

Report to TRO Panel

Proposed Stopping Up of Footpaths – Land Adjacent to Former Chadderton Sports Centre

Portfolio Holder:

Councillor B Brownridge, Cabinet Member for Neighbourhood and Culture

Officer Contact: Deputy Chief Executive – People and Place

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Reason for Decision

The purpose of this report is to approve the stopping up of footpaths that cross land adjacent to the former Chadderton Sports Centre, Chadderton, for the purpose of developing the area into a car park facility for a new conference / exhibition centre and restaurant.

Recommendation

It is recommended that the footpaths detailed in the schedule at the end of this report be stopped up under powers contained in section 257 of the Town and Country Planning Act 1990

Proposed Stopping Up of Footpaths – Land Adjacent to Former Chadderton Sports Centre**1 Background**

- 1.1 MCS Commercial Investments Ltd have purchased the former Chadderton Sports Centre and the adjacent land and have obtained Planning consent for conversion to a conference / exhibition centre and restaurant with associated car parking, Planning Application PA/339179/16 refers.
- 1.2 The area to be designated as car park is the large grassed area adjacent the former sports centre building, however, running through the site are a series of footpaths which connect Milne Street with Middleton Road, which are currently used by members of the public. The footpaths require stopping up due to the change in use of land, consequently an application has therefore been received from MCS for the footpaths to be stopped up.
- 1.3 The removal of the footpaths will not be detrimental to pedestrians as the existing footways along Milne Street and Middleton Road are open for use.

2 Options/Alternatives

- 2.1 Option 1: To approve the recommendation
- 2.2 Option 2: Not to approve the recommendation

3 Preferred Option

- 3.1 The preferred option is Option 1

4 Justification

- 4.1 As planning consent has been granted for the car park area, the footpaths running through the site should be stopped up as the routes cannot be accommodated within the car park layout.

5 Comments of Chadderton North Ward Councillors

- 5.1 The Ward Councillors have been consulted and Councillors B Brownridge, Councillor M Ali and Councillor F Haque have no objection to the proposal.

6 Financial Implications

- 6.1 The applicant has paid the standard Stopping Up fee of £2,620. This fee covers the costs of advertising, site notices and administration incurred by the Council.
- 6.2 All costs will be met from the Highways Unity Budget. There is adequate funding within the 2020/21 revenue budget to meet this charge. (Nigel Howard)

7 **Legal Services Comments**

- 7.1 Section 257 of the Town and Country Planning Act 1990 enables the Council to authorise the stopping up or diversion of any footpath or bridleway if it is satisfied that it is necessary to stop up or divert the footpath or bridleway in order to enable development to be carried out in accordance with planning permission granted under the Act. In the event of objections the application will be referred to the Secretary of State who must be satisfied that it is necessary to stop up or divert the footpath or bridleway and who has a discretion as to whether to confirm the stopping up/diversion. In the exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up/diversion which have been raised and must also take into account any countervailing advantages to the public, along with the planning benefits and the degree of importance attached to the development. He must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to confirm the stopping up/diversion. (A Evans)

8 **Co-operative Agenda**

- 8.1 In respect of this proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

9 **Human Resources Comments**

- 9.1 None.

10 **Risk Assessments**

- 10.1 None.

11 **IT Implications**

- 11.1 None.

12 **Property Implications**

- 12.1 None.

13 **Procurement Implications**

- 13.1 None.

14 **Environmental and Health & Safety Implications**

- 14.1 Energy – Nil.

- 14.2 Transport – Nil.

- 14.3 Pollution – Nil.

- 14.4 Consumption and Use of Resources – In accordance with current specifications

- 14.5 Built Environment – Alteration to visual appearance of area.

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- 14.6 Natural Environment – Nil.
- 14.7 Health and Safety – Nil.
- 15 **Equality, community cohesion and crime implications**
- 15.1 None.
- 16 **Equality Impact Assessment Completed?**
- 16.1 No.
- 17 **Key Decision**
- 17.1 No.
- 18 **Key Decision Reference**
- 18.1 Not applicable.
- 19 **Background Papers**
- 19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :
- None.
- 20 **Proposal**
- 20.1 It is proposed that the footpaths detailed in the following schedules be stopped up under powers contained in Section 257 of the Town and Country Planning Act 1990 and in accordance with drawing number 764 / A4 / 223 / 1.

Footpaths to be Stopped Up

Length A – C

Commencing from Point A, located 47 metres north north-east of the reference point at the north easterly radius of the Middleton Road / Milne Street junction for a distance of 21 metres in a generally south south-westerly direction to point C which is located 27 metres north east from the reference point at the north easterly radius of the Middleton Rd / Milne St junction.

Length B – C

Commencing from Point B located on Milne Street, 24 metres north north- east of the reference point at the north easterly radius of the Middleton Rd / Milne St junction for a distance of 8 metres in a generally east south-easterly direction to the said point C.

Length C – E

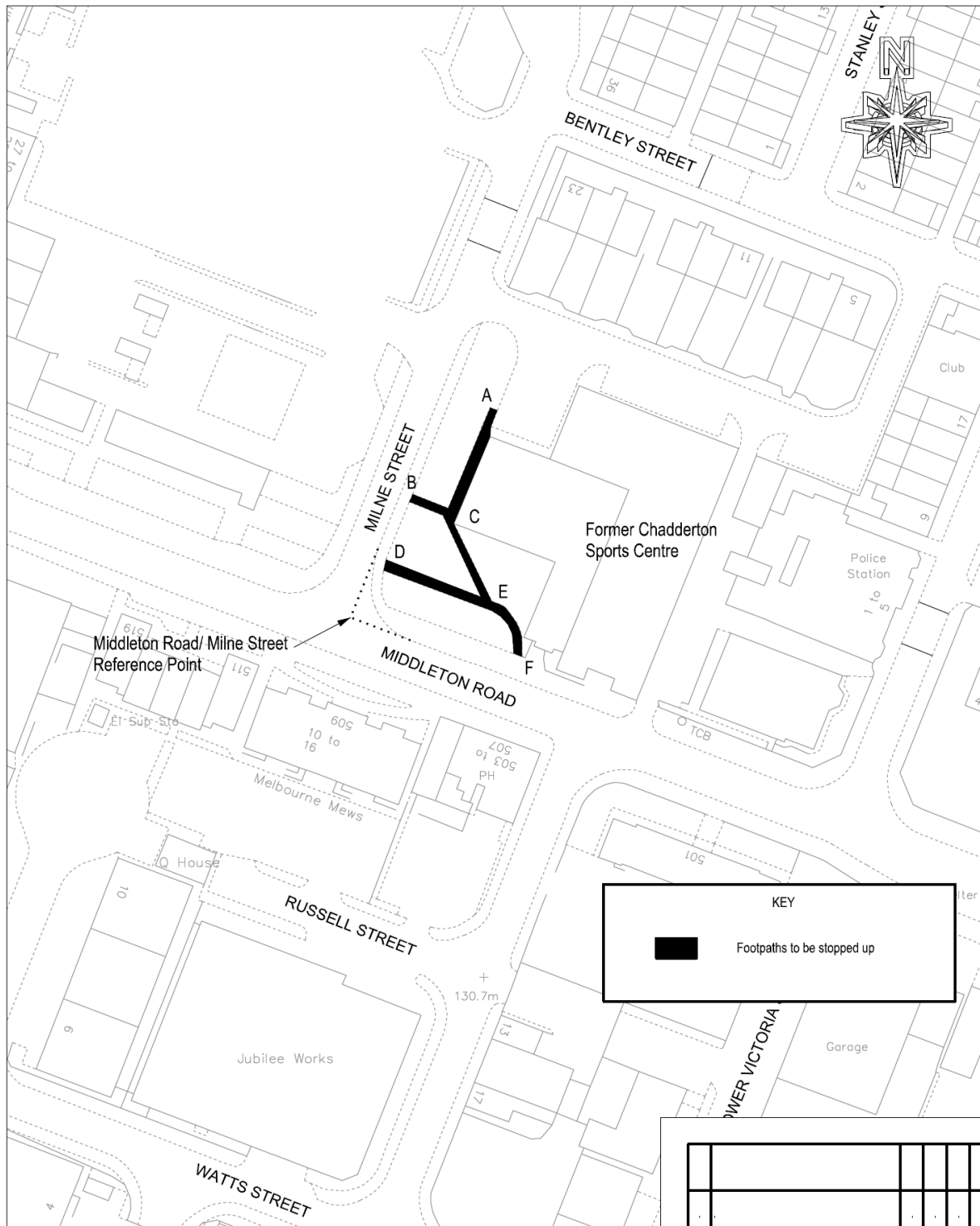
Commencing from the said Point C for a distance of 17 metres in a south easterly direction to Point E, located 25 metres east north-east of the reference point at the north easterly radius of the Middleton Rd / Milne St junction.

Length D-E

Commencing from point D located on Milne Street 11 metres north north-east of the reference point at the north easterly radius of the Middleton Rd / Milne St junction to the said point E.

Length E- F

Commencing from the said point E for a distance of 12 metres in a generally south easterly direction to Point F located on Middleton Road 31 metres from the reference point at the north easterly radius of the Middleton Rd / Milne St junction.



	Client Oldham MBC		Revision details		By	Chk	App	Date
	Project File Ref TM2/245		Title Stopping up of Footpaths at the former Chadderton Sports Centre					
	Drawn by RW	Date 12-20	Purpose of issue information					
Checked by SR		Date 12-20	Scale at A4 size 1:1000		Drawing No. 764/A4/223/1		Rev.	
Approved by GS		Date 12-20						

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