

# Individual Executive Decision Notice

<b>Report title</b>	Proposal to divert a section of Public Footpath FP493, Burton Crescent to Field Street, Heath Town	
<b>Decision designation</b>	GREEN	
<b>Cabinet member with lead responsibility</b>	Councillor Steve Evans City Environment	
<b>Wards affected</b>	Heath Town;	
<b>Accountable Director</b>	Ross Cook, Service Director, City Environment	
<b>Originating service</b>	Highways Network	
<b>Accountable employee</b>	Keith Rogers Tel Email	Service Lead - Highway Assets 01902 552855 keith.rogers@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	n/a	

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## Summary

The City of Wolverhampton Council has submitted a planning application to build 43 new affordable council homes in Heath Town which has now been approved. A section of Public Footpath FP493 must be diverted for the development to be carried out in accordance with the permission.

## Recommendation(s) for action or decision:

That the Cabinet Member for City Environment, in consultation with the Service Director, City Environment:

1. Approves the recommendation to divert a section of Public Footpath FP493 - Burton Crescent to Field Street, Heath Town.
2. Authorises the Director of Governance, in respect of Public Footpath FP493, to serve notice and make and advertise a Public Path Diversion Order in accordance with Section 257 of the Town and Country Planning Act 1990 and to confirm the Order subject to there being no objections.

3. Authorises the Director of Governance to make a Legal Event Modification Order to amend the Wolverhampton Rights of Way Definitive Map, if required.

\_\_\_\_\_  
Signature

Date:

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Signature

Date:

## **1.0 Background**

- 1.1 The City of Wolverhampton Council has submitted a planning application (17/01001/FUL) to build 43 new affordable council homes in Heath Town. Planning permission has now been granted and a section of Public Footpath FP493 is required to be diverted in order to facilitate the development.
- 1.2 The development, off Burton Crescent and using derelict land adjacent to St Stephen's Church, will include six one-bedroom flats, five one-bedroom bungalows, six two-bedroom bungalows, 16 two-bedroom houses, four four-bedroom houses and a supported housing unit of six one-bedroom flats.
- 1.3 The project is being delivered by the Council's Housing Development team. The homes, which will all be available for affordable rent, will be managed by Springfield Horseshoe Housing Management Co-operative.
- 1.4 It is proposed that a contractor to build the homes will be appointed in the New Year with the development expected to take up to three years to complete.
- 1.5 The funding for the development of these homes will come from the Council's Housing Revenue Account.

## **2.0 Progress, options, discussion**

- 2.1 The existing line of the footpath runs in a generally east-west direction between Field Street and Burton Crescent. The legal recorded length of the footpath is 98 metres, shown as a dashed line A-B on the attached plan. It is proposed to divert part of this footpath (C-B) along an alternative route C-D (shown as a bold line) to re-join Burton Crescent. The new route will also be approximately 98 metres. The newly created section will have a recorded width of two metres. The termination points will not change.
- 2.2 Consultations have been carried out with Statutory Undertakers. At the time of writing this report no objections to the proposal have been received. Consultation with local residents has also taken place and no objections have been received.
- 2.3 The granting of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary diversion order has come into effect.
- 2.4 The legal changes to the path can only be confirmed when the newly created route has come into operation; having been certified by the highway authority.

### **3.0 Evaluation of alternative options**

- 3.1 Option 1 - reject the application for the diversion of Public Footpath FP493. This would compromise the proposed development by hindering vehicle access from Burton Crescent.
- 3.2 Option 2 – extinguish Public Footpath FP493. This would force path users to undertake a diversion of over 800m between Burton Crescent and Field Street (via Wednesfield Road).

### **4.0 Reasons for decision(s)**

- 4.1 Diversion of the footpath allows the full potential of the development to be realised while minimising any inconvenience for path users.

### **5.0 Financial implications**

- 5.1 A Diversion Order costs in the region of £4,000. All costs associated with the diversion of the footpath will be met from an approved capital allocation of £5.2 million that exists within the Housing Revenue Account capital programme for the Burton Crescent new build development scheme.

[TT/13122017/T]

### **6.0 Legal implications**

- 6.1 Subject to approval, and an Order being made, notices advertising the proposed diversion will be posted on site and placed in a local newspaper. Any person wishing to object to the diversion will have 28 days to do so. If no objections are received the Diversion Order may be confirmed. If there any unresolved objections the Order will be referred to the Secretary of State for a decision and a public inquiry may be necessary.
- 6.2 Once the Diversion Order has been confirmed and the new highway has been certified the Director of Governance will authorise the making of a Legal Event Modification Order (LEMO) to alter the Wolverhampton Rights of Way Definitive Map to reflect the change, if required.

[RB/12122017/Z]

### **7.0 Equalities implications**

- 7.1 The design and construction of the alternative highway will comply with the current guidelines for wheelchair access. In addition there will be no additional length to the new route and so there will be no equalities implications.

### **8.0 Environmental implications**

- 8.1 This report has no environmental implications.

## **9.0 Human resources implications**

9.1 This report has no human resources implications.

## **10.0 Corporate Landlord implications**

10.1 This report has no corporate landlord implications.

## **11.0 Schedule of background papers**

11.1 Cabinet (Resources) Panel 7 February 2017 – Proposed Housing Development at Burton Crescent.

## **12.0 Appendices**

### **Appendix 1 - Plan**

