

## TEAM MANAGER, HIGHWAY RECORDS

### REPORT TO HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

3 March 2017

## PROPOSED STOPPING UP OF HIGHWAY AT FURNIVAL GATE, SHEFFIELD CITY CENTRE

### 1.0 PURPOSE

- 1.1 To seek authority to object to the proposed Stopping-Up Order for part of the footway of Furnival Gate in Sheffield city centre.

### 2.0 BACKGROUND

- 2.1 An application to make a Highway Stopping-Up Order, under Section 247 of the Town and Country Planning Act 1990, has been made to the Department for Transport's National Transport Casework Team (N.T.C.T.).
- 2.2 N.T.C.T. has contacted the City Council, as a statutory consultee, in respect of the proposed closure.
- 2.3 The applicant is seeking the closure of part of the footway of Furnival Gate in Sheffield city centre. A planning application has been granted under reference 16/03725/FUL for the demolition of existing structures and erection of a three-storey retail building, provision of a digital screen, and associated infrastructure and ancillary works at 1-5 The Moor, Sunwin House, and 12-24 Furnival Gate, Sheffield, S1 4PF (known collectively as 'The Moor Block 8').
- 2.4 The applicant contends that, in order to facilitate the approved development, it is necessary to permanently stop up the area of highway footway shown by hatching on the closure plan included as Appendix A. (The proposal also includes some areas of existing highway to be improved, and two small areas of new highway).

### 3.0 CONSULTATIONS

- 3.1 In this particular case, it is not the role of the City Council to consult the statutory organisations and other relevant bodies. However, as part of the process of making the application to N.T.C.T., the applicant should have consulted the usual sources and been in discussion with affected parties

concerning the resiting and protection of their equipment. It is understood that the N.T.C.T. also make their own consultations as appropriate. At the time of writing this report the Council had not received notification of any third party objections.

#### 4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal Services has been consulted and has advised that, assuming the subject area of highway needs to be stopped up to facilitate the approved development, it is appropriate to process the closure using the powers contained within Section 247 of the Town & Country Planning Act 1990.

#### 5.0 HIGHWAY IMPLICATIONS

- 5.1 Furnival Gate is a classified all-purpose adopted highway (classification number C725).
- 5.2 The developer proposes to close a section of the footway which currently forms a colonnade oversailed by the existing building. During the planning process, concern was expressed by officers from the Council's Transport Planning and Highways Development Management teams that the proposed development, combined with the proposed siting of bus shelters in the remaining footway of Furnival Gate, would leave insufficient footway width to safely and properly cater for the expected levels of pedestrian activity.
- 5.3 In response to these concerns, the applicant's consultants submitted a plan, reference D723/207 (shown here at Appendix B), clearly showing the highway footway widths to remain, in particular stating a width of 5.2m near the westernmost bus stop. Accordingly, a condition was included in the planning consent as follows:

*13. The footway width between the back edge of the carriageway and the face of the building along Furnival Gate shall be no less than the distances detailed in drawing reference D723/207.*

*Reason: In order to ensure that an appropriate footway width is maintained in this busy city centre location.*

- 5.4 The Council is satisfied that it is necessary to close the existing highway behind the blue line shown on the plan attached as Appendix B in order to facilitate the planning consent. However, it is not satisfied that the extent of closure proposed in the Draft Closure Order plan at Appendix A is consistent with retaining the footway widths stated in the approved plan D723/207. As shown on the overlay plan at Appendix C, the Draft Closure Order plan appears to leave up to 1m less footway width open as public

highway, which is not in accordance with the planning condition. Furthermore, it appears to be a greater extent of permanent closure than would be necessary to accommodate the approved new building line, thus inappropriate to be Stopped Up using Town & Country Planning Act Section 247 powers.

5.5 On this basis, the Council proposes to make a 'holding objection' in response to the N.T.C.T.'s consultation on the proposed Stopping Up Order, pending documentary clarification from the N.T.C.T. confirming that the extents to be Stopped Up are in accordance with:

- the approved plan of the new building extents; and
- planning condition 13.

## 6.0 EQUAL OPPORTUNITY IMPLICATIONS

6.1 The planning condition is meant to protect the needs of all legitimate footway users. However, reduced widths in a location where the footway also needs to accommodate bus shelters could particularly affect people with mobility difficulties.

## 7.0 ENVIRONMENTAL IMPLICATIONS

7.1 No particular environmental implications arise from the proposal in this report.

## 8.0 FINANCIAL IMPLICATIONS

8.1 The cost of the accrual of the new pieces of highway into the Streets Ahead contract will be offset by the saving from the de-accrual of the piece of highway which is to be closed.

8.2 All costs associated with, and arising from, the application for the permanent highway closure, and consequent works on site, will be met by the applicant.

## 9.0 CONCLUSION

9.1 The Council is concerned that the extent of the proposed permanent Stopping Up of parts of the footway of Furnival Gate, Sheffield, as shown by hatching on the plan included as Appendix A, goes beyond what is necessary to facilitate the approved development and is not in accordance with planning condition 13. Therefore it proposes to make a holding objection as described in paragraph 5.5 above.

10.0 RECOMMENDATIONS

- 10.1 Make a holding objection to the proposed stopping up of parts of the footway of Furnival Gate, Sheffield, shown by hatching on the plan included as Appendix A.
- 10.2 Authorise the Director of Legal Services to notify N.T.C.T. of this decision.
- 10.3 If N.T.C.T. confirm that the extents to be Stopped Up are in accordance with the approved plan of the new building extents, and also planning condition 13, then authorise the Director of Legal Services to withdraw the objection.

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3 March 2017

REPORT APPROVED BY TOM FINNEGAN-SMITH  
HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

Signed.....

Date..... 3 | 3 | 17 .