

DIRECTOR OF OPERATIONAL SERVICES

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
13th September 2022

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED
CLOSURE OF FOOTPATH LINKING COBDEN VIEW ROAD AND NORTHFIELD
ROAD , CROOKES, SHEFFIELD 10.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Closure Order required to close a footpath (that has no formal highway status) between Cobden View Road and Northfield Road in the Crookes area of Sheffield, as shown as a solid black line on the plan attached as Appendix A.

2.0 BACKGROUND

- 2.1 On the 17th June 2022 planning permission (ref: 22/00723/FUL) was granted for the erection of 13 flats and 3x retail units (Use Class E) with associated cycle parking and landscaping on land at the junction with Cobden View Road and Northfield Road, Sheffield S10 1QQ.
- 2.2 In order to enable the approved development to be carried out, it is necessary to close this informal footpath which runs through the site.
- 2.3 The City Council's Public Rights of Way Office are currently considering a claim made under Schedule 14 of the Wildlife and Countryside Act 1981 for the path to be formally recognised as a public right of way.

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 If the Council is satisfied that the footpath needs closing to enable the approved development to be carried out, it would be appropriate to process the closure using the powers contained within Section 257 of the Town and Country Planning Act 1990. The aforementioned power is capable of being used for the extinguishment of unrecorded public rights of way where a claim has been made as to their status and the Council considers it probable that they exist. Highways which have not been formally recognised as such and therefore not added to the Council's Definitive Map and Statement will never be included if they are extinguished prior to that taking place.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject footpath is unmade, unlit and has a set of steps at either end. The path currently has no legal status but is subject to a claim under Schedule 14 of the Wildlife and Countryside Act 1981.
- 5.2 The alternative route, along the adopted footway of Cobden View Road and Northfield Road is approximately 20 metres longer, though it has a tarmac surface, is lit to the current British Standard (BS 54891-1) and has no steps. Therefore it is the view of the Highway Authority that the alternative path is more convenient.
- 5.3 It is considered that the closure of the footpath will 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 There are no costs accruing to the Council's Highway Maintenance Division in association with this proposal.
- 8.2 All fees associated with the application have been met by the applicant.
- 8.3 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 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 closure of the informal footpath linking Cobden View Road and Northfield Road, Crookes, as shown as 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 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.

Gillian Charters

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Head of Highway Maintenance

30th August 2022

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