



REGULATORY SERVICES COMMITTEE

30 June 2016

REPORT

Subject Heading:

Application for the Stopping Up of
Highway Land adjacent to 26 Curtis Road,
Hornchurch

Ward:

Emerson Park

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 4 May 2016 for the stopping up of highway to enable the full implementation of development of land pursuant to a planning permission (planning reference P0369.16) for the construction of a replacement dwelling on site after demolition of previous dwelling and erection of front and side boundary walls and fencing (“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 of highway shown zebra hatched on the plan entitled Land Adjacent to 26 Curtis Road, Hornchurch, Essex – Stopping Up Plan 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

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 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 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2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.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 4th May 2016 the Council granted the Planning Permission, for the construction of a replacement dwelling on site after demolition of previous dwelling and erection of front and side boundary walls and fencing
- 3.2 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.
- 3.3 The section of public highway to be stopped up measures approximately 47.60 meters in length and 1.50 meters in width (at its widest point) and lies adjacent to the side of number 26 Curtis Road, Hornchurch. The boundary points of this section of land are: (a) OS grid reference point 554,925.7E, 187,668.0N; (b) OS grid reference point 554,916.1E, 187,692.3N; (c) OS grid reference point 554,879.7E, 187,700.00N.
- 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.
- 3.4 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.
- 3.5 On 8 January 2015, pursuant to an extant planning permission (reference P1084.12) the Council resolved to authorise the stopping up of the same

section of highway land to which this application relates. The stopping up order was made on 24th April 2015 and tied to the lawful implementation of planning permission P1084.12. The planning permission failed to be lawfully implemented and the 2015 stopping up order could not take effect.

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. Officers Delegated Report dated 4 May 2016
2. Plan entitled Land Adjacent to 26 Curtis Road, Hornchurch, Essex – Stopping Up Plan showing the area to be stopped up