



**SOLIHULL METROPOLITAN BOROUGH
COUNCIL**

TOWN AND COUNTRY PLANNING ACT 1990 etc

**THE METROPOLITAN BOROUGH OF SOLIHULL
(FOOTPATH U26, HASLUCKS GREEN ROAD,
SHIRLEY)(No.2) PUBLIC PATH STOPPING UP ORDER
2007**

PROOF OF EVIDENCE

Piers Cockroft

FOR THE LOCAL HIGHWAY AUTHORITY

Local inquiry date: 7th May 2008

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1. Introduction

- 1.1 I am Piers Cockroft. I have a BSc in civil engineering. I am employed by Solihull Metropolitan Borough Council ("the Council") as Transport Policy Manager, and have been employed in a similar role in Solihull for more than 20 years. My duties include advising the Council on transport policy matters, and on the highway and transport implications of development.
- 1.2 I have a detailed knowledge of the site and the current alignment of public footpath U26. Site inspections have been undertaken of the route and the connecting public footpath U27.

Details of the order:-

2. Statutory Basis

- 2.1 Utilising the powers contained within section 257 of the Town and Country Planning Act 1990, the Council made The Metropolitan Borough of Solihull (Footpath U26, Haslucks Green Road, Shirley) (No.2) Public Path Stopping up Order 2007 (Document CD/D/1). A copy of this order is included within my Appendix 5.
- 2.2 Section 257 of the Town and Country Planning Act 1990 provides that 'Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out –
 - in accordance with planning permission granted under Part III, or
 - by a government department'.

3. Authorisation

- 3.1 The Council as local planning authority is permitted to make orders under section 257 of the Town and Country Planning Act 1990. The Planning and Regulatory Committee have been authorised by the Council in their Terms of Reference of 2002 (as shown in my Appendix 1), to consider and make decisions in relation to matters relating to section 257 of the Town and Country Planning Act 1990.

4. Procedure – advertising of order and public notice

- 4.1 In line with the Planning and Regulatory Committee decision of the 29th March 2007, the Order was made on 23rd July 2007 and advertised on 25th and 27th July 2007 respectively in The Solihull

Times and The Solihull News. A copy of the adverts from these papers are shown in my Appendix 3.

- 4.2 Copies of the Order including the related map were placed on deposit at Solihull Connect, Solihull Library, Solihull and Solihull Connect at Shirley Police Station, 286 Stratford Road Shirley Solihull. Copies were available free of charge to the public. The Order and map were also published on the Council's web site. Notice of the Order was placed on site on Public Footpath U26.

5. Footpath to be stopped up

- 5.1 Public footpath U26 runs for a distance of approximately 284 metres in a South-Easterly direction, from Haslucks Green Road at National Grid Reference 11570, 79479 (shown as point A on the plan in Appendix 2), to its junction with public footpath U27 at National Grid Reference 11792, 79314 (shown as point C on the plan in Appendix 2). The line of the public footpath is surfaced throughout with an average width of about 1.8 metres.
- 5.2 Currently the footpath runs for a distance of approximately 58 metres between adjacent houses on Haslucks Green Road (shown between points A and B on the plan in Appendix 2) before continuing for a distance of approximately 226 metres along the boundary of Shirley Park. In places this boundary is not attractive, is subject to vandalism, and does not promote a sense of safety and well being for its users.
- 5.3 Users of the route wishing to then continue on from the footpath to connect with Stratford Road are required to negotiate a shared use surface where vehicles are both entering and exiting the adjacent car park along the same line as the pedestrian access, as shown between points C and D on the plan in Appendix 2.

6. New footpath to be created

- 6.1 The alternative path will begin on Haslucks Green Road to the Southwest of the junction of the current path with the road, at National Grid Reference 11565, 79471 (shown as point E on the plan in Appendix 2). The route then follows a curved landscaped path in a generally south-easterly direction for 274 metres to its junction with public footpath U27 at National Grid Reference 11749, 79286 (shown as point F on the plan in Appendix 2).
- 6.2 The alternative path will have a width of 2 metres along its length and will have a tarmac surface throughout.

7. Objections received (in summary only)

- 7.1 A total of 164 objections to the Order were received, 163 within the objection period. An additional objection was received

outside the objection period, but is included in the objections submitted to the Secretary of State.

7.2 The objections can be categorised as follows:

- Objections to the development itself particularly the food store (36 objections).
- The effect on the park including loss of green space (72 objections).
- The running of the alternative route adjacent to the service access road to the food store and highway safety issues (35 objections).
- The effect of the order on the current route which is taken by users, referred to as the loss of a short cut (38 objections).
- Objections that relate to the provision of a temporary car park (14 objections).
- The effect on trees and hedgerows (14 objections)
- Procedural objection (1 objection).

7.3 In addition to the objections detailed above, it should be noted that many of the objectors submitted more than one ground of objection. Of those submitted, 45 do not state any specific grounds of objection. 42 objections indicate that the objector is a user of footpath U26

7.4 A number of objectors made reference to their own age, or the particular problems of elderly or less able users.

7.5 Copies of the objections submitted to the Secretary of State and are included in Appendix 4.

7.6 Commentary responding to the objections is included within sections 15 – 21 of this proof.

8. Purpose of Order and need for stopping up

8.1 The Purpose of the Order is to achieve the implementation of a Scheme for the re-development of Shirley town centre ("the Scheme"). The Scheme was granted planning permission (reference number 2006/735) on 20 September 2006.

8.2 The Scheme will consist of a mixed use development with an anchor food store, retail units, basement and surface car parking, and residential provision. It will also modify and improve footways, service areas, and landscaping to Shirley Park. The Scheme will include a revised highway junction and new access arrangements. It will involve demolition of properties and change of use of 63 Haslucks Green Road to B1 offices and accommodation works.

8.3 The Scheme affects an area of land that includes part of the north-eastern boundary of Shirley Park. This area is traversed by

public footpath U26. The plan in Appendix 2 shows the relationship between the current alignment of U26 and the Scheme. The effect of the Order, including the alignment of the alternative path that will be created to replace the current route, is shown on the Order plan in Appendix 5.

- 8.4 The alternative route will provide a surfaced, unobstructed and landscaped footpath, situated within a park setting. It will continue to provide convenient linkages between Haslucks Green Road and public footpath U27, as well as providing an improved/integrated pedestrian linkage between the town centre, the heart of the Scheme, the footpath and beyond in to the wider park.

9. Details of grant of planning permission and its effect on the existing footpath

- 9.1 The plan shown at Appendix 2 outlines the extent of the Scheme and its relationship to the alternative path. The Order plan in Appendix 5 shows the current route, the alternative route and the current park boundary.

10. Selection of alternative route and its general relationship to the development

- 10.1 The alternative line of public footpath U26 was selected following evaluation of the current line and the effect of the proposed Scheme on the local area. The alternative path is set within, but remains to the edge of Shirley Park, and will not significantly increase the length that users of the path are required to walk.
- 10.2 The alternative path affords an improved environment for users of the route with open views of the park. It is set out in a curved alignment designed to integrate it into the park setting and reduce its visual impact, whilst its open nature will allow natural surveillance from adjacent proposed residential properties, and promote a sense of safety. The alignment of the alternative route has been selected to minimise the impact on the park, and it will utilise existing gaps to ensure that no removal of hedgerow or trees would be necessary.
- 10.3 Access to the park and the public footpath from the Scheme will be facilitated by a number of private access ways that will help to integrate the Scheme into the local environment and allow residents easily to access local facilities and services.

11. Linkages with other footpaths (U27) and paths through the Shirley development to Stratford Road

- 11.1 The alternative path will be aligned so that it is part of the amenity of Shirley Park and seeks to replace the path that is

affected by the Scheme. It is the Council's case that the alternative path will provide a pleasant walkway with views of the Park and a sympathetic relationship to the Scheme itself.

- 11.2 Both the current and proposed alternative alignment of public footpath U26 connect with the existing public footpath U27. This route will remain unchanged as a result of the Scheme.
- 11.3 Public footpath U27 provides pedestrians with a link from Hurdis Road and passes northeast across Shirley Park for a distance of approximately 575 metres to its end point at its junction with Public Footpath U26 (shown as point C on the plan in Appendix 2). Public footpath U27 does not itself connect directly with Stratford Road.
- 11.4 The public using this route to access Stratford Road are required to utilise a section of service road to the south of the Saracens Head Public House. As part of the Scheme this access is to be substantially improved. The status of the route (the existing service road) will be rationalised as it is intended that it will be adopted as publicly maintainable highway and will have the advantage of a dedicated footway for pedestrian use. This will be a significant improvement over the current situation, whereby vehicles using the existing narrow service road come into conflict with pedestrians accessing the park and public rights of way U26 and U27.
- 11.5 A number of the objections refer to a "short cut" which users of the existing footpath U26 may take in order to reach Shirley High Street. This short cut may involve users leaving the path in the vicinity of the existing shoppers car park (shown as point G in Appendix 2), which is adjacent to the British Legion Club. This purported route then cuts through the Council owned car park for a distance of 158 metres before joining onto Stratford Road (shown as point H in Appendix 2). This short cut from the point it leaves footpath U26 is not a registered right of way.
- 11.6 Whilst it is acknowledged that the Scheme will involve the loss of this "short cut," it should be recognised that it will be mitigated by the direct access route that will be provided from the alternative footpath in Shirley Park (shown as point I in Appendix 2). This will link to the Scheme itself, and the new facilities it provides, which in turn provides direct access to Stratford Road at point J on the plan in Appendix 2.

Assessment of alternative path to be provided:-

12. Specification of new path

- 12.1 The alternative route will be 2 metres in width with a 25mm tarmac wearing course, a 100 mm sub-base course and a 50 mm base course.

- 12.2 The alternative path provided for in the Order is the permanent footpath that will be completed prior to the stopping up of the existing path and the commencement of development of the adjacent part of the Scheme.

13. Responsibility of Shirley Advance to undertake work

- 13.1 The Order will not come into effect until such a time that the Council is satisfied that the alternative route as detailed in Schedule 2 of the Order has been created to a suitable standard. Until such a time, the current line of the footpath will remain available for use by the public.

14. Costs

- 14.1 The costs of the Order including any costs in relation to the public inquiry are to be borne by the developer Shirley Advance. This is confirmed in a letter from Shirley Advance in Appendix 6.

15. Commentary on whether users will be inconvenienced

- 15.1 The line of public footpath U26 runs parallel to Shirley High Street on Stratford Road in a south-easterly direction and provides access via the shoppers carpark through to Stratford Road as well as into Shirley Park and beyond via the connecting public footpath U27.
- 15.2 The proposed alternative route also runs in a south-easterly direction between Haslucks Green Road and public footpath U27. The connecting points of the alternative path on both highways vary from that of the current route. The variation in both the start and finish points has been minimised within the constraints of the Scheme.
- 15.3 The start point of the alternative route is approximately 11 metres to the south-west of the start point of the current path on Haslucks Green Road shown as points A and E respectively on the plan shown in Appendix 2.
- 15.4 The variance in the end point of the alternative path shown at point F on the plan in Appendix 2 and that of current route shown at point C on the plan shown in Appendix 2 where it connects with public footpath U27 is approximately 47 metres.
- 15.5 The alternative path in itself is shorter, at 274 metres, than the current route, which is 284 metres long. The start position of the alternative path on Haslucks Green Road to the south west of the current path will benefit pedestrians approaching from that direction.
- 15.6 Pedestrians taking the new route between Haslucks Green Road and Stratford Road (via points E, I, F and D on the plan in

Appendix 2) will have to walk 26 metres further than if using the current route. It is suggested that this change is not significant in the context of an overall walk of perhaps 10 minutes. It will be mitigated by improved conditions along the alternative route, including no conflict with vehicular traffic. Currently this is an issue for users negotiating the 70m section from the junction of public footpath U26 and U27 to Stratford Road (shown between points C and D on the plan in Appendix 2).

- 15.7 Given the alignment of the alternative path, it is recognised that its position, set to the south of the current path, will result in a minimal increase in length for users wishing to access Shirley High Street from the footpath. Pedestrians wishing to access the Scheme itself or carry on through to Shirley High Street will be able to do so on a new direct link provided through the Scheme.
- 15.8 Pedestrians currently using the "short cut" through the car park to Stratford Road will have slightly further to walk. Measuring from the start of the proposed new route, point E on the plan in Appendix 2, they currently follow E-A-B-G-H, approximately 281 metres. Users of the new route would follow E-I-J, approximately 305 metres. The additional 24 metres is not deemed to be significant, given the likely walk distances from the point of origin.
- 15.9 This increase in length will be compensated by improvements in the surface, environment and safety that will be experienced by users of the alternative path. Users accessing shops and other facilities are equally likely to find a destination within the Scheme, and thus have a shorter walk than at present. It is suggested that the proposed route is a suitable and convenient alternative to the current route.
- 15.10 Elderly, less able and wheelchair dependent users should benefit from the improved environment and conditions of the replacement route. The formal route will continue from point F to point D on the plan in Appendix 2, either as an entirely pedestrian route, or as a footway alongside a minor access road. The present route has to cross a public car park and share a narrow space with cars and service vehicles. This benefit should be balanced against the 26 metres greater overall distance.
- 15.11 Such users of the 'short-cut' will no longer have to wander diagonally across a busy car park. They will follow a dedicated disability compliant route through the new development. For those continuing to Stratford Road the additional 24 metres is a small inconvenience compared with the practical and safety advantages of the new route.

Response to objections:-

16. Loss of green space and trees

- 16.1 The current line of public footpath U26 is located within the boundary of Shirley Park. The path also falls within the boundary of the Scheme. Construction of the Scheme, which has valid planning permission, would obstruct and block this route.
- 16.2 The alternative path will form part of the amenity of Shirley Park and the local area and will replace the path that is affected by the Scheme. It is suggested that the alternative path will provide a pleasant walkway with views of the Park and a sympathetic relationship to the Scheme itself.
- 16.3 The alternative path will not require any tree to be felled and there will be no material effect on hedgerows.
- 16.4 Objections relating to the effect of the Scheme itself on trees and hedgerows are not a matter for the Secretary of State in relation to the Order, as these matters have already been considered at the planning permission stage.

17. Length of new path and amenity objections

- 17.1 An alternative footpath is provided and is located as shown on the Order plan in Appendix 5. The alternative footpath provides links with Footpath U27 in Shirley Park and it also provides access to and links into the Scheme. The route of the alternative footpath is immediately adjacent to the Scheme and does not extend further into the park than is reasonably necessary in order to provide an alternative route.
- 17.2 Existing users of the whole path are not inconvenienced or prevented from access on to Footpath U27, which runs through the park. The Order has no adverse effects upon members of the public who currently use the Footpath to walk to or from Footpath U27.
- 17.3 The alternative route will be constructed to a higher specification than the current route and will have a tarmac surface and width of 2 metres throughout.

18. Highway safety objections

- 18.1 The essence of these objections is that at the point where the alternative footpath leaves Haslucks Green Road and runs alongside the Scheme there is a conflict between the use of the service road for the Scheme and pedestrians on the proposed footpath.
- 18.2 The Council's case is that there will be physical separation between the service road and the footpath. Pedestrians on the footpath, having left Haslucks Green Road, will not be able to access the service road from the footpath.

