



**REGULATORY
SERVICES
COMMITTEE**

REPORT

15 December 2011

Subject Heading:	Application for the Stopping Up of Highway Land South of the A124 Hornchurch Road at RM11 1DL and part of Torrance Close at RM 11 1JT (OS 552973, 187327) (Application received 24th 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 24th November 2011, to enable the following proposals pursuant to planning reference P0827.11 to be carried out. The planning permission reference P0827.11 dated 1st November 2011 involves the construction of 27 new residential units with landscaping, associated parking, driveways and involving some encroachment on public highway land, both vehicular and pedestrian.

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 areas hatched and edged in black on the plan (entitled "Elmhurst Lodge Stopping Up Plan" with drawing number "BHELMHURST.1/01") ("the Plan") 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 P0827.11 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 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 P0827.11 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 15th September 2011 the Council resolved to grant planning permission (under planning reference P0827.11) for a development being the construction of a residential development, comprising 21 houses and 6 apartments with associated parking. Planning permission was issued on 1st November 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 highway being a local access road and footway and re-routing of the road and footway to enable the development to be carried out.
- 3.3 The proposed scheme involves building on land which includes areas of adopted highway (footway, maintained verge and access road). 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 with the assistance of the applicant 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 new footway and road will serve the development equally well as that to be stopped up and the new road will have to meet the approval of the Head of Streetcare, including the accessibility requirements before any adoption is confirmed.

5. CONCLUSION

The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate the development of 27 dwellings pursuant to planning permission reference P0827.11. It is therefore recommended that the necessary Order is made and confirmed.

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CHERYL COPPELL
Chief Executive

Background Papers List

1. Report to the Regulatory Services Committee of 15th September 2011 which granted planning permission under planning reference P0827.11
2. Plan (Reference "Elmhurst Lodge Stopping Up Plan # BHELMHURST.1/01") showing the area to be stopped up