



Western Area Planning Committee – Meeting Wednesday 9 December 2009

Cinema Site - Application for a Stopping up Order on claimed footpaths

At the request of the Town Forum's Community Champion, Daniel Bech, who had a pressing commitment on 9 December, Philip Whitbourn attended the Western Area Planning Committee in his place. This was purely as an observer, with no brief to speak, but with the object of being able to update the Town Forum on the situation as reliably as possible.

The matter before the Committee was an application for a Stopping up Order to close two alleged footpaths, and to provide two replacement walkways.

- One footpath, WBX17, ran alongside Pizza Hut from Mount Pleasant Road to Clanricarde Road.
- The other, WBX18, ran alongside the Pitcher and Piano from Church Road, also to Clanricarde Rd.

The key issues identified in the Report 091209IWAP001 of the Head of Planning Services (ref: RCC/LM) were:

- Whether or not the alleged paths must be stopped up to enable the development to take place (i.e. without the stopping up, the development could not be carried out), and
- Whether or not the walkways proposed by the developer (applicant) are suitable replacements.

Additionally, an Update Report was produced, following modifications made by the applicants, and further responses to consultations. These responses included one from Christopher Thomas, which was summarised in the Report in the following way:

Private

1.04 - 06/12/09 - Town Forum

Town Forum has been campaigning to see the back of this 'grot spot' and concerned it may be with us for another decade. In the interests of Royal Tunbridge Wells, and especially business community, expect that there would be no more planning delays. Understood that walkways to be proposed.

Ask to ensure the following:

- All aspects of DDA be fully investigated.
- Walkways adequately maintained in perpetuity, and safe to use at all times, and adequately lit. Not suitable for rough sleepers etc.
- Need cleaning on regular basis at the expense of the landlord. What height are walls to stop people climbing over when closed?
- What gradient will paths be?
- What drainage, and how will rainwater escape?
- What material used?

1.05 - 06/12/09 - Town Forum

Lighting needs to be in keeping with Conservation Area. Ask that no further delays in ensuring site developed. Look forward to agreement of Network Rail on the engineering design.

Proposed walkway 1, replacing WXB 18 by the Pitcher and Piano, followed the western edge of the development site, thus containing two right angled turns. On the other hand, it was pointed out that the walkway would be segregated from vehicular traffic, as distinct from the present undelineated route through a working car park.

Proposed walkway 2, replacing the steep path WXB117 alongside Pizza Hut, followed a straight east-west line, main Lyon the level, but with the option of stairs or a lift at its widest point. It was pointed out that the walkway would be under cover, and so could be more user-friendly in inclement weather.

Both walkways would have gated entrances, but it was claimed that both routes were used predominantly during normal working and surgery hours, when the gates would be kept open. It was suggested that special arrangements could be made for Doctors, or others with a particular need to use the routes out of hours. CCTV would be provided, and cleaning would be the responsibility of the owners.

A full Management Plan was not available at this stage, but a legally binding Walkway Agreement would be needed, and the Forum might wish to seek to be consulted about that. They might also like to be consulted about finishes, which would be dealt with as part of the normal planning process. The recommendation in the Updated Report was approved by the Committee and was as follows:

RECOMMENDATION - THAT AN ORDER, IN A FORM TO BE PREPARED BY THE HEAD OF LEGAL SERVICES, BE MADE UNDER S257 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO STOP UP THE CLAIMED FOOTPATHS AND *that an agreement be entered into in accordance with AN ORDER TO* ~~MADE UNDER~~ S35 OF THE HIGHWAYS ACT 1980 FOR THE CREATION OF TWO WALKWAYS, AND THAT IF NO OBJECTIONS TO THE ORDER BE RECEIVED, OR ANY SUCH OBJECTIONS ARE WITHDRAWN, THE ORDER BE CONFIRMED. IF OBJECTIONS ARE RECEIVED AND NOT WITHDRAWN, THE ORDER BE SENT TO THE SECRETARY OF STATE FOR CONFIRMATION.

The Secretary of State would only become involved if objections to the Order were received and not withdrawn.

Philip Whitbourn
9 December 2009