

TEAM MANAGER, HIGHWAY RECORDS

REPORT TO ASSISTANT DIRECTOR CITY TRANSPORT

6th December 2024

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 247. PROPOSED STOPPING UP OF HIGHWAY AT MANCHESTER ROAD, STOCKSBRIDGE, SHEFFIELD S36.

1.0 PURPOSE

- 1.1 To seek authority to make an application to the Department for Transport's National Casework Team (N.T.C.T) for the permanent closure of highway at Manchester Road, Stocksbridge, Sheffield S36, as shown hatched black and cross-hatched on the plan included as Appendix A, hereafter referred to as 'the plan'.

2.0 BACKGROUND

- 2.1 The applicant is seeking to permanently close part of Johnson Street, as shown hatched black on the plan, to facilitate development at Manchester Road, Stocksbridge, Sheffield S36. Those areas shown cross-hatched on the plan are not currently recorded as public highway. However, as the public appear to have acquired a right of way over that land (primarily because they have enjoyed uninterrupted access over it for more than 20 years), it is considered prudent to treat these as though they were part of the public highway and include these within the stopping up application. This will ensure that any rights, that might have been established, are extinguished, removing the risk of any subsequent claims for highway rights over the land.
- 2.2 Subject to the approval of this report an application will be made to the Department for Transport (DFT), for the permanent Stopping-Up Order under Section 247 of the Town and Country Planning Act 1990.
- 2.3 Planning permission has been granted conditionally, under reference 23/04037/FUL for the demolition of existing buildings, erection of 3-4 storey building comprising library (Use Class F1), flexible community space, cafe and office space (Use Class E), with secure cycle store and associated ancillary space, hard and soft landscaping and associated works.
- 2.4 To facilitate the approved development, the applicant contests that it is necessary to permanently stop up the area of all-purpose highway, shown on the plan by black hatching and cross-hatching.

3.0 CONSULTATIONS

- 3.1 Consultation with the Statutory Undertakers and other relevant bodies will be carried out by the DFT's National Transport Casework Team (N.T.C.T) as part of the application.

4.0 LEGAL IMPLICATIONS

- 4.1 Assuming the subject areas of highway need to be stopped up to facilitate the approved development, it will be appropriate to process the closure using the power contained within Section 247 of the Town & Country Planning Act 1990. This enables the Council to apply to the Secretary of State for a stopping up order. The same order may, if made, also provide that currently unadopted areas of highway are to be adopted by the Council as highway authority, thereby providing a route towards the Council taking responsibility for their maintenance at the public expense (and their potential improvement).

5.0 HIGHWAY IMPLICATIONS

- 5.1 Manchester Road is an adopted all-purpose highway classified as the B6088 in the Stocksbridge area of Sheffield.
- 5.2 Johnson Street is an adopted all-purpose highway in the Stocksbridge area.
- 5.3 The developer asserts that the proposed permanent closure is necessary to facilitate the development.
- 5.4 The application will include proposals to improve those areas shown stippled on the plan. On completion of the development, and to the satisfaction of the Highway Adoption Team, it is intended that the order will provide that these areas will be adopted and maintained in perpetuity by the Highway Authority.
- 5.5 Therefore, it is considered that the closure of this highway should not affect the public's enjoyment or use of the area. The closure is necessary for the proposed development, and it is considered that it will have no detrimental effect on the surrounding highway network and its users.

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 All costs accruing to the Council (Highway Maintenance Division) associated with this proposal will be met by the Applicant (including commuted sums for future maintenance where applicable).
- 8.2 Therefore, there will be no increase in liability on the Highway Maintenance revenue budget.

9.0 CONCLUSION

- 9.1 Based on the above information, I have no objections to the proposed Order, as shown on the plan included as Appendix A.

10.0 RECOMMENDATIONS

- 10.1 Raise no objection to the proposed Stopping Up Order for the permanent closure of part of Handley Street, as shown by black hatching and cross-hatching on the plan included as Appendix A.
- 10.2 Authorise the Director of Legal and Governance to take all necessary action on the matter under the powers contained within the Town and Country Planning Act 1990, Section 247, and to apply to the Department for Transport for an Order to close the said areas of highway.

Mark Reeder
Technical Officer
Highway Records
Highway Maintenance Division

6th December 2024

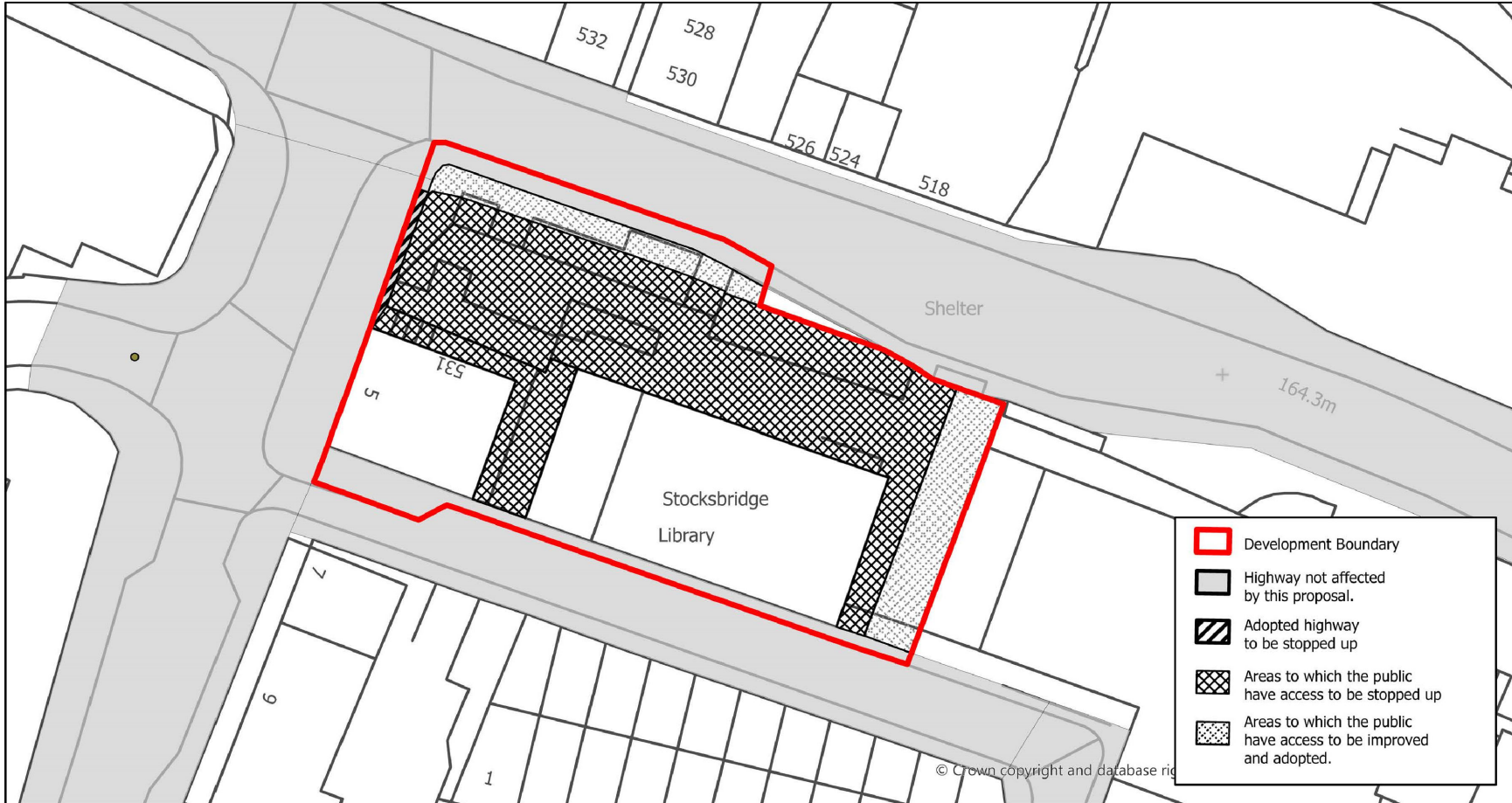
REPORT APPROVED BY TOM FINNEGAN-SMITH
ASSISTANT DIRECTOR OF CITY TRANSPORT



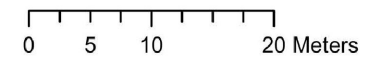
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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 247, STOPPING UP OF HIGHWAY AT
MANCHESTER ROAD, STOCKSBRIDGE,
SHEFFIELD S36.

APPENDIX A



Scale: 1:500



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