

Cabinet Member for City Services

25th February 2019

Name of Cabinet Member:

Cabinet Member for City Services – Councillor P Hetherton

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

Bablake

Title:

Report - **Petition** – Adopt the Roads of Burlywood Close, Seashell Close and Mistyrose Close, Allesley Grange

Is this a key decision?

No

Executive Summary:

A petition of 38 signatures has been received requesting the City Council to adopt the roads of Burlywood Close, Seashell Close and Mistyrose Close, Allesley Grange

In accordance with the City Council's procedure for dealing with petitions, those relating to highway adoptions, are heard by the Cabinet Member for City Services. The Cabinet Member had considered this petition prior to this meeting and in response to the issues raised requested that the petition was dealt with by letter (determination letter), rather than a formal report being submitted to a meeting, to be able to deal with the matter more efficiently.

The determination letter advised of the action proposed and approved in response to the issue raised. Councillor G Williams, on behalf of the petitioner, has confirmed they do not wish the petition to be solely progressed by letter and want the request for the adoption of said roads to be considered at a Cabinet Member for City Services meeting.

Recommendations:

Cabinet Member for City Services is recommended to:

1. Note the petitioners concerns
2. Endorse that the actions confirmed by determination letter to the petition spokesperson (as detailed in paragraph 1.5 of the report) are undertaken,

List of Appendices included:

Appendix A – Location Plan

Appendix B – wording contained within the Determination letter

Background Papers

Other useful documents:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Petition – Adopt the Roads of Burlywood Close, Seashell Close and Mistyrose Close, Allesley Grange

1. Context (or background)

1.1 A petition of 38 signatures has been received requesting the City Council to adopt the roads of Burlywood Close, Seashell Close and Mistyrose Close, Allesley Grange. The petition is supported by Councillor G Williams.

1.2 The petition advises:

'We the undersigned ask that Coventry City Council adopt the roads of Burlywood Close, Seashell Close and Mistyrose Close (collectively known as Allesley Grange).'

1.3 Burlywood Close, Seashell Close and Mistyrose Close are residential streets off Browns Lane in Allesley. A location plan is shown in Appendix A.

1.4 In accordance with the City Council's procedure for dealing with petitions, those relating to highway adoptions are heard by the Cabinet Member for City Services. The Cabinet Member considered the petition prior to this meeting and in response requested that the issue was dealt with by determination letter rather than a formal report being submitted to a meeting, to be able to deal with the matter more efficiently.

1.5 The determination letter (a copy of the wording is contained in Appendix B to the report) advised that it is not the intention of the city council to proceed with the adoption of said roads for numerous reasons. These reasons are as follows:-

- The request for an unadopted highway to be adopted by the Highway Authority can only be requested by the freehold owner(s) (that is those persons with power to dedicate the land as highway);
- The request must be made by notice pursuant to the requirements of S.37(1) of the Highways Act 1980
- The said roads were not offered for adoption by the original developer and therefore the design and construction have not been agreed or approved by the Highway Authority;

1.6 Therefore, should the residents wish to pursue the request for the City Council to consider the adoption of said roads, they would need to approach the freehold owner(s) and ask for them to pursue with the request through the correct legal procedure.

2 Options considered and recommended proposal

2.1 The recommended proposals in regard to the issues raised have already been approved and are detailed in the determination letter (copy of the text is contained in Appendix B to the report).

3. Results of consultation undertaken

3.1 No consultation has been undertaken.

4. Timetable for implementing this decision

4.1 None.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

None.

5.2 Legal implications

None

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable

6.2 How is risk being managed?

None

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

No specific equalities impact assessment has been carried out.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s)

Name and job title:

Colin Whitehouse, Highway Development Manager

Directorate:

Place

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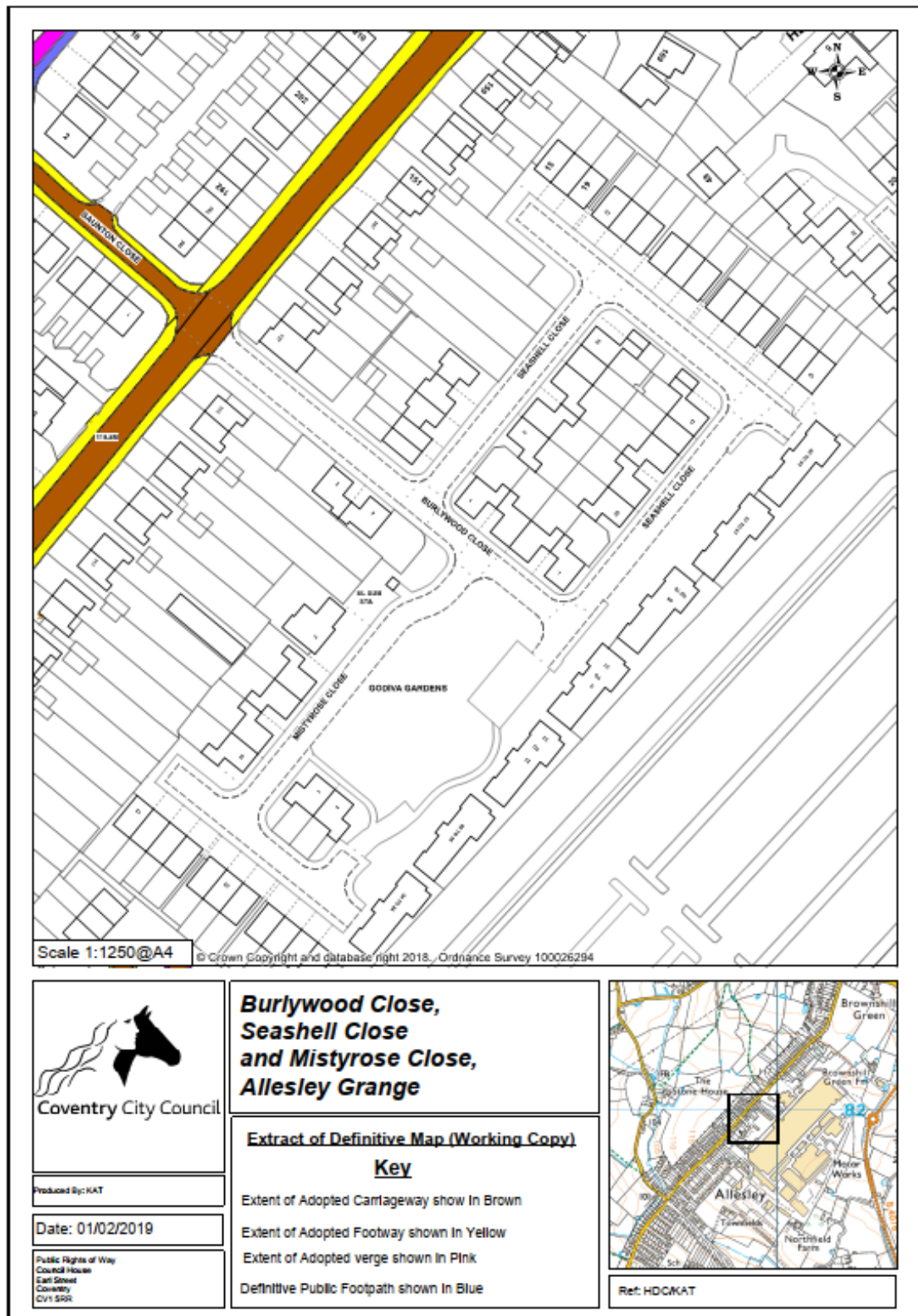
Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Colin Knight	Director (Transportation and Highways)	Place	01/02/19	14/02/19
Karen Seager	Head of Traffic and Network Management	Place	01/02/19	14/02/19

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Michelle Salmon/Liz Knight	Governance Services Officer	Place	01/02/19	05/02/19
Names of approvers: (Officers and Members)				
Graham Clark	Lead Accountant	Place	01/02/19	05/02/19
Rob Parkes	Commercial Lawyer	Place	01/02/19	05/02/19
Councillor P Hetherton	Cabinet Member for City Services			

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Appendix A – Location Plan



Appendix B – Copy of Text of Determination Letter

Re: petition submitted on 28th August 2018

Subject matter: Adopt the Roads of Burlywood Close, Seashell Close and Mistyrose Close (Allesley Grange)

I am writing with regards to the above petition and your request for Coventry City Council to adopt the roads of Burlywood Close, Seashell Close and Mistyrose Close, Allesley, Coventry.

The matter was discussed with Councillor Innes, Cabinet Member for City Services, who has requested that this be dealt with by way of letter rather than a formal report being submitted to a future meeting, so that it can be dealt with more quickly.

It is proposed that in response to your petition that Coventry City Council would not proceed to adopt the roads of Burlywood Close, Seashell Close and Mistyrose Close, Allesley, Coventry on the basis of the following;

The development off Browns Lane which includes the streets of Burlywood Close, Seashell Close and Mistyrose Close was built by Bellway Homes as a private estate. When an estate is planned and built it is the developer/freeholder of the land that determines if the estate would be put forwards for adoption. The developer opted to retain this development as a private development.

If the roads are to be offered for adoption the developer/design consultant submits a detailed pack of technical drawings which the Council would then review, comment on and ultimately approve once the information meets the required Council standards for adoption. A Section 38 Agreement under the Highways Act 1980 is then entered into between the developer/freeholder and the Council which confirms the developer intends to build the roads to the required standard and once done so, the Council would then agree to adopt the roads as maintainable at public expense. The Council will also inspect the site construction works to ensure materials and construction is to the required standard prior to adoption.

The development of the above roads, known collectively as Allesley Grange were never offered for adoption by the Developer Bellway Homes. Where a developer does not offer a road/estate for adoption, the common practice established by developers is to set up a management company and charge residents a monthly/annual fee for the future upkeep of the estate. We are of the understanding that the Allesley Grange Management Company Ltd was set up for this purpose.

As a Council, should a road not be offered for adoption, upon completion of the works we instruct the developer to install a Private Road sign below the street nameplate to inform users of its private status and not a road maintainable at public expense. As is the case for this development.

Should a development be built without the intention of adoption but subsequently be offered for adoption by the Council, this would have to come from the Developer/Landowner(s), require the following, but not limited to this list, to either be proved or undertake any necessary improvements prior to adoption:

- Road layout – turning heads, footway/carriageway widths, junction radius, forward visibility and junction visibility splays – are they fit for purpose/adoption;

- Footway and carriageway constructed to necessary specification and depths – core holes and trial pits to be undertaken if deemed necessary;
- Drainage CCTV surveys and evidence of adoption by Severn Trent Water – visual inspection of materials used, layout of manholes, gullies etc;
- Street Lighting certificates and verification layout is to required spec and standard
- Trees/Green spaces are suitable for adoption if necessary;
- Utilities are installed at the correct depths and no private apparatus;
- No road safety implications;
- All land owners (if multiple) consent to the adoption.

Notwithstanding the above information that would be required, there is also the need for a road(s) in question to demonstrate that they have a wider benefit to the general public before any consideration can be made for their adoption. At present this has not been provided for our review and approval.

I would be grateful if you could please confirm in writing, either by email or letter to the officer named above, that you agree that the petition be progressed by way of this letter. If you do not agree, a report responding to your petition will be prepared for consideration at a future Cabinet Member meeting. You will be invited to attend this meeting where you have the opportunity to speak on behalf of the petitioners.