



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

26 April 2012

<b>Subject Heading:</b>	<b>Application for the Stopping Up of Highway Land adjacent to the West of Dunningford Close and to the North of the A125 Rainham Road, Hornchurch, London RM12 5JP (OS 551907, 185305)</b>  <b>(Application received 30<sup>th</sup> March 2012)</b>
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<b>Policy context:</b>	<b>Local Development Framework</b>
<b>Financial summary:</b>	<b>None</b>

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## **SUMMARY**

This report relates to an application received on 30 March 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1689.11). The planning permission (planning reference P1689.11) dated 30 March 2012 involves the construction of 119 residential units, together with associated car parking, landscaping and infrastructure works and involving some encroachment on public highway land (“the 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 areas of highway shown zebra hatched on the plan (entitled ‘Dunningford Close - Stopping Up Plan’ drawing number ‘Plan 3’) 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 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 areas 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 DETAILS

- 3.1 On 15 March 2012 the Council resolved to grant the Planning Permission (planning reference P1689.11) for a development comprising 119 residential units, together with associated car parking, landscaping and infrastructure works. The Planning Permission was issued on 30 March 2012.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of two sections of existing highway.
- 3.3 The first section of highway to be stopped up is: 189.5 meters in length and 8.8 meters in width and lies adjacent to the West of Dunningford Close, Hornchurch. The terminal points of this section of land are: (a) a point where the back of the footway on the western side of Dunningford Close terminates; to (b) a point located approximately 189.5 meters northwest along Rainham Road measured from the back footway at the junction with Dunningford Close.
- 3.4 The second section of highway land to be stopped up is 57.6 meters in length and 5.8 meters in width and lied adjacent to the North of the A125 Rainham Road, Hornchurch. The terminal points of this section of land are: (a) a point where the back of the footway on the eastern side of Rainham Road intersects with the footpath located immediately to the northwest of the site boundary; to (b) a point located to the back of the footway measured at approximately 57.6 meters south along Rainham Road.
- 3.3 The development involves building on land which includes areas of adopted highway (footway, maintained verge and access road). 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

### 4.1 **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.

## CONCLUSION

The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate the development of 119 residential units pursuant to the Planning Permission (reference P1689.11). 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 of Regulatory Services Committee dated 15 March 2012 which granted planning permission under planning reference P1689.11 [Item No. 6]
2. Plan (Title 'Dunningford Close - Stopping Up Plan' drawing number 'Plan 3') showing the area to be stopped up