If objections are received and sustained, the order may be sent to the Secretary of State for confirmation.**

| <b>PLANNING HISTORY</b>   |  |                        |
|---------------------------|--|------------------------|
| <b>Application Number</b> | <b>Proposal</b>  | <b>Decision</b>        |
| O/2010/1432               | Outline consent for the redevelopment of the area      | Approved at appeal     |
| 161189                    | Reserved matters for the Phase 1 residential area      | Approved July 2016     |
| 181142                    | Discharge of conditions (Walking and Cycling Strategy) | Approved November 2019 |

| <b>CONSULTATION RESPONSES</b>   |  |
|---|--|
| Ramblers' Association<br>Open Spaces Society<br>British Horse Society | No objection<br>No comments received<br>No objection to diversion. Notes that this route, combined with Footpaths 13 & 16 provide a direct off-road link for the community to Oakbank Secondary School and also to Hyde End Lane. Requests that the route be considered for a re-classification to a bridleway in the future, and requests that opportunities are sought in the future to create a circular bridleway route using these footpaths. |
| Local Access Forum  | No objection to diversion, however the LAF notes that the route is important for the community and especially children cycling to school. The LAF requests that the route be considered for a re-classification to a bridleway in the future, and requests that this is added to the list of proposed paths as part of the Wokingham Borough Council Rights of Way Improvement Plan.   |

| <b>REPRESENTATIONS</b>                     |
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| <b>Town/Parish Council:</b> No objection   |
| <b>Local Members:</b> No comments received |

| <b>APPLICANTS POINTS</b>   |
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| The relatively minor re-routing of FP12 was considered as part of the planning application for the Shinfield West development (WBC Ref O/2010/1432) which was granted outline planning consent in March 2012. The proposed re-routing of FP12 within the Local Centre area of the development was identified, as it was throughout other application documentation such as the Design & Access Statement. The matter was therefore addressed comprehensively through the extensive consultation which occurred at the time of the planning application and indeed as part of the subsequent Planning Appeal. |

The proposals have since been reinforced through subsequent approvals, such as the approved Local Centre Design Brief (November 2013) and the Reserved Matters Consent for the Phase 1 residential area (WBC Ref 161189) which was approved in July 2016. Moreover, the approved Shinfield West Walk & Cycle Strategy which was submitted to discharge planning conditions 46 & 52 relating to the outline consent again reiterated the proposals for FP12 which are entirely consistent with those being promoted in the Order that is currently under consideration.

## **BACKGROUND**

1. Shinfield Footpath 12 commences at Hollow Lane and runs in a south-westerly direction for 570 metres, running across Shinfield Footpath 11 and terminating where the path meets Shinfield Footpath 13.
2. Outline planning consent O/2010/1432 was approved at appeal (APP/X0360/A/11/2151409) for the development of this area, and the Council has received an application to divert a section of Shinfield Footpath 12, in order to enable approved development of the area to be carried out.
3. The Order would be made under Section 257 of the Town and Country Planning Act 1990 (TCPA 1990). This enables the Council to make an order to divert or stop up a footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out.
4. A plan showing the extent of the diversion can be seen in Appendix A, and the outline plans for the redevelopment of the area are attached to this report as Appendix B.
5. The current route of the footpath runs from point A – B as shown in Appendix B, through an area of green space which is due to be redeveloped. The proposed diversion would re-route this path approximately 12 metres to the north along round A-C-D.
6. The surface of the existing path is a natural path through the green space. The new alternative route would be via a 2m tarmacadam footpath from point A for a distance of 18m in a northerly direction to point C, then 162m in an easterly direction to point D. The entire route would be surfaced as a 2m wide tarmacadam path. The proposed diversion route is built and currently open to the public.
7. The length of the existing route is approximately 171 metres, whereas the diverted route will be approximately 180 metres. Given the higher quality path surface the additional 8m length is not considered to be less convenient for the public.
8. The diversion application is focused on whether the path needs to be diverted under the TCPA 1990 to enable to development to be carried out. Other issues such as the merits of the development itself are not relevant factors for the purposes of Section 257 diversion orders.

**The Public Sector Equality Duty (Equality Act 2010)**

*In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.*

**CONCLUSION**

Officers are of the opinion that the proposed diversion satisfies the criteria required under section 257 of the Town & Country Planning Act 1990 and that it is necessary for the Council to make the order in that:

- 1) The proposed diversion is necessary to for the development to be lawful in accordance with planning permission that has been granted;
- 2) In general the proposed routes will offer a more convenient footpath for walkers.