

Report of	Meeting	Date
Director of Transformation	Development Control Committee	12 January 2010

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 PROPOSED PUBLIC PATH DIVERSION ORDER RE: PART OF PUBLIC FOOTPATH NO 6, ADLINGTON

PURPOSE OF REPORT

1. To consider an application submitted by Dickinson Dees Solicitors on behalf Places for People Ltd, for the diversion of part of Public Footpath No. 6, Adlington, in order to facilitate the development of an affordable housing scheme.

RECOMMENDATION(S)

2. That the making of a Public Path Diversion Order pursuant to Section 257 of the Town and Country Planning Act 1990, be approved, subject to the grant of planning permission, in respect of a 158.7 metre length of Footpath No. 6, Adlington, so as to enable the carrying out of development.

REASONS FOR RECOMMENDATION(S)

3. To facilitate the carrying out of development subject to the grant of planning permission in accordance with Part III of the Town and Country Planning Act 1990.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. To have rejected the application would have been to compromise the proposed scheme of development in that a right-of-way would continue to subsist on the land concerned and therefore be exercisable in law across the site of 11 proposed properties.

CORPORATE PRIORITIES

5. This report does not relate to any of the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

BACKGROUND

6. Public Footpath No. 6 Adlington runs from the western end of Farm Avenue in a south-westerly direction across an undeveloped expanse of open land to Fairview Drive, and thence along the footway (i.e. "pavement") of Fairview Drive, onto which the remaining length of Footpath No. 6 has already been provisionally diverted as a consequence of a Public Path Diversion Order made on 21 January 2004 under Section 257, Town and Country Planning Act 1990. The land over which the Footpath runs was formerly pasture land belonging to Fairview Farm extending down to the pedestrian level-crossing on the Preston to Manchester line. The bulk of the land was subsequently developed as a private residential estate, Fairview Drive, initially by Westbury Homes and then subsequently by Persimmon.
7. It was always intended that the small parcel of land sandwiched between the new residential estate and Farm Avenue should be developed for low cost housing and such a scheme was brought forward in 1999, entailing the diversion of Footpath No. 6. Although the Council on that occasion approved the making of a Diversion Order, the low-cost housing scheme put forward at that time did not progress and in the end the wider development proceeded ahead of the proposed low-cost scheme. The Order approved at that time was therefore not pursued to completion. A new scheme has now been drawn up by Places for People Ltd, (constituted as an Industrial and Provident Society) for the construction of 36 properties.

DETAILS OF PROPOSAL

8. The length of footpath forming the subject of the application runs for a total distance of 158.7 metres from the western termination of Farm Avenue in a south-westerly direction to the rear north-west corner of No. 32 The Avenue and thence in a south-south-westerly direction to the front north-western corner of no. 96 Fairview Drive. The Footpath thereafter runs along the footway fronting nos. 90, 92, 94 and 96.
9. The proposed diversion, running for a total length of 174 metres, would run from the western termination of Farm Avenue and thence in a generally south-westerly and thence southerly direction along the pavement serving the new affordable housing scheme to the front north-western corner of no. 96 Fairview Drive. Although the diversion comprises a slightly longer route, it is not significantly different in extent or direction to the existing route. The end effect of the proposal would also, of course, result in the Footpath being encompassed within a fully urbanised environment

IMPLICATIONS OF REPORT

10. This report does not have any implications in relation to the following areas:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal			

GARY HALL
DIRECTOR OF TRANSFORMATION

Background Papers			
Document	Date	File	Place of Inspection
Letter from Dickinson Dees Solicitors together with map	9 November 2009	4002	Town Hall, Chorley

Report Author	Ext	Date	Doc ID
G Fong	5169	27 November 2007	