

Report of	Meeting	Date
Chief Executive	Development Control Committee	14 January 2014

PROPOSED DIVERSION OF A SECTION OF PUBLIC FOOTPATH NUMBER 31 COPPULL NEAR MILTON ROAD S.257 TOWN AND COUNTRY PLANNING ACT 1990

PURPOSE OF REPORT

1. To consider an application submitted on behalf of Chorley Community Housing Limited (CCH) for the diversion of part of Public Footpath No. 31 Coppull in order to facilitate the development of 8 two bedroomed bungalows for affordable rent.

RECOMMENDATION(S)

2. That the making of the proposed Chorley Borough Council (Public Footpath No. 31 Coppull) Public Path Diversion Order 2014 pursuant to Section 257 of the Town and Country Planning Act 1990 be approved in respect of a length of Footpath Number 31 Chorley so as to enable the development in accordance with the application for planning permission against reference 13/01096/FUL.
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. 31 Coppull Chorley affects a parcel of land to the east of Milton Road, running in a broadly east-west direction. The parcel of land is subject of a planning application by CCH to build 8 two bedroomed bungalows for affordable rent.
5. The south western area of the application site is affected by a section of Footpath Number 31. Members are referred to the draft order map attached as Appendix A to this report which shows a section of the existing legal footpath by a continuous bold black line between the points A-B-C. This is the route which it is proposed to divert i.e. it will cease to be a legal right of way.
6. In order to facilitate the development it is proposed to divert the path onto a route between the points A-D shown by bold black dashes on the plan in Appendix A.
7. To illustrate the wider context of Footpath 31 a continuation of Footpath No. 31 is shown by thin dashes to the east of Point "A" and to the west of Point "C" on the plan in Appendix A. These sections are not affected by the proposed diversion.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	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

9. The length of the currently existing Footpath No. 31 between the points A-B-C forming the subject of the application runs for a total distance of about 40 metres.
10. The length of the proposed diverted route between the points A-D runs for a total distance of about 25 metres.
11. The diversion comprises a slightly shorter route so it is no less convenient for users. It is not significantly different in nature (i.e. gradients, extent, length or direction) to the existing route.
12. The section of Footpath No. 31 to be diverted is in practice not used by the general public as it is obstructed by a fence 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.
13. Consent of the owner of the land affected by the newly diverted route is required. Both the existing legal route and the route of the proposed diversion are on land owned by the applicant CCH.
14. Approximately at Point D the land is affected by a 225 mm public sewer which runs in an east-west direction and a 4 inch water main which runs in a north-south direction. In accordance with Schedule 14 to the Town and Country Planning Act 1990 United Utilities will be served with the documents described below.
15. Enquiries with National Grid revealed that they have gas apparatus running along Milton Road. National Grid objected to an earlier version of the proposed order which envisaged a diversion running from A-D-C on the map in Appendix A. This would have affected the apparatus between the points D-C. However as Milton Road is adopted it is not necessary to effect a diversion along the points D-C as the public already enjoy rights of way over this section and indeed such a diversion would not be lawful. National Grid were sent the revised proposal in December shown on the plan in Appendix A and they have replied that they have no objection.
16. The width of the existing unadopted pathway at Point A is about 1.8 metres. However it widens to about 3 metres by Point D. It is not proposed to specify any change in the width of the path in the order.
17. The cost of dealing with the application will be met by CCH.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

19. 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.

COMMENTS OF THE MONITORING OFFICER

20. 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.
21. 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 order and 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.

Background Papers			
Document	Date	File	Place of Inspection
E-mailed letter of objection from National Grid	10/12/13	2120	Town Hall
Plan from applicant showing services	04/12/13		
Plan from Building Control showing services	3/12/13		
E-mailed letter from National Grid confirming have no objection to revised proposal	24/12/13		

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	19/12/13	IKEN File 2120