

Agenda Item 75.

Application Number	Expiry Date	Parish	Ward
192928 172934		Wokingham Without	Wescott; Wokingham Without;

Applicant	Mrs Jean Mulovi, Wokingham Borough Council
Site Address	Land south of Wokingham, east of Finchampstead Road and west of Waterloo Road, Wokingham.
Proposal	Diversion of parts of Wokingham Footpath 24 / Wokingham Without Footpath 9 and Wokingham Without Footpath 5, and the stopping up of part of Wokingham Footpath 25, Wokingham Footpath 10 and Wokingham Without Footpath 5 in support of the planning application for the construction of the South Wokingham Distributor Road (SWDR) and the Eastern Gateway between Finchampstead Road and Waterloo Road.
Type	Full
Officer	Andrew Fletcher
Reason for determination by committee	Scheme of delegation

FOR CONSIDERATION BY	Planning Committee on Tuesday 18 May, 2021
REPORT PREPARED BY	Assistant Director Delivery and Infrastructure: Place and Growth

SUMMARY
<p>The Council has received an application for the following path changes under section 257 of the Town and Country Planning Act 1990, to facilitate the development of the South Wokingham Distribution Road in anticipation of planning consent being granted for the development under application number 192928, and to facilitate the approved development of the Eastern Gateway under planning application number 172934.</p> <p>Diversion of part of Wokingham Footpath 24 and Wokingham Without Footpath 9 The grounds for the making of the diversion order is that part of the line of the path should be diverted to facilitate the construction of the boardwalk and footbridge over the Emm Brook. The diverted route will provide for the continuation of the path.</p> <p>Stopping up of part of Wokingham Footpath 25 The grounds for the making of the stopping up order is that part of the line of the path should be extinguished as the new road will run across the path, causing it to cross the new road at 3 separate points. An alternative highway will be created alongside the SWDR which will replace Wokingham Footpath 25</p> <p>Stopping up of part of Wokingham Without Footpath 10 The grounds for the making of the stopping up order is that part of the line of the path should be extinguished as the new road will run across the path, causing it to be separated by the new highway. The section of path running over the road will need to be extinguished, with an alternative crossing provided over the new SWDR. This will prevent a conflict between the public rights of way and highway records.</p>

Diversion of part of Wokingham Without Footpath 5 (Easthampstead Road)

The grounds for the making of the diversion order is that part of the line of the path should be diverted to facilitate the construction of the new road entrance at Easthampstead Road. The diverted route will provide for a safer continuation of the path.

Stopping up of part of Wokingham Without Footpath 5 (Waterloo Road)

The grounds for the making of the stopping up order is that part of the line of the path should be extinguished because the width of the new road will cut across the start of the path causing an overlap between the adopted highway and the public right of way. The section of path overlapping will need to be extinguished. This will prevent a conflict between the public rights of way and highway records. The line of Wokingham Without Footpath 5 would terminate where it joins with the new footway. This change is to facilitate the approved development of the Eastern Gateway approved on 19th February 2018 under application number 172934.

It is recommended that the orders are made

PLANNING STATUS

Legal Framework for the Decision: Orders for the stopping up or diversion of footpaths, bridleways or restricted byways may be made under Section 257 of the Town & 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. Orders made under Section 257 can be made in anticipation of planning permission being granted but would not take effect until planning permission was granted.

RECOMMENDATION

1. That authorisation is given to the making of an order under s257 of the Town and Country Planning Act 1990 to stop up part of Footpath 25 Wokingham as shown in Appendix A, to enable development to be carried out.
2. That authorisation is given to the making of an order under s257 of the Town and Country Planning Act 1990 to divert part of Footpath 24 Wokingham and Footpath 9 Wokingham Without as shown in Appendix B, to enable development to be carried out.
3. That authorisation is given to the making of an order under s257 of the Town and Country Planning Act 1990 to stop up part of Footpath 10 Wokingham Without as shown in Appendix C, to enable development to be carried out.
4. That authorisation is given to the making of an order under s257 of the Town and Country Planning Act 1990 to divert part of Footpath 5 Wokingham Without as shown in Appendix D, to enable development to be carried out.
5. If no objections to the orders are received or any such objections are withdrawn, that the orders may be confirmed.
6. If objections are received and sustained, the orders may be sent to the Secretary of State for confirmation.

CONSULTATION RESPONSES

Executive Member for Environment and Leisure: No objections

Local Members: No objections

Wokingham Town Council: TBC

Wokingham Without Parish Council: No objections

Loddon Valley Ramblers: No objections

Following the publication of the Orders, statutory consultations will be undertaken with all statutory consultees.

BACKGROUND

Wokingham Footpath 25

1. Wokingham Footpath 25 commences at Finchampstead Road and runs in a south-westerly and southerly direction for 740 metres, terminating where the path meets Wokingham Without Footpath 25 on the Ludgrove School Road.
2. Part of this footpath is proposed to be stopped up, should the planning for the South Wokingham Distributor Road (SWDR) (Application No. 192928) be approved.
3. The reason for the stopping up is because the alignment of the proposed SWDR will necessitate building over the footpath, and once completed, will cause users of Wokingham Footpath 25 to cross the carriageway on three separate occasions within a 270m stretch of footpath. As the proposed SWDR will have a 3m wide shared cycle way on either side of the road, this will provide a suitable high quality alternative route to the existing line of Wokingham Footpath 25 by the public.
4. The new SWDR path will be surfaced and available for use all year round. The existing path has a natural surface and is prone to mud and surface deterioration in the winter months.
5. 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.
6. Appendix A contains an overlay map showing the proposed alignment of the SWDR in the context of Wokingham Footpath 25 and the extent of the proposed stopping up.

Wokingham Footpath 24 / Wokingham Without Footpath 9

7. Wokingham Footpath 24 commences approximately half-way along Footpath 25 and runs in a north-easterly direction for 195 metres to the Emm Brook. The path then continues over the Emm Brook via a concrete bridge as Wokingham Without Footpath 9 for 200 metres to the junction of Wokingham Footpath 17 and Wokingham Without Footpath 10.
8. Part of this footpath is proposed to be diverted, should the planning for the South Wokingham Distributor Road (SWDR) (Application No. 192928) be approved.

9. The diversion is required as part of the Pedestrian and Cycle Strategy for the wider SDL but can be delivered most efficiently as part of the SWDR project (the equalised cost of delivering the bridge and a commuted sum for future maintenance would be secured through the 106 agreements for the SDL housing development.)
10. The new alignment of the footpath will create a new crossing of the Emm Brook 15 metres upstream of the existing bridge. The new bridge and path surface will be a significant improvement to the existing path for pedestrians and will also allow cycle use.
11. The new path will be surfaced and available for use all year round, save for larger flood events, when an alternative diversion from this path onto the SWDR paths will be available to allow users to avoid any flooded areas. The existing path has a natural surface and is prone to flooding, mud and surface deterioration in the winter months.
12. The existing bridge contains two stiles which prevent use of the path by wheelchair users or those of limited mobility; the new bridge and surfacing proposed as part of the diversion will make the path fully accessible to mobility restricted users.
13. As above, 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.
14. Appendix B contains an overlay map showing the proposed alignment of the SWDR in the context of Wokingham Footpath 24 and Wokingham Footpath 9 and the extent of the diversion.

Wokingham Footpath 10

15. Wokingham Footpath 10 runs from the junction of Wokingham Footpath 17 and Wokingham Without Footpath 9 just south of the Gipsy Lane railway footbridge and runs in a generally southern direction for 475 metres, before crossing over the access road to Ludgrove School and continuing for 620 metres to the junction of Wokingham Without Footpaths 11 and 12.
16. Part of this footpath is proposed to be stopped up, should the planning for the South Wokingham Distributor Road (SWDR) (Application No. 192928) be approved.
17. The reason for the stopping up is to enable a straight 90 degree crossing point across the proposed SWDR because an angled road crossing does not comply with modern design standards. The extinguishment will also avoid a duplication of highway records between the new carriageway and the public footpath.
18. As part of the stopping up, the remainder of Footpath 10 to the north will be renumbered as Wokingham Footpath 10A.

19. 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.
20. Appendix C contains an overlay map showing the proposed alignment of the SWDR in the context of Wokingham Footpath 10 and the extent of the proposed stopping up and renumbering.

Wokingham Without Footpath 5 – Easthampstead Road junction

21. Wokingham Footpath 5 commences at Easthampstead Road opposite Heathlands Road and runs in a generally north-easterly direction for 640 metres to its junction with Waterloo Road.
22. Part of this footpath at the junction of Easthampstead Road is proposed to be diverted, should the planning for the South Wokingham Distributor Road (SWDR) (Application No. 192928) be approved.
23. The reason for the diversion is because the design of the new road entrance at Easthampstead Road will mean that the line of the footpath runs is a diagonal line across the new road. The diverted route will adjust the footpath to meet the edge of the proposed new adopted highway and will provide for a safer continuation of the path.
24. The new footway that will provide the alternate route of the path will be surfaced and available for use all year round. The existing path has a natural surface and is prone to mud and surface deterioration in the winter months.
25. As above, 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.
26. Appendix D contains an overlay map showing the proposed alignment of the Easthampstead Road junction in the context of Wokingham Footpath 5.

Wokingham Without Footpath 5 – Waterloo Road junction

27. Part of this footpath at the junction of Waterloo Road is proposed to be stopped up to facilitate the approved development of the Eastern Gateway approved on 19th February 2018 under application number 172934.
28. The reason for the stopping up is because the alignment of the Eastern Gate will necessitate building over the footpath, and once completed, will cause an overlap between the footpath and the new adopted highway.
29. The section of path overlapping will need to be extinguished. This will prevent a conflict between the public rights of way and highway records. The line of Wokingham Without Footpath 5 would terminate where it joins with the new footway.

30. As above, 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.

31. Appendix E contains an overlay map showing the proposed alignment of the Waterloo Road / Eastern Gateway junction in the context of Wokingham Footpath 5.

CONCLUSION

Officers are of the opinion that the proposed partial diversion and stopping up Orders 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 orders in that:

- 1) The proposed diversion of Wokingham Footpath 24 and Wokingham Footpath 9 is necessary should planning permission for the proposed SWDR under planning application number 192928 be granted;
- 2) The proposed stopping up of part of Wokingham Footpath 25 is necessary should planning permission for the proposed SWDR under planning application number 192928 be granted;
- 3) The proposed stopping up of part of Wokingham Without Footpath 10 is necessary should planning permission for the proposed SWDR under planning application number 192928 be granted;
- 4) The proposed diversion of part of Wokingham Without Footpath 5 is necessary should planning permission for the proposed SWDR under planning application number 192928 be granted;
- 5) The proposed stopping up of part of Wokingham Without Footpath 5 is necessary to enable the Eastern Gateway development to be carried out in accordance with the planning permission granted on approved on 19th February 2018 under planning application number 172934.
- 6) The proposed routes will offer a more convenient and improved path network for the public.

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.