



**REGULATORY
SERVICES
COMMITTEE**

21 July 2011

**6
REPORT**

Subject Heading:	The proposed stopping up of adopted highway at land between 52 and 64 Daventry Road, Harold Hill
Report Author and contact details:	Andrew McMaster Legal Department Andrew.mcmaster@havering.gov.uk 01708 432840
Policy context:	N/A - Statutory Process under Section 247 of the Town and Country Planning Act 1990
Financial summary:	See Financial Implications

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report relates to an application for the stopping up of highway to enable the development of land between 52-64 Daventry Road, Harold Hill ("the Land")

The proposed development involves the construction of four, four bedroom semi-detached houses, for which planning permission was given on 14 January 2011.

The developers have applied to the Council under section 247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up areas hatched blue on the plan (Reference: 10.6861.24, dated March 2011) annexed to this report so that the development can be carried out.

It is proposed that the area of highway be stopped up to allow the development to be carried out. The area of highway proposed to be stopped up consists of a narrow strip of land running from Daventry Road (and currently acting as a driveway) onto the subject site, which opens up onto a larger rectangular portion of land. This larger area of land is currently used as a car park.

The Council’s highway officers have considered the application and consider that the stopping up is required to enable the planning permission granted under planning reference P1732.10 to be carried out.

It should be noted that the practical effect of supporting the recommendations in this report (subject to the stopping up order being ultimately confirmed) would be to prevent members of the public from passing and repassing over the area on the land stopped up, which has formerly been adopted as public highway.

RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making, advertising and confirmation of the stopping up order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000, it is recommended that:

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 areas of adopted highway hatched blue on the attached plan as the Land is required to enable development for which the Council has granted planning permission granted under planning reference P1732.10.
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.
3. In the event that relevant objections are made by 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.
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.

REPORT DETAILS

- 3.1 On 14 January 2011 the Council granted planning permission for the redevelopment of the land between 52-64 Daventry Road, Harold Hill. The proposal is for four, four bedroom two storey semi detached houses. The houses will front Daventry Road, and be developed with car parking to the front of each house, and a garden to the rear. A pedestrian laneway will be maintained on each side of the proposed development a round the rear of the Land, leading to Hilldene Road.
- 3.2 Once the proposed development is implemented the areas hatched would have been stopped up to enable the development to be carried out.
- 3.3 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 can 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.

4 Financial Implications and Risks:

- 4.1 The costs of the making, advertising and confirmation, should the order be confirmed, will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

5 Legal Implications and Risks:

- 5.1 Legal Services will be required to draft the Stopping Up Order and notices.

6 Human Resources Implications and Risks:

- 6.1 None directly attributable to the proposals.

7 Equalities and Social Inclusion Implications:

7.1 None directly attributable to the proposal.

8 Conclusion

8.1 The proposed stopping up relates to areas of highway the stopping up of which is necessary to facilitate the development of the site. It is therefore recommended that the necessary Order is made and confirmed.

Staff Contact:	Bob Wenman
Designation:	Head of Streetcare
Telephone No:	01708 432720
E-mail address:	bob.wenman@haverling.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers List

1. Planning Permission for Planning Application No. P1732.10 dated 14 January 2011, granting planning permission for the development of 4 No. four bed semi-detached houses on land between 52-64 Daventry Road, Harold Hill, Romford
2. Plan (Reference: 10.6861.24) showing the areas to be stopped up.