

**COMMITTEE:** REGULATION

**DATE:** 23<sup>rd</sup> FEBRUARY 2011

**SUBJECT:** DIVERSION OF FOOTPATH, FORMER HART HILL SCHOOL SITE

**REPORT BY:** HEAD OF HOUSING (STRATEGY AND PRIVATE SECTOR)

**CONTACT OFFICER:** HUW JENKINS 01582 548068

**IMPLICATIONS:**

<b>LEGAL</b>	✓	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>		<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	✓	<b>CONSULTATIONS</b>
<b>STAFFING</b>		<b>OTHER</b>

**WARDS AFFECTED:** CRAWLEY

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**PURPOSE**

1. To seek approval for a temporary footpath as an alternative to the existing footpath at the Hart Hill site before works are completed to allow the permanent diversion previously approved by the Committee on 27<sup>th</sup> April 2011.

**RECOMMENDATION(S)**

2. Regulation Committee is recommended to approve the principle of temporary closure of the footpath to the north and west of the former Hart Hill School subject to a provision of satisfactory temporary alternative route as set out at Appendix A.

**BACKGROUND**

3. The site was previously occupied by the former Hart Hill Primary School buildings.
4. Following the closure of this school in 2006, the buildings have been demolished and the site has been fenced off to prevent any casual intrusion. The site is bounded to the north and the west by the Public

Footpath which links Brooms Road / Tower Road with the footpath that bounds the western part of the site, running at the rear of properties in Pomfret Avenue.

5. The site is being developed to provide 62 homes, both private sale and affordable, as part of the New Homes for Luton programme (NHfL), the Council's joint venture with Luton Learning and Community Partnership (the LEP) and Catalyst Housing Group. NHfL has been introduced to find additional affordable homes across the town and is aiming to provide approximately 450 additional affordable homes with the first phase providing 162 units across 3 sites.

## **REPORT**

6. At its meeting on 27<sup>th</sup> April 2010 6<sup>th</sup> June 2010, the Committee approved the permanent diversion of the footpath to the north and west of the former Hart Hill School site on the basis that an alternative would be provided as part of the development of the site. The Committee required that the existing path should not be closed until the new route was fully available for use to ensure continuity for users.
7. An appropriate diversion order was made under the Town and Country Planning Act 1990. After the statutory consultation during which no objections were received it was confirmed as an unopposed order in July 2010. It will have full effect when the new route approved by the Committee in 2010 is available.
8. Subsequent reductions in capital funding for the scheme from the Housing and Communities Agency (HCA) prompted a review of the financial viability of the project by the NHfL partners. The private sales element of the development was prioritised and the works were re-programmed to ensure that private units, particularly the show homes, were completed first. Building work would need to start on parts of the footpath before the replacement path is opened to achieve this, requiring the path to be completely closed to protect the safety of the public.
9. A temporary closure order for the footpath (entirely separate from the 2010 diversion order) was granted to the contractor, Wates Living Space, under the Road Traffic Regulation Act allowing a signed diversion via Tower Lane, Hart Lane and Pomfret Avenue. The footpath was closed on 2<sup>nd</sup> February 2011. Following a complaint received from a councillor, the Authority reviewed the order and found that it failed to comply with the Committee's decision made on 27<sup>th</sup> April 2010. The path was subsequently reopened on 16<sup>h</sup> February 2011.

## **PROPOSAL/OPTION**

10. A temporary closure of the existing footpath, until the new route is fully available for use, is sought to allow the project to continue with the proposed programme. It has been possible to provide a shorter route than

would normally be available on public roads and paths. The proposed route is included in appendix A and is estimated to be approximately 100m longer than the existing path. Some construction work will be required to form the path off Haddon Road. The existing path would not be closed until the temporary route is fully available.

11. If the temporary closure is not allowed, the contractor will be required to re-programme the project which will delay the completion of the private units and may impact on the financial viability of the project.

### **LEGAL IMPLICATIONS**

12. This report does not seek members' approval for any legal procedure. The eventual permanent diversion is covered by the 2010 order which is not the subject of this report. This report requests, in effect, that members modify their requirements, to allow the principle of temporary closure of the path before the new permanent route is provided. The actual legal process for that temporary closure can be dealt with under delegated powers. Although members are asked to consider the proposed alternative route, it will be a matter of choice for walkers as to whether they use that or any other route available to the public. Agreed with John Secker in Legal Services on 14<sup>th</sup> February 2011.

### **EQUALITIES IMPLICATIONS**

13. There are no specific equalities issued with this report.

### **FINANCIAL IMPLICATIONS**

14. The costs of works to implement the temporary footpath would be borne by NHfL and the Authority would waive the normal application fee.. Any other financial impacts to the project would be borne by NHfL. The report has been agreed by the Housing & Community Living Finance Manager on 14<sup>th</sup> February 2011.

### **APPENDIX**

Appendix A – Plan showing location of the proposed route of the temporary path.

### **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Report to Regulation Committee 27<sup>th</sup> April 2010  
Report to Regulation Committee 6<sup>th</sup> June 2010