

**ORIGINATING DIVISION:** HIGHWAYS AND TRANSPORTATION

**REPORT TO:** BLACKBURN WITH DARWEN BOROUGH COUNCIL  
PLANNING AND HIGHWAYS COMMITTEE

**DATE:** 27<sup>th</sup> November 2019

**TITLE:** STOPPING UP OF STREETS AT GRIFFIN DEVELOPMENT  
SITE

**WARD:** Blackburn Central      **COUNCILLORS:** Saima Afzal  
Mahfooz Hussain  
Zamer Khan

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## **1.0 PURPOSE OF THE REPORT**

The purpose of the report is to inform Members of the receipt of a request from the Growth and Development team for the Council to progress an Order for the Stopping Up of streets at a development site in the Griffin area and to ask Members to authorise the Director of HR, Legal and Governance to apply to the Magistrates' Court for the necessary Order as per the attached plan.

## **2.0 BACKGROUND AND DETAILS**

The Growth and Development Team are working with Seddon Construction to bring forward the Griffin Regeneration/clearance site for a housing development. The previous housing area was declared unfit and identified for clearance and redevelopment. The highways within the area are all still adopted but in need of renewal/refurbishment.

The new housing layout will provide good quality family homes which will include off street parking, front and back gardens and improved public realm. The current proposed scheme layout planned generally follows the existing road pattern but improves local security by removing likely crime hotspots such as back alleys and ginnels.

Although the initial proposed layouts tend to us the existing road pattern, by closing these roads where possible, it not only gives the developer more options to change the layout if necessary but also during the construction phase there would be no need for temporary closures, diversions, etc. as the roads are already closed. All the roads on the site will be readopted once the development is finished and the roads have been renewed.

As the area has been subject to house clearances over a period of time and the roads earmarked for closure within the development sites no longer serve any properties, it is reasonable to take the view that they have no role as public highway and are therefore eligible to be stopped up under the terms of S 116 of the Highways Act 1980.

## **3.0 PROCEDURE**

The power to make a Stopping Up Order under the Highways Act is vested in the Magistrates Court, and only the Highway Authority for the road to be stopped up may make the application. Section 116 allows the Magistrates to make this order

if they are satisfied that the Highway is no longer “necessary” or it “can be diverted so as to make it nearer or more commodious to the public”, In this instance the applicable reasoning for the proposed closure is on the grounds of lack of necessity. The Court will require evidence that the road is unnecessary and that notices and consultations with all affected and interested parties, in accordance with the requirements of the Act, have been made, and that there are no outstanding objections to the making of the Order.

**4.0 IMPLICATIONS**

<b>Customer</b>	None
<b>Financial</b>	The costs of implementing the change will be met by The Growth and Development Team. Any future cost on the Council as the Highway Authority for maintaining these roads following its closure will cease.
<b>Anti-poverty</b>	None
<b>Crime and Disorder</b>	None

**5.0 RECOMMENDATION**

It is recommended that Committee authorise the Director of HR, Legal and governance to progress with the closure of this street and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates’ Court for the necessary Order.

- 6.0 BACKGROUND PAPERS:** Plan
- 7.0 CONTACT OFFICERS:** Gina Lambert
- 8.0 DATE PREPARED:** 27<sup>th</sup> November 2019