

TEAM MANAGER, HIGHWAY RECORDS

REPORT TO HEAD OF
TRANSPORT, TRAFFIC AND
PARKING SERVICES
29 July 2013

**PROPOSED PERMANENT CLOSURE OF PARTS OF ERRINGTON AVENUE
AND ERRINGTON CLOSE, AND FOOTPATHS OFF ERRINGTON CRESCENT, IN
THE ARBOURTHORNE AREA OF SHEFFIELD**

1. PURPOSE

- 1.1 To seek authority to process a Highway Stopping Up Order to close small parts of the adopted all-purpose public highways known as Errington Avenue and Errington Close, and adopted public footpaths off Errington Crescent, in the Arbourthorne area of Sheffield, as shown black-edged on the plan included as Appendix A.

2. BACKGROUND

- 2.1 An application has been received from the Council's Housing and Neighbourhood Regeneration Team for the permanent closure of small parts of the adopted all-purpose public highways known as Errington Avenue and Errington Close, and adopted public footpaths off Errington Crescent, in the Arbourthorne area of Sheffield, the wider location of which is shown on the context plan included as Appendix B. The Regeneration Team are working with developer Sanctuary Housing Group (and their contractor Keepmoat) on proposals for housing on the site, in conjunction with a land transfer. A planning application 13/01988/FUL for this was submitted to the Council on 12 June 2013, and is currently pending consideration by Development Management, with a target determination date of 26 September 2013.
- 2.2 Normally, in the case of a proposed new development, any necessary highway closures would be obtained using Section 247 of the Town & Country Planning Act 1990 once planning consent has been granted. However, in this case, as all the housing previously served by these highways has now been demolished, the applicant contends that they are already unnecessary for public use and can thus be considered surplus to the requirements of the Highway Authority. The applicant also has a tight timeframe in which to build the development, in order to access time-limited Homes & Communities Agency funding. For these reasons, they have applied for the highways to be permanently closed using the powers of Section 116 of the Highways Act 1980.
- 2.3 However, a Section 116 application cannot progress to Magistrates' Court whilst any objections from utilities are outstanding. So, depending on how long it takes the applicants to finalise dealing with the various utilities issues on the subject highways (see Section 3 of this report), it may ultimately prove

quicker to revert to the usual method and obtain the closures using Section 247 of the Town & Country Planning Act 1990 once planning consent has been obtained. Therefore, this report seeks authority to use either power, depending on which is viewed to be the most appropriate and expedient once utilities issues have been dealt with.

3. CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers, Emergency Services, and other relevant bodies. Not all consultees had responded at the time of writing this report but, of those who have replied, several have apparatus in the area.
- 3.2 National Grid Gas and Yorkshire Water objected, on the grounds that their equipment is affected by the proposed closures.
- 3.3 After looking at more detailed plans, and having discussions with the applicant's contractor, Yorkshire Water accepted that, actually, their equipment will not be affected, and so withdrew their objection.
- 3.4 The applicants have also been in discussion with National Grid Gas. The required work was agreed some weeks ago, and advance payment has been made to them for this work, so withdrawal of the objection is expected imminently.
- 3.5 Northern Powergrid and Virgin Media, although not formally objecting, do also have affected equipment. Again, the applicants have been in discussions with them as to what diversions, disconnections or wayleaves are required. The applicants are aware that these companies retain the right to object later at the formal stages of the process if no agreement has been reached with them.
- 3.6 The Chair and Manager of the East Community Assembly (whilst it still existed), along with the three Arbourthorne Ward Councillors, were also consulted, and did not object.

4. LEGAL IMPLICATIONS

- 4.1 The Director of Legal Services has been consulted and has advised that, assuming the highways need to be closed, and that it will not be detrimental to the public, then it would be appropriate to process the closure using either the powers contained within Section 116 of the Highways Act 1980 or, once the proposed redevelopment has obtained planning consent, Section 247 of the Town & Country Planning Act 1990.

5. HIGHWAYS IMPLICATIONS

- 5.1 The footpaths proposed for closure are adopted public highways off Errington Crescent, which formerly provided pedestrian access to the houses on the

site. All of the houses have now been demolished, and the site has been cleared and grassed.

- 5.2 The two pieces of all-purpose adopted public highway proposed for closure currently serve as parts of the turning heads at the culs-de-sac ends of Errington Avenue and Errington Close. Normally, an application to close turning heads on culs-de-sac ends of otherwise 'live' public highways would not be acceptable to the Highway Authority. However, in this case, the proposed development for the site (should it go ahead) will actually create a new length of vehicular adopted public highway which will join up the two current culs-de-sac ends and thus render the turning heads redundant. The applicant has given an undertaking that they will not attempt to physically close off the two turning heads until such time as they are starting work on site to construct the development which will join up the two roads. On that basis, and bearing in mind that it is a regeneration scheme in partnership with the Council, the Highway Development Manager does not object to the closure application in this particular case.
- 5.3 Overall therefore, it is considered that the proposed closures are necessary for the likely development of the site, 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.

6. EQUAL OPPORTUNITY IMPLICATIONS

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

7. ENVIRONMENTAL IMPLICATIONS

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

8. FINANCIAL IMPLICATIONS

- 8.1 There will be no increase in liability on the Highway Maintenance revenue budget as a result of these highway closures.
- 8.2 All associated costs are being met by the applicant.

9. CONCLUSION

- 9.1 Based on the above information, I have no objections to the proposed closure of parts of the adopted all-purpose public highways known as Errington Avenue and Errington Close, and adopted public footpaths off Errington Crescent, in the Arbourthorne area of Sheffield, as shown black-edged on the

plan included as Appendix A.

10. RECOMMENDATIONS

10.1 That the Head of Transport, Traffic and Parking Services: -

- i. Raises no objection to the proposed closure of parts of the adopted all-purpose public highways known as Errington Avenue and Errington Close, and adopted public footpaths off Errington Crescent, in the Arbourthorne area of Sheffield, as shown black-edged on the plan included as Appendix A, subject to any objections received being withdrawn, and satisfactory arrangements being made with the Statutory Undertakers with regard to any of their mains and services that may be affected.
- ii. Authorises the Director of Legal Services to take all necessary action on this matter under powers contained within either Section 116 of the Highways Act 1980 (including applying to Sheffield Magistrates' Court for a Closure Order), or Section 247 of the Town & Country Planning Act 1990, whichever is deemed the most appropriate and expedient.

Richard Day
Senior Engineer, Highway Records.

29 July 2013

REPORT APPROVED BY HEAD OF TRANSPORT, TRAFFIC AND PARKING
SERVICES

Signed

Date

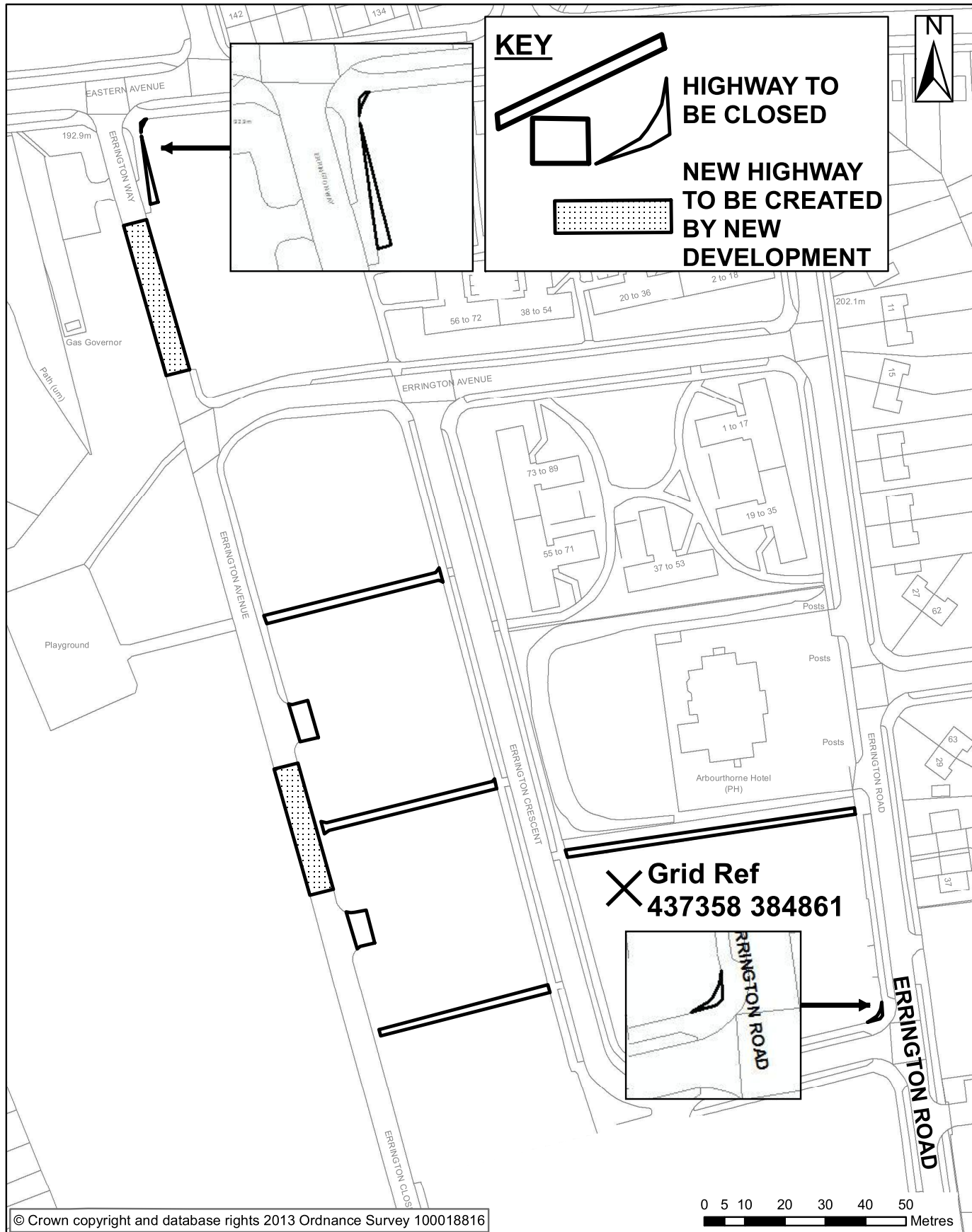


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APPENDIX A

Proposed Closure of parts of Errington Way, Errington Avenue, Errington Close, and Errington Crescent, and Adopted Public Footpaths off Errington Crescent, in the Arbourthorne area of Sheffield.

Scale: 1:1,250





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APPENDIX B

Proposed Closure of parts of Errington Avenue
and Errington Close, and Adopted Public Footpaths
off Errington Crescent, Arbourthorne.
Plan showing location within Sheffield.
Ref.: BM/HR/3954

