

TEAM MANAGER, HIGHWAY RECORDS

REPORT TO HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

28th May 2019

PROPOSED STOPPING UP OF PART OF A STUB OF ECCLESALL ROAD ADJACENT TO CLARENCE LANE, SHEFFIELD, S11

1.0 PURPOSE

- 1.1 To seek authority to object to the proposed Stopping Up Order for part of a stub of Ecclesall Road adjacent to Clarence Lane (near the Waitrose supermarket), Sheffield, S11.

2.0 BACKGROUND

- 2.1 An application to make a Highway Stopping-Up Order, under Section 247 of the Town and Country Planning Act 1990, has been made to the Department for Transport's National Transport Casework Team (N.T.C.T.) by a developer.
- 2.2 N.T.C.T. has contacted the City Council, as a statutory consultee, in respect of the proposed closure.
- 2.3 The applicant is seeking the closure of part of a stub of Ecclesall Road adjacent to Clarence Lane at the entrance to the site of the former Robins & Day Peugeot garage near Waitrose supermarket, Sheffield, S11. Planning consent has been granted conditionally to allow the demolition of the car showroom and then erection of a mixed-use development comprising of 561 student bedspaces, various commercial uses with associated car parking, landscaping and cycle parking, under application reference 16/04807/FUL.
- 2.4 In order to facilitate the approved development, the applicant contests that it is necessary to permanently stop up the area of highway shown by hatching on the closure plan included as Appendix A.

3.0 CONSULTATIONS

- 3.1 In this particular case, it is not the role of the City Council to consult the statutory organisations and other relevant bodies. However, as part of the process of making the application to N.T.C.T, the applicant should have consulted the usual sources and been in discussion with affected parties concerning the resiting and protection of their equipment. At the time of writing this report the Council had not received notification of any third party objections.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal Services has been consulted and has advised that, assuming the areas of highway need to be stopped up to facilitate the approved development, it would be appropriate to process the closure using powers contained within the Town & Country Planning Act 1990, Section 247.

5.0 HIGHWAY IMPLICATIONS

- 5.1 Although part of the all-purpose Adopted Public Highway named as Ecclesall Road, the subject piece of Highway is actually a small cul-de-sac 'stub' which formerly led to the vehicular gate of the Robins & Day Peugeot garage.
- 5.2 Closure of the extents shown hatched in Appendix A, would result in a small 'island' of remaining Adopted Highway being left completely cut off from the rest of the unaffected highway, as shown red-edged on the plan attached at Appendix B. This is not a situation which is acceptable to the Council in its role as the Local Highway Authority with maintenance responsibility and liability for all Adopted Public Highway. It would also leave a piece of land with legal Highway status to which there is potentially no public access. Consequently it is our view that the extents proposed for permanent closure by the Order should be amended to include the land shown red-edged in Appendix B.
- 5.3 An attempt to convey this problem to the applicant to seek a change to the proposed closure extents without the need for formal objection received no response.
- 5.4 In view of this, officers wish to object to the current Stopping Up application, pending amendment by the applicants of the highway extents proposed for closure in the Order plan.
- 5.5 However, apart from that issue, the Council is satisfied that the Stopping Up is necessary to facilitate the development, and that (subject to resolution of the problem described in 5.2 above) the removal of that land 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. Therefore, if the problem is resolved, any objection made can be withdrawn.

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 There will be no increase in liability on the Highway Maintenance Revenue Budget as a result of this highway closure.
- 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 I have an objection to the Stopping Up Order proposed for part of a stub of Ecclesall Road adjacent to Clarence Lane (near Waitrose supermarket), Sheffield, S11, as shown by hatching on the plan included as Appendix A, for the reasons described in Section 5 of this report.

10.0 RECOMMENDATIONS

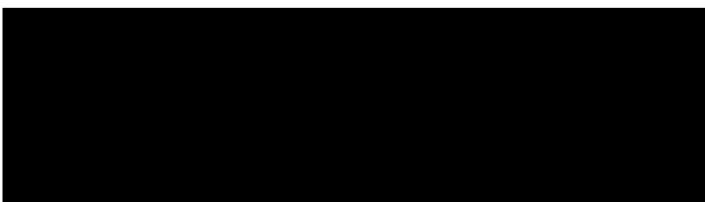
- 10.1 Raise an objection to the Stopping Up Order proposed for part of a stub of Ecclesall Road adjacent to Clarence Lane (near Waitrose supermarket), Sheffield, S11.
- 10.2 Authorise the Director of Legal Services to notify N.T.C.T. of this decision.
- 10.3 If the applicant:
- submits an amended application showing the extents of the highway closure as including the red-edged area shown in Appendix B, or other extents mutually agreed with the Local Highway Authority which address the concerns raised in Section 5 of this report;
 - and NTCT re-advertise, or re-consult on, the Order accordingly

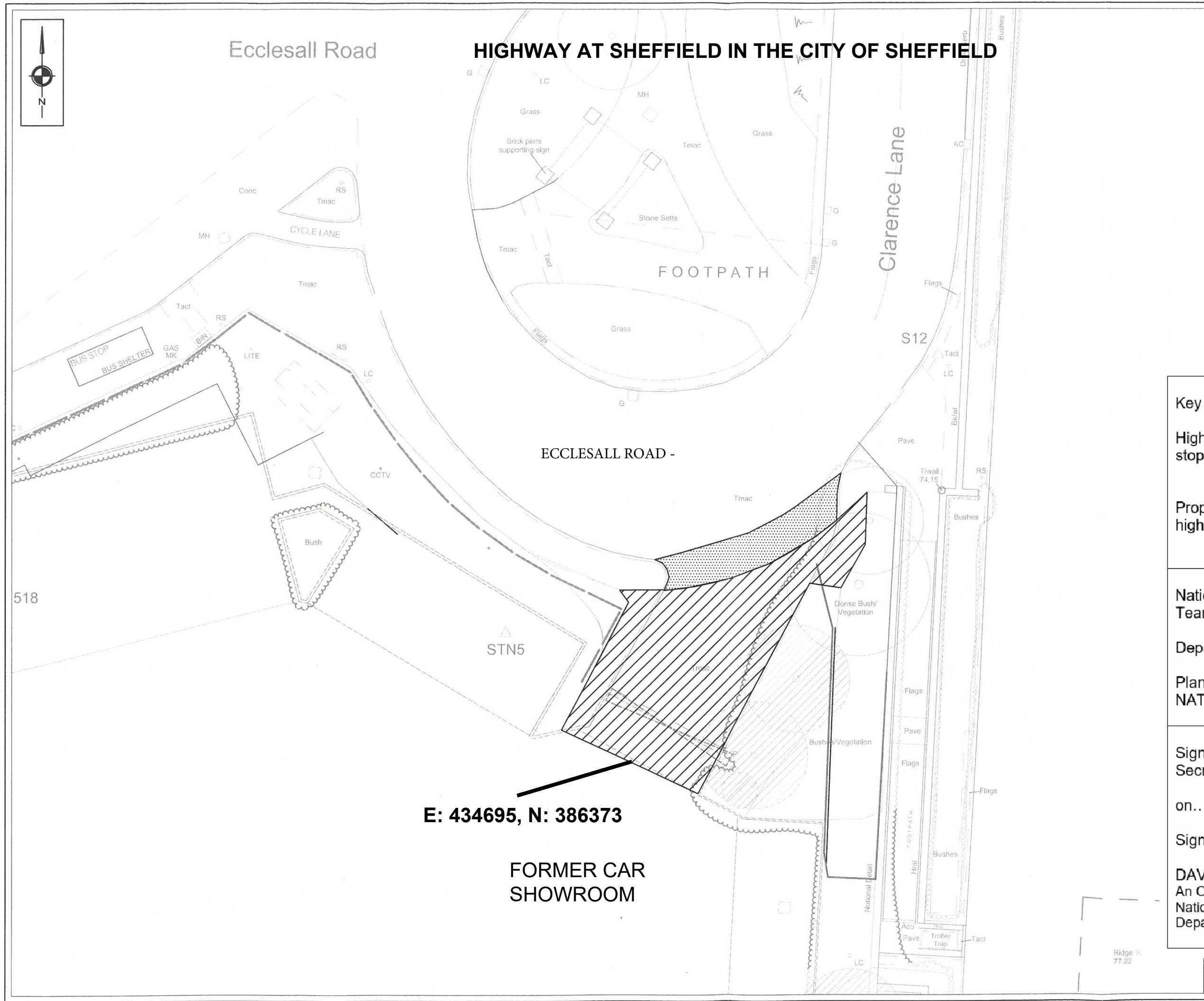
then authorise the Director of Legal Services to withdraw the Council's objection.

Richard Day
Principal Engineer
Highway Records and Address Management


28th May 2019

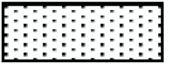
REPORT APPROVED BY Head of Strategic Transport and Infrastructure





Key Scale 1:200 @ A3

Highway to be stopped up 

Proposed new highway 

National Transport Casework Team

Department for Transport

Plan No:
NATTRAN/Y&H/S247/3761

Signed by Authority of the Secretary of State

on.....2019

Signature.....

DAVE CANDLISH
An Official in the
National Transport Casework Team
Department for Transport

APPENDIX B

