

## **Public Rights of Way Committee**

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**Date of Meeting:** 03 December 2018

**Report Title:** Town & Country Planning Act s.257, Public Path Diversion Order, Mottram St Andrew FP's 8 & 9(parts) Abandoned Order – Informative Report

**Senior Officer:** Frank Jordan, Executive Director, Place

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### **1. Report Summary**

- 1.1. This report is to inform the Committee that an Order, previously approved for making and confirmation by Committee on the 12<sup>th</sup> December 2016 will not be confirmed.

### **2. Recommendation**

- 2.1. That the content of this report be noted and minuted.

### **3. Reasons for Recommendation**

- 3.1. To be formally noted that the resolution of the Committee for the Order to be confirmed if no objections are received, cannot be undertaken.

### **4. Other Options Considered**

- 4.1. Not applicable – this is a non-executive matter.

### **5. Background**

- 5.1. An application was made by Kitson Architecture Ltd., acting as Agent for Mottram Hall Limited ('the Applicant'), requesting that the Council make an Order under section 257 of the Town and County Planning Act 1990 to divert parts of Public Footpaths Nos. 8 & 9 (parts) in the Parish of Mottram St Andrew.
- 5.2. The proposed diversion was necessary to accommodate an extension to the hotel and associated diversion of the existing internal road and a new service hub and delivery yard in line with a planning approval 16/2236M:

*Proposed extension of Mottram Hall Hotel to provide: new meeting rooms with enlargement of existing function suite; an extension to provide 34 new bedrooms; refurbishment of south wing to provide 15 additional bedrooms; alterations to the main entrance/reception area; 52 additional car parking spaces and; a new service hub and yard.*

- 5.3 Public footpaths Nos. 8 & 9 (parts), Mottram St Andrew were to be diverted in accordance with the attached Order and plan no. TCPA/035A to allow for this development. A Public Path Diversion Order was subsequently made on the 2<sup>nd</sup> February 2017 and duly advertised and sent out for consultation. No objections were received and the Order was therefore capable of confirmation once the new route had been constructed and certified as satisfactory.
- 5.4 Following a period of uncertainty as to when the development works would commence and the new route be constructed; it was confirmed that there had been some restructuring within the parent company of the hotel and that the development work in accordance with the approved planning permission would not now go ahead.
- 5.5 As the purpose of a diversion order under s.257 of the Town & Country Planning Act 1990 is to enable development to be carried out; where the approved development is not undertaken, the diversion is no longer necessary and therefore cannot be confirmed.

## **6. Implications of the Recommendations**

### **6.1 Legal Implications**

- 6.1.1 There are no legal implications

### **6.2 Finance Implications**

- 6.2.1 There are no financial implications

### **6.3 Policy Implications**

- 6.3.1 There are no direct policy implications

### **6.4 Equality Implications**

- 6.4.1 There are no direct equality implications

### **6.5 Human Resources Implications**

- 6.5.1 There are no direct human resources implications

## **6.6 Risk Management Implications**

6.6.1 There are no direct risk management implications.

## **6.7 Rural Communities Implications**

6.7.1 There are no direct implications for rural communities.

## **6.8 Implications for Children & Young People**

6.8.1 There are no direct implications for children and young people.

## **6.9 Public Health Implications**

6.9.1 There are no direct implications for public health.

## **7 Ward Members Affected**

7.1 Prestbury Ward - Councillor Paul Findlow was originally consulted.

## **8 Consultation & Engagement**

8.1 Statutory and local user groups and statutory undertakers were originally consulted.

## **9 Access to Information**

9.1 The background papers of file No. 216D/526 relating to this report can be inspected by contacting the report writer.

## **10 Contact Information**

10.1 Any questions relating to this report should be directed to the following officer:

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