



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 1st May 2018

Subject:

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED CLOSURE OF PART OF FOOTPATH OFF STANWOOD DRIVE, STANNINGTON, SHEFFIELD 6.

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Extinguishment Order required to close part of the adopted footpath off Stanwood Drive, Stannington shown hatched black on the plan attached as Appendix A, hereby referred to as 'the plan'.

Reasons for Recommendations

Based on the information in the report the Council is satisfied that the proposed closure of the footpath is necessary to enable the Development to be carried out.

Recommendations:

Raise no objections to the proposed closure of part of the footpath off Stanwood Drive, as shown on the plan included as Appendix A, subject to planning consent and 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

- a. take all necessary action to close 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as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.
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Background Papers:

Category of Report: OPEN

DIRECTOR OF CULTURE AND ENVIRONMENT

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
1st MAY 2018

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED
CLOSURE OF PART OF FOOTPATH OFF STANWOOD DRIVE, STANNINGTON,
SHEFFIELD 6.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Extinguishment Order required to close part of the adopted footpath off Stanwood Drive, Stannington shown hatched black on the plan attached as Appendix A, hereby referred to as 'the plan'.

2.0 BACKGROUND

- 2.1 This application is made in conjunction with planning application 17/05099/FUL in which the applicant is seeking approval for the demolition of former residential home and erection of 20 dwelling houses including parking provision and amenity space at the former Hawkhill Residential Home, 11 Stanwood Road, Sheffield S6 5JE
- 2.2 In order to enable the development to be carried out, it is necessary to close the public footpath which leads to the site. To be done legally, a Public Path Extinguishment Order must first be made and confirmed.
- 2.3 This is a cul-de-sac footpath leading off Stanwood Drive which serves several residential properties and the former residential home. Closure of this part of the path will not affect any of the aforementioned residential properties.

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. No objections have been received from those that have responded.
- 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 needs closing to enable the

Development to be carried out, it would be appropriate to process the closure by creating a legal order using powers contained within Section 257 of the Town and Country Planning Act 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 path is an adopted public footpath that leads to and terminates at the former Hawkhill Residential Home.
- 5.2 The path is a cul-de-sac footpath and there are no recorded or claimed rights of way that continue through the site.
- 5.3 Therefore the closure 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.

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 associated with this proposal will be met by the Applicant.
- 8.2 Therefore there will be no increase in liability on the Highway Maintenance revenue budget.

9.0 CONCLUSION

- 9.1 The Highway Authority is satisfied that the proposed closure 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 Members raise no objections to the proposed closure of part of the footpath off Stanwood Drive, as shown on the plan included as Appendix A, subject to planning consent and 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

- c. take all necessary action to close the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
- d. 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.

Philip Beecroft

Head of Highway Maintenance

1st May 2018