



Please read the guidance notes and ensure all necessary enclosures accompany this form. If any documentation is missing or the form is incomplete your application will be delayed.

## A – Names and Addresses

Please give:

The applicant's full name, address and postcode  
*(See guidance notes)*

Lend Lease Retail Partnership  
20 Triton St, Regents Place, London, NW1 3BF

Contact Name

Ian Lynch

Telephone Number

07801 621701

E-mail

ian.Lynch@lendlease.com

The developer's full name, address and postcode (if not the applicant)

As above

Contact Name

Telephone Number

E-mail

The name, address and postcode of the council which is the Highway Authority for the highway(s) concerned

Solihull Metropolitan Borough Council  
Council House, Manor Square, Solihull, B91 3QB

The name, address and postcode of the council which is the Planning Authority for the highway(s) concerned

As above

The name of the parish or town council and the name, addresses, postcode and telephone number of its clerk (if none, put 'none')

None

Contact Name

E-mail

Name, address and postcode of the nearest local public office (such as a library, post office or local authority offices) where the public may inspect the order and deposited plan during normal opening hours  
*(See guidance notes)*

Solihull Connect  
Theatre Square  
Solihull  
B91 3RG

Contact Name

Telephone Number

E-mail

0121 704 8001

connectcc@solihull.gov.uk

## B – The Development

Describe briefly why the closure/diversion is necessitated by the development. Please attach any statements justifying this stopping up or diversion, either as an appendix or as a covering letter.

The closure of the roads and footways included in the application are necessary to facilitate the construction of the development for which the applicant enjoys planning consent (see attached decision notice).

The planning consent has been granted for the demolition of unlisted buildings and construction of an extension to Touchwood, remodelling of retained listed buildings, creation of pedestrian route from the High Street and associated development on land bounded by Touchwood, High Street, Church Hill Road/The Square and Church Hill House.

The building footprint of the new development will be located on the existing roads and footpaths, with the new covered mall approximately aligning with the existing Manor Square road. The covered mall will be closed to the public overnight in keeping with the existing Touchwood malls to maintain security and to allow for cleaning and maintenance. A new uncovered mall will be laid out, but will not be dedicated as a public right of way. The applicant will require the ability to close it for maintenance, management and events.

With the exception of the footpath alongside Church Hill Road, none of the roads and footpaths to be included in the stopping up application are adopted public highway: they are referred to in the Council's highways records as "private land to be treated as public highways". Whilst the applicant is of the opinion that these roads and footpaths do not constitute public highway, it needs to safeguard against the risk that other people may disagree and that the delivery of the scheme may be hindered as a result. The application has been made to ensure that in the unlikely event that any party asserts that highway rights exist, they will be extinguished and will not constitute a potential impediment to the delivery of the scheme

Is there a related compulsory purchase order, or other statutory action? Yes  
If yes, please provide details, including the Order name, its current status and details of any public inquiries that have been arranged.

The Metropolitan Borough of Solihull (Touchwood Extension, Solihull) compulsory purchase order was made on 25<sup>th</sup> November 2015. An inquiry date is awaited

## C – The Planning Permission

- Has planning permission been granted for this development? Yes  If yes complete section C  
No  If no go to section D
- What is the date of the Planning Permission Decision Notice?
- What is the type of Planning Permission?
- What is the Planning Permission Decision Notice reference?
- On what date is development on the highway expected to start?

**Please also provide a copy of the approved site layout plans**

## D – Applications without agreed planning permission (using S253 of TCPA)

- Date the Planning Application was made?
- Date the Planning Application was validated (if known)?
- What is the Planning Application reference number (if known)?

- or the date on which the local authority or statutory undertaker applied to a government department for deemed planning permission under section 90 of the Act or section 2 of the Opencast Coal Act 1958

- or the date on which an application was referred to the Secretary of State under section 77 of the Act

- or the date on which an appeal was made to the Secretary of State under section 78 of the Act

- Have you had any discussions with the Highway Authority regarding the areas to be stopped up? If yes, please provide any correspondence you have received. Yes/No

**Please also provide a copy of the application form and proposed site layout plans submitted to the Local Planning Authority**

### E – Highway to be stopped up or diverted

- Is it:
  - All purpose highway     bridleway     footpath     cycle track
  - Carriageway
  - Footway
  - Highway verge

- The names, addresses, postcode and the easting and northing grid reference of the place(s) where the highway(s) is/are situated and classification (if any)?

1) Manor Square, Solihull, B91 3QB  
 2) Manor Walk, Solihull, B91 3QB  
 3) Un-named carriageway, Solihull, B91 3QB

E:415 231    N: 279 323

- Description of each section:

**Please ensure you provide a full description of each area to be stopped up.**

	Max Length (metres)	Max Width (metres)	Terminal Points	
			From	To
1	107	28	The junction with Church Hill Road	The most north westerly extremity.
2	18	4	The junction with Manor Square	A point 18 metres north east.
3	33	12	The junction with Manor Square	A point 33 metres south west.
4				
5				
6				

(continue on a separate sheet if necessary)

Is the highway to be stopped up currently obstructed even temporarily? No

If yes, please give details of the obstruction and any permission granted for the obstruction

N/A

### F – Land ownership

- Who owns the highway to be stopped up and the land on each side of each area being stopped up? Please provide their full name and address and e-mail, as these will be contacted during the consultation stage.

1	Refer to separate sheet for the schedule of ownership and adjacent landowners
2	
3	
4	

(continue on a separate sheet if necessary)

### G – New Highway to be provided (if any)

- Is it: All purpose highway  Bridleway  Footpath  Cycle Track   
 If so, will the new highway include:-  
 Carriageway   
 Footway   
 Highway verge

- Has the highway authority agreed to maintain the new highway? Yes/No

If "No" Who will maintain the new highway

- Who owns the land to be dedicated as new highway?

- If the applicant will not own or control the land to be dedicated, has the landowner's consent been given to the proposed dedication? N/A

### H – Highway to be improved (if any)

- Is it: All purpose highway  bridleway  footpath  cycle track   
 Are the improvements to take place on the  
 Carriageway   
 Footway   
 Highway verge

- What is its name and classification number (if any)?

- Describe the improvement briefly.

### I – Section 248 Orders


Please provide a description of the main highway to which the order relates for which planning permission has been granted.

## J – Undertaking and declaration

In submitting this form (electronically or otherwise) I declare that:

- I understand that I have no authority to stop up or divert a highway until the notice announcing that the Secretary of State has made an order is published. Not only is it an offence to obstruct or interfere with a highway before this is done, but this may also make it impossible for the Secretary of State to make an order.
- Except to the extent authorised by or under some other statutory provision, the highway(s) to be stopped up or diverted is/are in no way obstructed and is/are fully available for use until the order comes into operation.
- All the information given in this form is, to the best of my knowledge and belief, true and accurate.
- I apply for an order to authorise the stopping up or diversion of the highway(s) described above and give permission to the Department for Transport to reproduce the stopping up plan submitted with this application for use with any Order that is issued.

Applicant signature



Date

Once signed and dated this form (together with all the necessary enclosures as listed in the guidance notes) should be sent to:

[nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk)

or by hard copy to:

The National Transport Casework Team  
Department for Transport  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7AR

Once your application is received, our written communication to you will be via e-mail; If you have a 'junk' filter on your e-mail account, it is recommended that you add [nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk) (or the domain @dft.gsi.gov.uk) to your contacts or 'safe senders' list.

If you have specific pre-application queries, we would be happy to answer these by e-mail or by telephone on 020 7944 4115 or 4262

## Guidance Notes

**To be read before completing the application form for stopping up or diversion orders. These do not need to be returned with the application form.**

### Section A:

Where requested, please provide full contact names and details. These greatly assist us in directing our queries and public documents to the appropriate person.

The applicant is the person with whom day-to-day contact should be made and who will respond to our queries and address any objections received. If an agent is appointed for this, their details should be provided on a covering letter.

Local Public Office – It is advantageous to have discussed the depositing of plans at the office prior to providing their details. This will reduce the potential of plans not being displayed appropriately. This is of particular importance if the local public office is a large organisation, such as a council,

### Section B:

We do not require full statements of reasons/feasibility studies, just a brief outline on why the highway closure is needed.

### Section C:

Please provide a copy of the planning decision notice and associated approved plans including the site layout.

### Section D:

Please provide a copy of the planning application and associated plans showing the proposed site layout. Copies of any correspondence with the Highway Authority should also be included.

### Section E:

#### Highway definitions:

'Highway' is defined in common law as a way over which all members of the public have the right to pass and repass. Their use of the way must be as of right and not on sufferance or by licence. Highways may be classified as follows:

'all-purpose highway' - may be used by all classes of traffic, including all motor vehicles, vehicles drawn by animals, pedal cycles and animals being ridden, led or driven:

'carriageway' - forming all, or part of, a highway (other than a cycle track) over which the public have a right of way for the passage of vehicles;

'footway' - a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only (i.e. a pavement alongside a road)

'footpath' - a highway where the public have a right of way on foot only and where no carriageway is present;

'bridleway' - a highway over which the public have rights of way on foot, bicycle and on horseback, or when leading horses, with or without a right to drive any sort of animal along that highway. There is no other right of way on a bridleway.

'cycle track' - constituting or comprised in a highway, over which the public have a right of way on pedal cycles, with or without a right of way on foot. There is no other right of way on a cycle track.

We also do not just look at the adopted highways, but all highways which may have attracted highway rights. These areas should be considered in any stopping up Order. If they are not, then the application may attract objections.

It is essential that measurements are accurately described in the order schedule. The measurements described must be reflected in the plans submitted and must be measured in linear metres rather than m<sup>2</sup>.

### Section F:

When considering Land Ownership, any Lessee interests should be taken into account.

### Sections G & H:

It should be noted that generally, 'new' highways are generally those which are new to the network and 'improvements' include widening or realignment of an existing highway.

### Section I:

A description of the main highway to which the order relates for which planning permission has been granted/sought.

### Plans required with ALL applications:

A copy of the approved (or proposed) site layout plan with the site boundary edged red and the existing highway boundary, within the site, edged blue;

An up to date plan(s) A3 or A4 size based on Ordnance Survey and *ideally* drawn to a scale of 1:1250 or 1:500 showing the area to be stopped up (see additional notes below).

Plans should also be dark enough to be photocopied.

All plans must clearly show a north point, preferably prepared so that North is shown parallel with the vertical side of the plan.

It should be possible to scale the measurements from the approved plan and the order plan and for both to agree.

**Maps provided electronically must be in pdf format and state clearly what size they should be printed.**

**You will also be required to print documents for display.**

**Please do not send copies of the elevation plans.**

**Please contact the National Transport Casework Team if your plans are larger than A3.**

**There are no fees payable.**



## Guidance Notes

### Stopping up plans:

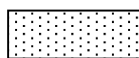
Should show existing buildings and highway(s) clearly labelled. It is also important that sufficient of the surrounding area appears on the plan to enable the location to be easily identified.

### The plans should be marked as follows:

Any highway (all-purpose highways, footpaths or bridleway) to be stopped up or diverted should be shown by zebra hatching or edged black;



Any new highway (all-purpose highways) pursuant to the order should be shown by stipple.



Any existing highway to be improved pursuant to the order should be shown by cross hatching over the affected length. Improvements include any widening or realignment.



New footpaths, bridleways or cycle tracks to be provided.



The terminal points of the lengths of highway proposed to be stopped up or diverted must be clear on the plans, if appropriate using labelled reference points.

Highways such as footpaths and bridleways must be identified in the order in words, such as 'the footpath / bridleway leading to North Street from West Road'. Sufficient information should be given on the plans to enable an adequate description to be prepared.

It is essential that measurements are accurately described in the order schedule; measurements must be to scale and shown in linear metres and not in square metres. The measurements shown on the application form should therefore match the area(s) being stopped up on the stopping up plan.

## Check List

### Items to be submitted with ALL applications.

- An existing highway layout plan showing the highway to be stopped up or diverted, including any new highways to be maintained at the public expense or any improvements.
- A copy of the approved (or proposed) site layout plan with the site boundary edged red and the existing highway boundary, within the site, edged blue
- A copy of any Compulsory Purchase Order (if applicable).

### If you already have planning decision, you also need to provide:

- A copy of the planning permission decision notice.
- A copy of the site layout plan(s) as approved by the above planning permission.

### If you have yet to receive your planning decision you also need to provide:

- A copy of the site layout plan(s) proposal as submitted with the planning application.
- A copy of the planning application and any highway authority correspondence.



Legal Interests within and adjacent to Stopped Up Area at Touchwood Extension

Land within black and white area on Plan 981-S2470-001 ("the Plan"):

WM633676	Freehold	THE METROPOLITAN BOROUGH OF SOLIHULL of P.O. Box 18, Council House, Solihull, West Midlands B91 9QS.	Land and buildings lying to the South West of High Street, Solihull.
WM757813	Leasehold	CAPITA (LLRP) TRUSTEE LIMITED (Co. Regn. No. 03781543) of Bourne House, 34 Beckenham Road, Beckenham BR3 4GZ.	Touchwood Court, High Street, Solihull.
Unregistered land			

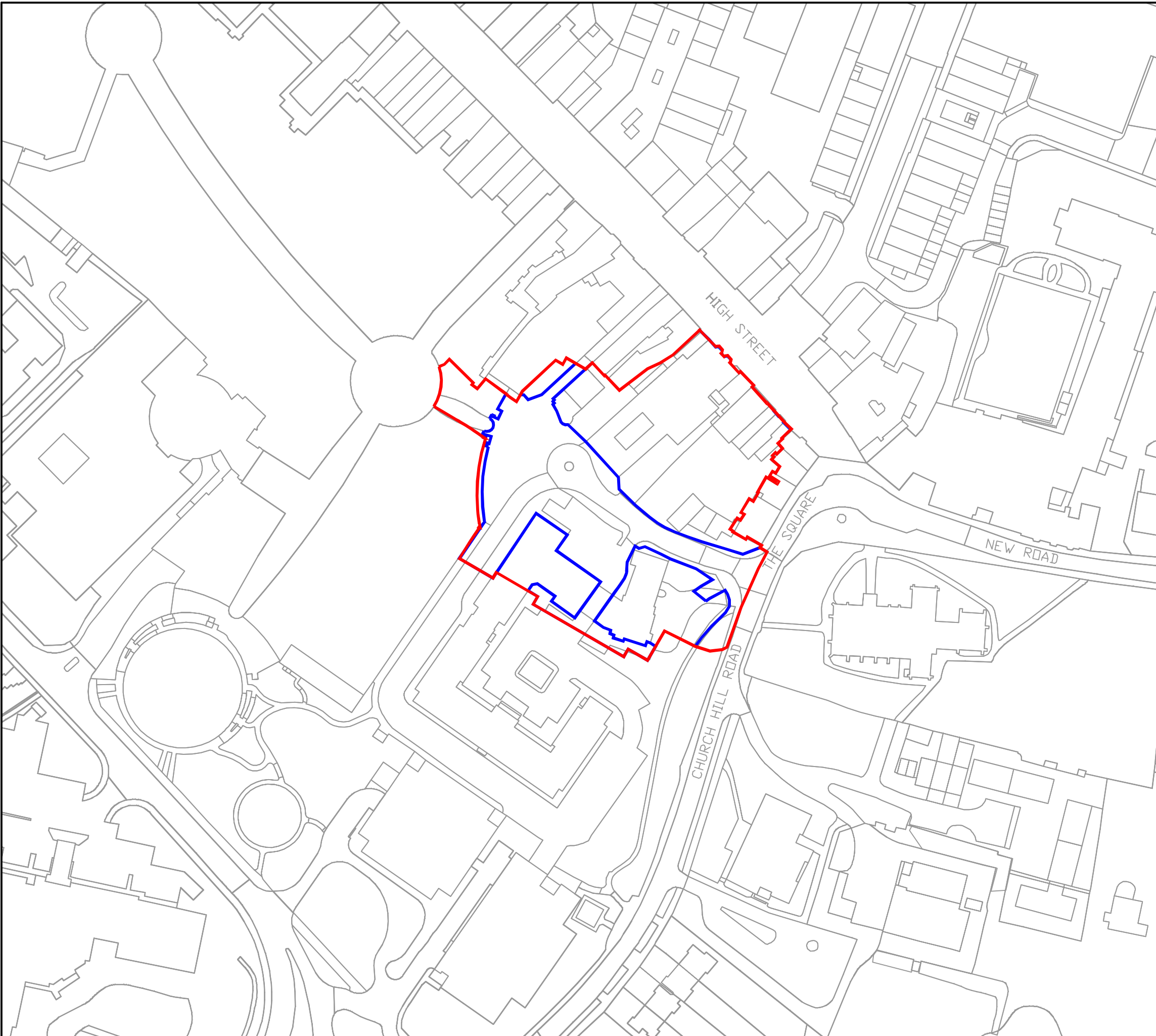
Additional adjacent land:

WM633676	Freehold	THE METROPOLITAN BOROUGH OF SOLIHULL of P.O. Box 18, Council House, Solihull, West Midlands B91 9QS.	Land and buildings lying to the South West of High Street, Solihull.
WM757813	Leasehold	CAPITA (LLRP) TRUSTEE LIMITED (Co. Regn. No. 03781543) of Bourne House, 34 Beckenham Road, Beckenham BR3 4GZ.	Touchwood Court, High Street, Solihull.
WM825175	Leasehold	ZARA UK LIMITED (Co. Regn. No. FC016857) of 120 Regent Street, London, W1R 9FE.	Units 43 And 44, Touchwood Centre, Solihull.
WM840830	Leasehold	ZARA UK LIMITED (Co. Regn. No. FC016857) of 120 Regent Street, London, W1R 9FE.	Unit K02S, Touchwood Centre. NOTE: Only the first floor is included in the title.
WM762316	Leasehold	WESTERN POWER DISTRIBUTION (WEST MIDLANDS) PLC (Co. Regn. No. 03600574) of Avonbank, Feeder Road, Bristol BS2 0TB.	Substation Site, Touchwood Centre, Solihull.
WM926783	Leasehold	ARTICO SALON LIMITED (Co. Regn. No. 8284835) of 14 Chipstone Close, Solihull B91 3YS.	5 and 6 Manor Walk, High Street, Solihull (B91 3SX).

WM949904	Leasehold	NICOLA JUDITH BANNISTER of 4 Manor Walk, High Street, Solihull B91 3SX.	4 Manor Walk, High Street, Solihull (B91 3SX)
MM60386	Freehold	THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of The Solihull Manor House Charity of The Manor House, 126 High Street, Solihull B91 3SX.	The Old Manor House, 126 High Street, Solihull (B91 3SX)
WM317408	Freehold	SOLIHULL SCHOOL (Co. Regn. No. 06337650) of Bursar and Clerk to the Governors, Solihull School, 793 Warwick Road, Solihull, West Midlands B91 3DJ.	130, 134 and 134A High Street, Solihull, (B91 3SX)
WM721230	Freehold	STONEGATE PUB COMPANY LIMITED (incorporated in Cayman Islands (UK Registration number FC029833) of One Stanhope Gate London W1K 1AF	"Rosie's", High Street Solihull
WK108991	Freehold	CITIFORCE INVESTMENTS INC of Arias Fabrega & Gabrega Trust Co BVI Ltd, No. 6 Elsinore Gardens, Off Purley Road, The Vale, London.	The Square and 2, 4 and 6 Manor Square, Solihull
MM42653	Leasehold	PEARCELEGAL LIMITED (Co. Regn. No. 05409815) of 2 The Square, Solihull B91 3RB.	First floor suite being part of 6 The Square Solihull
MM42652	Leasehold	PEARCELEGAL LIMITED (Co. Regn. No. 05409815) of 2 The Square, Solihull B91 3RB.	Ground floor suite being part of 6 The Square Solihull
MM31985	Leasehold	NISAR FERAZ KHAN of 21 Rectory Gardens, Solihull B91 3RL.	Ground floor 2, 4 and 6 Manor Square
WK163855	Freehold	WESLEYAN ASSURANCE SOCIETY of Colmore Circus, Ringway Birmingham 4.	148-152 High Street, Solihull

Unregistered land

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DO NOT SCALE

KEY

- SITE BOUNDARY
- HIGHWAY BOUNDARY

REV	DATE	BY	DESCRIPTION	CHK	APP
C	11/01/16	EBR	AMENDED SITE BOUNDARY	IH	IH
B	08/01/16	EBR	AMENDED HIGHWAY BOUNDARY	JO	IH
A	07/01/16	EBR	FIRST ISSUE	IH	IH

DRAWING STATUS: FOR INFORMATION ONLY



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 www.wspgroup.com www.pbworld.com

CLIENT: LENDLEASE

ARCHITECT: 3D REID

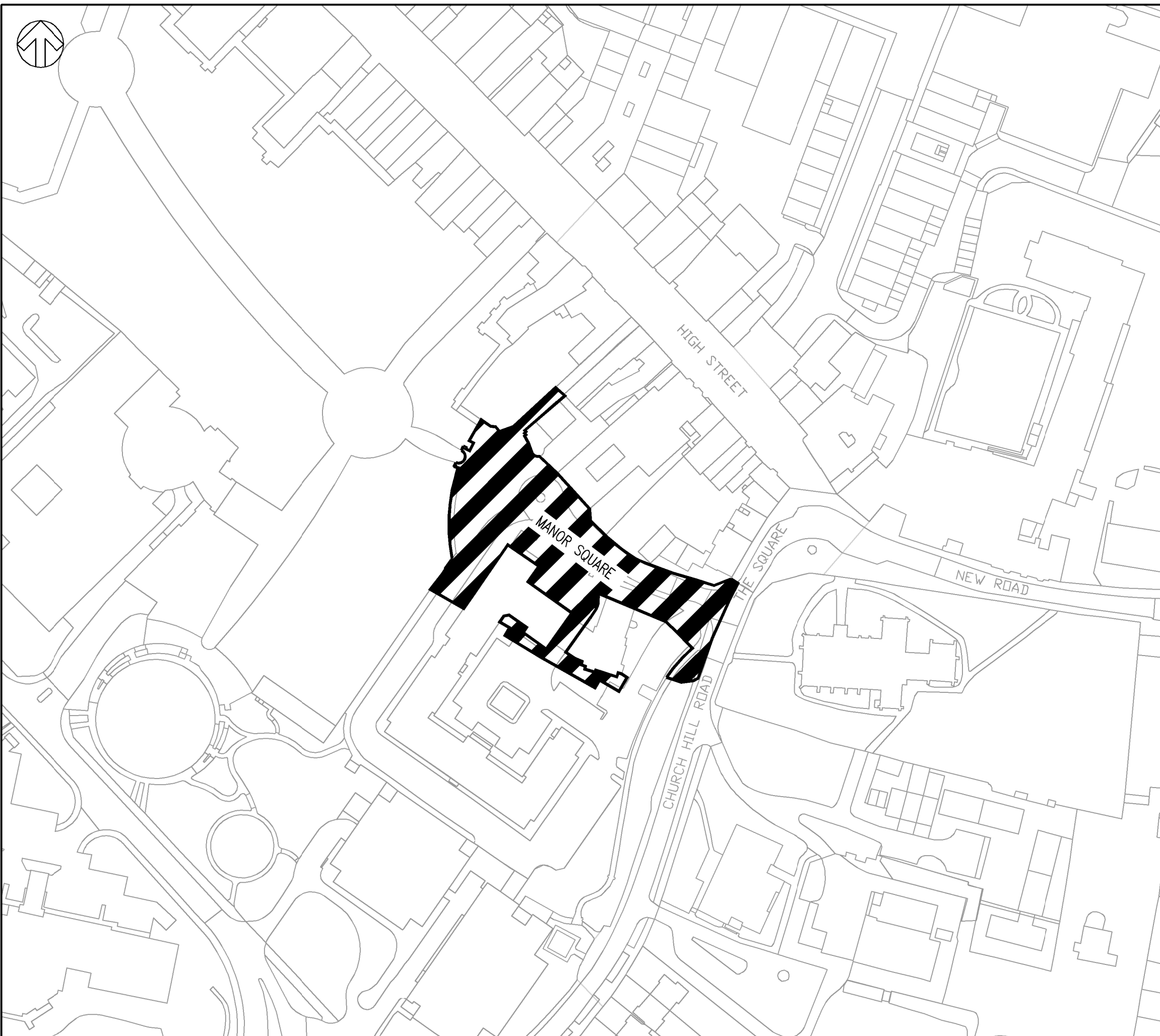
PROJECT: TOUCHWOOD, SOLIHULL

TITLE: SITE BOUNDARY AND PUBLIC HIGHWAY

SCALE @ A3: 1:1250	CHECKED: IH	APPROVED: IH
CAD FILE: 0981-S247-002	DESIGN-DRAWN: EBR	DATE: January 2016
PROJECT No: 11190981	DRAWING No: 0981-S247-002	REV: C

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DO NOT SCALE

KEY



AREA TO BE STOPPED UP

EASTINGS = 415231.8834  
NORTHINGS = 279323.3821

REV	DATE	BY	DESCRIPTION	CHK	APD
D	08/01/16	EBR	REMOVED HIGHWAY TO BE IMPROVED AREA	IH	IH
C	06/01/16	EBR	AMENDED STOPPING UP AREA	IH	IH
B	16/09/15	EBR	AMENDED STOPPING UP AREA	IH	IH
A	16/09/15	EBR	FIRST ISSUE	IH	IH

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www.wspgroup.com www.pbworld.com

CLIENT: LENDLEASE

ARCHITECT: 3D REID

PROJECT: TOUCHWOOD, SOLIHULL

TITLE: SECTION 247  
STOPPING UP PLAN

SCALE @ A3: 1 : 1250 m	CHECKED: IH	APPROVED: IH
CAD FILE: 0981-S247-001	DESIGN-DRAWN: EBR	DATE: September 2015
PROJECT No: 11190981	DRAWING No: 0981-S247-001	REV: D

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