

PLANNING COMMITTEE:

22 July 2020

**REPORT OF THE DIRECTOR OF PLANNING, TRANSPORT &
ENVIRONMENT**

**Stopping Up/Diversion Order, Section 257 Town and Country Planning Act
1980, Maelfa Development Site**

Reason for this Report

1. Section 257 of the Town and Country Planning Act 1990 provides that the Council may by order authorise the stopping up or diversion of any footpath if it is satisfied that it is necessary to do so in order to enable development to be carried out

Background

2. The path is to be diverted in accordance with Planning Application 19/0160MJR to enable Development at the Maelfa site in a scheme initiated by Neighbourhood Regeneration.
3. The proposed development will require the stopping up of a section of adopted highway footpath crossing the car park and open space. A new path will be created following a similar route direction around the perimeter of the development. The surrounding open space will be landscaped creating a more pleasant and amicable route for the public to use and enjoy.
4. Housing Officers confirmed during the submission of the Section 257 application, that the new building will remain Council owned, therefore the adopted highway in front of the building and entrance into the building will be retained.
5. During the initial consultation process, Parks Officers confirmed they would liaise with the developer to ensure the new footpath created will tie in with existing infrastructure.

Issues

6. The proposed development has had planning consent, however, in order for this development to proceed, there is a requirement to stop up the adopted highway which will be built on.
7. This application process also ensures the public's right to use and enjoy the footpath is retained.
8. There are no known issues as no objections to the application have been received and all statutory and non-statutory consultees are in agreement for this application to proceed.

Local Member consultation (where appropriate)

9. Written consultation was sent on 2 June 2020 and no objections or concerns were received by the consultees.
 - Pentwyn Ward Members:
 - Cllr Joe Carter;
 - Cllr Frank Jacobsen;
 - Cllr Dan Naughton; and
 - Cllr Emma Sandrey
 - Adjacent landowners - Cardiff Council Housing is the landowner and adjacent landowner is Cardiff Council Parks Department
 - Utilities:
 - Virgin;
 - BT Openreach;
 - Welsh Water; and
 - Western Power
 - Users groups:
 - Ramblers;
 - Auto Cycle Union;
 - British Horse Society;
 - Byways and Bridleways Trust;
 - Open Spaces Society;
 - Cycling UK; and
 - Welsh Trail Riders Association

Reason for Recommendations

10. To enable the proposed Development in accordance with Planning Application 19/0160 MJR and maintain a public path, in an enhanced environment in line with the proposed Development.
11. 109 metres of the former path is to be stopped up and replaced by 140 metres of path gently meandering in a leafy glade.

Financial Implications

12. None. The applicant has made a commitment to cover legal costs of the Order.

Legal Implications (including Equality Impact Assessment where appropriate)

13. None

HR Implications

14. None.

RECOMMENDATIONS

Planning Committee to approve the Section 257 Diversion Application to allow the Public Rights of Way Team to instruct Legal Services to process the Legal Order

ANDREW GREGORY
DIRECTOR PLANNING, TRANSPORT & ENVIRONMENT
25 June 2020

The following appendices are attached:

- Appendix A - Stopping up Map – Maelfa
- Appendix B - Maelfa Development Site Plan