



REGULATORY SERVICES COMMITTEE

29 January 2015

REPORT

Subject Heading:	Application for the Stopping Up of Highway Land at Albyns Close, Rainham RM13 7YA (Application received 19th May 2014)
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Policy context:	Highways Act 1980
Financial summary:	None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report relates to an application received on 12th November 2014 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1034.14). The planning permission (planning reference P1034.14) dated 24th October 2014 involves the demolition of existing buildings and the erection of 19 houses with associated amenity, parking and landscaping, at Albyns Close, Rainham (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan (Drawing Number 14774/491 Revision A) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable in highways terms to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter

may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 24th October 2014 the Council granted Planning Permission (planning reference P1034.14) for the demolition of existing buildings and the erection of 19 houses with associated amenity, parking and landscaping, at Albyns Close, Rainham. The Planning Permission was issued on 24th October 2014 subject to conditions.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of existing public highway.
- 3.3 The section of public highway to be stopped up comprises all of the area zebra hatched on the plan annexed to this report. The dimensions in length and width of each section of the highway to be stopped up are set out in the Plan attached.
- 3.3 The development involves building on land which includes areas of highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not

withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the Consultation process and mediate any negotiation with objectors.

4.3 **Human Resources Implications and Risks:**

None directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

None directly attributable to the proposal.

CONCLUSION

The proposed stopping up relates to areas of highway the stopping up of which is necessary to facilitate the development of the demolition of existing buildings and the erection of 19 houses with associated amenity, parking and landscaping, at Albyns Close, Rainham pursuant to the Planning Permission (reference P1034.14). It is therefore recommended that the necessary Order is made and confirmed.

Background Papers List

1. Regulatory Services Committee dated 23rd October 2014 which granted planning permission under planning reference P1034.14
2. Plan (Drawing Number 14774/491 Revision A) showing the area to be stopped up