



# REGULATORY SERVICES COMMITTEE

26 April 2018

# REPORT

**Subject Heading:**

Application for the Stopping Up of  
Highway Land at Theatre Road,  
Hornchurch

**Ward:**

Hornchurch

**Report Author and contact details:**

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**Policy context:**

Section 247 Town and Country Planning  
Act 1990 (as amended)

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

## SUMMARY

This report relates to an application received on 7 March 2018 for the stopping up of highway to enable the full implementation of development of land pursuant to a planning permission (planning reference P0960.16) for the erection of a three / five storey building comprising 44 residential units, car parking, landscaping and other associated work ("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(s) of highway shown zebra hatched on the plan entitled 75 North Street, Hornchurch – Highway Stopping up Theatre Road 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 all material respects to enable development pursuant to Planning Permission.

## RECOMMENDATIONS

Subject to the grant of Planning Permission, 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 and subject to the lawful implementation of Planning Permission 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 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2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.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 DETAIL

- 3.1 On 14 June 2016 the Council received an application for the erection of a three / five storey building comprising 44 residential units, car parking, landscaping and other associated work (planning reference P0960.16).
- 3.2 The stopping up is necessary in order that development pursuant to the Planning Permission can be implemented and it involves the stopping up of sections of existing public highway being footway.
- 3.3 The section of public highway to be stopped up measures approximately 13.5 meters in length by 3.3 meter in width and is sited between OS grid reference points 553941E, 187520N; and 553955E, 187519N.
- 3.3 The development involves building on land which includes areas of adopted 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

### **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.

### **Legal implications and risks: Human Resources implications and risks:**

Section 247 of the Town and Country Planning Act 1990 gives the power to the London Boroughs to make stopping up orders for highways within their Boroughs if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the planning permission granted. (Outside London the power is in the hands of the Secretary of State). The responsibility was devolved to the London Boroughs through the Greater London Authority Act 1999.

The process for the making of the order is as follows. Following the Council's resolution, notices of the proposed order are advertised and served on relevant authorities, principally the statutory undertakers, and displayed on site. Following the objection period of 28 days if there have been no objections the Council may make the order.

In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker the application is referred to the Mayor for London for determination. In the event of objections by a Statutory Undertaker or Transport Undertaker application is referred to the Secretary of State for determination.

Legal resources 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.

### **Equalities implications and risks:**

None directly attributable to the proposal.

## BACKGROUND PAPERS

1. Regulatory Services Committee Report dated 27 April 2017
2. Plan entitled 75 North Street, Hornchurch – Highway Stopping up Theatre Road