

**REGULATORY  
SERVICES  
COMMITTEE  
19 February 2015**

**REPORT**

<b>Subject Heading:</b>	<b>Application for the Stopping Up of Highway Land at Ongar Way Garages, Rainham</b>  <b>(Application received 19<sup>th</sup> May 2014)</b>
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<b>Policy context:</b>	<b>Highways Act 1980</b>
<b>Financial summary:</b>	<b>None</b>

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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[ ]
Valuing and enhancing the lives of our residents	[ ]
Delivering high customer satisfaction and a stable council tax	[ ]

## SUMMARY

This report relates to an application received on 13<sup>th</sup> November 2014 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1644.11). The planning application (planning reference P1644.11) (application received 12 December 2011; revised plans received 8 April 2014 involves demolition of existing garages and construction of 12 no. dwellings (“the Planning Application”). The planning permission was issued on 13<sup>th</sup> May 2014

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 titled Ongar Way Stopping Up) 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 13th May 2014 the Council granted Planning Permission (planning reference P1644.11) for the demolition of existing garages and construction of 12 no. dwellings, at Ongar Way, Rainham. The Planning Permission was issued on 13<sup>th</sup> May 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 areas zebra hatched on the plan annexed to this report. The dimensions in length and width for each of the 4 separate areas identified by letters on the plan are as follows: Point A – 21.89 metres in length by 15.99 metres in width; Point B – 25.47 metres in length by 14.59 metres in width; Point C – 60.60 metres in length by 16.90 metres in width and Point D – 36.67 metres in length by 2.88 metres in width.
- 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 garages and construction of 12 no. dwellings, at Ongar Way, Rainham pursuant to the Planning Permission (reference P1644.11). It is therefore recommended that the necessary Order is made and confirmed.

### **Background Papers List**

1. Regulatory Services Committee dated 8th May 2014 which granted planning permission under planning reference P1644.14

2. Plan (Drawing titled Ongar Way Stopping Up) showing the area to be stopped up