

ASSISTANT HEAD OF HIGHWAY MAINTENANCE
HIGHWAY MAINTENANCE DIVISION

TO HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE
14 MARCH 2018

HIGHWAYS ACT 1980 – SECTION 116
PROPOSED PERMANENT CLOSURE OF PART OF PUBLIC HIGHWAY VERGE
OUTSIDE 135 DORE ROAD, SHEFFIELD, S17

1.0 PURPOSE

- 1.1 To seek authority to apply for the Stopping-Up Order required for the permanent closure of a piece of highway verge outside number 135 Dore Road, Sheffield, S17, as shown hatched on the plan included at Appendix A.

2.0 BACKGROUND

- 2.1 In 2014, the Council granted planning consent for a large 7 bedroomed house with a triple garage and swimming pool on the vacant site of a former large house, known as 135 Dore Road, which had already been demolished.
- 2.2 During the construction of the new house, the owner obtained a separate planning consent for an extension to the garden of the property out towards Dore Road, and construction of a new garden wall along what would become the new boundary line.
- 2.3 This garden extension and new wall would enclose land which is part of the verge of the adopted public highway on Dore Road, the subsoil of which was also owned by Sheffield City Council.
- 2.4 The applicant has now completed purchase of the relevant subsoil from the Council, meaning that the Highway Stopping Up Order is now the 'last piece in the jigsaw' to allow the development to legally go ahead.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with the Statutory Undertakers, the Emergency Services, Ward Councillors, 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 objected.
- 3.3 BT Openreach, although not formally objecting, did initially say their equipment may be affected and may require diversion. However, after lengthy

investigation, they confirmed that all their underground equipment in that vicinity is actually under the footway, and not the verge, so would not be affected. They also confirmed that the approved plan of the development showed that their overhead line equipment (telegraph pole) in the verge would not be affected either, because it remained outside the area to be enclosed and Stopped Up.

4.0 LEGAL IMPLICATIONS

4.1 Often, in cases where a Highway Stopping Up Order is necessary to facilitate a planning consent, it is appropriate to seek that Order from the Department for Transport using the powers contained in Section 247 of the Town & Country Planning Act 1990.

4.2 However, in this case, on the basis that the subject piece of highway verge can be argued to be unnecessary for public use, Officers pointed out that the Order could also be sought from a Magistrates' Court using the powers contained in Section 116 of the Highways Act 1980. In the belief that this might be a quicker process, with the same ultimate result, the applicant asked for this.

4.3 Legal Services have been consulted and have confirmed that, in the particular circumstances of this case, it will be possible to apply to Sheffield Magistrates' Court for an Order using the powers contained within Section 116 of the Highways Act 1980.

5.0 HIGHWAY IMPLICATIONS

5.1 Dore Road is a classified all-purpose adopted public highway.

5.2 The subject piece of Dore Road proposed for closure is verge only, and is not integral to the operation of Dore Road as a public highway. For the avoidance of doubt, relevant Officers in the Highway Development Management team have also confirmed that the subject area is not necessary as a visibility splay. Therefore its removal from the highway will not have a detrimental effect on users of the surrounding highway network, or affect the public's enjoyment of the area.

5.3 All the land affected by the proposed Stopping Up is owned by the applicant. No other landowners' access to and from the highway will be affected.

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 particular environmental implications arising from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

8.1 There will be no increase in financial liability on the Council as a result of this highway legal order.

8.2 All costs relating to the planning consents and Highway Stopping Up proposal will be paid 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 at Appendix A.

10.0 RECOMMENDATIONS

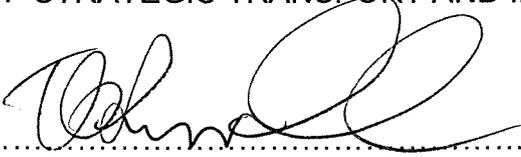
10.1 Raise no objections to the proposed Stopping Up, as shown hatched on the plan included at Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers with regards to any of their mains and services that may be affected.

10.2 Authorise the Director of Legal & Governance 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 the Order.

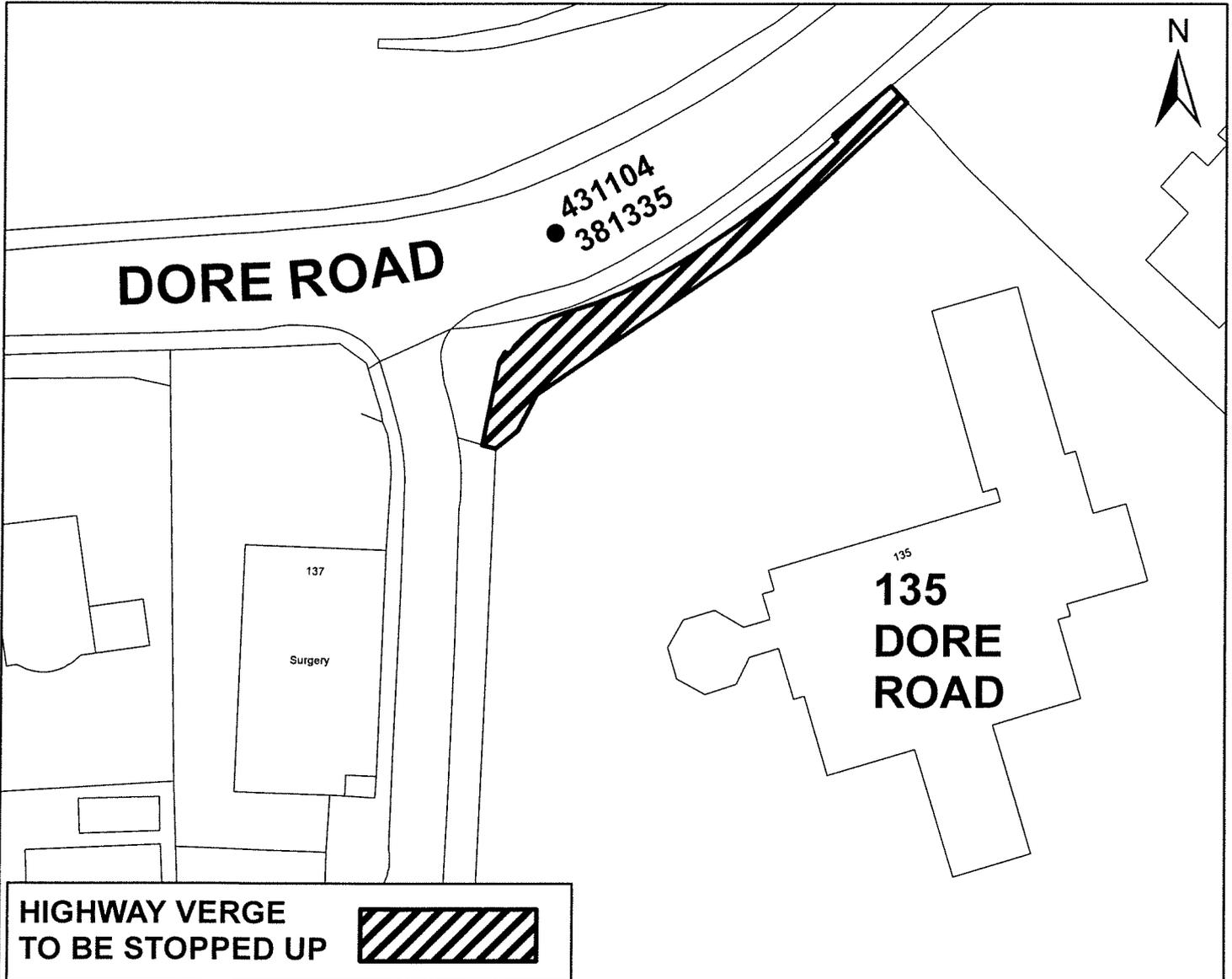
Richard Day
Principal Engineer
Highway Records
Highway Maintenance Division

14 March 2018

REPORT APPROVED BY
HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

Signed.....

Date.....14/03/18.....



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