
REQUEST FOR THE MAKING OF THE STOPPING-UP ORDER FOR PART OF PUBLIC ROAD AT ROSE COURT, GALASHIELS (DG88/2)

Report by Service Director Assets & Infrastructure
EILDON LOCALITY COMMITTEE

14 September 2017

1 PURPOSE AND SUMMARY

- 1.1 This report seeks the making of the Stopping-Up Order for part of the DG88/2 public road at Rose Court, Galashiels.**
- 1.2 Parts of the road and footway known as Rose Court, Galashiels (DG88/2) will become superfluous when the redevelopment recently approved by the Council, subject to conclusion of legal agreement, is completed due to being incorporated within the proposal. If this report is approved, the solum of roads included within the order will transfer to the ownership of the developer and the area shall be incorporated within the new development. All new roads within the development shall be constructed to the relevant standard approved via the planning application and shall remain private upon their completion. Any new road or footway constructed during the development which is to become publicly maintained shall be to an acceptable standard to the Council.

2 RECOMMENDATIONS

- 2.1 I recommend that the Committee agrees to the making of the Stopping-Up Order for that section of the DG88/2 public road at Rose Court, Galashiels and delegates approval to confirm the order to the Council's Chief Legal Officer subject to there being no substantive objections.**

3 BACKGROUND

- 3.1 Approval for the demolition of the former social housing at Rose Court, Galashiels was granted to Scottish Borders Housing Association via application 15/00516/HON on 23 June 2015.
- 3.2 A planning application (17/00454/FUL) for the provision of 10 replacement dwellings was submitted on 23 March 2017.
- 3.3 The redevelopment will result in the existing public road within the site boundary being incorporated within the proposed layout, with new roads and footways to serve the proposed dwellings being provided. Appendix A shows the area to be stop-up.
- 3.4 The new road within the development does not require Road Construction Consent and will not be considered for adoption by the Roads Authority for maintenance purposes upon completion.
- 3.5 A new footway adjacent to Primrose Bank will be constructed to an adoptable standard, and upon completion, will be adopted for maintenance purposes by the Council.
- 3.6 Planning Permission for the development was granted on 1 August 2017 and will be formally issued upon the satisfactory conclusion of the appropriate legal agreement.
- 3.7 After consultation with the Ward Members, a proposed Stopping-Up Order for the roads in question is to be advertised in the relevant press publications.
- 3.8 After the satisfactory confirmation of the order, the solum of the roads shall revert to the owner, Scottish Borders Housing Association, and the areas will be incorporated within the proposed development.

4 IMPLICATIONS

4.1 Financial

There will be a reduction in maintenance costs associated with the stopping-up if approved, however due to the short length of road in question, these will be minimal.

4.2 Risk and Mitigations

No elements of risk have been identified in relation to this proposal and no specific additional concerns need to be addressed.

4.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

4.4 Acting Sustainably

There will be no economic, social or environmental effects of carrying out this proposal.

4.5 Carbon Management

It is anticipated there are no significant implications from the proposals contained in the report.

4.6 Rural Proofing

There are no rural proofing implications arising from this proposal.

4.7 Changes to Scheme of Administration or Scheme of Delegation

There will be no changes to the Scheme of Administration or the Scheme of Delegation as a result of this proposal.

5 CONSULTATION

- 5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and their comments incorporated into this report.

Approved by

Martin Joyce

Service Director Assets & Infrastructure Signature

Author(s)

Name	Designation and Contact Number
Alan Scott	Senior Roads Planning Officer – 01835 826640

Background Papers: Planning Applications 15/00516/HON & 17/00454/FUL

Previous Minute Reference: N/A

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 824000 Ext. 5431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk

Appendix A

