

PLANNING AND REGULATORY COMMITTEE

29 MARCH 2007

REPORT OF HEAD OF PLANNING SERVICES

1. DIVERSION OF PUBLIC FOOTPATH NO. U26 - SHIRLEY

1.1 Purpose of Report

To consider a request to make an order under section 257 of the Town & Country Planning Act 1990 (as amended) to divert the line of public footpath no. U26 which runs along the north east boundary of Shirley Park.

1.2 Background

- 1.2.1 On the 20th September 2006 planning permission (reference 2006/735) was granted for a mixed-use development including an anchor foodstore, retail units and 190 apartments to be constructed on land south of Haslucks Green Road and to the west of Stratford Road.
- 1.2.2 As noted in the report to Planning Sub-Committee, a public footpath runs through this development site at the edge of Shirley Park and links Haslucks Green Road with the area immediately to the rear of the Saracen's Head (see plan attached).
- 1.2.3 Section 257 of the Town & Country Planning Act allows LPAs to make an order to divert any footpath if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the grant of planning permission.
- 1.2.4 Prior to confirming an order the Council is required to publish a draft order (including press notice and site notices) indicating the nature of the diversion and inviting representations. If no objections are made the Council can confirm the order, otherwise the matter is referred to the Secretary of State.

1.3 Matters for Consideration

- 1.3.1 The existing public footpath leads from Haslucks Green Road (adjacent to no. 63) and runs in a south easterly direction for 250m before turning south for 30m to the corner of the Saracens Head. It then turns south-west and eventually exits Shirley Park onto Hurdis Road.
- 1.3.2 The drawings associated with the planning permission include proposals for the diversion of this route (see plan attached). The proposed route would see a different starting point on Haslucks Green Road (adjacent to no. 69) some 8m to the south west of the existing starting point. It would then run in a generally south-easterly direction using a gentle curve and would rejoin the existing footpath just to the north of the play area.
- 1.3.3 For most of its length, the diverted footpath would be approximately 35-50m to the south west of the existing footpath. The length of the route would be reduced from 335m to 275m.

1.3.4 Therefore the diversion of the footpath does not result in a route that is less convenient to the public. Further, enhanced natural surveillance and a more active frontage to the route that result from the approved development provide qualitative improvements.

1.4 Financial Implications

1.4.1 The costs for processing a diversion order are estimated to be in the region of £1,500. As the diversion has been requested by the developer promoting the scheme, the applicant will be recharged these costs.

1.5 Risk Implications

1.5.1 The Corporate Risk Management Approach has been complied with.

1.5.2 The Approach is not intended to eliminate all risks and not all the risks identified can be managed all of the time. Also, risks will still exist that have not been identified.

1.5.3 However, based on the information provided, it is the officers' opinion that the significant risks associated with this decision / project have been identified, assessed and arrangements are in place to manage them effectively.

1.5.4 This assessment identified there are no net "red" risks that need to be reported.

1.6 Consultation Undertaken

1.6.1 None as a direct result of the preparation of this report. However significant consultation took place during the assessment of the associated planning application which included provision for the diversion of the footpath and further publicity (including site & press notices) will take place with regard to the proposed order.

1.7 Equality and Diversity Implications

1.7.1 There are no direct equality or diversity implications.

1.8 Background Papers

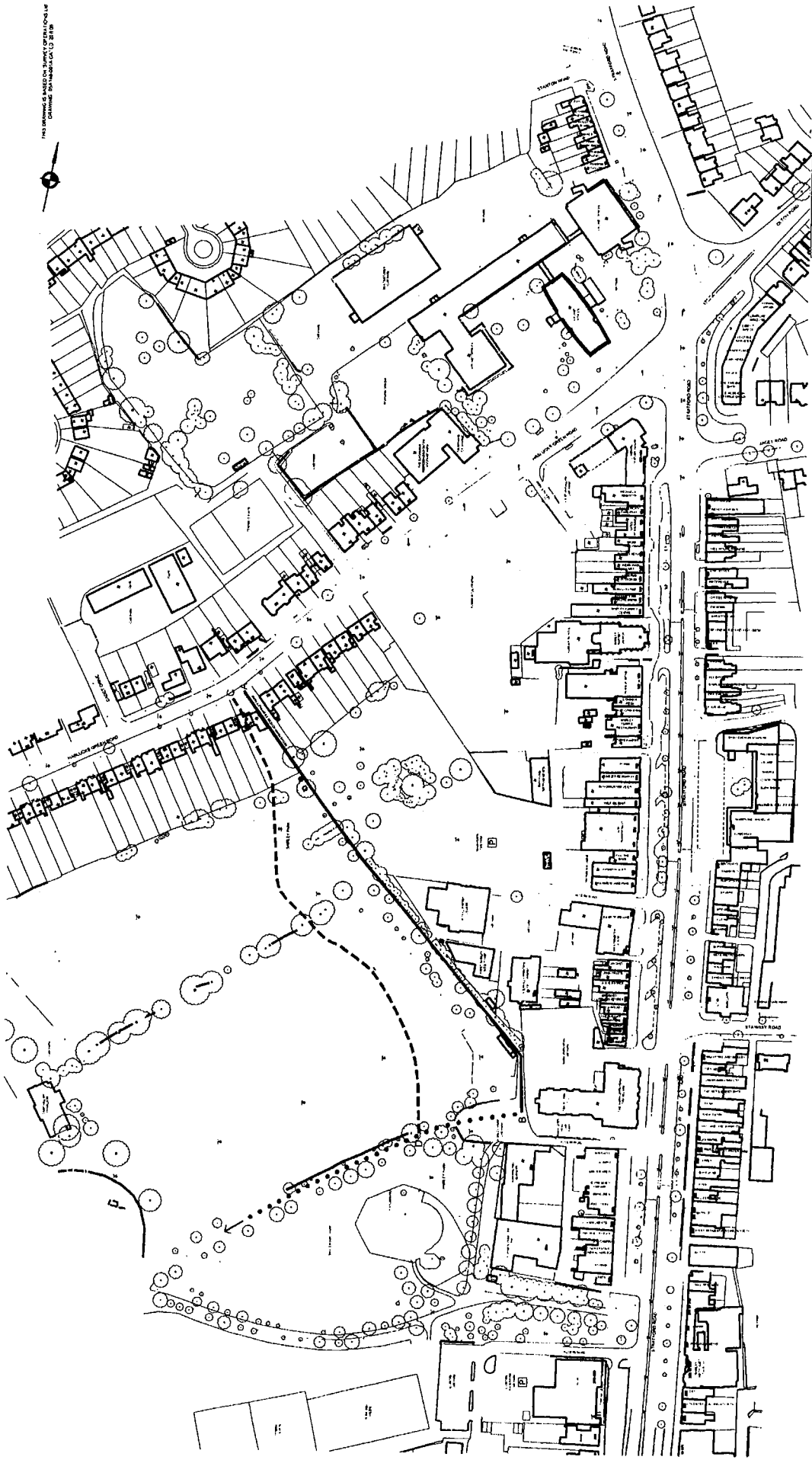
1.8.1 Planning application submission and decision notice relating to application no. 2006/735.

FOR DECISION

EP

- (i) That the Chief Executive be authorised to publish a draft order under section 257 of the Town & Country Planning Act 1990 (as amended) to divert public footpath no. U26;
- (ii) That in the event that no duly made objections are lodged to the order the Chief Executive confirms the order as an unopposed order.
- (iii) That in the event that one or more duly made objections are lodged to the order the Chief Executive refers the order to the Secretary of State.

THIS DRAWING IS MADE TO THE BEST OF OUR KNOWLEDGE AND BELIEF
DATE: 08/14/2018



SHIRLEY ADVANCE
FOOTPATH DIVISION
PLAN

PROJECT: NEW HEART FOR SHIRLEY
STRATFORD ROAD
SHIRLEY

DATE: 1/20/18
SCALE: 1"=200'

DESIGNED BY: BOZEMAN PA 108
LEGAL INT.
SHIRLEY

- EXISTING FOOTPATH TO BE DIVERTED
- EXISTING FOOTPATH TO REMAIN
- - - - - PROPOSED FOOTPATH TO BE PROVIDED

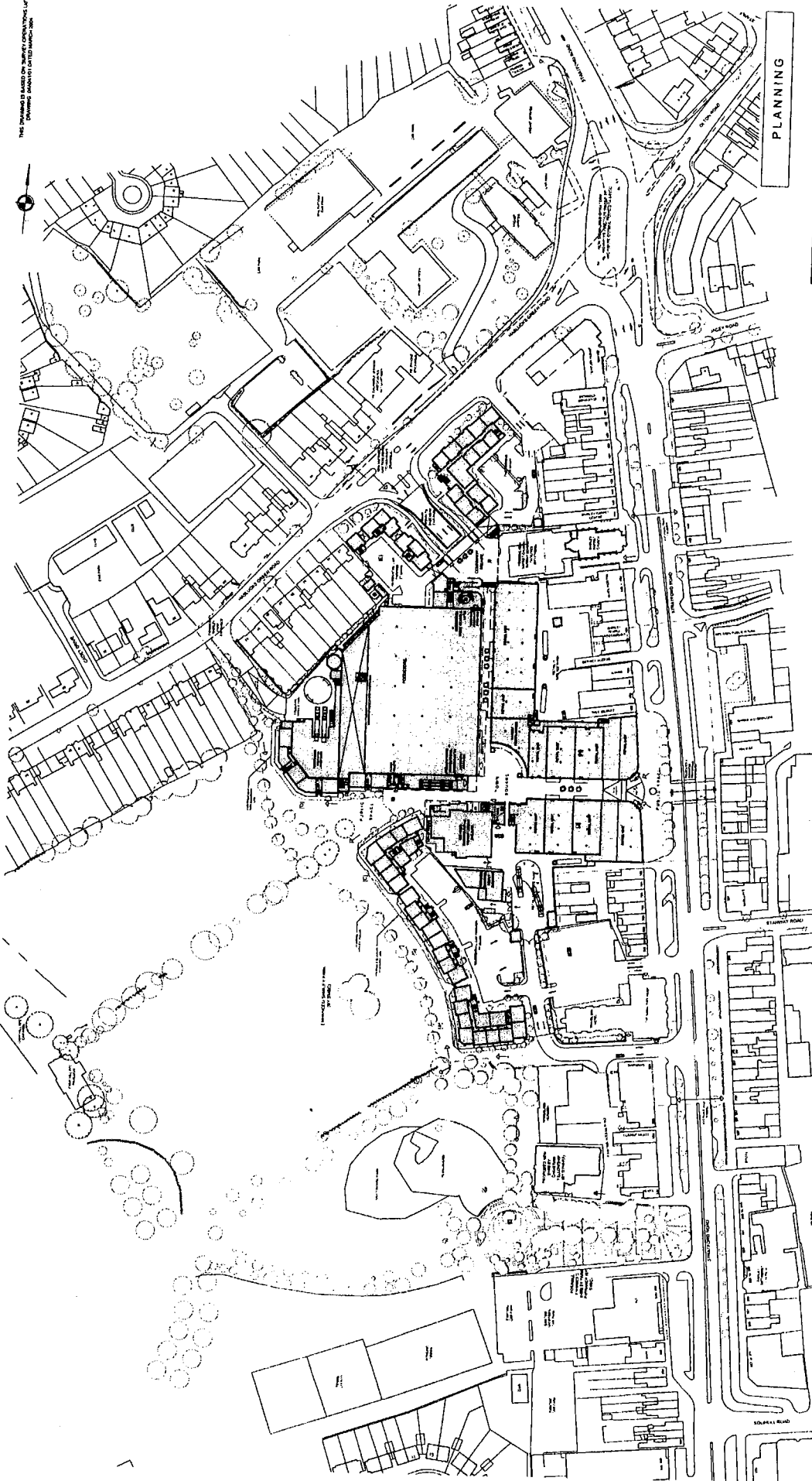
SHIRLEY ADVANCE
FOOTPATH DIVISION
PLAN

PROJECT: NEW HEART FOR SHIRLEY
STRATFORD ROAD
SHIRLEY

DATE: 1/20/18
SCALE: 1"=200'

DESIGNED BY: BOZEMAN PA 108
LEGAL INT.
SHIRLEY

THIS DRAWING IS BASED ON SURVEY INFORMATION AS PROVIDED BY THE CLIENT.



PLANNING

Project	NEW HEART FOR SHIRLEY STRATFORD ROAD SHIRLEY		
Client	SHIRLEY ADVANCE		
Title	PROPOSED MASTERPLAN SUMMARY (SCALE 1:1000)		
Drawn by	Checked by	Date	17/01/08
Scale	1:1000 (A4)	Status	Preliminary
Draw No.	3089 / PA 100	Rev.	C

S. R. DAVIS ARCHITECTS
 117-119 Market Road
 Market Harborough
 Leicestershire
 LE16 9JH
 Tel: 01533 625 200
 Fax: 01533 625 211
 Email: sr@sr-davis.com
 www.sr-davis.com

Consultants to this drawing:
 and every other drawing in this project:
 S. R. DAVIS ARCHITECTS
 117-119 Market Road
 Market Harborough
 Leicestershire
 LE16 9JH
 Tel: 01533 625 200
 Fax: 01533 625 211
 Email: sr@sr-davis.com
 www.sr-davis.com

PROPOSED MASTERPLAN
SUMMARY DRAWING
(Scale 1:1000)