

Report of	Meeting	Date
Director of Transformation	Development Committee	24 May 2011

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO.41, CHORLEY) PUBLIC PATH DIVERSION ORDER 2011

PURPOSE OF REPORT

1. To consider the making of a public path diversion Order, in order to facilitate the development of 135 dwellings at the former Vertex Training Centre at Little Carr Lane.

RECOMMENDATION(S)

2. That the Director of Transformation be authorised to confirm making of the Chorley Borough Council (Public Footpath No.41, Chorley) Public Path Diversion Order 2011, made pursuant to Section 257 of the Town and Country Planning Act 1990, in order to permit the development to be carried out in accordance with the grant of planning permission, namely the development of 135 dwellings at the former Vertex Training Centre at Little Carr Lane.

EXECUTIVE SUMMARY OF REPORT

3. A planning application under reference 10/00946/REMAJ for the erection of a residential development consisting of 135 dwellings, was approved on the 9 February 2011. There is an existing right of way (Footpath No.41) which runs through the site. The developer (Arley Homes) currently has a temporary footpath diversion order in place granted by Lancashire County Council.
4. The developer has submitted an application to divert the existing public right of way.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. The diversion of Footpath No.41 is necessary to enable the development of the former Vertex Training Centre to take place. The development represents appropriate re-use of a brownfield site within a sustainable location
6. There are no suitable alternative options.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. Concerns were raised by the Ramblers Association as part of the planning application in regards to the proposed route. They suggested an alternative route which followed the original route more closely. This alternative route was considered as part of the planning application however the planning officers considered that this alternative route would result in a route adjacent to/to the rear of dwelling houses and through the future employment site which was not considered acceptable from a safety perspective. Additionally it was considered that it was unlikely that users would utilise a route like this opting for the safer lit route along the main highway.
8. Refusal of the application will have a significant effect on the development of the site in

accordance with the planning permission granted and would impact on the developability of this brownfield site.

CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy	X	Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy	X	Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

10. Outline planning approval was granted in December 2008 (08/01044/OUTMAJ) for the redevelopment of the whole site. There is an existing right of way (Footpath No.41) which runs through the site. It was identified at the time of the outline planning approval that the right of way would require diverting and the indicative masterplan submitted with the outline application indicated that the proposed diversion route will run from Little Carr Lane through the emergency access point and along the main access road of the site to Myles Standish Way.
11. This outline approval was subsequently amended in January 2011 (10/00888/OUTMAJ) with a Section 73 application however this did not affect the required footpath diversion.
12. A reserved matters application under reference 10/00946/REMMAJ for the erection of a residential development consisting of 135 dwellings, was approved on the 9 February 2011. The developer (Arley Homes) currently has a temporary footpath diversion order, in respect of Footpath No 41, in place granted by Lancashire County Council.

IMPLICATIONS OF REPORT

13. This report has implications in the following areas and the relevant Directors' comments are included:

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

THE DIRECTOR OF TRANSFORMATION

Report Author	Ext	Date	Doc ID
Jodi Fitzpatrick/Nicola Hopkins	5112	11/05/2011	

Background Papers

There are no background papers to this report.