

Barncroft Close 116 Stopping Up Order

Date: 18 May 2022

Report of: Site Development

Report to: Chief Officer, Highways & Transportation

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report seeks to declare two small areas of adopted highway at Barncroft Close as unnecessary and, as a result, also seeks approval to promote a Stopping Up Order in accordance with Section 116 of the Highways Act 1980 via an application to the Magistrates Court.
- Planning permission was granted in November 2021 (ref: 21/03388/FU) for 16 new council houses as part of Leeds City Councils Housing Growth programme. The approved site layout is shown on drawing BARN-HLP-ZZ-00-DR-A-1004_P20 at Appendix A of this report. This housing development will support the Council's priorities of providing high quality, accessible affordable housing where it is most needed.
- The approved planning permission alters the layout of the existing highway and part of the adopted footways and carriageway of Barncroft Close will become unnecessary on completion of the development. The areas concerned are hatched red on drawing SD/217960/Z244/01 at Appendix B of this report.
- An application will be required to the Magistrates Court under s.116 of the Highways Act 1980 to stop up (remove the adopted highway status from) the areas of adopted highway shown hatched red on drawing SD/217960/Z244/01 at Appendix B. If the Order is granted by the Magistrates Court, ownership of the areas to be stopped up will revert to the original land owner (in this case Leeds City Council) to be incorporated in the new housing layout of the approved planning permission.

Recommendations

- a) The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the Magistrates' Court for, and promote as required, a Stopping Up Order under Section 116 of the Highways Act 1980 for the areas of adopted highway as shown in red on drawing SD/217960/Z244/01 at Appendix B.

Why is the proposal being put forward?

- 1 Barncroft Close is being redeveloped under planning permission ref: 21/03388/FU to provide 12 new council houses. The permission requires alterations to the existing highway layout which will leave areas of the adopted footway and carriageway of Barncroft Close unnecessary. The relevant areas of adopted footpath and carriageway are shown hatched red on drawing SD/217960/Z244/01 attached at Appendix B.
- 2 This report seeks approval to promote a Stopping Up Order under Section 116 of the Highways Act 1980 to stop up (remove the adopted highway status from) these areas via an application to the Magistrates' Court, for the Order to be confirmed.

What impact will this proposal have?

Wards Affected: Killingbeck & Seacroft

Have ward members been consulted?

Yes

No

- 3 Stopping up these areas of Barncroft Close is required to facilitate the development and construction of 12 new council houses under planning permission 21/03388/FU. The development will support wider economic, social and environmental objectives and support the Council's priorities of providing quality, affordable housing where it is needed.

What consultation and engagement has taken place?

- 4 Ward Members were consulted by e-mail dated 7th October 2021 and two responses were received in support of the proposal. The City Solicitor will inform statutory undertakers and emergency services as part of the statutory consultation process of promoting a stopping up order.

What are the resource implications?

- 5 The applicant Leeds City Council – Council Housing Growth Team, City Development, 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.
- 6 This report is not eligible for call-in, as it is not a key decision.

What are the legal implications?

- 7 None of the content of this report is exempt from public display or contains confidential information.
- 8 There are no specific legal implications arising from this report. All work will lie within the framework of highways legislation, specifically the Highways Act 1980.

What are the key risks and how are they being managed?

- 9 There is negligible risk to the council.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

- 10 This housing development will support the Council's priorities of providing quality, affordable housing where it is needed.
- 11 A contribution to green space improvements in the local area would also be made as part of the development.
- 12 All our homes are built to the Leeds Standard specification, with a focus on: improved energy performance; reducing carbon emissions; improving air quality and tackling fuel poverty.

Options, timescales and measuring success

a) What other options were considered?

- 13 It would be possible to Stop Up the highway land in question under Section 247 of the Town & Country Planning Act 1990 under the planning consent for the construction of the houses. However, this process would be reliant on further applications to the Secretary of State and could prolong the time it takes to close the highway. Due to programme pressures it is considered that Stopping Up the land under Section 116 of the Highways Act 1980 would be more appropriate.
- 14 Taking no action would result in portions of the green space and gardens of the council houses proposed under planning reference 21/03388/FU to be constructed within the extents of the adopted highway.

b) How will success be measured?

- 15 The objective will be to ensure that the Stopping Up Order permits the construction of 12 council houses proposed under planning reference 21/03388/FU. Success will be measured by this objective having been achieved

c) What is the timetable for implementation?

- 16 An application to the Magistrates Court could be achieved in the spring of 2022.

Appendices

- 17 Appendix A - BARN-HLP-ZZ-00-DR-A-1004_P20 – Proposed housing development.
- 18 Appendix B - SD/217960/Z244/01 – Stopping Up Order Extents.
- 19 Appendix C - Equality, Diversity, Cohesion and Integration screening.

Background papers

- 20 None