

TEAM MANAGER, HIGHWAY RECORDS

REPORT TO HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE
25th November 2024

PROPOSED STOPPING UP OF REMNANT FOOTPATHS ON LAND BETWEEN
BIRLEY MOOR AVENUE, BIRLEY LANE AND NEWSTEAD ROAD, SHEFFIELD,
S12.

1.0 PURPOSE

- 1.1 To seek authority to make an application to the Department for Transport's National Casework Team (N.T.C.T) for the permanent closure of two remnant footpaths on land between Birley Moor Avenue, Birley Lane and Newstead Road, Sheffield 12, as shown hatched black on the plan included as Appendix A, hereafter referred to as 'the plan'.

2.0 BACKGROUND

- 2.1 The applicant is seeking to permanently close two areas of footpath on land between Birley Moor Avenue, Birley Lane and Newstead Road, Sheffield 12, as shown hatched black on the plan.
- 2.2 Subject to the approval of this report an application will be made to the Department for Transport (DFT), for the permanent Stopping-Up Order under Section 247 of the Town and Country Planning Act 1990.
- 2.3 These two short remnant footpaths were subject to a previous Order, made on the 3rd November 2021, that related to planning application 21/01059/RG3 for the erection of 41 dwellinghouses and 3x apartment blocks (2x four-storey and 1x three-storey) comprising 36 apartments (77 total residential units) with associated highway infrastructure, parking and landscaping works. In that Order they were proposed as highways to be improved, in this case to be subsumed within a new all-purpose highway.
- 2.4 A subsequent planning application, approved under reference 22/04173/NMARG3 to allow amendments to the configuration of home zone 02 and other proposed highways, reconfigured external layouts and adjustments to levels to plots 28, 44 and 45, and plant room and alteration to elevation of plot 44 (amendment to planning permission 21/01059/RG3). The implication of this new permission is that these 2 areas of highway will now form part of a private access road and are therefore no longer required as public highway.

- 2.5 In order to facilitate the approved development, the applicant contests that it is necessary to permanently stop up the area of highway, shown on the plan by black hatching.

3.0 CONSULTATIONS

- 3.1 Consultation with the Statutory Undertakers and other relevant bodies will be carried out by the DFT's National Transport Casework Team (N.T.C.T) as part of the application.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal & Governance has been consulted and has advised that, assuming the subject area of highway needs to be stopped up to facilitate the approved development, it will be 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 The subject areas are adopted footpaths in the Birley area of Sheffield.
- 5.2 The developer asserts that the proposed permanent closure is necessary to facilitate the development under planning reference 22/04173/NMARG3.
- 5.3 The subject areas of highway were proposed to be included within a new area of all-purpose highway. However, following an amendment to the approved development layout, under planning reference 22/04173/NMARG3, a private driveway will be created in its place. Consequently, the subject areas will be located within the private drive.
- 5.4 Therefore, it is considered that the closure of this highway should not affect the public's enjoyment or use of the area. The closure is necessary for the proposed development, and it is considered that it will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposal in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 FINANCIAL IMPLICATIONS

- 8.1 All costs associated with, and arising from, the permanent highway closure and consequent works to carry out the work on site, will be met by the applicant.

9.0 CONCLUSION

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

10.0 RECOMMENDATIONS

- 10.1 Raise no objection to the proposed Stopping Up Order for the permanent closure of two areas of footpath on land between Birley Moor Avenue, Birley Lane and Newstead Road, Sheffield 12, as shown hatched black on the plan included as Appendix A.
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- 10.2 Authorise the Director of Legal and Governance to take all necessary action on the matter under the powers contained within the Town and Country Planning Act 1990, Section 247, and to apply to the Department for Transport for an Order to close the said areas of highway.

Mark Reeder
Technical Officer
Highway Records
Highway Maintenance Division

25th November 2024

REPORT APPROVED BY TOM FINNEGAN-SMITH
ASSISTANT DIRECTOR OF CITY TRANSPORT

Signed 

Date 5 December 2024



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Town and Country Planning Act 1990,
Section 257
Footpaths between Newstead Way and
Birley Lane, Sheffield, S12



APPENDIX A

