

TEAM MANAGER,
NEW WORKS AND RECORDS,
HIGHWAY MAINTENANCE DIVISION

TO HEAD OF TRANSPORT, TRAFFIC, AND PARKING SERVICES 14 MAY 2014

HIGHWAYS ACT 1980 – SECTION 116
PROPOSED CLOSURE OF PART OF PITSMOOR ROAD, SHEFFIELD S3

1.0 PURPOSE

- 1.1 To seek authority to process the Stopping-Up Order required for closing a part of the footway of Pitsmoor Road, Sheffield S3.

2.0 BACKGROUND

- 2.1 A Highway Closure application has been received from the landowner, who is seeking to close the area shown by hatching on the plan attached as Appendix A. The applicant contends that the area is no longer required as public highway. A location plan is also included as Appendix B.

- 2.2 The subject area is within land owned by the applicant and no neighbouring land owners will be affected.

- 2.3 Part of the area proposed for closure has had a building extension built on it for several years. This extension was built, in the highway, and without planning consent, by a previous owner of the property. That owner did then obtain retrospective planning consent, which included a directive to obtain a Highway Closure Order, but that part was never done.

- 2.4 The current owner asserts that he bought the property with no knowledge of the highway encroachment problem. However, he has subsequently paid for this Highway Closure process as an alternative to Council Highway Enforcement action to take down the building extension which is in the highway. In doing this, he is also taking the opportunity to close a larger piece of highway, consistent with the extent of his ownership of the subsoil, to give himself the option of future further extension of the building (subject, of course, to the necessary planning consents, etc.).

- 2.5 Photo 1 shows the site, with the extent of the proposed Highway Closure annotated as red hatching. (The blue part of the building is currently in the highway).

- 2.6 The footway width to remain open as highway past the site will be a minimum of 1.8 metres, which is the same as that to the north and south of the site on that stretch of Pitsmoor Road.



Photo 1 – Red hatching indicates extent of proposed Highway Closure

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with the Statutory Undertakers, the Emergency Services and other relevant bodies.
- 3.2 National Grid Gas initially objected to the proposed closure, on the grounds that their equipment within the highway was affected. However, when it was explained to them that it was only supplying the applicant's own private property, and receiving an undertaking from him that their emergency maintenance access to it would remain unrestricted, they withdrew the objection.
- 3.3 BT Openreach also have equipment within the highway proposed for closure, and initially requested a significant sum of money to divert it into land remaining as highway. However, when it was pointed out to them that this cable duct already continued through the applicant's private land at the side and rear of the property, unprotected by any wayleave, they agreed to enter into a private wayleave agreement with the landowner to protect their maintenance access to all their equipment within his land. This agreement has now been completed by both parties, and so they have said that they are happy for the Highway Closure to go ahead.

- 3.4 Not all the other consultees had responded at the time of writing this report, but of those who have replied, none have apparatus within the area or have raised any objection.

4.0 LEGAL IMPLICATIONS

- 4.1 Legal Services have been consulted and have advised that, assuming the area of highway is 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

- 5.0 Pitsmoor Road is an adopted all-purpose highway.

- 5.1 The piece of highway proposed for closure, shown as hatched in Appendix A, is an area of footway much wider than that on the rest of that stretch of Pitsmoor Road. It was dedicated as public highway in 1970 by the then landowners, Wilson Tupholme Ltd. However, since then, it appears never to have been used as any more than a wide forecourt to the building, albeit maintained as adopted highway at the public expense. As such it is considered that the proposed closure area is not necessary as public highway, and will not have a detrimental effect on users of the surrounding highway network, or affect the public's enjoyment of the area.

- 5.2 The applicant is the owner of all the land involved, and closure of the area will not affect any other landowners.

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 closure. If the application is successful, the closed area will be de-accrued from the 'Streets Ahead' highway maintenance contract.

8.2 All costs relating to the proposals 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 the footway of Pitsmoor Road, 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 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 an Order to stop-up the said area of highway.

Richard Day
Senior Engineer
Highway Records
Highway Maintenance Division

14 May 2014

REPORT APPROVED BY HEAD OF TRANSPORT, TRAFFIC AND PARKING
SERVICES

Signed.....

Date.....



Highway Records
Regeneration and
Development Services
Howden House
Union Street
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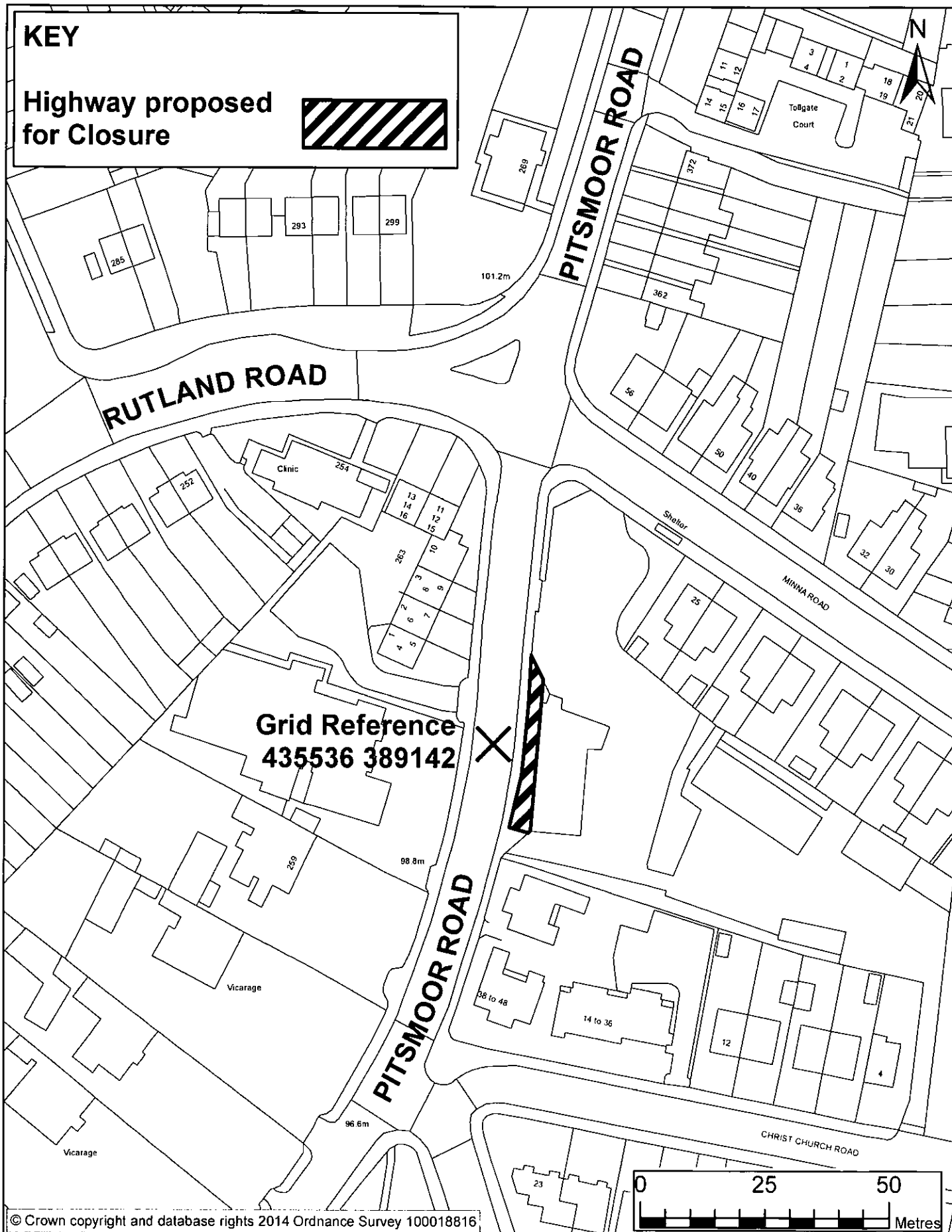
APPENDIX A

Highways Act 1980 Section 116
Proposed permanent Highway Closure of
part of footway of Pitsmoor Road,
Sheffield, S3
Ref. 3956

Scale: 1:1,000

KEY

Highway proposed
for Closure





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APPENDIX B -- LOCATION PLAN

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