

Report of	Meeting	Date
Director of Transformation	Development Control Committee	25 May 2010

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO. 6, ADLINGTON) PUBLIC PATH DIVERSION ORDER 2010

PURPOSE OF REPORT

1. To consider confirmation of a Public Path Diversion Order, in order to facilitate the development of an affordable housing scheme.

RECOMMENDATION(S)

2. That the Director of Transformation be authorised to confirm as an unopposed Order the Chorley Borough Council (Public Footpath No. 6, Adlington) Chorley Borough) Public Path Diversion Order 2010, made pursuant to Section 257 of the Town and Country Planning Act 1990, formally authorising the diversion of Public Footpath No. 6, Adlington, in order to permit development to be carried out in accordance with the grant of planning permission, namely the construction of affordable housing.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

3. The proposal to effect the diversion of Public Footpath No. 6, Adlington, was approved by the Development Control Committee on 12 January 2010, and no objections were received following publication of the proposal in the press and posting of notices on site.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. The only other alternative would have been to refuse to confirm the Order, notwithstanding the previous approval of the Development Control Committee, the agreement of Lancashire County Council and the fact that there were no objections to the proposal by the public or any of the various statutory undertakers and other specified bodies, with which the Council is formally required to consult.

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		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	



BACKGROUND

6. Public Footpath No. 6 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.
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 of the 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 of the pavement serving the new affordable housing scheme to the front north-western corner of no. 96 Fairview Farm. 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.
10. A copy of the Order made on 23 March 2010 is attached.

IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	

GARY HALL
DIRECTOR OF TRANSFORMATION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Zeynab Patel	5170	14 May 2010	***