

Report of	Meeting	Date
Chief Executive	Development Control Committee	19 November 2013

## **PROPOSED DIVERSION OF A SECTION OF PUBLIC FOOTPATH NUMBER 34 NEAR HODDER AVENUE S.257 TOWN AND COUNTRY PLANNING ACT 1990**

### **PURPOSE OF REPORT**

1. To consider an application submitted by Adactus Housing Association Limited for the diversion of part of Public Footpath No. 34 Chorley in order to facilitate the development of 24 dwellings for affordable rent.

### **RECOMMENDATION(S)**

2. That the making of the proposed Chorley Borough Council (Public Footpath No. 34) Public Path Diversion Order 2013 pursuant to Section 257 of the Town and Country Planning Act 1990 be approved in respect of a length of Footpath Number 34 Chorley so as to enable the development in accordance with the application for planning permission against reference 13/00798/FULMAJ.
3. That the Head of Governance is authorised to serve notice regarding the making of the order on prescribed persons and arrange for notice in the local press and on site.

### **EXECUTIVE SUMMARY OF REPORT**

4. A section of Public Footpath No. 34 Chorley runs along a strip of land to the south of Moor Road in a southerly direction along council owned land. The former Douglas House immediately to the west is also owned by Chorley Council and is subject of a planning application by Adactus to build 24 dwellings for affordable rent. Approaching the south eastern corner of the former Douglas House site Footpath No. 34 veers in a south westerly direction across the site subject of the planning application by Adactus. It is this section which it is proposed to be diverted.
5. Adactus have applied for planning permission to develop the council owned former Douglas House site for 24 dwellings for affordable rent.
6. The south eastern area of the application site is affected by Footpath Number 34. Members are referred to the draft order map attached as Appendix A to this report which shows the existing legal footpath by a continuous bold black line between the points "A" and "C". This is the route which it is proposed to divert i.e. it will cease to be a legal right of way.
7. In order to facilitate the development it is proposed to divert the path onto a route between the points "A" to "B" to "C" shown by bold black dashes on the plan in Appendix A.
8. To illustrate the wider context of Footpath 34 a continuation of Footpath No. 34 is shown by a continuous thin line to the north of Point "A" on the plan in Appendix A. This section is not affected by the proposed diversion.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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## CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	✓	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

## DETAILS OF THE PROPOSAL

10. The length of the currently existing Footpath No. 34 between the points “A” and “C” forming the subject of the application runs for a total distance of about 33 metres in a south westerly direction.
11. The length of the proposed diverted route between the points “A” to “B” to “C” runs for a total distance of about 45 metres.
12. Although the diversion comprises a slightly longer route it is not significantly different in nature (i.e. gradients, extent, length or direction) to the existing route.
13. The section of Footpath No. 34 to be diverted is in practice not used by the general public as it is obstructed at one end by a wall bounding the application site. The diversion will in fact improve matters for the public by restoring a route along footpaths which will become part of the public footpath network and therefore maintainable at public expense.
14. The route of the proposed diversion is over land presently owned by Chorley Borough Council.
15. Consent of the owner of the land affected by the newly diverted route is required. The Director of People and Places whose staff maintain the land has confirmed that Chorley Council agrees to the newly diverted section of Public Footpath No. 34 crossing the land which is at present in the council's ownership.
16. The cost of dealing with the application will be met by Adactus.

## IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	✓	Policy and Communications	

## COMMENTS OF THE STATUTORY FINANCE OFFICER

18. The applicant developer will make a contribution to the costs of making the order. When the order comes into effect after it is certified that its provisions have been complied with legal responsibility for maintenance of the newly created section of public footpath will rest with Lancashire County Council. At present Chorley Council undertakes cleansing of the section of Public Footpath No. 34 near Hodder Avenue on behalf of Lancashire County Council.

## COMMENTS OF THE MONITORING OFFICER

19. An order made under s.257 may provide for the creation of an alternative highway for the footpath to be diverted. The order may also authorise or require works and require any person named in the order to meet the costs of such works.
  
20. A public notice describing the order must be advertised in the local press and the order placed on deposit for public inspection. This public notice and order map must also be placed at each end of the length of public footpath to be diverted. Owners of land affected by the order and various statutory consultees must be contacted and served with the notice and allowed the opportunity to make objections within 28 days from the making of the order. If no objections are made the order may then be recommended for confirmation to Development Control Committee as an unopposed order. After the order is confirmed i.e. made permanent it does not come into effect until Chorley Council certifies that the provisions of the order have been complied with.

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Alex Jackson	5166	31 October 2013	IKEN 1970