

Delegated Decision

Part of Mumps, Oldham – Proposed Amendment to Stopping Up of Highway

Report of: Deputy Chief Executive – People and Place

Officer contact: Sarah Robinson, Traffic Engineer
Ext. 4377

8 October 2019

Purpose of Report

The purpose of this report is to consider an amendment to the drawing for the stopping up of parts of highway at Mumps that was original approved under delegated powers on 11 June 2019. The extent of the area to be stopped up has changed which also requires a slight amendment to the associated schedules.

Recommendation

It is recommended that the amended drawing and schedules detailed in the proposal at the end of the report be approved and the drawings and schedules detailed in decision recording 3121 be rescinded.

Delegated Decision

Part of Mumps, Oldham – Proposed Amendment to Stopping Up of Highway

1 Background

1.1 A report recommending the stopping up of parts of highway at Mumps was approved under delegated powers on 11 June 2019. Further to discussions with the developer it has become apparent that an amendment is required to the extent of the highway to be stopped up; this report addresses the amendments required.

1.2 The previous ModGov report is attached at Appendix 1 for information.

2 Options/Alternatives

2.1 Option 1: To approve the recommendation

2.2 Option 2: Not to approve the recommendation

3 Preferred Option

3.1 The preferred option is Option 1

4 Justification

4.1 The stopping up of highways at Mumps is critical for the successful regeneration of the Princes Gate area. It is therefore felt the revised drawing and schedules should be approved in accordance with the proposal at the end of the report and drawing number 439/A4/651/2. The drawing attached has been extracted from a topographical survey, produced by the developer, for accuracy.

5 Comments of St Marys Ward Councillors

5.1 The Ward Councillors have been consulted and no comments were received.

6 Financial Implications

6.1 These were dealt with in the previous report.

7 Legal Services Comments

7.1 These were dealt with in the previous report.

8 Co-operative Agenda

8.1 In respect of this proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework

9 Human Resources Comments

9.1 None.

10 Risk Assessments

10.1 None.

11 IT Implications

11.1 None.

12 Property Implications

12.1 None.

13 Procurement Implications

13.1 None.

14 Environmental and Health & Safety Implications

14.1 Energy – Nil.

14.2 Transport – Nil.

14.3 Pollution – Nil.

14.4 Consumption and Use of Resources – Nil.

14.5 Built Environment – Nil.

14.6 Natural Environment – Nil.

14.7 Health and Safety – Nil.

15 Equality, community cohesion and crime implications

15.1 None.

16 Equality Impact Assessment Completed?

16.1 No.

17 **Key Decision**

17.1 No.

18 **Key Decision Reference**

18.1 Not applicable.

19 **Background Papers**

19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

None.

20 **Appendices**

20.1 Appendix A – Delegated Report

21 **Proposal**

21.1 It is proposed that the highways detailed in the schedule below be stopped up under powers contained in section 116 of the Highways Act 1980.

Schedule



Drawing Number 439/A4/651/2

Highway to be Stopped Up

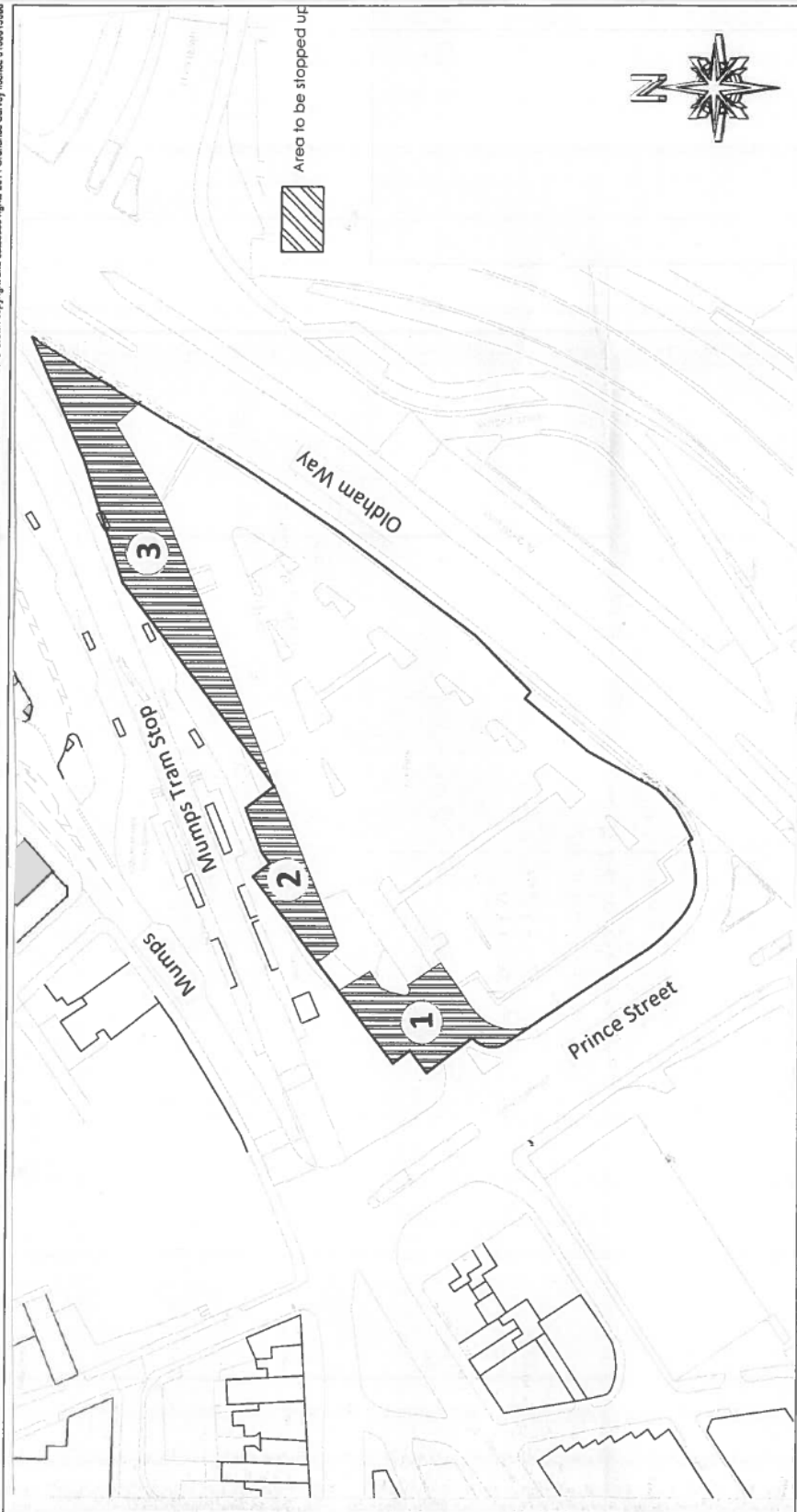
Ref Number	Road	Description
1.	Mumps, Oldham	An irregular shaped area of highway, located at the back of the Prince Street footway, commencing from a point 60 metres north west of Oldham Way which varies in width between 7 and 21 metres and which varies in width between 0 and 26 metres
2.	Mumps, Oldham	An irregular shaped area of highway located to the south of the Mumps tram tracks; commencing at a point 40 metres north east of Prince Street which varies in length between 6 and 12 metres and varies in width between 0 and 37 metres

3.	Mumps, Oldham	An irregular shaped area of highway located to the south of Mumps commencing 80 metres north east of Prince Street and which varies in length between 0 and 15 metres and which varies in width between 0 and 113 metres
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APPROVAL

<p>Decision maker</p>  <p>Signed _____ Cabinet Member, Neighbourhood Services</p>	<p>Dated 21.10.19</p>
<p>In consultation with</p>  <p>Signed _____ Director Of Environmental Services</p>	<p>Dated 15.10.19</p>

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Rev	Revision details		By	Chk	App	Date																																		
<table border="1"> <tr> <td rowspan="2">Client</td> <td colspan="2">Unitypartnership</td> <td colspan="4">Part of Mumps, Oldham</td> </tr> <tr> <td colspan="2">Project</td> <td colspan="2">TM1/291</td> <td colspan="2">Proposed Stopping Up of Highway</td> </tr> <tr> <td colspan="2">Drawn by</td> <td>Date</td> <td colspan="2">Purpose of issue</td> <td colspan="2">Drawing No.</td> </tr> <tr> <td colspan="2">Checked by</td> <td>Date</td> <td colspan="2">Scale at A4 size</td> <td colspan="2">439 / A4 / 651 / 2</td> </tr> <tr> <td colspan="2">Approved by</td> <td>Date</td> <td colspan="2">1:1250</td> <td colspan="2">REV</td> </tr> </table>							Client	Unitypartnership		Part of Mumps, Oldham				Project		TM1/291		Proposed Stopping Up of Highway		Drawn by		Date	Purpose of issue		Drawing No.		Checked by		Date	Scale at A4 size		439 / A4 / 651 / 2		Approved by		Date	1:1250		REV	
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APPENDIX A
DELEGATED REPORT

Delegated Decision

Part of Mumps, Oldham – Proposed Stopping Up of Highway

Report of: Deputy Chief Executive – People and Place

Officer contact: Sarah Robinson, Traffic Engineer
Ext. 4377

11 June 2019

Purpose of Report

The purpose of this report is to consider the stopping up of parts of highway at Mumps, Oldham which border the temporary pay and display car park (formally the Metrolink park and ride facility). The car park is earmarked for the Princes Gate development and once the car park has been closed to the general public, the areas of highway will be no longer necessary to the highway network.

Recommendation

It is recommended that the areas of highway detailed in the schedule at the end of this report be stopped up under powers contained in Section 116 of the Highways Act 1980, as no longer necessary.

Part of Mumps, Oldham – Proposed Stopping Up of Highway

1 Background

- 1.1 An area of land at Mumps, Oldham, known as Princes Gate, is to be redeveloped with a hotel and retail units. The development will be mainly constructed on land which is currently being used as a temporary car park, together with small areas of highway on the northerly perimeter of the site.
- 1.2 The areas of highway affected only provide access to the car park area; once the car park is closed and is under the control of the developer, they will be no longer necessary to the highway network. To prevent the construction process of the development from becoming frustrated it is felt that highway areas should be stopped up as no longer necessary under powers contained in Section 116 of the Highways Act 1980.

2 Options/Alternatives

- 2.1 Option 1: To approve the recommendation
- 2.2 Option 2: Not to approve the recommendation

3 Preferred Option

- 3.1 The preferred option is Option 1

4 Justification

- 4.1 As the areas of highway required to facilitate the Princes Gate development are no longer necessary once the temporary car park is closed to the general public, it is felt that they should be stopped up in accordance with the schedule at the end of this report and drawing number 439/A4/651/1.

5 Comments of St Marys Ward Councillors

- 5.1 The Ward Councillors have been consulted and no comments were received.

6 Financial Implications

- 6.1 The fee for processing a Stopping Up order is £2,611 and covers the cost of court fees and administration.
- 6.2 This cost will be charged to Regeneration (cost centre 24080). There is adequate funding within the 2019/20 revenue budget of that service to meet this charge. (Nigel Howard x3250/Sadrul Alam x3305)

7 Legal Services Comments

7.1 Section 116 of the Highways Act 1980 enables the Council as highway authority to apply to the magistrates' court for an order stopping up a highway on the grounds that the highway is unnecessary. The magistrates have to be satisfied that the highway in question is unnecessary for the sort of purposes which the magistrates would reasonably expect the public to use that particular way. (A Evans)

8 Co-operative Agenda

8.1 In respect of this proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework

9 Human Resources Comments

9.1 None.

10 Risk Assessments

10.1 None.

11 IT Implications

11.1 None.

12 Property Implications

12.1 None.

13 Procurement Implications

13.1 None.

14 Environmental and Health & Safety Implications

14.1 Energy – Nil.

14.2 Transport – Nil.

14.3 Pollution – Nil.

14.4 Consumption and Use of Resources – In accordance with current specifications

14.5 Built Environment – Alteration to visual appearance of area

14.6 Natural Environment – Nil.

14.7 Health and Safety – Nil.

15 **Equality, community cohesion and crime implications**

15.1 None.

16 **Equality Impact Assessment Completed?**

16.1 No.

17 **Key Decision**

17.1 No.

18 **Key Decision Reference**

18.1 Not applicable.

19 **Background Papers**

19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

None.

20 **Proposal**



20.1 It is proposed that parts of Mumps, Oldham, be stopped up in accordance with drawing number 439/A4/651/1 and the following schedule under powers contained in Section 116 of the Highways Act 1980.

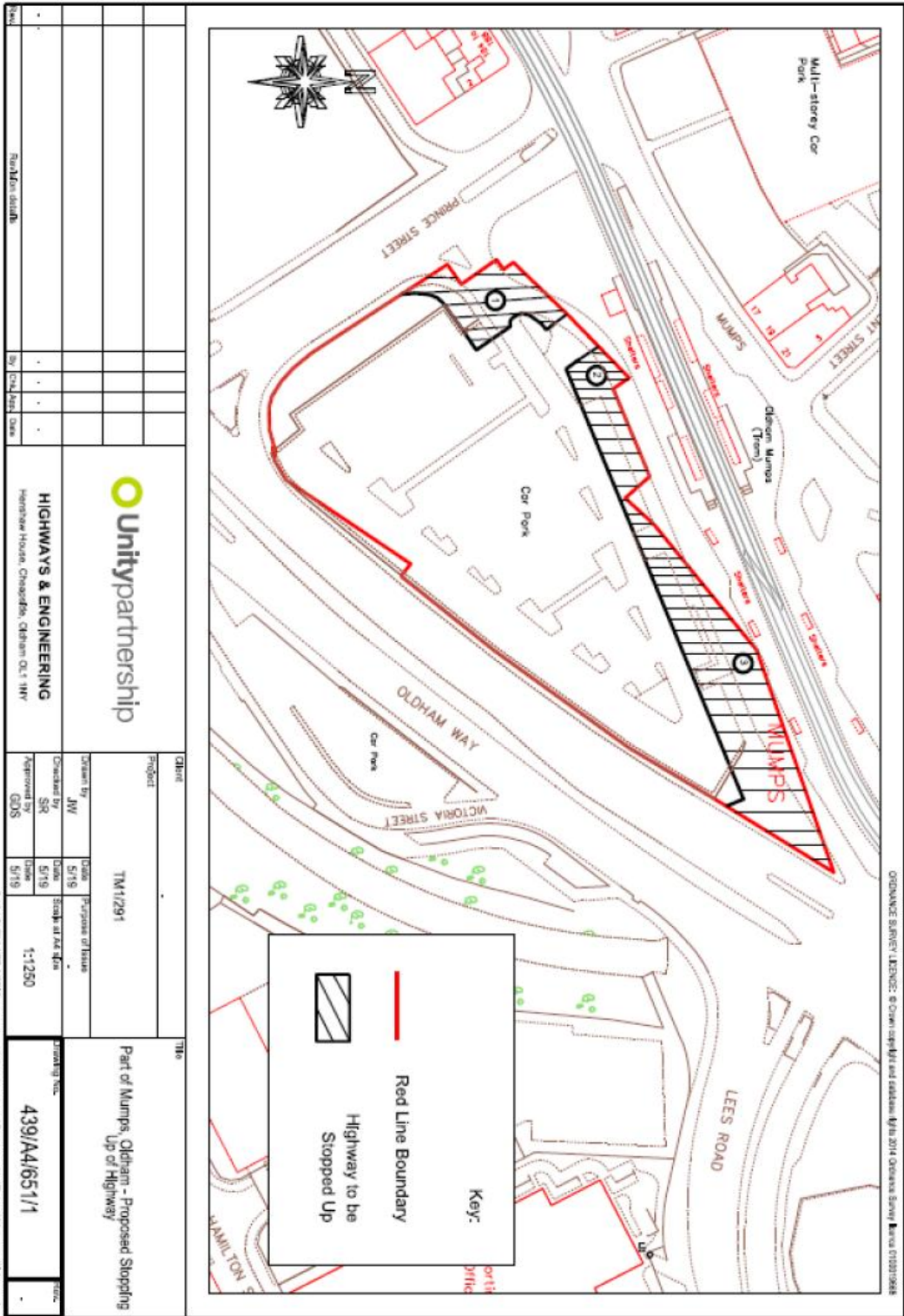
Highway to be Stopped Up

Ref. Number	Road	Description
1.	Mumps, Oldham	An irregular shaped area of highway, located at the back of the Prince Street footway, commencing from a point 55 metres north west of Oldham Way which varies in length between 8 and 24 metres and which varies in width between 16 and 26 metres
2.	Mumps, Oldham	An irregular shaped area of highway located to the south of the Mumps tram tracks; commencing at a point 40 metres north east of Prince Street which varies in length between 5 and 13 metres and which varies in width between 0 and 36 metres

3.	Mumps, Oldham	An irregular shaped area of highway located to the south of the Mumps tram tracks, commencing 80 metres south east of Prince Street which varies in length between 0 and 17 metres and which varies in width between 0 and 110 metres
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APPROVAL

<p>Decision maker</p> <p>Signed </p> <p>Cabinet Member, Neighbourhood Services</p>	<p>Dated: 11 June 2019</p>
<p>In consultation with</p> <p>Signed </p> <p>Director Of Environmental Services</p>	<p>Dated: 11 June 2019</p>



		HIGHWAYS & ENGINEERING Hemmott House, Chancery, Clarendon Q1, 1HV	
Client	Project	Drawn by	Date
	TM1/291	JW	5/18
Checked by	Date	Approved by	Date
SR	5/18	SR	5/18
GD/S	5/18	GD/S	5/18
Purpose of Issue		Scale at Issue	
		1:1250	
Title		Drawing No.	
Part of Mumps, Oldham - Proposed Stopping Up of Highway		439/A/65/1/1	
Revision	By	Check Date	