



# REGULATORY SERVICES COMMITTEE

**30 July 2015**

**Subject Heading:**

Application for the Stopping Up of Highway Land at Angel Way, Romford (OS 551,059E, 188,967N and 551,035E, 188,977N)

(Application received 26<sup>th</sup> April 2015)

**CMT Lead:**

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**Policy context:**

Local Development Framework

**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

- 1 This report relates to an application received on 26<sup>th</sup> April 2015 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference APP/B5480/A/09/2108065 granted on appeal) for a mixed use development of 350 residential units, a 63-bedroom hotel, commercial floor space, basement car park and new public square (“the Planning Permission”).
- 1.1 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 entitled Angel Way, Romford – Highway Stopping Up Boundary Plan Reference ZG003-SK02 Rev 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 to enable the Planning Permission to be carried out.

## RECOMMENDATIONS

2. 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2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.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 DETAIL

- 3 On 14 December 2009 the Planning Inspectorate resolved to grant the Planning Permission, for a mixed use development of 350 residential units, a 63-bedroom hotel, commercial floor space, basement car park and new public square.
- 3.1 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.
- 3.2 The section of public highway to be stopped up comprises part of the made up carriageway and footway of Angel Way and is approximately 38 metres in length and varies between approximately 2.5 metres to 13.5 metres in width. The boundary points of this section of land are: 551,059E, 188,967N and 551,035E, 188,977N.
- 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

### 4 **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.

### 4.1 **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.

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

None directly attributable to the proposals.

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

None directly attributable to the proposal.

## BACKGROUND PAPERS

1. Planning Inspectorate Appeal Decision dated 14 December 2009 which granted planning permission under planning appeal reference APP/B5480/A/09/2108065