



# Havering

L O N D O N   B O R O U G H

## PLANNING COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 12 March 2020</b>	<b>Council Chamber - Town Hall</b>
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Members 8: Quorum 4

### COUNCILLORS:

**Conservative Group  
(4)**

Robby Misir (Chairman)  
Carol Smith (Vice-Chair)  
Philippa Crowder  
Matt Sutton

**Residents' Group  
(1)**

Stephanie Nunn

**Upminster & Cranham  
Residents Group'  
(1)**

John Tyler

**Independent Residents  
Group  
(1)**

David Durant

**Labour Group  
(1)**

Paul McGeary

**For information about the meeting please contact:  
Richard Cursons - 01708 432430  
[richard.cursons@onesource.co.uk](mailto:richard.cursons@onesource.co.uk)**

**To register to speak at the meeting please call 01708 433100  
Before 5.00pm Tuesday 10 March 2020**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

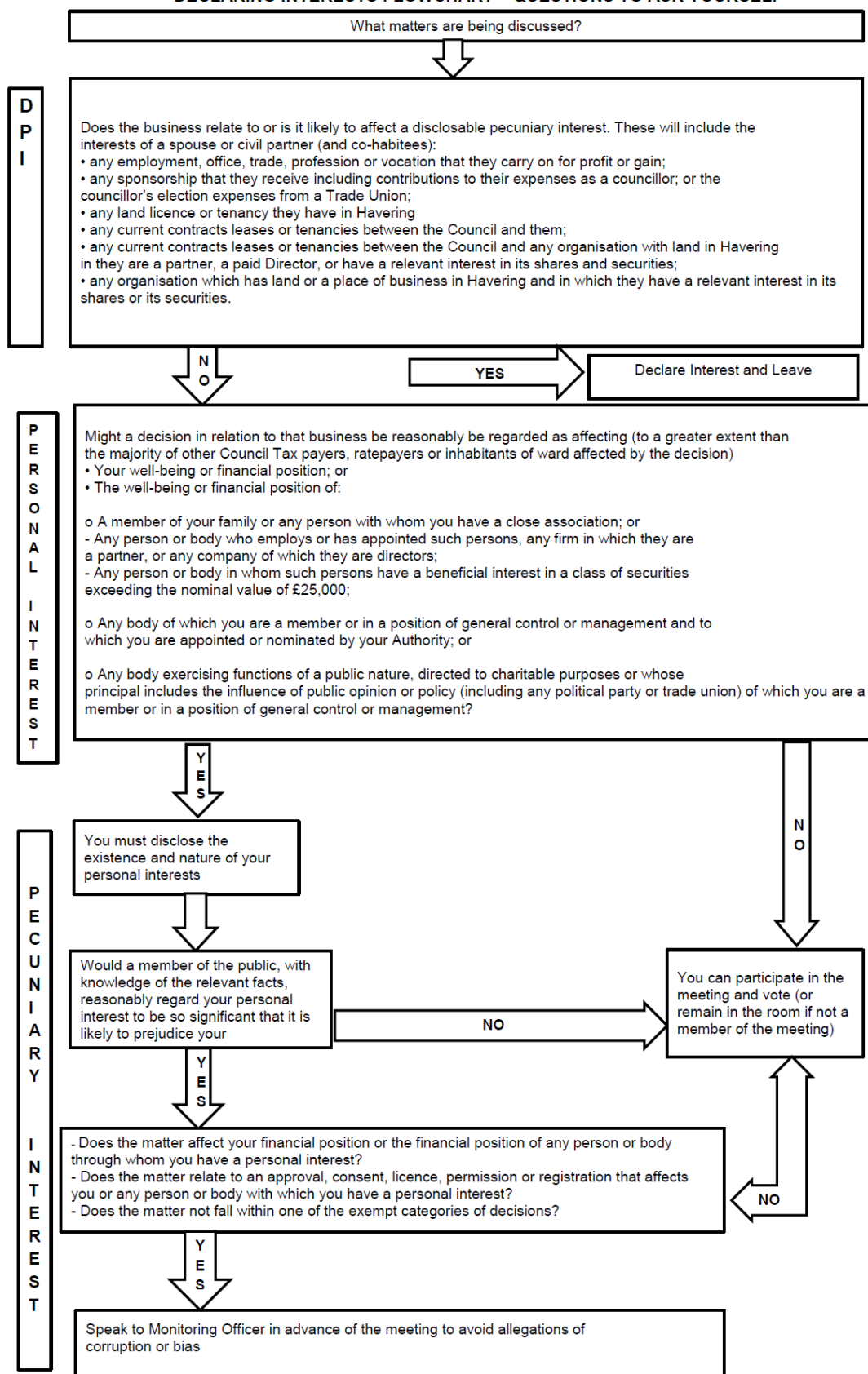
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### **4 MINUTES (Pages 1 - 6)**

To approve as a correct record the minutes of the meeting of the Committee held on 13 February 2020 and to authorise the Chairman to sign them.

### **5 APPLICATIONS FOR DECISION (Pages 7 - 10)**

See attached document

- 6      P1881.19 - 68 BURLINGTON AVENUE** (Pages 11 - 14)
- 7      STOPPING UP ORDER & DIVERSION ORDER - PUBLIC FOOTPATH 260 (2)**  
(Pages 15 - 22)
- 8      STOPPING UP ORDER - LAND AT 35-43 NEW ROAD AND AUTOPRO CENTRE**  
(Pages 23 - 28)

**Andrew Beesley**  
**Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Council Chamber - Town Hall  
13 February 2020 (7.30 - 8.50 pm)**

**Present:**

**COUNCILLORS: 8**

<b>Conservative Group</b>	Robby Misir (in the Chair) Carol Smith (Vice-Chair), Matt Sutton and +John Crowder
<b>Residents' Group</b>	+Reg Whitney
<b>Upminster &amp; Cranham Residents' Group</b>	John Tyler
<b>Independent Residents Group</b>	David Durant
<b>Labour Group</b>	+Carole Beth

Apologies were received for the absence of Councillors Philippa Crowder, Stephanie Nunn and Paul McGeary.

+Substitute members Councillor John Crowder (for Philippa Crowder), Councillor Reg Whitney (for Stephanie Nunn) and Councillor Carole Beth (for Paul McGeary).

Councillor Melvin Wallace was also present for part of the meeting.

35 members of the public were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

## **22 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

## **23 MINUTES**

The minutes of the meeting held on 19 December 2019 were agreed as a correct record and signed by the Chairman.

24     **P1548.19 - 14 HAYNES ROAD, HORNCHURCH**

Members considered the report and noted that the application had been called-in by Councillor Melvin Wallace.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's agent.

With its agreement Councillor Melvin Wallace addressed the Committee.

The report recommended that planning permission be granted however, following a motion to refuse the granting of planning permission it was **RESOLVED** that **PLANNING PERMISSION BE REFUSED** on the grounds of:

Scale, massing, proximity to boundaries (within the development itself) and backland location resulting in a development that was out of keeping with the locality, which was predominately typified by bungalows, resulting in harm to the character of the area.

25     **STOPPING UP OF LAND AT 149-153 NEW ROAD**

The Committee considered the report and **RESOLVED**:

(a) to authorise the stopping up of the highway land at New Road Rainham shown zebra hatched on the Plans, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990,

subject to:

- the lawful implementation of planning permission application reference P0726.17;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections were received (or any objections received are withdrawn), or the Mayor of London decided a local inquiry was unnecessary, then the stopping up order would be confirmed by officers;

if objections were received from a local authority, statutory undertaker or gas transporter (and were not withdrawn), or other objections were received (and not withdrawn) and the Mayor of London decided that an inquiry was necessary, the Council shall cause a local inquiry to be held.



- (b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

The vote for the resolution was 7 to 0 with 1 abstention.

Councillor Durant abstained from voting.

**26 STOPPING UP OF LAND AT 165-193 NEW ROAD**

The Committee considered the report and **RESOLVED**.

- (a) to authorise the stopping up of the highway land at New Road Rainham shown zebra hatched on the Plans, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990,

subject to:

- the lawful implementation of planning permission application reference P1057.17;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections were received (or any objections received were withdrawn), or the Mayor of London decided a local inquiry was unnecessary, then the stopping up order would be confirmed by officers;

if objections were received from a local authority, statutory undertaker or gas transporter (and were not withdrawn), or other objections were received (and not withdrawn) and the Mayor of London decided that an inquiry was necessary, the Council shall cause a local inquiry to be held.

The vote for the resolution was carried by 7 to 0 with 1 abstention.

Councillor Durant abstained from voting.

**27 STOPPING UP OF LAND AT 89-101 NEW ROAD**

The Committee considered the report and **RESOLVED**.

- (a) to authorise the stopping up of the highway land at New Road Rainham shown zebra hatched on the Plans, in accordance with

the procedure set out in section 252 of the Town and Country Planning Act 1990,

subject to:

- the lawful implementation of planning permission application reference P1229.17;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections were received (or any objections received were withdrawn), or the Mayor of London decided a local inquiry was unnecessary, then the stopping up order would be confirmed by officers;

if objections were received from a local authority, statutory undertaker or gas transporter (and were not withdrawn), or other objections were received (and not withdrawn) and the Mayor of London decided that an inquiry was necessary, the Council shall cause a local inquiry to be held.

- (b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

The vote for the resolution was carried by 7 votes to 0 with 1 abstention.

Councillor Durant abstained from voting.

## 28 **STOPPING UP OF LAND AT 148-192 NEW ROAD**

The Committee considered the report and **RESOLVED**.

- (a) to authorise the stopping up of the highway land at New Road Rainham shown zebra hatched on the Plan, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990,

subject to:

- the grant and lawful implementation of planning permission application reference P1604.17;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections were received (or any objections received were withdrawn), or the Mayor of London decided a local inquiry was unnecessary, then the stopping up order would be confirmed by officers;

if objections were received from a local authority, statutory undertaker or gas transporter (and were not withdrawn), or other objections were received (and not withdrawn) and the Mayor of London decided that an inquiry was necessary, the Council shall cause a local inquiry to be held.

- (b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

The vote for the resolution was carried by 7 to 1.

Councillor Durant voted against the resolution.

## 29 **QUARTERLY PERFORMANCE REPORT**

The Committee considered the report and **RESOLVED** to note the contents of the report.

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**Chairman**

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## Agenda Item 5

### Applications for Decision

#### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

#### Advice to Members

#### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan March 2016
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
  - b. Registered Objector(s) speaking slot (3 minutes)
  - c. Responding Applicant speaking slot (3 minutes)
  - d. Ward Councillor(s) speaking slots (3 minutes)
  - e. Officer presentation of the material planning considerations
  - f. Committee questions and debate
  - g. Committee decision
16. The items on this part of the agenda will run as follows where there are no public speakers:
- a. Where requested by the Chairman, officer presentation of the main issues
  - b. Committee questions and debate
  - c. Committee decision

**Late information**


17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

**Recommendation**

18. The Committee to take any decisions recommended in the attached report(s).

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>12 March 2020</b>
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<b>Application Reference:</b>	<b>P1881.19</b>
<b>Location:</b>	<b>68 Burlington Avenue Romford RM7 9JL</b>
<b>Ward:</b>	<b>Brooklands</b>
<b>Description:</b>	<b>Single storey rear extension</b>
<b>Case Officer:</b>	<b>Cole Hodder</b>
<b>Reason for Report to Committee:</b>	<b>Reasons of probity. Submission has been made by a Member of the Council.</b>

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## **1. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 1.1 The proposed single storey extension would align with relevant Council guidance. Consequently it cannot be regarded as giving rise to harm to the amenity of neighbouring occupiers which could substantiate a decision to refuse permission.

## **2. RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission subject to the following conditions:

### **Conditions**

1. Time Limit 3 years
2. Accordance with plans
3. Matching materials/samples
4. Flank window condition

### **Informatives**

Approval no negotiation

### **3. PROPOSAL AND LOCATION DETAILS**

#### **3.1 Proposal**

- 3.2 The application seeks permission for the construction of single storey rear extension of approximately 3.0m depth. It would feature a mono-pitch roof with an eaves height of 2.52m and overall height of 3.52m. Three roof-lights are shown to the roof-slope.

#### **3.3 Site and Surroundings**

- 3.4 The site lies to the western side of Burlington Avenue, close to the junction with Ainsley Avenue. The subject property is a two storey semi-detached dwelling. It is not located within an area of any specific designation.
- 3.5 There is hard standing to the front of the property with a garden to the rear of the property screened by a close boarded fence. The subject property benefits from an historic two storey side extension constructed around the year 2000.
- 3.6 Given that the proposed extension would span the full width of the dwelling encompassing the historic extension, a planning application is required. Having regard to the proportions of the extension, were it contained by the width of the original dwelling the development could have been achievable under permitted development.
- 3.7 For background the applicant had submitted an application for a Lawful Development Certificate, however this was withdrawn once notification had been given by the Planning Service of the conflict with the relevant criteria and confirmation that it would have been recommended for refusal as planning permission is required for the development.

### **4. Planning History**

- 4.1 The following planning decision is regarded as relevant to the current application:

P1290.00 - Two storey side extension – Approved with conditions

### **5.1 CONSULTATION RESPONSE**

- 5.2 The following were consulted regarding the application:
- 5.3 Highways – No Objection

## **6. LOCAL REPRESENTATION**

- 6.1 A total of seven neighbouring properties were notified about the application and invited to comment.
- 6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: No comments received.


## **7. MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by the application that the committee must consider are:
- The impact of the development on the character and appearance of the host building.
  - The impact of the development on the amenity of neighbouring occupiers
- 7.2 The depth of the single storey extension would align with the guidance contained within the Residential Extensions and Alterations Supplementary Planning Document (SPD). As a general rule, the SPD states that houses can be extended from the rear wall of the original dwelling by up to 3 metres in depth for a terrace house and up to 4 metres in depth for a semi-detached or detached dwelling. This is to ensure the extension is subordinate to the original dwelling and not harmful to neighbouring amenity.
- 7.3 The proposed extension would be three metres in depth from the rear wall of the dwelling. Whilst it would span the full width of the dwelling, encompassing the modest historic side extension, it would nevertheless exhibit subservience. The overall height would be modest and viewed in totality the proposed extension would integrate appropriately with the character of the garden scene and would relate acceptably to the existing building.
- 7.4 Furthermore the proposed development would not be visible from the street scene and therefore no issues arise in this respect
- 7.5 Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

- 7.6 As a semi-detached dwelling, the impacts of the development would be limited to the adjoining attached property. In the case of the unattached neighbour fronting Ainsley Avenue the development would be separated from this neighbour by the length of the rear garden and screened partially by existing development and landscaping to the boundary.
- 7.7 Turning then to the adjoining property, which was observed not to benefit from any form of extension, with the two properties separated by a close boarded fence. Whilst there could be some perceived loss of outlook, and some degree of overshadowing owing to the absence of any form of extension to this property, the impacts would be within acceptable tolerances as the proposed development would be compliant with Council guidance.
- 7.7 It is not considered that the proposed extension would unduly impact on the residential amenity of the neighbouring properties in accordance with policy DC61.

## **8. Conclusions**

- 8.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>12 March 2020</b>
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<b>Application Reference:</b>	<b>Stopping Up Order and Diversion Order</b>
<b>Location:</b>	<b>Public Footpath 260</b>
<b>Ward:</b>	<b>Rainham</b>
<b>Description:</b>	<b>Stopping up of Highway</b>
<b>Case Officer:</b>	<b>John Deasy</b>
<b>Reason for Report to Committee:</b>	<b>The Assistant Director of Planning considers committee consideration to be necessary.</b>

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## **1 Background**

- 1.1 On 14 May 2019 the Council received an application for outline planning permission under application reference P0751.19 for demolition of existing buildings and redevelopment of site to provide 197 residential dwellings, public and private open space and associated works ("Development"). Public Footpath 260 ("Footpath") passes over the site of the Development. Parameter plans under P0751.19 confirm that the Development could not proceed unless the Footpath is stopped up.
- 1.2 A resolution is therefore sought to stop up and divert the Footpath shown zebra hatched black on the plan referenced 44110-NNP-PBA-XX-XX-DR-D-0203 at Appendix A ("Plan") to enable the Development to be carried out subject to the grant of planning permission under application reference number P0751.19.
- 1.3 The proposed diversion route of the Footpath is shown on the Plan.
- 1.4 The Council's highway officers have considered the application and consider that the stopping up and diversion is acceptable in all material respects to enable development pursuant to planning permission.

## **2 Recommendation**

That the Committee resolve;

(a) to authorise the stopping up and diversion of Public Footpath 260 (current route of the Footpath is shown zebra hatched on the Plan, proposed diversion route of the Footpath is shown shaded grey on the Plan) in accordance with the procedure set out in sections 257, 259 and Schedule 14 of the Town and Country Planning Act 1990, subject to:

- the grant and lawful implementation of planning permission application reference P0751.19;
- payment, by the applicant, of all costs associated with the stopping up and diversion;
- any direction by the Secretary of State

on the following basis:

if no objections are received or any objections received are withdrawn, then the stopping up and diversion order will be confirmed by officers;

if objections are received from a local authority or National Park Authority (and are not withdrawn), or other objections are received (and not withdrawn) and the Secretary of State decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up and diverting the Footpath pursuant to section 257 of the Town and Country Planning Act 1990.

### **3 Proposal and Location details**

3.1 Section 257(1) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any public footpath if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3.2 In *K C Holdings Ltd v Secretary of State for Wales* [1990] JPL 353 the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport* [1991] 2 All ER 77, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.

- 3.3 The parameters of the development have been considered under application ref P0751.19 following a full statutory public consultation exercise. The Footpath is sited within the parameters of the Development and must be stopped up to allow the Development to proceed.
- 3.4 The Footpath links Dunedin Road, Rainham and New Road Rainham and accommodates shared cycle use. The Footpath has an average width of approximately 5 meters and is approximately 54 meters in length sited between OS grid reference points (as shown on the Plan):
- 551774.284E / 182614.803N at point A
  - 551769.906E / 182615.660N at point B
  - 551784.250E / 182667.700N at point C
  - 551784.250E / 182666.480N at point D
- 3.6 The Development incorporates a redesign of the Footpath within the confines of the development site. The proposed diversion route would relocate the Footpath approximately 5 meters in an easterly direction from its current location. The diverted Footpath would continue to provide a link between Dunedin Road, Rainham and New Road Rainham for pedestrians and cyclists. The diverted Footpath would be approximately 48 meters in width and 51 meters in length sited between OS grid reference points (as shown on the Plan):
- 551765.734E / 182618.530N at point E
  - 551760.915E / 182619.166N at point F
  - 551775.108E / 182668.664N at point G
  - 551779.954E / 182668.121N at point H
- 3.7 It is considered that the most effective way to accommodate the proposed highway layout is by stopping up and diverting the Footpath. The proposed diversion route of the Footpath is sited approximately 5 meters away from its current location. Officers consider that there would be no significant disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so would enable the Development to be carried out (subject to the grant of planning permission).

## **4 Planning History**

The following planning decisions are relevant to the application:

P0751.19 – Demolition of existing buildings and redevelopment of site comprising a number of buildings ranging between 3-10 storeys, providing 197 residential dwellings (Class C3), public and private open space, formation of new accesses and alterations to existing accesses, associated car and cycle parking and associated works – undecided

The stopping up is necessary in order that development can be carried out subject to the grant of planning permission.

## **5 Consultation**

- 5.1 The Council's highway officer has no objection to the proposed stopping up and diversion order.
- 5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before the order is confirmed, the Council would carry out consultation as required by Schedule 14 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 5.2 Under Schedule 14 of the Act if an objection is received and not withdrawn (through negotiation between the objector and the applicant) the Council must refer the order to the Secretary of State.
- 5.3 Where an objection is from a local authority or National Park authority on whom a notice is required to be served, the Secretary of State will cause a local inquiry to be held. Where an objection is from any other person affected by the order the Secretary of State must either:
  - (i) cause a local inquiry to be held; or
  - (ii) provide that person with an opportunity to be heard by an appointee of the Secretary of State.
- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up and diversion order without referral to the Secretary of State.

## **6 Conclusion**

It is considered that the proposed stopping up and diversion of the Footpath is necessary to enable development to proceed subject to the grant of planning

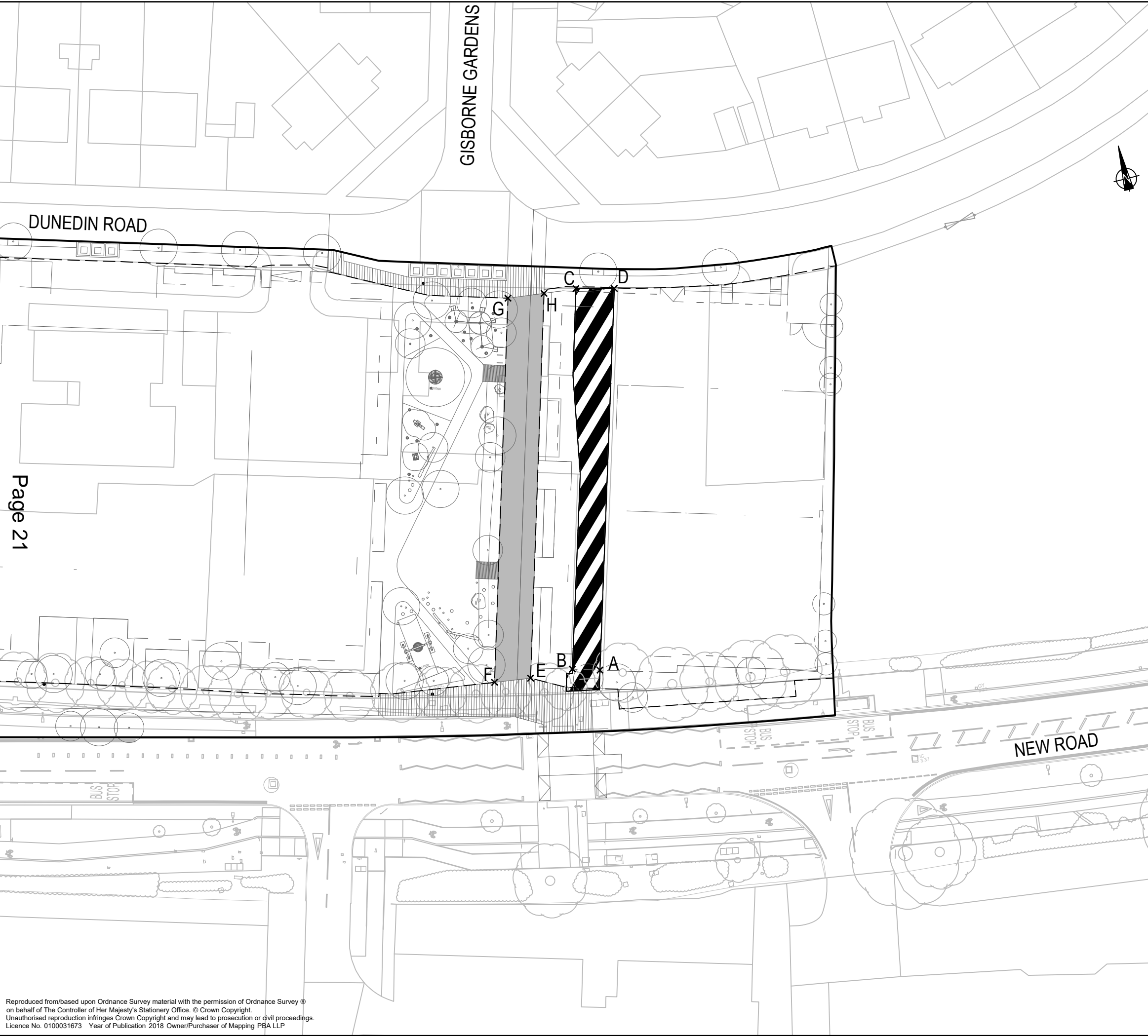


permission and is acceptable in highway terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

## Appendix A

Plan reference(s): 44110-NNP-PBA-XX-XX-DR-D-0203

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NOTES:

KEY:

- Site boundary
- Highway boundary
- New (diverted) footpath FP260
- Existing footpath FP260

EXISTING AND PROPOSED PATHS

POINT	EASTING	NORTHING
A	551775.010	182617.336
B	551771.456	182618.355
C	551784.250	182667.700
D	551789.250	182666.480
E	551765.734	182618.530
F	551760.915	182619.166
G	551775.108	182668.664
H	551779.954	182668.121

P02	EXISTING PATH SETTING-OUT ADDED.	31.01.20	LB	SH	SH
P01	FIRST ISSUE	11.11.19	LB	SH	SH
Mark	Revision	Date	Drawn	Chkd	Appd

SCALING NOTE: Do not scale from this drawing. If in doubt, ask.  
UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake his own investigation where the presence of any existing sewers, services, plant or apparatus may affect his operations.

Drawing Issue Status	CONSULTATION
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NAPIER AND NEW PLYMOUTH HOUSE  
HIGHWAY WORKS  
NNP - FP260  
PROPOSED FOOTPATH LAYOUT

Client WATES CONSTRUCTION LIMITED		
Date of 1st Issue 11.11.2019	Designed -	Drawn LB
A3 Scale 1:500	Checked SH	Approved SH
Drawing Number 44110-NNP-PBA-XX-XX-DR-D-0203	Revision P02	

**pba**  
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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>12 March 2020</b>
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<b>Application Reference:</b>	<b>Stopping Up Order</b>
<b>Location:</b>	<b>Land at 35-43 New Road and Autopro Centre</b>
<b>Ward:</b>	<b>Rainham</b>
<b>Description:</b>	<b>Stopping up of Highway</b>
<b>Case Officer:</b>	<b>John Deasy</b>
<b>Reason for Report to Committee:</b>	<b>The Assistant Director of Planning considers committee consideration to be necessary.</b>

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## **1 Background**

- 1.1 On 8 October 2018 the Council granted outline planning permission under application reference P1241.17 for demolition of all buildings and redevelopment of the site for residential use providing up to 62 units with ancillary car parking, landscaping and access. Parameter plans approved under P1241.17 confirm that in order to facilitate the development, stopping up of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.2 A resolution is therefore sought to stop up the adopted public highway shown zebra hatched black on the plan(s) entitled Stopping Up Plan Plot 8 referenced GH-2602-SU-P8 at Appendix A ("the Plan") to enable the development to be carried out in accordance with the grant of planning permission under application reference number P1241.17.
- 1.3 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.

## **2 Recommendation**

That the Committee resolve;

(a) to authorise the stopping up of the highway land at New Road Rainham shown zebra hatched on the Plan, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990, subject to:

- the lawful implementation of planning permission application reference P1241.17;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections are received (or any objections received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;

if objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

### **3 Proposal and Location details**

3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.

3.3 The parameters of the development has already been considered and approved under application ref P1241.17 following a full statutory public consultation exercise. The approved parameter plans would require the

stopping up of the area of land that is the subject of this report. The stopping up now proposed would give effect to the development on the land to be stopped up.

- 3.4 There is one area of land to which the application to stop up relates. The area is forecourt adjacent to the footway of New Road Rainham, measuring approximately: Plot 8 (drawing GH-2602-SU-P8) 4.4 metres in width and 37 metres in length sited between OS grid reference points: 550490E and 183005N.
- 3.5 The land is classified as general purpose Highway on the register of highways maintainable at the public expense.
- 3.6 The development approved pursuant to the planning permission incorporates a redesign of the existing highway layout within the confines of the development.
- 3.7 It is considered that the most effective way to accommodate the approved highway layout is by stopping up parts of the existing highway. Officers therefore consider that there would be no significant disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so will enable the development to be carried out.

## **4 Planning History**

The following planning decisions are relevant to the application:

P1241.17 – Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 62 units with ancillary car parking, landscaping and access – Planning Permission Granted

The stopping up is necessary in order that development pursuant to planning permission can be carried out.

## **5 Consultation**

- 5.1 The Council's highway officer has no objection to the proposed stopping up order.
- 5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out

consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.

- 5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:

- (i) notify the Mayor; and
- (ii) cause a local inquiry to be held.

- 5.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the “special circumstances of the case” the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.

- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

## **6 Conclusion**

It is considered that the proposed stopping up of the areas of land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highway terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

## **Appendix A**

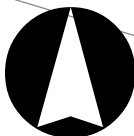
Plan reference(s): GH-2602-SU-P8



# STOPPING UP PLAN

## PLOT 8

Easting: 550490  
Northing: 183005  
OS Grid Reference: TQ 50490 83005  
Plot Width: 4.4 metres  
Plot Length: 37 metres  
Plot Description: 104 square metres of  
bus layby, free standing toilet, bus stop  
and advertisement hoarding, New Road,



Autopro  
Centre

Depot

35

41

43

Shelter

4.0m



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