



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

---

**Report of:** Director of Culture and Environment

---

**Date:** 16<sup>th</sup> January 2018

**Subject:**

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 PROPOSED DIVERSION OF FOOTPATH BRA\223 (PART 2) OFF CHURCH STREET, STANNINGTON, 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 off Church Street, Stannington shown as a black line on the plan attached as Appendix A.

---

**Reasons for Recommendations**

Based on the above information the Council is satisfied that the proposed diversion of the footpath is necessary to enable the approved Development to be carried out.

**Recommendations:**

Members raise no objections to the proposed diversion of the footpath linking Church Street and footpath BRA\66, 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 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as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

---

**Background Papers:**

---

**Category of Report:** OPEN

---

## DIRECTOR OF CULTURE AND ENVIRONMENT

REPORT TO PLANNING  
AND HIGHWAYS COMMITTEE  
16<sup>th</sup> JANUARY 2018

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED  
DIVERSION OF FOOTPATH BRA\223 (PART 2) OFF CHURCH STREET,  
STANNINGTON, SHEFFIELD 6.

### 1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required to divert the public footpath off Church Street, Stannington shown as a black line 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 17/03904/FUL in which the applicant is seeking approval for the erection of a three storey building to be used as retirement living accommodation in 38 apartments, with communal facilities, landscaping and car parking, on the site of the former Hare and Hounds public house.
- 2.2 In order to enable the approved development to be carried out, it is necessary to re-route the public footpath which runs through the site. To be done legally, a Public Path Diversion Order must first be made and confirmed.
- 2.3 The current route exists following a claim made under section 31 of the Highways Act 1980. This part of the Highways Act allows for the public to claim as "highway" a route that has been in constant use for a period exceeding 20 years. The land owner has accepted the claim and has dedicated the current route of the footpath across their land.

### 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 the Footpath needs diverting to enable the approved Development to be carried out, it would be appropriate to process the diversion using the powers contained within Section 257 of the Town and Country Planning Act 1990.

### 5.0 HIGHWAY IMPLICATIONS

- 5.1 BRA\223 is a public footpath that links Church Street and footpath BRA\66, crossing the former cricket ground and site of the now demolished Hare and Hounds public house at Stannington.
- 5.2 A new footpath (shown as a broken black-line on the plan) will commence at Uppergate Road and run alongside the new cul-de-sac (shown cross-hatched on the plan) that is to be provided as part of planning application 17/00783/FUL. In the event that the application 17/00783/FUL is

- unsuccessful this new path will link to the remaining part of footpath BRA\223 (shown as a dotted line on the plan)
- 5.3 Therefore 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.
- 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 for future maintenance if applicable).
- 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 diversion of the footpath is necessary to enable the approved 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 diversion of the footpath linking Church Street and footpath BRA\66, 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 divert 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

16<sup>th</sup> January 2018

This page is intentionally left blank