

Delegated Decision

Proposed Stopping Up of Highway – Part of Hawthorn Road, Oldham

Report of: Deputy Chief Executive – People and Place

Officer contact: Sarah Robinson, Traffic Engineer
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16 August 2018

Purpose of Report

The purpose of this report is to consider the stopping up of part of a turning head facility at Hawthorn Road, Oldham.

Recommendation

It is recommended that part of the turning head of Hawthorn Road, Oldham be stopped up in accordance with the schedule at the end of this report, under powers contained in Section 116 of the Highways Act 1980.

Proposed Stopping Up of Highway – Part of Hawthorn Road, Oldham

1 Background

- 1.1 In October 2009 temporary planning consent was granted for 2 years for a modular building to be sited within part of the turning head facility of Hawthorn Road, Oldham.
- 1.2 The development was to provide facilities for a community health care facility, until a permanent facility was provided at Clive Road, Oldham. The opening of the new medical centre was delayed and a further temporary consent was granted in 2013 for the building to remain for an additional 3 years.
- 1.3 The building was erected within part of the adopted turning head facility, under the conditions of a temporary traffic order. As the facility was approved under temporary consent, it was not considered necessary to stop up part of the highway permanently, as it was always the intention for the building to be removed. However, the modular building was not removed and the ownership of the building has now transferred from the NHS to the Council.
- 1.4 As the building is in good condition the Council has taken the view that instead of removing the building an alternative use should be found. The site has been marketed and the successful bidder proposes to use the building as a children's day nurse.
- 1.5 As the building is to remain, the piece of highway that it is positioned on needs to be stopped up and an alternative piece of land provided as adopted highway to maintain an adequate turning head facility.
- 1.6 Drawing number 439/A4/650/1 shows the area of highway to be stopped up together with the area of land which will be the replacement turning head facility. The highway is to be stopped up 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 In view of the change in use of the former NHS building to a children's nursery it is felt that part of the adopted turning head should be stopped up and a replacement area provided for vehicular turning movements, in accordance with drawing number 439/A4/650/1.

5 **Consultations**

- 5.1 None.

6 **Comments of Hollinwood Ward Councillors**

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

6 **Financial Implications**

Capital

- 6.1 The cost of implementing this Stopping Up order is shown below:

	£
Legal costs	1,000
	=====

- 6.2 This cost will be met from an existing capital resource (Strategic Regeneration M0135).

Revenue

There are no revenue implications.

(Sadrul Alam/Nigel Howard)

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 – 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 **Proposal**

20.1 It is proposed part of Hawthorn Road, Oldham be stopped up under powers contained in Section 116 of the Highways Act 1980.

Schedule

Drawing Number 439/A4/650/1

Highway to be Stopped Up

Road	Length
Hawthorn Road	The southerly nib of the Hawthorn Road turning area, having a length of 11 metres and a width of 9 metres

APPROVAL

Decision maker

Signed 
Cabinet Member,
Neighbourhood Services

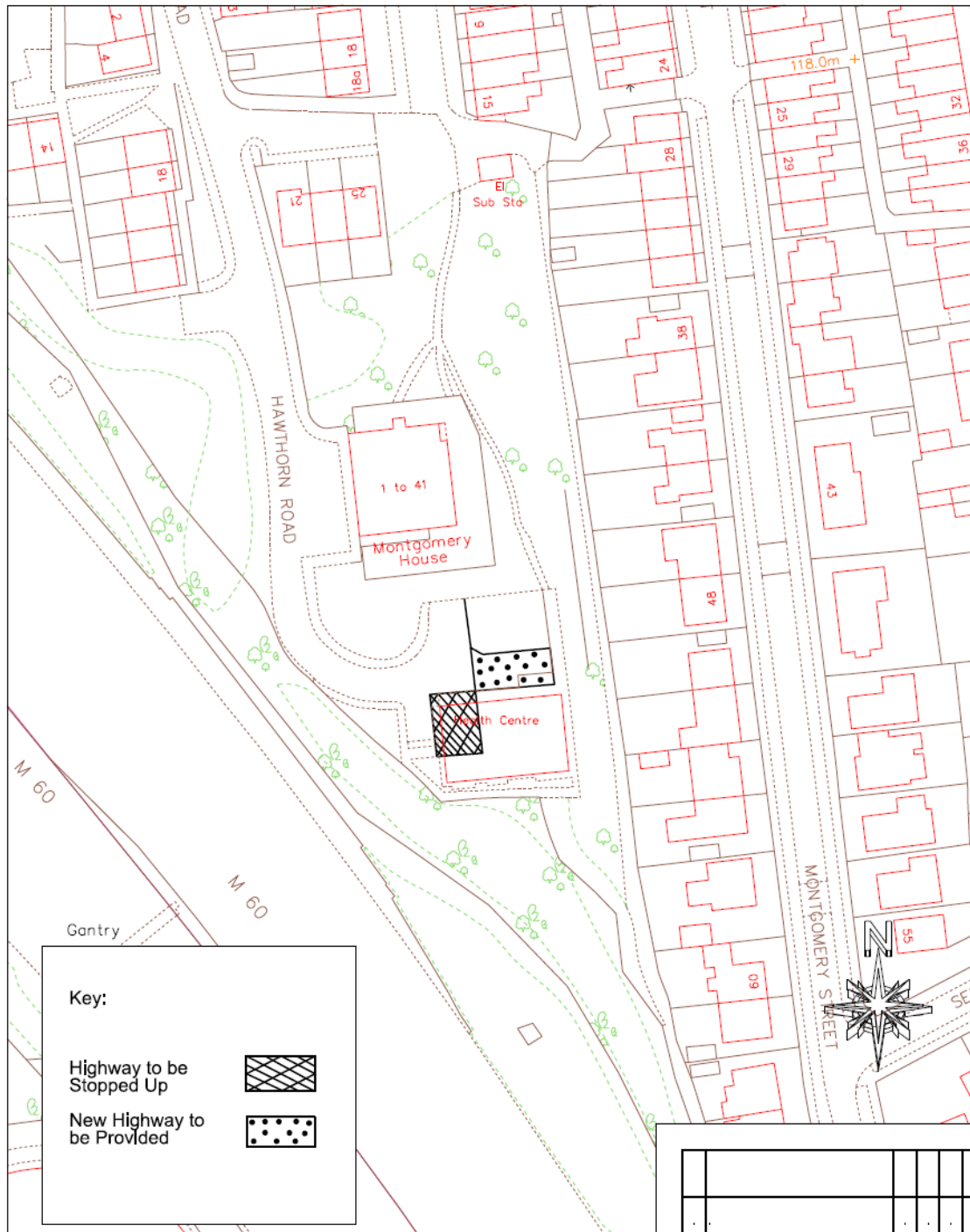
Dated
__31/08/18__

In consultation with


Signed



Director Of Environmental
Services

Dated
__23/08/18__




Key:

Highway to be Stopped Up 

New Highway to be Provided 

Rev	Revision details	By	Chk	App.	Date

	Client			Title	
	Project			Proposed Stopping Up of Highway - Part of Hawthorn Road, Oldham	
HIGHWAYS & ENGINEERING Henshaw House, Cheapside, Oldham OL1 1NY	File Ref: TM1/290	Drawing No.			
	Drawn by JW Date 6/18 Purpose of Issue Checked by SR Date 6/18 Scale at A4 size Approved by GDS Date 6/18 1:1000	439/A4/650/1			Rev.

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