

TEAM MANAGER,
NEW WORKS AND RECORDS,
HIGHWAY MAINTENANCE DIVISION

TO HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

7 NOVEMBER 2016

TOWN & COUNTRY PLANNING ACT 1990 SECTION 247
PROPOSED PERMANENT CLOSURE OF PARTS OF WELLINGTON STREET,
CHARTER SQUARE, CHARTER ROW AND FURNIVAL GATE

1.0 PURPOSE

- 1.1 To seek authority to support the Stopping-Up Order proposed to facilitate the planning application for the new development on the site of the former Grosvenor Hotel, Sheffield city centre.

2.0 BACKGROUND

- 2.1 An application for a permanent Highway Stopping Up Order under Section 247 of the Town & Country Planning Act 1990 has been made to the Department for Transport's National Transport Casework Team (NTCT) by consultants acting for the Sheffield City Council project team working on the proposed new development for the Grosvenor Hotel site in Sheffield city centre, which is expected to form new headquarters for the HSBC bank, as well as other retail uses.
- 2.2 A planning application (reference 16/03328/RG3) has been made for a mixed use development comprising a six-storey office and retail block, basement car park and service area, and a stand-alone food and beverage/retail unit, with enhanced public realm and formation of new highway between Backfields and Carver Street. In conjunction with this, the applicant is seeking permanent closure of parts of the adopted highways known as Wellington Street, Charter Square, Charter Row and Furnival Gate, as shown hatched on the plan attached at Appendix A.
- 2.3 The NTCT has contacted the City Council in respect of this highway closure application as one of its statutory consultees.
- 2.4 The proposed development does not currently have planning consent (although a decision is expected later in November 2016), so the Section 247 application to the NTCT is *subject to* planning consent, and any response which SCC may make to that application is also subject to planning consent subsequently being obtained. In any case, the NTCT will not make an Order until there is a planning consent.

2.5 The applicant asserts that, in order to facilitate the development and fully realise its potential benefits, it is necessary to permanently Stop Up the areas of highway shown by hatching on the closure plan attached at Appendix A.

3.0 CONSULTATIONS

3.1 In this particular case, it is not the role of the City Council as Local Highway Authority to consult statutory utilities and other relevant bodies. However, as part of the process of making the Section 247 application to the NTCT, the applicant will have needed to consult the utilities, and to have had discussions with them concerning the re-siting and protection of their equipment where necessary. It is understood that the NTCT back this up with their own consultation.

3.2 At the time of writing this report, the Council is not aware of any formal objections in response to these consultations.

4.0 LEGAL IMPLICATIONS

4.1 Legal Services have been consulted and have advised that, assuming that it is necessary to stop up the areas of highway to enable the development to be carried out (should it get planning consent), then it is appropriate for the closure to be processed using the powers of Section 247 of the Town & Country Planning Act 1990.

5.0 HIGHWAY IMPLICATIONS

5.1 Wellington Street, Charter Square, Charter Row and Furnival Gate are all adopted public highways.

5.2 Should this development get planning consent and go ahead, its impact on the highway in the Charter Square area will, in effect, be a furtherance of the effects of the Council highway improvement scheme currently under construction at that location. Principally, the current highway scheme removes the roundabout, and thus all motor vehicular movements directly between Charter Square and Wellington Street, leaving a through two-way single-carriageway road between Charter Row and Furnival Gate with a high-quality at-grade controlled pedestrian crossing in Charter Square.

5.3 Planning application 16/03328/RG3 now proposes that parts of Charter Square (and smaller parts of adjoining Charter Row and Furnival Gate) will be replaced by:

- A private vehicular ramp down to an underground service yard for the development;
- A 'stand-alone' food and beverage retail unit; and
- Part of the footprint of the main office and retail building.

5.4 Most of the remainder of Charter Square (with the exception of a footway along the north-western edge) is also proposed to be Stopped Up as highway, but is proposed to remain as public realm, with through pedestrian routes by steps and a ramp. Its status as public realm available for public use at all times except in exceptional pre-advertised circumstances, but maintained separately from highways, is proposed to be protected by planning conditions, and by covenants to be placed on the land if it is transferred out of Council ownership (although it is understood that the intention is for it to remain Council-owned for the time being). Thus, the quality of the public space (and its maintenance regime) is expected to be similar in nature to St Paul's Square and the Peace Gardens. Appendix B shows the proposed public realm layout.

5.5 On this basis, the loss of the sections of highway proposed by this Order should not affect the public's enjoyment of the area or have a detrimental effect on the surrounding highway network and its users. The Council as Local Highway Authority is satisfied that it is necessary to close the sections of highway shown hatched on the plan at Appendix A in order to fully construct, and realise the principles of, the proposed development.

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 Highway Maintenance Division of the Council as a result of this highway legal order.

8.2 Any increase in ongoing Highway maintenance costs as a result of the development will be covered by a commuted sum. That, and any other costs relating to the proposals, will be paid by the developer.

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 permanent closure of parts of Wellington Street, Charter Square, Charter Row and Furnival Gate, as shown hatched on the plan attached at Appendix A, subject to:
- (a) planning consent being granted; and
 - (b) 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 notify NTCT of this decision.

Richard Day
Principal Engineer
Highway Records & Address Management
Highway Maintenance Division

7 November 2016

REPORT APPROVED BY TOM FINNEGAN-SMITH
HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

Signed

Date 9 November 2016