



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 07 July 2015

Subject: PROPOSED DIVERSION OF PUBLIC FOOTPATHSHE/174A
BETWEEN TOTLEY HALL LANE AND STOCKS GREEN
DRIVE, TOTLEY, SHEFFIELD

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Diversion Order required to divert the public footpath linking Totley Hall Lane and Stocks Green Drive in the Totley area of Sheffield

Recommendations:

Raise no objections to the proposed diversion of the footpath linking Totley Hall Lane and Stocks Green Drive, as shown by a solid black line on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory undertakers in connection with any of their mains and services that may be affected.

Authority be given to the Director of Legal and Governance to

1. Take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
 2. Confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.
 3. Submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.
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Background Papers:

Category of Report: OPEN

DIRECTOR OF REGENERATION AND DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE 7 July 2015

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 PROPOSED DIVERSION OF PUBLIC FOOTPATH SHE/174A BETWEEN TOTLEY HALL LANE AND STOCKS GREEN DRIVE, TOTLEY, SHEFFIELD

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required to divert the public footpath linking Totley Hall Lane and Stocks Green Drive in the Totley area of Sheffield shown by a solid black line on the plan included as Appendix A.

2.0 BACKGROUND

- 2.1 On 30th January 2015, planning consent (ref: 14/02810/FUL) was given to Chris Gothard Associates (“the Applicant”) for the demolition of part of building, alterations to existing public house to form 6 apartments, alterations to outbuildings to form 2 cottages and erection of 3 detached dwellinghouses and garages, including associated external works and a footpath diversion. The Planning Application boundary is identified by a red line on the location plan included as Appendix B.
- 2.2 In order to enable the approved development to be carried out, it is necessary to re-align the footpath which runs through the site. To be done legally, a Public Path Diversion Order must first be made and confirmed.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. Of those that have responded no objections have been received.
- 3.3 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal and Governance has been consulted and has advised that, if the Council is satisfied that public footpath SHE/174A needs to be diverted to enable the development to be carried out, it would be appropriate to divert the footpath by creating a legal order using the powers contained within Section 257 of the Town and Country Planning Act 1990 (TCPA 1990).
- 4.2 An order made under Section 257 does not come into effect until it is confirmed. In accordance with Schedule 14 of the TCPA 1990, an order may not be confirmed until interested parties have been given the opportunity to object to the making of the order.
- 4.3 Where no objections are received to the order (or if they are received and then subsequently withdrawn) the order may be confirmed by the Council without modification. If there are unresolved objections then the order must be confirmed by referral to the Secretary of State.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject path is a definitive public footpath numbered SHE/174A, part of a link of footpaths, comprising of SHE/174A, B and C which forms a route from Totley Hall Lane to the open countryside south of Totley Hall Croft.
- 5.2 A re-aligned route will be created providing pedestrian access to, and through, the new development (see approved planning application plan attached as Appendix C). Consequently, the diversion of the footpath should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.
- 5.3 The new path will be 2 metres wide throughout, adopted, and maintained by Streets Ahead. It will provide a convenient off road route for pedestrians, constructed in accordance with Local Authority specification.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

- 8.1 All costs accruing to the Council (Highway Maintenance Division) in association with this proposal will be met by the Applicant (including commuted sums if applicable).
- 8.2 Therefore there will be no increase in liability on the Highway Maintenance revenue budget.

9.0 CONCLUSION

- 9.1 The Council is satisfied that the proposed diversion of the footpath is necessary to enable the Development to be carried out. Based on all of the above information, the application is supported.

10.0 RECOMMENDATIONS

- 10.1 Raise no objections to the proposed diversion of the footpath linking Totley Hall Lane and Stocks Green Drive, as shown by a solid black line on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 10.2 Authority be given to the Director of Legal and Governance to
- a. take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
 - b. confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.
 - c. submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

Steve Robinson
Head of Highway Maintenance

7th July 2015

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