

Report of: Nazneen Malik, Site Development Operations Manager

Report to: The Chief Officer (Highways and Transportation)

Date: 5 May 2020

Subject: Section 116 Highways Act 1980 – Stopping Up Order – 2 Woodhouse Hill Avenue LS10 2DR

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): Hunslet & Riverside		
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

Summary

To declare an area of adopted highway comprising of adopted footpath and hardstanding area located at Woodhouse Hill Avenue, shown in red on drawing SD/217960/Z235/01 in Appendix A unnecessary in accordance with Section 116 of the Highways Act 1980.

1. Main issues

- An adopted section of footpath has been enclosed within the front and side garden area of No. 2 Woodhouse Hill Avenue. There is more than adequate existing pedestrian provision provided in this location with a minimum width footway of 2m provided around the area to be stopped up.
- The hardstanding area to be stopped up has also been enclosed by No. 2 Woodhouse Hill Avenue, and does not impact on existing road users. The existing footway link between Woodhouse Hill Grove and Woodhouse Hill Place remains unchanged by the stopping up proposals.
- There are no records of when the areas in question were enclosed. Historic aerial photography shows the areas as being fenced off as far back as 2002. The current owners of 2 Woodhouse Hill Avenue wish to sell the property due to health issues.
- Housing Leeds have promoted the stopping up order and have provided assurances that there are no future issues related to rights of access to existing properties that back onto No.2 Woodhouse Hill Avenue. Access will continue to be provided via an existing gate which is not affected by the stopping up order.

- The areas to be stopped up are therefore considered unnecessary in accordance with Section 116 of the Highways Act 1980 as shown in red on drawing SD/217960/Z235/01.
- An application to the magistrates' court under Section 116 of the Highways Act 1980 is required to stop up the area of adopted footpath as shown in red on drawing SD/217960/Z235/01.

2. Best Council Plan Implications

- This report supports the Best Council Plan and Key City Priorities. The stopping up order will support the formalisation of an historic boundary whilst still supporting adequate pedestrian connectivity with Woodhouse Hill Grove, Woodhouse Hill Avenue and Woodhouse Hill Place.

3. Resource Implications

- The applicant, Housing Leeds have paid the standard fee of £3,800 which includes £800 for advertising. The applicant has agreed to meet the costs, if any, which may be incurred by statutory undertakers exercising their rights under Section 116 of the Highways Act 1980 to recover from the council the cost of removing, diverting or abandoning any equipment located in, on, over, along or across any highway affected by an order granted under Section 116.

4. Recommendations

The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the magistrates' court for a stopping up order under Section 116 of the Highways Act 1980 for the area of adopted footpath as shown in red on drawing SD/217960/Z235/01.

1. Purpose of this report

- 1.1 To seek approval to promote a Stopping Up Order for an area of adopted highway comprising of an area of footpath and hardstanding at 2 Woodhouse Hill Avenue Leeds, LS10 2DR.

2. Background information

- 2.1 Woodhouse Hill Avenue is a residential street situated in Hunslet and it provides vehicular and pedestrian access to a number of existing residential properties.
- 2.2 The stopping up order is required to formalise a historic boundary treatment that has formed part of 2 Woodhouse Hill Avenue for a number of years. The property was previously council owned and the current occupiers have been tenants since 2006 and the fenced off areas were already in situ when they accepted the property. Subsequently they purchased the property in 2013 with the fenced off areas of highway included in the sale.
- 2.3 It has now come to light during the process of selling 2 Woodhouse Hill Avenue, that areas included with the property boundary are actually part of the adopted highway.

- 2.4 The areas of highway to be stopped up are shown in red on drawing SD/217960/Z235/01. The total area of highway to be stopped up is approximately 47 square metres.
- 2.5 For information purposes the extent of existing adopted highway is shown in red on Drawing No. SD/217960/Z235/02

3. Main issues

- 3.1 The area of adopted highway is needed to formalise historic boundary treatments for 2 Woodhouse Hill Avenue. The existing footway width and provision in this location is considered more than adequate as a minimum width of 2.0m is still achieved at the narrowest point clear of the fence. As such, the area of highway to be stopped up is therefore considered unnecessary in accordance with Section 116 of the Highways Act 1980 and are shown in red on drawing SD/217960/Z235/01.
- 3.2 An application to the magistrates' court under Section 116 of the Highways Act 1980 is required to stop up the area of adopted highway shown in red on Drawing SD/217960/Z235/01.
- 3.3 Housing Leeds have promoted the stopping up order and provided assurances that there are no future issues related to rights of access to existing properties that back on to No.2 Woodhouse Hill Avenue. Access will continue to be provided via an existing gate which is not affected by the stopping up order.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Ward Members were consulted by e-mail dated 9th March 2020. One Ward Member raised some questions which have been answered and has indicated acceptance to proceed after this information was provided. No comments have been received from the other two Ward Members. The City Solicitor will inform statutory undertakers and emergency services as part of the statutory consultation process of promoting a stopping up order.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration screening (Appendix A) has been carried out and confirms that a full impact assessment is not required. The proposals will not impact on any equality characteristic more significantly than any other.

4.3 Council policies and the Best Council Plan

- 4.3.1 This report supports the Best Council Plan and Key City Priorities. The stopping up order support the delivery of housing and the regeneration of the Holt Park area providing housing and extra care of the right quality, type, tenure and affordability in the right places.

4.3.2 Climate Emergency

The stopping up order will enable the property to retain its enlarged garden areas and the net increase in biodiversity resulting from this by the permanent removal of the hard standing areas, therefore, supporting the aims of tackling the climate emergency in Leeds.

4.4 Resources, procurement and value for money

4.4.1 The applicant Leeds Housing, has paid the standard fee of £3,800 which includes £800 for advertising. As a result of the stopping up order process the land will return to Leeds housing ownership. The land will then be sold back to the occupiers of 2 Woodhouse Hill Avenue for the same amount as the £3,800 fee. The applicant has agreed to meet the costs, if any, which may be incurred by statutory undertakers exercising their rights under Section 116 of the Highways Act 1980 to recover from the council the cost of removing, diverting or abandoning any equipment located in, on, over, along or across any highway affected by an order granted under Section 116.

4.5 Legal implications, access to information, and call-in

4.5.1 None of the content of this report is exempt from public display or contains confidential information.

4.6 Risk management

4.6.1 There is negligible risk to the council.

5 Conclusions

5.1 An area of adopted highway comprising of adopted footpath and hardstanding area located at Woodhouse Hill Avenue is considered unnecessary in accordance with Section 116 of the Highways Act 1980.

6 Recommendations

6.1 The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the magistrates' court for a stopping up order under Section 116 of the Highways Act 1980 for the areas of adopted footpath and hardstanding as shown in red on drawing SD/217960/Z235/01.

7 Background documents

7.1 None

8 Appendices

8.1 SD-217960-Z235-01 - 2 Woodhouse Hill Avenue Stopping Up

8.2 SD-217960-Z235-02 - ADOPTED HIGHWAY EXTENT - Woodhouse Hill Avenue

8.3 EDCI Screening