

7 May 2013

PROPOSED CLOSURE OF PARTS OF SKINNERTHORPE ROAD AND BAGLEY ROAD,  
FIR VALE, SHEFFIELD

1.0 PURPOSE

- 1.1 To seek authority to process the Highway Stopping-Up Order required for closing parts of Skinnerthorpe Road and Bagley Road in the Fir Vale area of Sheffield, as shown hatched on the plan attached as Appendix A.

2.0 BACKGROUND

- 2.1 The applicant (Sheffield City Council's Capital Delivery Service, working on behalf of Children, Young People & Families portfolio) is seeking to permanently close the areas of highway shown hatched on the plan attached as Appendix A, in order to facilitate construction of a new primary school and associated facilities on the site.
- 2.2 The Council already owns almost all of the site. Negotiations to purchase small remaining pieces from private owners are almost complete. (The applicant is aware that purchase needs to be agreed before formal Highway Closure notices are issued, otherwise affected landowners could object).
- 2.3 Most of the houses which occupied the site have now been demolished, and replaced by grass. The few which still remain are boarded up and awaiting demolition soon.
- 2.4 A planning application (ref. 13/01483/FUL) for the new school was submitted on 30 April.
- 2.5 The applicant is seeking the permanent highway closures via the powers exercised by the Department for Transport (DfT) under Section 247 of the Town and Country Planning Act 1990. However, the highway closures are highly time-critical to the project as a whole so, in order to save time, it is proposed to initially make the application to the DfT using Section 253 of that Act. Restricted to where the planning application is made by a public authority, this power allows the formal highway closure application to be made to the DfT at the same time as the planning application is made, rather than waiting until planning consent is granted as usually has to be the case. Although no Order will actually be made until the planning consent is granted, this can save several months from the process as a whole.
- 2.6 The applicant has been made aware that the risk with proceeding in this manner is that, if any changes to the extents of highway to be closed arise out of the planning process, there could then be a need to re-start the Highway Closure Order application process, thus potentially losing any time advantage which would have been gained. They are happy to proceed on this basis.

### 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, several have affected apparatus.
- 3.3 Cable and Wireless, Yorkshire Water and National Grid Gas have objected on the grounds that their apparatus is affected. The applicant has initiated negotiations with each of these, expressing willingness to pay for the required diversions or wayleaves, and knows that the DfT will not make the Order until these objections are withdrawn.
- 3.4 Although not objecting, Virgin Media, Northern Power Grid, and BT Openreach all have apparatus in the area. Again, the applicant has expressed willingness to pay for diversions or wayleaves if required, and knows that there is a likelihood that these companies will formally object, and thus stall the process, if full agreement with them has not been reached by the time the DfT serve formal notice of their intention to make the Order.
- 3.5 Transport Strategy & Vision have pointed out that the highways proposed for closure currently form part of an advisory cycle route (deemed to be safer for cyclists than using the busy parallel roads Owler Lane and Barnsley Road via Fir Vale junction). The developer has been made aware of this concern, and is aware that Highways Development Control will place a Planning Condition on the development to ensure that a suitable alternative route is put in place for cyclists. The developer has pledged to then work with the appropriate officer in Transport Strategy & Vision to agree the details of the route once the development obtains planning consent. (It is understood that the route will not be through the school site, for reasons including safety and security).
- 3.6 There is also a requirement for a turning head on the stub end of Skinnerthorpe Road which is to remain as Highway (in order to prevent vehicles having to reverse out onto the busy Barnsley Road). It is likely that this will be accommodated within the development site itself, in which case it is likely that the westward extent of the closure of Skinnerthorpe Road will be slightly less than that shown with this Report. Again, Highways Development Control will ensure the necessary provision through the planning process, and, if necessary, the extent of Closure shown on the Order application plan to be submitted to the DfT will be reduced accordingly from the one in Appendix A of this report.

### 4.0 LEGAL IMPLICATIONS

- 4.1 Legal Services have been consulted and have advised that, assuming that the subject highways need to be Closed to facilitate the proposed development, it would be appropriate to process the closure using the powers contained within Section 247 in conjunction with Section 253 of the Town & Country Planning Act 1990.
- 4.2 There is a risk, when using Section 253 to make a highway closure application concurrently with a planning application, that the highway closure application could

prove abortive and need to be restarted if additional areas of closure are required as a result of changes to the overall scheme which may arise from the planning process. (The developer is fully aware of this risk). For this reason, all the consultations which have been made thus far, along with the approval requested by this report, are for the *maximum* extents of closure which may be required. As stated in paragraph 2.5 above, the actual Order will not be made until planning consent has been obtained, therefore the Order itself will match the final design which has got planning consent, and so could conceivably be for slightly less extensive closures than those in this report.

## 5.0 HIGHWAY IMPLICATIONS

- 5.1 Currently, for vehicular traffic, the sections of highway proposed for closure form a cul-de-sac accessed from the western (Barnsley Road) end. (Although currently retaining highway status over its full length, Bagley Road has, for some years, been legally blocked-off by kerbs and bollards at its northern end where it meets Owler Lane). Therefore no through vehicular route is being lost as a result of this application. (The short length of Bagley Road which is to remain public highway will, in effect, be pedestrianised by Traffic Regulation Order, and will form part of the main pedestrian access route into the school).
- 5.2 The developer has been fully advised that Highways Development Control will ensure, through a Planning Condition, that a suitable cycle route will be provided as an alternative to the current advisory route via Skinnerthorpe Road and Bagley Road which will be lost as a result of the development. The developer has pledged to work with appropriate officers in Transport Strategy & Vision to agree the detail of this route once Planning Consent has been obtained.
- 5.3 For pedestrians, a parallel alternative through route of no greater distance exists by using the footways of Barnsley Road and Owler Lane.
- 5.4 Therefore, subject to the development getting planning consent and going ahead, the loss of the highways now proposed for closure should not affect the public's enjoyment of the area. The closure is necessary for the proposed development and it is considered that, subject to the provision of a suitable alternative route for cyclists, it will have no detrimental effect on the surrounding highway network and its users.

## 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 liability on the Highway Maintenance revenue budget as a result of these highway closures.

8.2 All costs associated with, and arising from, the application for the permanent highway closure and consequent works 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 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 Skinnerthorpe Road and part of Bagley Road in the Fir Vale area of Sheffield, as shown by hatching on the plan included as Appendix A, subject to:

- full planning consent, including a planning condition ensuring the provision of a suitable alternative cycle route, being obtained;
- all objections now received being withdrawn;
- 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 Sections 253 and 247 of the Town & Country Planning Act 1990 and to apply to the Department for Transport for an Order to close the said area of highway.

Richard Day  
Senior Engineer  
Highway Records  
Highway Maintenance Division

7 May 2013

REPORT APPROVED BY HEAD OF TRANSPORT, TRAFFIC & PARKING SERVICES

Signed .....

Date .....