



# REGULATORY SERVICES COMMITTEE

30 June 2016

# REPORT

**Subject Heading:**

Application for the Stopping Up of Highway Land at Ongar Way former Garages Site, South Hornchurch

**Ward:**

South 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 18<sup>th</sup> March 2016 for the stopping up of highway to enable the full implementation of development of land pursuant to a planning permission (planning reference P1429.15) for the demolition of existing garages and redevelopment of the site to provide 9 residential units (“Planning Permission”) by the Council as a scheme of 9 shared ownership houses and bungalows.

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 Ongar Way – Stopping Up Plan annexed to this report (“the Plan”) so that the development can be regarded as fully completed and shared ownership long leases granted on the new residential units. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be fully implemented.

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In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.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

- 3.1 On 5<sup>th</sup> May 2016 the Council granted the Planning Permission for the demolition of existing garages and redevelopment of the site to provide 9 residential units (a revised scheme to previous planning permission P1644.11 granted on the 13 May 2014 for 12 residential units).
- 3.2 The stopping up is necessary in order that the development can be fully implemented and it involves the stopping up of two sections of existing public highway.
- 3.3 The sections of public highway to be stopped up measure approximately 166 square metres and 211 square metres (being a total of 377 square meters) and are now forming part of access ways serving the development's new shared ownership residential units in Gilesfield Close and Lighterman Road and additional parking areas for use by the residents of and the visitors to the new residential units and also the residents of and the visitors to the surrounding Ongar Way housing estate.
- 3.4 The areas being stopped up will in future be maintainable by the Council's Homes and Housing Dept. as part of their housing estate lands.
- 3.5 Appropriate access and parking rights will be granted to the shared ownership purchasers of the residential units in Gilesfield Close and Lighterman Road and a share of maintenance costs will be recoverable by way of their service charge. The boundary points of the sections of land are: (a) OS 551408.024, 184021.363 and (b) OS 551431.763, 183988.851
- 3.6 The completed development has involved utilising land which includes areas of currently adopted highway. The areas of the highway shown zebra hatched on the attached Plan needs 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.
- 3.7 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.
- 3.8 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: None**

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.

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

None directly attributable to the proposal.

## BACKGROUND PAPERS

1. Report to Regulatory Services Committee entitled - P1429.15: Ongar Way and Rainham Road, South Hornchurch dated 3 December 2015
2. Plan entitled Ongar Way – Stopping Up Plan showing the area to be stopped up