

<b>September 2024</b>		<b>ITEM: dem services to add number</b>
<b>Delegated Decision Report</b>		
<b>Stopping up Order at Land at 251 Branksome Avenue Stanford le Hope</b>		
<b>Wards and communities affected:</b> Homesteads	<b>Key Decision:</b> No	
<b>Report of: Julian Howes – Principal Engineer Development Management</b>		
<b>Accountable Assistant Director:</b> Paul Crick Chief Operations - Place		
<b>Accountable Director:</b> Claire Demmel, Executive Interim Director of Place		
<b>This report is Public</b>		

## **Executive Summary**

To authorise the making of an application to the Magistrates' Court in accordance with Section 116 Highways Act 1980 in order to stop up part of Branksome Avenue at its junction with Aldria Road, Stanford le Hope.

## **Commissioner Commentary**

N/A

### **1. Recommendation(s)**

- 1 To authorise the Transport Development Team with assistance of other relevant departments within the Council as are required, to undertake the relevant statutory procedures outlined in Section 116 Highways act 1980 related to applying for and publishing a stopping up order (as outlined in this report) and to amend the highways map in accordance with that order if it is made.**

### **2. Introduction and Background**

- 2.1 Following the submission of a retrospective planning application for 251 Branksome Avenue (Ref: 24/00560/FUL) a request has been made to the Council that it pursue the stopping up of part of the verge at the junction of Branksome Avenue and Aldria Road by the owner of the property; this application was made on the 20<sup>th</sup> May 2024.**

- 2.2 Branksome Avenue is a residential road within the Homesteads conurbation and links to Southend Road via First Avenue and Morley Hill in the borough of Thurrock. It is a vehicular highway with a width of approximately 7.5 metres with a footway on both sides along its length.
- 2.3 The Applicant wants an area of highway that was previously verge stopped up as they have created a frontage to their dwelling and intend to include the land within the boundary of their property.
- 2.4 The Council has reviewed the removal of highway land and does not consider that the loss of the area impacts on road safety and amenity therefore considers the stopping up request acceptable. (See Appendix 1 where the proposed area of stopping up are indicatively coloured brown and the existing highway areas are coloured yellow).
- 2.5 In relation to the current use of these areas of land, no pedestrian footpath is located within these areas.
- 2.6 The effect of stopping up will be to remove all highway rights (i.e. vehicular, pedestrian and equestrian) over the verge coloured in brown on the plan in Appendix 1. The stopping up order will distinguish the highway rights over the area of land and rights would revert to the original landowners; in this case the area of land is unregistered.

### **3. Issues, Options and Analysis of Options**

- 3.1 The following alternative option has been considered:

#### *Not to stop up*

The area of Branksome Avenue to be stopped up has already been built upon and as a highway authority we have no issues with the stopping up request. It would raise an issue as to whether the Council should enforce the obstruction of Branksome Avenue under highways law. This is not a realistic or justified response to the Applicant's application as the land in question does not impact on highway safety or amenity.

- 3.2 The applicant has submitted a retrospective planning application to pave over this area and carried out the works as they were unaware it was highway land but were previously liaising with the Property Department within this respect work with no progress as the land is unregistered. The highways development management team raised the issue of the land included in the planning application being highway land and following this the applicant submitted a request to stop up the area of land.

#### **4. Reasons for Recommendation**

- 4.1 The proposal is necessary in order to facilitate rationalisation of the adopted highway boundary which the Council supports.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 The proposal is necessary in order to rationalise the adopted highway boundary which the Council supports. The scheme falls within the wards of The Homesteads, members from this ward have been consulted on this DDR and Financial Imps/Legal Imps/Diversity & Equality Imps. Following correspondence clarifying the reasons for the stopping up, Councillor G Byrne had no issues with the stopping up proposal. No other responses have been received from the remaining Ward Members so it is assumed that there are no objections.

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 The removal of highway verge as part of the development will rationalise the current adopted highway network in this location and will help to meet the Council's corporate priority of improving health and well-being. These actions accord with the Council priorities to create a safer environment.

#### **7. Implications**

##### **7.1 Financial**

The financial costs associated with the stopping up order are to be funded by the applicant, and therefore there are no financial implications to the Council of approving this decision.

Implications verified by: Jo Freeman - Head of Financial Management  
Corporate & Place

Email: [JFreeman@thurrock.gov.uk](mailto:JFreeman@thurrock.gov.uk)

##### **7.2 Legal**

Section 116 permits the Council, on request by a person under Section 117 to apply to the Magistrates Court for an order to stop up a highway when it has become unnecessary. The procedure under Schedule 12 of the Act will be followed so that notice is given to landowners and the public of the intention to seek the order.

Implications verified by: Caroline Robins – Locum Principal Solicitor  
E-mail: [CRobins@thurrock.gov.uk](mailto:CRobins@thurrock.gov.uk)

### 7.3 Diversity and Equality

With regards to equality implications the proposal to stop up the highway will not impact on road safety, visibility and accessibility for disabled users. The equality impacts on not upholding the restrictions have been considered and it is considered it would have a negative impact for disabled users.

Implications verified by: Natalie Smith – Head of Community Development  
Email: [NaSmith@thurrock.gov.uk](mailto:NaSmith@thurrock.gov.uk)

### 7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

### 8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Highways plans showing current rights of way

### 9. Appendices to the report

Various plans

### Report Author:

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Highways Development Management