



**REGULATORY
SERVICES
COMMITTEE**

REPORT

1 December 2011

Subject Heading:

**Application for the Stopping Up of
Highway at Land East of Daventry
Road, RM3 7QT between No.s 2 and
174, ROMFORD**

**(Application received 11th November
2011)**

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Policy context:

Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Valuing and enhancing the lives of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This report relates to an application for the stopping up of highway received on 11th November 2011, to enable the following proposals pursuant to planning reference P0652.11 to be carried out. The planning permission reference P0652.11 involves the erection of 2 houses with associated parking and some replacement parking for spaces lost as a result of the development.

The developers have applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) ("the Act") to stop up the area hatched and edged in black on the plan (entitled "2-174 Daventry Road RM3 7QT Footway Stopping Up") annexed to this report 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 granted under planning reference P0652.11 to be carried out.

RECOMMENDATIONS

Subject to the developer paying the Council's reasonable charges in respect of the making, advertising, any inquiry costs and confirming 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 hatched and edged in black on the attached plan as the land is required to enable development for which the Council has granted planning permission granted under planning reference P0652.11 to be carried out.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.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 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.
- 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 DETAILS

- 3.1 On 30th June 2011 the Council resolved to grant planning permission (under planning reference P0652.11) for a development comprising the erection of 2 houses with associated parking. Planning permission was issued on 6th July 2011.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of the existing footway and re-routing of the footway to the southerly footway adjacent to No.2 Daventry Road which will enable the development to be carried out.
- 3.3 The proposed scheme involves building on land which includes areas of adopted highway (footway). In order for this to happen, the area of the highway hatched and edged in black 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.
- 3.4 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

4.1 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.

4.2 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.

4.3 Human Resources Implications and Risks:

None directly attributable to the proposals.

4.4 Equalities and Social Inclusion Implications:

None directly attributable to the proposal. The route is well served by an identical Footway to the East of Daventry Road being only marginally less convenient to the public travelling from the north down Daventry Road and not affecting footway users approaching from the south.

CONCLUSION

The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate the development of 2 dwellings pursuant to planning permission reference P0652.11. It is therefore recommended that the necessary Order is made and confirmed.

Background Papers List

1. Report of Regulatory Services Committee which granted planning permission under planning reference P0652.11 [30-06-2011 Item 6]
2. Plan (Reference "2-174 Daventry Road RM3 7QT Footway Stopping Up") showing the area to be stopped up