

Report of	Meeting	Date
Director of Transformation	Development Control Committee	30 March 2010

## **TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 PROPOSED PUBLIC PATH DIVERSION ORDER RE: PARTS OF PUBLIC FOOTPATHS NOS 4 AND 19, CHORLEY**

### **PURPOSE OF REPORT**

1. To consider an application submitted by Morris Homes Ltd for the diversion of part of Public Footpaths Nos. 4 and 19, Chorley, in order to facilitate the development of a residential housing estate.

### **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, in respect of two lengths of Footpaths Nos. 4 and 19, Chorley, so as to enable the carrying out of development in accordance with the grant of planning permission.

### **REASONS FOR RECOMMENDATION(S)**

3. To facilitate the carrying out of development in accordance with 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 continue to be exercisable in law across the site of the 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. 4 Chorley runs from Crosse Hall Lane in a generally northerly direction across an undeveloped expanse of open land sandwiched between the Black Brook and the M.61 Motorway to Froom Street. The land over which the Footpath runs was formerly pasture land.
7. Public Footpath No. 19 Chorley runs from Eaves Lane, by way of Canal Walk, in a generally easterly direction across an undeveloped expanse of open land to the Black Brook, which is crossed by means of a foot-bridge, whereupon the Footpath joins up with public Footpath no. 4.
8. Planning permission was granted to Morris Homes Ltd sometime ago to develop the parcel of land bounded by the Leeds-Liverpool Canal on the west, the M.61 Motorway on the east, Crosse Hall Lane on the south and Froom Street on the north for residential housing.

## DETAILS OF PROPOSAL

9. The two lengths of Footpath No. 4 forming the subject of the application run for a total distance of 234 metres. The first length to be diverted comprises a 118 metre length running from point A on the map attached in a generally northerly direction to point B, which length is to be diverted on the new estate footpath running from point A by way of point E to point B, a total distance of 146 metres. From Point B the Footpath continues along its existing line following a route running across what will remain as amenity open space to point C.
10. The second length of Footpath No. 4 forming the subject of the application runs from Point C northwards to Point D on Froom Street, comprising a distance of 116 meters, and is to be diverted on to the new estate road, as marked by the line C-F-G and thence on to the new link-footpath, as marked by the line G-H-D, a total of 147 metres.
11. Although the diversion cumulatively comprises a slightly longer route, it is not significantly different in nature (i.e. gradients), 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.
12. The length of Footpath No. 19 forming the subject of the application runs for an approximate distance of 100 metres. The length to be diverted runs from point J on the map attached in a generally easterly direction to point K, which length is to be diverted onto the new estate footpath, i.e. the adopted footway adjoining the carriageway.
13. The cost of processing the Public Path Diversion order would be met in full by Morris Homes Ltd.

## IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal			

G HALL  
DIRECTOR OF TRANSFORMATION

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
E-Mails from Morris Homes Ltd	22 December 2009 4 January 2010 5 January 2010 6 January 2010 11 January 2010 29 January 2010		Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
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