

TEAM MANAGER, HIGHWAY RECORDS

REPORT TO HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

28th June 2019

PROPOSED STOPPING UP OF JOHNSON LANE AND PART OF NURSERY LANE, SHEFFIELD, S3

1.0 PURPOSE

- 1.1 To seek authority to object to the proposed permanent Highway Stopping Up Order for Johnson Lane and a part width of Nursery Lane, in the Nursery Street area of Sheffield, S3.

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 (NTCT) by a developer.
- 2.2 NTCT has contacted the City Council, as a statutory consultee, in respect of the proposed closure.
- 2.3 The applicant is seeking the closure of most of the length of Johnson Lane, and a varying part width on the western side of Nursery Lane along most of its length. Planning consent has been granted conditionally to allow the demolition of existing buildings and erection of a mixed use development including three interconnected blocks, two at 12 storeys and one at 7 storey, incorporating 268 residential units and two commercial units at ground floor, with associated car parking, landscaping, servicing and access, on the site of Sheffield Testing Laboratories Ltd and 58 Nursery Street and a car park on Johnson Lane, under application reference 18/04146/FUL.
- 2.4 In order to facilitate the approved development, the applicant contests that it is necessary to permanently stop up the areas 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 NTCT, 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 Nursery Lane and Johnson Lane are unclassified all-purpose Adopted Public Highways in the Nursery Street area of Sheffield. Johnson Lane is a cul-de-sac for vehicular traffic, although at its western end, it has a cycle-only 'gate' onto Nursery Street, leading to the bridge over the River Don through to Millsands.
- 5.2 At the time of planning consent being granted, the Planning & Highways Committee also approved the principle of the permanent Stopping Up of Highways as shown in Appendix B, i.e. the full length of Johnson Lane and a very small piece of the footway of Nursery Lane at its junction with Joiner Street.
- 5.3 However, as can be seen by comparing the plans in Appendices A and B, the area now being proposed to be permanently closed as Highway differs significantly from the originally-approved expectation, in that a much more significant part-width of Nursery Lane is proposed, and also that a small 'gap' appears to have been left in the Stopping Up of Johnson Lane where it meets Nursery Street, despite apparently being proposed to be part of the private forecourt of the building.
- 5.4 Highways Officers are concerned that the Order plan *appears* to be proposing a greater extent of Stopping Up on Nursery Lane than is necessary to facilitate the building line in the approved plan, and a lesser extent on Johnson Lane. Discussions with the applicant's consultants are ongoing in an attempt to clarify these apparent discrepancies but, at the time of writing this report in order to achieve NTCT's consultation deadline, Officers are of the view that the matter is not yet satisfactorily resolved, and therefore wish to make a 'holding' objection to the current Stopping Up application, pending either satisfactory clarification, or amendment by the applicants of the highway extents proposed for closure in the Order plan.
- 5.5 However, apart from these matters of detail, the Council is satisfied that the Stopping Up is necessary to facilitate the development, and that (subject to resolution of the concerns described in this section) 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 Johnson Lane and a part width of Nursery Lane, in the Nursery Street area of Sheffield, S3, 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 Johnson Lane and a part width of Nursery Lane, in the Nursery Street area of Sheffield, S3.

10.2 Authorise the Director of Legal Services to notify NTCT of this decision.

10.3 If the applicant satisfactorily clarifies that the extents shown on the Order plan are necessary and sufficient to facilitate the approved development, or the NTCT confirm that they will make the Order using a revised plan which resolves the Council's concerns, then authorise the Director of Legal Services to withdraw the Council's objection.

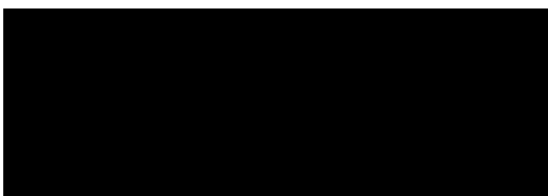
Richard Day
Principal Engineer
Highway Records and Address Management

28th June 2019

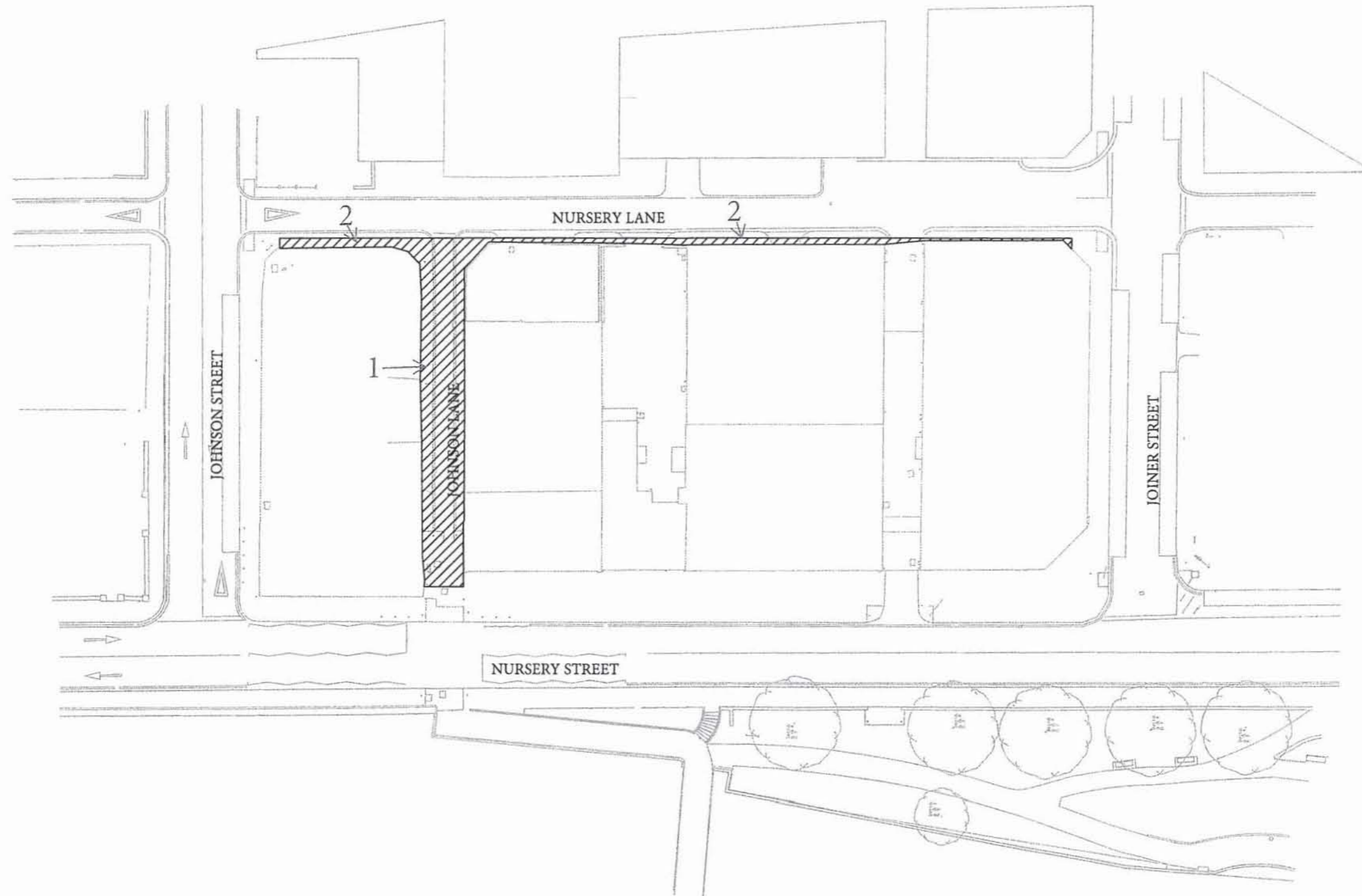
REPORT APPROVED BY Head of Strategic Transport and Infrastructure


Signed

Date



HIGHWAY AT MOORHEAD IN THE CITY OF SHEFFIELD



Key	Scale 1:500 @ A3	National Transport Casework Team	Signed by Authority of the Secretary of State
Highway to be stopped up		Department for Transport	on.....2019
		Plan No: NATTRAN/YH/S247/3782	Signature.....
			DAVE CANDLISH An Official in the National Transport Casework Team Department for Transport