

TEAM MANAGER, NEW WORKS AND RECORDS

TO HEAD OF TRANSPORT,
TRAFFIC, AND PARKING
SERVICES

9th January 2013

HIGHWAYS ACT 1980 -SECTION 116

PROPOSED CLOSURE OF PART OF VICTORIA ROAD, STOCKSBRIDGE, SHEFFIELD

1.0 PURPOSE

- 1.1 To seek authority to process the Stopping-Up Order required for closing part of Victoria Road, Stocksbridge, Sheffield.

2.0 BACKGROUND

- 2.1 The applicants, _____ are seeking to close the area shown by hatching on the plan attached as Appendix A. The applicant contends that the area is no longer required as public highway. A location plan is also included as Appendix B.
- 2.2 The subject area is within land owned by the applicant and no neighbouring land owners will be affected.
- 2.3 In 2006 full planning consent (06/03434/FUL) for alterations to the property (known as Victoria Road) was granted on the condition that the highway, shown hatched on the plan, was permanently stopped up. _____ appointed a 'friend' to carry out all the necessary legal work relating to their planning application. Unfortunately for reasons unknown an application under section 247 of the Town and Country Planning Act 1990 was never made. Consequently, until a formal order is made, the area will remain as public highway.
- 2.4 The area has been enclosed behind a boundary wall for several years, during this time the City Council has not received any complaints relating to the matter.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with the Statutory Undertakers, the Emergency Services and other relevant bodies.
- 3.2 Not all consultees had responded at the time of writing this report but of those who have replied, none have apparatus in the area.

4.0 LEGAL IMPLICATIONS

4.1 Legal Services have been consulted and have advised that, assuming the areas of highway are unnecessary, it would be appropriate to process the closure using the powers contained within Section 116 of the Highways Act 1980.

5.0 HIGHWAY IMPLICATIONS

5.1 Victoria Road is an adopted all-purpose highway.

5.2 The area, shown hatched on the plan is not used by general highway users. As such it is considered that the proposed closure will not have a detrimental affect on the surrounding highway network and its users and will not affect the public's enjoyment of the area.

5.3 The applicant is the land owner and closure of the area will not affect any other parties.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

6.1 There are no particular equal opportunities implications arising from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 There are no environmental implications

8.0 FINANCIAL IMPLICATIONS

8.1 There will be no increase in liability on the Highway Maintenance revenue budget as a result of these highway closures. If the application is successful the area will be de-accrued from the Highway Maintenance budget.

8.2 Any associated costs, relating to the proposals, will be met by the applicant.

9.0 CONCLUSION

9.1 Based on the above information, I have no objections to the proposed closure as shown by hatching on the plan included as Appendix A.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed closure of part of Victoria Road , as shown by hatching on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers with regards to their mains and services that may be affected.

10.2 Authorise Legal Services to take all necessary action on the matter under the powers contained within Section 116 of the Highways Act 1980 and to apply to the Magistrates' Court for an Order to stop-up the said area of highway.

Mark Reeder
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Highway Records
Highway Maintenance Division

9th January 2013

REPORT APPROVED BY HEAD OF TRANSPORT, TRAFFIC AND PARKING SERVICES