

REGULATORY SERVICES COMMITTEE

REPORT

10 January 2013

Subject Heading:	Application for the Stopping Up of Highway Land adjacent to 11 Roding Way, Rainham, Essex RM13 9QD (OS 553595, 183177; 553609, 183181; 553612, 183159; 553603, 183165) (Application received 24 th September 2012)
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Policy context:	Local development Framework
Financial summary:	None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

1. This report relates to an application received on 24th September 2012 for the stopping up of highway to enable the development of land pursuant to a

planning permission (planning reference P0246.12). The planning permission (planning reference P0246.12) dated 24th September 2012 involves the extension of residential curtilage to 11 Roding Way, Rainham and erection of a boundary fence involving some encroachment on public highway land (“the Planning Permission”).

- 1.1 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 11 Roding Way, Rainham, Essex RM13 9QD - 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

2. 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 DETAIL

- 3.1 On 29 May 2012 the Council resolved to grant the Planning Permission, under delegated authority, (planning reference P0246.12) for development comprising the extension of residential curtilage to 11 Roding Way, Rainham and erection of a boundary fence. The Planning Permission was issued on 29 May 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 measures approximately 183 square meters and lies adjacent to numbers 11 and 13 Roding Way, Rainham. The boundary points of this section of land are: (a) OS grid reference point 553595, 183177; (b) OS grid reference point 553609, 183181; (c) OS grid reference point 553612, 183159; (d) OS grid reference point 553603, 183165.
- 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 implications and risks:**

None directly attributable to the proposal.

BACKGROUND PAPERS

The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate development to extend the residential cartilage of 11 Roding Way, Rainham and erection of a boundary fence pursuant to the Planning Permission (reference P0246.12). It is therefore recommended that the necessary Order is made and confirmed.

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CHERYL COPPELL
Chief Executive

Background Papers List

1. Officer Report for Decision under Delegated Authority dated 29th May 2012 which granted planning permission under planning reference P0246.12
2. Plan (entitled 'Land Adjacent to 11 Roding Way, Rainham, Essex RM13 9QD - Stopping Up Plan') showing the area to be stopped up