

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

TUESDAY 26TH MAY 2015

FOOTPATH DIVERSION APPLICATION AT CORAL SPRINGS, WITNEY.
REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Abby Fettes, Tel: (01993) 861684)

(The decisions on this matter will be a resolution.)

1. PURPOSE

- 1.1 To seek authority for Officers to make a Public Path Diversion Order under Section 257 the Town and Country Planning Act 1990 and carry out the required statutory consultation upon it.
- 1.2 The diversion is required to enable permitted works to the outside space at the premises to be carried out. These works would not be compatible with the existing route of the right of way.

2. RECOMMENDATIONS

That the Head of Planning and Strategic Housing be authorised to make the Order and carry out public consultation, consistent with the drafted Order attached to this report.

3. BACKGROUND

- 3.1 Planning permission was granted on 29th April 2013 for the “Erection of retirement community comprising of sixty care bedrooms, forty six care suites and seventy nine care apartments.” – application reference 12/1037/P/FP.
- 3.2 As a result of the implementation of the planning permission and non-material amendments to the approved scheme, it will be necessary to divert a section of footpath to the south of the development.

4. FINANCIAL IMPLICATIONS

None.

5. ALTERNATIVES/OPTIONS

None.

6. REASONS

See section 3.

7. PROCEDURAL MATTERS

- 7.1. At this stage Officers are only seeking authority to make the Order and consult upon it. If objections are raised, it will not be possible for the Local Planning Authority to confirm the Order. In these circumstances the Order and any objections to it will be considered by the Planning Inspectorate on behalf of the Secretary of State.

- 7.2. The Inspectorate does not consider the need for the development to which the Order relates. However, account must be taken of the effect of the Order on those entitled to the right which would be affected.

Giles Hughes
Head of Planning and Strategic Housing

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Date: 12th May 2015

Background Papers:
Draft footpath order
Footpath diversion plan

PUBLIC PATH DIVERSION ORDER
TOWN & COUNTRY PLANNING ACT 1990 SECTION 257

WEST OXFORDSHIRE DISTRICT COUNCIL

FOOTPATH No.410/40/10 Witney, Oxfordshire

This order is made by West Oxfordshire District Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely The Coral Springs Continuing Care Retirement Community development for Richmond Care Villages which is allocated planning reference 12/1037/P/FP.

BY THIS ORDER:

- 1 The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted as provided below.
- 2 There shall be created to the reasonable satisfaction of Oxfordshire County Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
- 3 The diversion of the footpath shall have effect on the date on which Oxfordshire County Council certify that the terms of Article 2 have been complied with.
- 4 Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of Site of Existing Path

The existing footpath runs from west to east through Coral Spring field as shown on Drawing 1108.L.23 'Diversion of Public Right of Way No.410/40/10'.

PART 2

Description of Site of Alternative Path

The proposed diversion of the footpath relates to Drawing 1108.L.23 'Diversion of Public Right of Way No.410/40/10'. The sections of footpath for proposed diversion constitute sections A-E on the map through Coral Spring field to existing footpath exit points on each side of the field across Colwell Brook west towards the A40, and across Thorney Leys Road to the east into Thorney Leys housing estate.

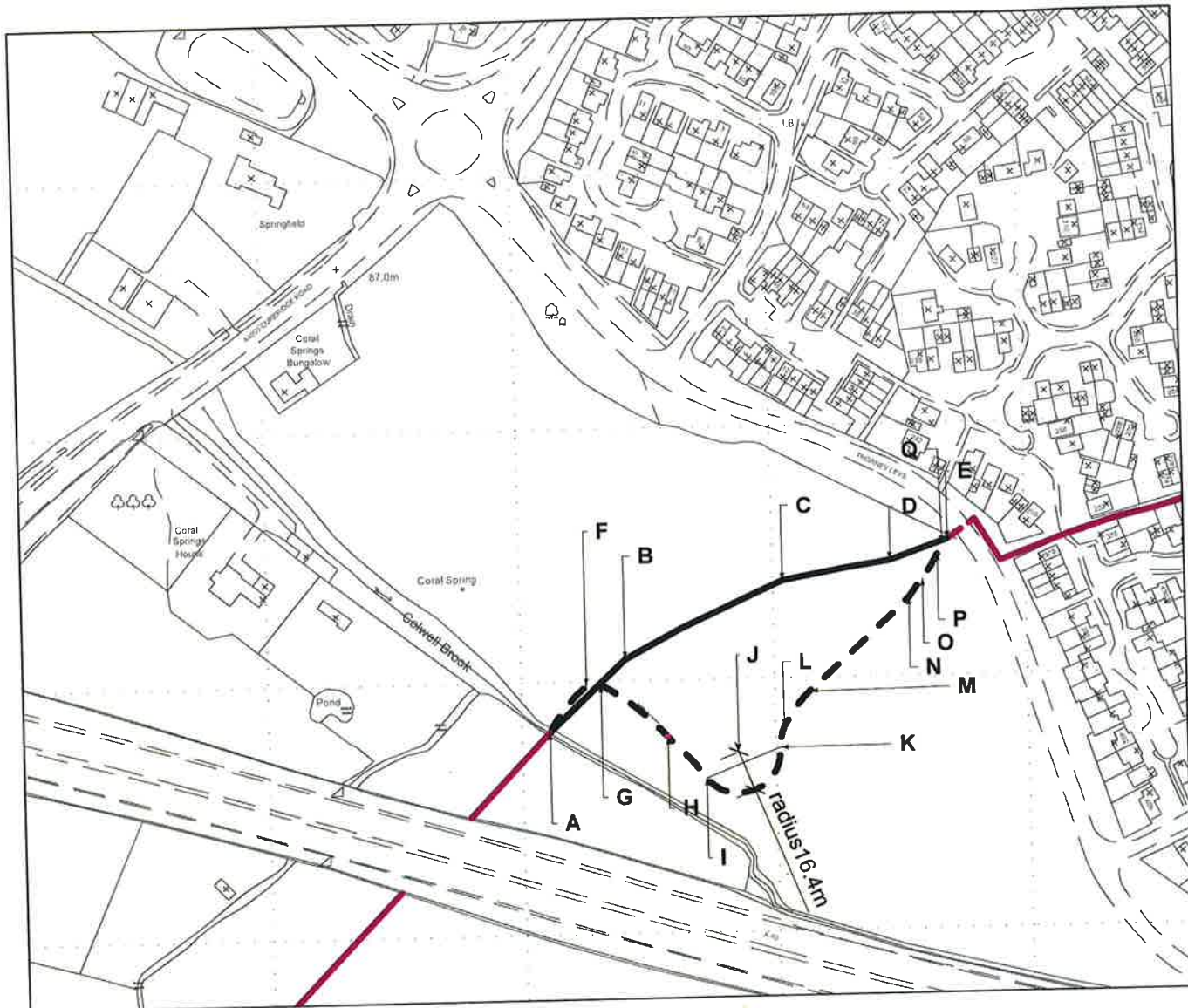
DATEDDAY OF 2014

THE SEAL OF WEST OXFORDSHIRE)
DISTRICT COUNCIL WAS HEREUNTO)
AFFIXED IN THE PRESENCE OF)

Chairman

Authorised Officer

**AND THIS ORDER WAS SUBSEQUENTLY CONFIRMED BY WEST OXFORDSHIRE DISTRICT COUNCIL ON
.....DAY OF..... 2012**



Footpath Diversion Plan

