

Application Number	Expiry Date	Parish	Ward
Shinfield Footpath 11/12 Diversion		Shinfield	Shinfield South;

Applicant	Bloor Homes and Vistry Thames Valley
Site Address	Shinfield Footpath 11 & 12
Proposal	Application for the diversion of part of Shinfield Footpath 11 & Shinfield Footpath 12 under Section 257 Town and Country Planning Act 1990
Type	Public Path Diversion
Officer	Connor Clark
Reason for determination by committee	Scheme of delegation

FOR CONSIDERATION BY	Planning Committee on Wednesday, 12 April 2023
REPORT PREPARED BY	Assistant Director – Place and Growth
RECOMMENDATION	<ol style="list-style-type: none"> 1. That authorisation is given to the making of an order under s257 of the Town & Country Planning Act 1990 to divert part of Footpath 11 Shinfield and part of Footpath 12 Shinfield as shown in Appendix A to enable development to be carried out. 2. If no objections to the order are received or any such objections are withdrawn, that the order may be confirmed. 3. If objections are received and sustained, the order may be sent to the Secretary of State for confirmation.

PLANNING STATUS
<p>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.</p>

BACKGROUND
<ol style="list-style-type: none"> 1. The Council has received an application to divert part of Shinfield Footpath 11 and Shinfield Footpath 12 under Section 257 of the Town and Country Planning Act 1990. 2. The grounds for the making of the diversion order is to enable approved development of the area to be carried out. A plan is attached below showing the full extent of the diversion and included in Appendix A 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. The existing Public Right of Way is shown in Black on the attached plan and below. the proposed permanent diversion of footpath 11 is shown from points A – B in Blue, the proposed permanent diversion of footpath 12 is shown in points E – C in Red.

5. Shinfield Footpath 11

Existing length of section: 85m

Diverted length of section: 92m

Net change: +7m

The current condition of the footpath is a natural surface, as part of the development the path will be surfaced with a permeable asphalt. The development will change the existing character of the area to a more urban environment so it is appropriate that the path surface will be suitable for use all year round. Due to the restricted space on site the design has needed to incorporate steps into the path, which were not in existence previously. This introduces a new access issue for disabled people and people with pushchairs and prams. To mitigate this, the development will also include ramps for disabled access to allow wheelchairs and also prams to access, this would however not be on or part of the right of way or obstructing the right of way.

6. Shinfield FP 12:

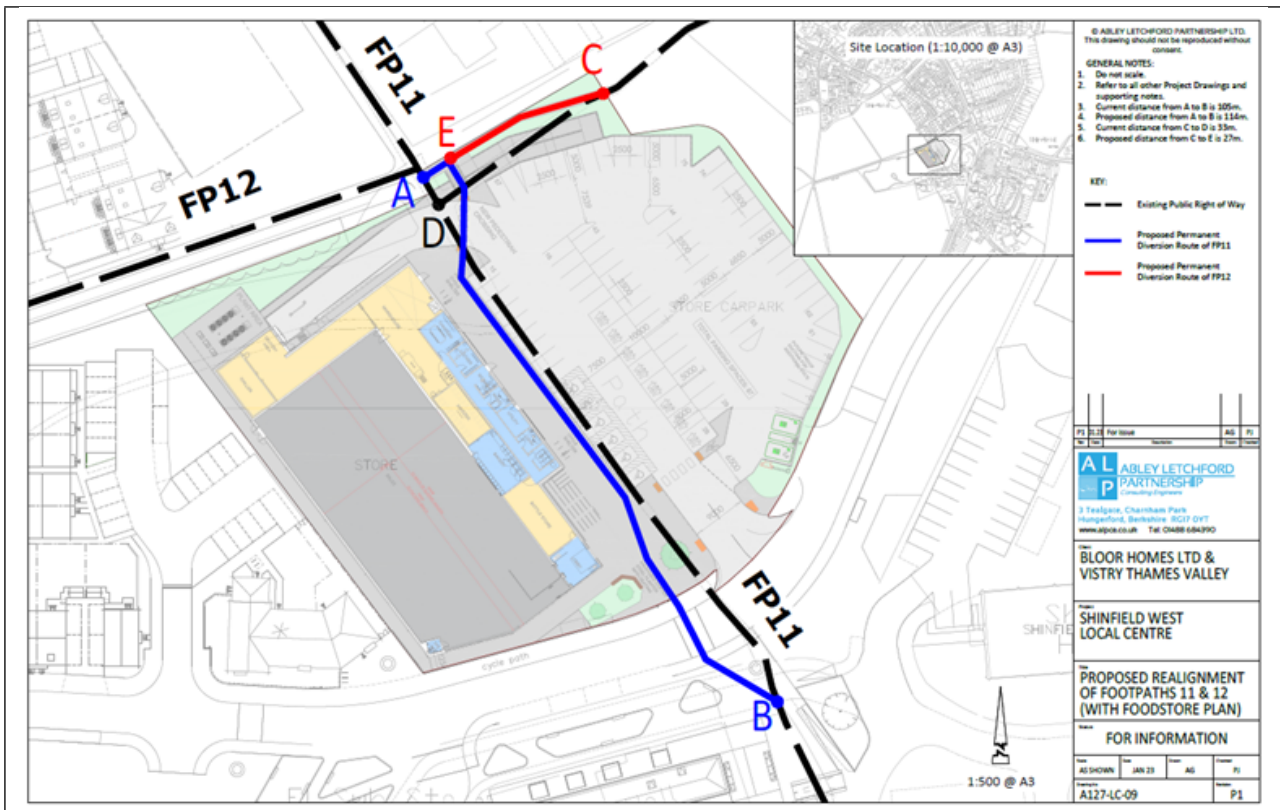
Existing length of section: 40m

Diverted length of section: 20m

Net change -20m

The current condition of the footpath is a natural surface, as part of the development the path will be surfaced with a permeable asphalt.

7. Overall, it is considered that any detrimental effects on the path have been mitigated by the inclusion of the ramps, and it is clear that the diversion is required to enable the development to go ahead. Therefore, it is recommended that the order is made.



RELEVANT PLANNING HISTORY		
Application Number	Proposal	Decision
O/2010/1432	Outline Planning Permission	Approved 08/11/12
VAR/2014/0624	Planning Permission	Approved 23/10/14
222656	Approval of Reserved Matters	Approved 02/12/22

CONSULTATION RESPONSES

Shinfield Parish Council:
 The members have no objection to the proposed diversions provided that the footpaths are properly surfaced. They recognise that the ramp is required due to the level change in that area and that the footpath will follow the frontage of the retail development.

It is also noted that the diversion includes an uncontrolled crossing on Beke Avenue and members wish to re-state their opinion that there should be traffic calming (bus gate) and or a controlled crossing at this point on the footpath. The path is a heavily travelled route especially to and from the schools and giving priority to foot traffic should be seen as an important element of the development of this area.

Mid and West Berkshire Local Access Forum:
 My understanding is that this shopping development already has full planning permission and will be built according to the plan appended to your email. The purpose of the diversion is to move the footpaths by a few metres so that they are aligned with the footways on the development; if the diversion is not approved, then the development would still proceed as per the plan, but the definitive line of the footpaths would go across the disabled parking spaces and other features of the development.

It therefore seems necessary to make the diversion. The impact on the PROW comes from the development itself, not the diversion. I therefore do not see any purpose in consulting the Forum membership.

Open Spaces Society: No comments received.

Local BHS Rep: No comments received.

Local Ramblers: No comments received.

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.

