



Havering
LONDON BOROUGH

REGULATORY SERVICES COMMITTEE

23 August 2012

REPORT

Subject Heading:	Application for the Stopping Up of Highway Land adjacent to 19 Springbank Avenue, Hornchurch, Essex RM12 5QT (OS 553365, 185440) (Application received 26th March 2012)
Report Author and contact details:	Alexander O'Dwyer, 01708 432468 Alexander.odwyer@havering.gov.uk
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 received on 26 March 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1354.08). The planning permission (planning reference P1354.08) dated 30 March 2012 involves the construction of a new bungalow unit, together with the removal of an existing planter and the provision of a new turning head to Springbank Avenue 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 area of highway shown zebra hatched on the plan (entitled ‘Land Adjacent to 19 Springbank Avenue - Stopping Up Plan’ drawing dated ‘10 August 2012’) 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 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 DETAILS

- 3.1 On 18 December 2008 the Council resolved to grant the Planning Permission (planning reference P1354.08) for a development comprising the construction of a new bungalow unit, together with the removal of an existing planter and the provision of a new turning head to Springbank Avenue. 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 a section of existing public highway.
- 3.3 The section of public highway to be stopped up is: 14 meters in length and 12 meters in width and lies adjacent to 19 Springbank Avenue, Hornchurch. The terminal points of this section of land are: (a) a point from the Northern end of the highway verge; to (b) a point located at the end of the proposed new turning head.
- 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

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:

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.

Human Resources Implications and Risks:

None directly attributable to the proposals.

Equalities and Social Inclusion Implications:

None directly attributable to the proposal.

Background Papers List

1. Report of Regulatory Services Committee dated 18 December 2008 which granted planning permission under planning reference P1354.08 [Item No. 9]
2. Plan (Title 'Land Adjacent to 19 Springbank Avenue - Stopping Up Plan' drawing dated '10 August 2012') showing the area to be stopped up