

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**LOWLANDS AREA PLANNING SUB-COMMITTEE**

**MONDAY 18<sup>TH</sup> APRIL 2016**

**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 119 of The Highways Act 1980 and carry out the required statutory consultation upon it.
- 1.2. The application for the diversion has been made in the interest of the owner of the land crossed by the path and is expedient in the interests of the owner. The path will not be substantially less convenient nor less enjoyable to the public as a consequence of the diversion.

**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 29<sup>th</sup> 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 was necessary to divert a section of footpath to the south of the development. An application was brought before committee in May 2015 to seek authority to make a Public Path Diversion Order under Section 257 of the Town and Country Planning Act 1990. This was withdrawn at last month’s committee due to the insurmountable objection that the footpath had been obstructed during the consultation process and could no longer be diverted under this legislation.
- 3.3 The path is currently subject to a temporary closure for the purposes of Health and Safety.
- 3.4 To resolve the matter the applicant has been asked to submit a Section 119 application under the Highways Act 1980 for which the initial consultation period expires on 9<sup>th</sup> April. Members are requested to confirm that they are happy for officers to proceed on this basis and carry out the required statutory consultation upon it.

**4. FINANCIAL IMPLICATIONS**

None

**5. ALTERNATIVES/OPTIONS**

None

**6. REASONS**

See section 3

**7. PROCEDURAL MATTERS**

- 7.1. The recommendation is subject to no comments being received before the initial consultation expiry on 9<sup>th</sup> April 2016.

Giles Hughes  
Head of Planning and Strategic Housing

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Background Papers:

Draft order attached