

Development Control Committee
Meeting to be held on 21 December 2022

Electoral Division affected:
Moss Side and Farington

South Ribble Borough: application number FP/2022/0002

Town and Country Planning Act 1990, Section 257

To divert footpaths nos. 7-4-FP5, 9-12-FP2 and 9-12-FP1 to allow the development of new cricket facility as proposed in Planning Application LCC/2022/0048 on land at Woodcock Estate, Stanifield Lane, Farington
(Appendix 'A' refers)

Contact for further information:

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Executive Summary

Application – To divert footpaths nos. 7-4-FP5, 9-12-FP2 and 9-12-FP1 to allow the development of new cricket facility as proposed in Planning Application LCC/2022/0048 on land at Land at Woodcock Estate, Stanifield Lane, Farington.

Recommendation - Summary

Subject to the Committee being satisfied that it is necessary to divert public rights of way nos. 7-4-FP5, 9-12-FP2 and 9-12-FP1 to enable the development to be carried out in accordance with planning application LCC/2022/0048, Orders be made under Section 257 of the Town and Country Planning Act 1990 as amended by the Growth and Infrastructure Act 2013 to divert public rights of way nos. 7-4-FP5, 9-12-FP2 and 9-12-FP1. Provided no objections are received following advertisement of the Orders, the Orders be confirmed if planning permission is granted for the proposed development.

Applicant's Proposal

Lancashire County Council has submitted a full planning application under Regulation 3 of the Town and Country Planning General Regulations 1992 for:

Proposed cricket facility comprising 2 no. cricket ovals and associated pavilion building and spectator seating, covered cricket nets, access, parking, landscaping and associated works (including temporary event overlay facilities on ticketed match days).



In order to develop the proposal, it will be necessary to re-align three existing Public Rights of Way nos. 9-12-FP1, 9-12-FP2 and 7-4-FP5 that cross the site. The following diversions are proposed:

Public Right of Way 9-12-FP1

The entire length of that part of Footpath 9-12-FP1 running from the western boundary of Stanifield Lane (A5083) in Farington at point A (SD 5502 2490), west for 185 metres to an unmarked point in the field point B (SD 5483 2489) as indicated on the map attached to this report at Appendix 'A'.

Description of site of alternative public right of way

A footpath running from the western boundary of Stanifield Lane (A5083) in Farington at point C (SD 5503 2497), generally west south west for 210 metres to an unmarked point in the field point B (SD 5483 2489) as indicated on the map attached to this report at Appendix 'A'.

Public Rights of Way 9-12-FP-2 and 7-4-FP5

The entire length of Footpath 9-12-FP2 and of part of Footpath 7-4-FP5 running from the western boundary of Stanifield Lane (A5083) in Farington at point D (SD 5501 2477), generally west for 210 metres to just west of Sherdley Cottage (point E, SD 5481 2472) and then generally south west for 465 metres to an unmarked point in the field at point F (SD 5459 2451) as indicated on the map attached to this report at Appendix 'A'.

Description of alternative public right of way

A footpath running from the western boundary of Stanifield Lane (A5083) in Farington at point K (SD 5501 2478), generally west then south for 250 metres to an unmarked point in the field at point E (SD 5481 2472) and then generally south then west for 380 metres to the field boundary at point G (SD 5470 2448) and then west north west for 115 metres to point F (SD 5459 2451) as indicated on the map attached to this report at Appendix 'A'.

Background

Section 257 of the Town and Country Planning Act 1990 (as amended by the Growth and Infrastructure Act 2013) allows a diversion/stopping up Order necessary to enable a development to take place, to be made before planning permission has been granted, provided that a planning application has been submitted. An Order cannot be confirmed however until such time as planning permission for the proposed development has been granted and provided that the Order is unopposed.

When an Order is made by a local planning authority under Section 257 it is necessary for the local authority to give notice of the Order by publishing a notice in a local newspaper, displaying a notice on site and notifying specified persons and bodies. In the event that objections are made and not withdrawn, the Order will need to be made by the Secretary of State.



Advice

A planning application was submitted in July 2022 for a proposed cricket facility comprising 2no. cricket ovals and associated pavilion building and spectator seating, covered cricket nets, access, parking, landscaping and associated works (including temporary event overlay facilities on ticketed match days) and realignment of public rights of way nos. 9-12-FP1, 9-12-FP2, 7-4-FP5 at land at Woodcock Estate, Stanifield Lane, Farington (LCC/2022/0048). The planning application will be determined by the County Council's Development Control Committee.

To implement the proposed development, three public rights of way will require diversion:

With regard to Public Right of Way 9-12-FP1, in order to develop the proposed access road into the proposed development it is necessary to realign part of this existing Public Right of Way to access Stanifield Lane approximately 60m metres further to the north. The realigned section would then join the route of the existing footpath which continues in a westerly direction before joining existing footpath 7-4-FP6 allowing members of the public to come out onto Farington Road.

With regards to Public Right of Way 9-12-FP2 it is necessary to divert this route and part of Public Right of Way 7-4-FP5 near the eastern boundary of the proposed development site in order to provide a safer pedestrian access route to and past the site as detailed in the proposal. Public Right of Way 7-4-FP5 also requires re-alignment in order to construct the cricket ovals and the tiered spectator bunding around them. The perimeter of this bunding would form a physical barrier to the existing public right of way preventing access to and from it.

The proposed diverted route of 9-12-FP2 would access Stanifield Lane approximately 10m north of the existing route and it would be routed further north by approximately 30m. Public right of way 7-4-FP5 would also be diverted where it meets 9-12-FP2 then in a south west direction around the perimeter of the application site before re-joining the existing route of public right of way 7-4-FP5 where it meets Fowler Avenue.

All these diversions would start and finish at similarly convenient access points from the same highway and would maintain safe and pleasant routes through the site which would not be less commodious than the existing routes.

It is proposed that the diverted route 9-12-FP1 would be surfaced with self-binding gravel as it would become the main pedestrian entrance into the cricket facility. Proposed diverted routes 9-12-FP2 and 7-4-FP5 are not proposed to be surfaced with the exception of a short length of 9-12-FP2 at the access point onto Stanifield Lane. This is due to the proposal's location within the Green Belt and to retain the existing rural character of the paths. The character of the site was highlighted as being important to local residents and stakeholders in pre-application consultation. A fundamental design driver has therefore been to keep built form to the minimum, and to maintain green character as far as possible. For this reason, the proposals are to maintain the majority of the diverted Public Right of Way as a green ways. This approach has taken into account ground conditions and drainage considerations.



Recommendation

That, subject to the Committee being satisfied that it is necessary to divert public rights of way 7-4-FP5, 9,12-FP2 and 9-12-FP1 to enable the development to be carried out in accordance with planning application LCC/2022/0048, Orders be made under Section 257 of the Town and Country Planning Act 1990 as amended by the Growth and Infrastructure Act 2013 to divert public rights of way 7-4-FP5, 9-12-FP2 and 9-12-FP1 as follows:

Public Right of Way 9-12-FP1

The entire length of that part of Footpath 9-12-FP1 running from the western boundary of Stanifield Lane (A5083) in Farington at point A (SD 5502 2490), west for 185 metres to an unmarked point in the field at point B (SD 5483 2489) as indicated on the map at Appendix 'A'.

Description of site of alternative public right of way

A footpath running from the western boundary of Stanifield Lane (A5083) in Farington at point C (SD 5503 2497), generally west south west for 210 metres to an unmarked point in the field at point B (SD 5483 2489) as indicated on the map at Appendix 'A'.

Public Rights of Way 9-12-FP-2 and 7-4-FP5

The entire length of Footpath 9-12-FP2 and of part of Footpath 7-4-FP5 running from the western boundary of Stanifield Lane (A5083) in Farington at point D (SD 5501 2477), generally west for 210 metres to just west of Sherdley Cottage (point E, SD 5481 2472) and then generally south west for 465 metres to an unmarked point in the field at point F (SD 5459 2451) as indicated on the map at Appendix 'A'.

Description of alternative public right of way

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Local Government (Access to Information) Act 1985

List of Background Papers

| Paper | Date | Contact/Directorate/Ext |
|---------------|---------------|--|
| LCC/2022/0048 | December 2022 | Jonathan Haine Planning and Environment 01772 534130 |



Reason for Inclusion in Part II, if appropriate

N/A

