

STOCKPORT COUNCIL
EXECUTIVE REPORT – SUMMARY SHEET

Subject: Proposed Highway Stopping Up Order – Charles Street Heaviley

Report to: (a) Central Stockport Area Committee
November 2023

Date: Thursday, 30

Report of: (b) Director of Place Management

Key Decision: (c) **NO / YES** (Please circle)

Forward Plan General Exception Special Urgency (Tick box)

Summary:

To seek approval to have a section of Highway extinguished by formally applying to the Magistrates Court for the Stopping Up of part of the adopted Highway on Charles Street, Heaviley.

Recommendation(s):

The Director of Place, recommends that the Area Committee approves the request and that an application to the Magistrates Court be made for the relevant section of the existing adopted Highway to be legally Stopped Up.

Relevant Scrutiny Committee (if decision called in): **(d)**
Communities & Transport Scrutiny Committee

Background Papers (if report for publication): **(e)**

There are none.

Contact person for accessing
background papers and discussing the report

Officer: Mark James
Tel: 0161 474 2077

‘Urgent Business’: (f) **YES / NO** (please circle)

Certification (if applicable)

This report should be considered as ‘urgent business’ and the decision exempted from ‘call-in’ for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/Borough Treasurer for the decision to be treated as ‘urgent business’ was obtained on _____ /will be obtained before the decision is implemented.

Proposed Highway Stopping Up Order - Charles Street, Heaviley

Report of the Director of Place Management

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To seek approval to have a section of Highway extinguished by formally applying to the Magistrates Court for the Stopping Up of part of the adopted Highway on Charles Street, Heaviley.

2. BACKGROUND

- 2.1. On the site of the former Stagecoach bus depot, a development of houses was approved and constructed by CPUK and Stockport Homes as per planning application DC/057163.
- 2.2. Following a joint inspection of the Highway at the time of completion, it has been concluded that small sections of land within the curtilage of the new properties along Charles Street (120 to 136 Charles Street south side and 127 to 133 Charles Street north side) is currently identified as originally forming part of the adopted Highway.
- 2.3. The areas of land in question were formally the rear of the footway fronting the former bus depot on the south side of Charles Street and the rear of the footway fronting a former private car park on the north side of Charles Street.

3. PROPOSALS

- 3.1. The developer, Stockport Homes have approached the Capital Delivery Service to apply for the land in question to be legally Stopped Up in accordance with the Highways Act 1980.
- 3.2. This requires a formal application to be made to the Magistrates Court to secure a Stopping Up order. Attached is drawing D_4327_H_0000_002 showing the proposed areas to be Stopped Up. These areas on the Stopping Up Order plan will then revert back to the landowner if the order is made.

4. LEGAL POSITION/IMPLICATIONS

- 4.1. The Stopping Up Order would be made under Section 116 of the Highways Act 1980 by the Magistrates Court if the court is satisfied that the highway is 'unnecessary for public use'. The procedure involves a hearing at the Magistrates' Court where the Council would present its evidence that the section of highway is not necessary for public use, and the court would hear representations by any party objecting to the application, following which the court would make a decision as to whether the Council's application is successful and to grant the order.

5. CONSIDERATION OF ALTERNATIVE SOLUTIONS

5.1. No other alternatives were considered

6. CONSULTATION

6.1 Affected frontages have been notified of this process with no adverse comments. Any party including residents and statutory undertakers are entitled to object to the Stopping Up Order once this is advertised on site and the necessary consultations carried out.

7. FINANCIAL IMPLICATIONS

7.1. All costs to be funded by the developer, Stockport Homes.

8. TIMESCALES

8.1. Approximately 6 months

9. EQUALITIES/COMMUNITY IMPACT ASSESSMENT

9.1. Equal Opportunities

- To provide a suitable and safer environment for pedestrians and other road users. The scheme contributes to the Council's vision statement "Promote equal life outcomes for all by tackling known inequalities across the borough of Stockport".

9.2. Sustainable Environment

- To develop and sustain a healthy, safe and attractive local environment which contributes to Stockport. Stockport Council understands the responsibility it has to lead by example and help the broader community make a positive contribution to the local environment.

10. CONCLUSIONS AND RECOMMENDATIONS

10.1 It is concluded that the remaining footway widths adjacent the areas to be stopped up will be approximately 2m wide which is to Stockport MBC highway standards.

10.2 The Director of Place, recommends that the Area Committee approves the request and that an application to the Magistrates Court be made for the relevant section of the existing adopted Highway to be legally Stopped Up.

10.3 The sections of Highway to be stopped-up are located as follows:

Charles Street south side - Approximately a 1.5 metre wide strip on the south side of Charles Street, Heaviley, from a point 3 metres east of the easterly kerb line of Gatsby Crescent for a distance of 26 metres in an easterly direction (Area 1).

Charles Street south side – Approximately a 1.5 metre wide strip on the south side of Charles Street, Heaviley, from a point 3 metres west of the westerly kerb line of Gatsby Crescent for a distance of 26 metres in a westerly direction (Area 2).

Charles Street south side – Approximately a 0.18 metre wide strip on the south side of Charles Street, Heaviley, from a point 29 metres west of the westerly kerb line of Gatsby Crescent for a distance of 11 metres in a westerly direction (Area 3).

Charles Street south side – Approximately a 1.5 metre wide strip on the south side of Charles Street, Heaviley, from a point 40 metres west of the westerly kerb line of Gatsby Crescent for a distance of 36 metres in a westerly direction (Area 4).

Charles Street north side - Approximately a 0.5 metre wide strip on the north side of Charles Street, Heaviley, from a point 7 metres east of the easterly kerb line of Fedora Close for a distance of 19 metres in an easterly direction (Area 5).

Charles Street north side – Approximately a 0.5 metre wide strip on the north side of Charles Street, Heaviley, from a point 3 metres west of the westerly kerb line of Fedora Close for a distance of 17 metres in a westerly direction (Area 6).

Background Papers

There are no background papers to this report.

Anyone wishing further information please contact Mark James on telephone number Tel: 0161 474 2077 or by email on mark.james@stockport.gov.uk