

TEAM MANAGER, HIGHWAY RECORDS

REPORT TO HEAD OF TRANSPORT
AND STRATEGIC INFRASTRUCTURE

24 FEBRUARY 2016

PROPOSED PERMANENT CLOSURE OF PARTS OF EARLDM DRIVE AND
PARTS OF EARLDM CLOSE IN THE BURNGREAVE AREA OF SHEFFIELD

1.0 PURPOSE

- 1.1 To seek authority to process the Stopping-up Order required to permanently close parts of Earldom Drive and parts of Earldom Close in the Burngreave area of Sheffield shown by hatching on the plan included as appendix A.

2.0 BACKGROUND

- 2.1 An application has been received from Arches Housing to permanently close the areas of highway shown by hatching on the plan included as Appendix A.
- 2.2 Following the granting of full planning permission in 2006 (ref: 05/04306/FUL) an application to close these areas was submitted. However, due to unspecified complications associated with the developer and their contractor the application did not progress.
- 2.3 Between 2006 and 2008 the new development was completed despite the lack of a legal Order to stop up the relevant pieces of highway. This has resulted in some properties being partially located within areas that are legally still highway. Consequently residents are experiencing issues when selling their properties.
- 2.4 In 2012 the stopping-up process recommenced, but again stalled due to issues with the location of Statutory Undertakers equipment.
- 2.5 Despite these areas of highway being enclosed (for almost 10 years) no complaints have been received by this office. However, it is still necessary to obtain an Order to regularize the legal issues and resolve problems affecting private property sales.

BM/HR/3885

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with the Statutory Undertakers, Emergency Services, and the other relevant bodies. Not everyone consulted had responded at the time of writing this report. With the exception of Virgin Media, no negative responses were received.
- 3.2 Virgin Media initially indicated that they had equipment within the affected part of Earldom Close and requested that it be relocated at the applicant's cost. Following further discussions this request has now been removed and they have confirmed that they have no objection.

4.0 LEGAL IMPLICATIONS

- 4.1 Legal Services has 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 Earldom Drive and Earldom Close are all-purpose adopted cul-de-sac public highways.
- 5.2 The areas of highway proposed for closure have, in actuality, been incorporated within private properties for at least eight years without any apparent practical problems on the site, therefore the Stopping Up of these areas will not affect the public's use and enjoyment of the surrounding highway network.

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 accruing to the Council (Highway Maintenance Division) in association with this proposal will be met by the Applicant.
- 8.2 Removal of the subject areas will result in a very small overall saving to the Highway Maintenance budget

9.0 CONCLUSION

- 9.1 Based on the above information, I have no objections to the proposed closure of parts of Earldom Drive and parts of Earldom Close, Sheffield, , shown hatched on the plan included as Appendix A.

10.0 RECOMMENDATIONS

- 10.1 No objections are raised to the proposed Stopping-up of parts of Earldom Drive and parts of Earldom Close 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 areas of highway.

REPORT APPROVED BY DIRECTOR OF DEVELOPMENT SERVICES

Signed

Date 25/2/16 .



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Scale: 1:1,000

APPENDIX A

