

 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Planning Committee 22<sup>nd</sup> September 2022</b></p>	
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<b>Application Reference:</b>	<b>Stopping Up Order</b>
<b>Location:</b>	<b>279 South Street, Romford RM1 2BB</b>
<b>Ward:</b>	<b>Romford Town</b>
<b>Description:</b>	Stopping up of highway at No. 279 South Street, Romford.
<b>Case Officer:</b>	Musood Karim Senior Engineer Schemes
<b>Reason for Report to Committee:</b>	The Assistant Director of Planning considers committee consideration to be necessary.

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## 1. Background

- 1.1 On 22<sup>nd</sup> March 2019 the Council granted planning permission under application reference P1473.18, following completion of a s106 legal agreement, for Change of Use from a public house (use class A4) to residential (use class C3) including extensions to accommodate 9 flats (2 x 1 bed, 4 x 2 bed and 3 x 3 bed), car and cycle parking and private and communal gardens.
- 1.2 The development site is located in the northeast corner of Brentwood Road/South Street junction in Romford. The location of the site is shown on drawing No. TPC/GDB/OAK/001/2020 in Appendix 1.
- 1.3 Planning permission was granted for the Change of Use of the former, The Oak Public House in 2019. Included within the application site is an area to the front of the public house that was historically used for access to the cellar of the pub via a trap door. There is also a small area used for seating. These areas are identified on the Highways Register as highway maintainable at the public expense.

- 1.4 In order to facilitate the development, stopping up of parts of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.5 A resolution is therefore sought to stop up the adopted public highway shown hatched on the plan(s) referenced No. DGB/OAK/002/2020 in Appendix 2 (“the Plan”) to enable the development to be carried out following the granting of planning permission under application reference number P1473.18.
- 1.6 The Council’s highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to planning permission.

## 2 Recommendations

That the Committee approve the following;

(a) to authorise the stopping up of the highway land shown on the Plan, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990, subject to:

- the lawful implementation of planning permission application reference P1473.18;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

- if no objections are received (or any objections received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;
- if objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

## 3. **Proposals and location details**

- 3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable developments to be carried out in accordance with planning permission granted under Part III of the Act.

- 3.2 The parameters of the development have already been considered and approved by the Council under planning application reference P1473.18 following a full statutory consultation exercise. The approved layout plans require the stopping up of the adopted highway shown on the Plan. The stopping up now proposed would give effect to the development at 279 South Street, Romford.
- 3.3 The development site is shown on the location plan drawing No. GDB/OAK/001/2020 attached in Appendix 1 and the area of land to be stopped up is shown on drawing No. TPC/GDB/OAK/002/2020 in Appendix 2.
- 3.4 The land to be stopped up is classified as highway in the Register of Highways.

#### 4. **Planning History**

- 4.1 The following planning decisions are relevant to the application:

**P1473.18** – a Change of Use from public house (use class A4) to residential (use class C3) including extensions to accommodate 9 flats (2 x 1 bed, 4 x 2 bed and 3 x 3 bed), car and cycle parking and private and communal gardens.–  
Approved

#### 5. **Consultation**

- 5.1 The Council's highway officers have no objections to the proposed stopping up order, subject to full compliance with planning conditions and adherence to the following highway conditions:
- i) that any existing highway tree/s that may need to be removed or cut back which have Tree Preservations Orders (TPO) will be considered with the Council's Arboriculture Officer prior to the commencement of the works;
  - ii) that the applicant identify the presence of any existing underground utility services which might be affected for future maintenance by the works, be diverted prior to commencement of the building works;
  - iii) that no materials will be deposited on the public highway which may cause imminent danger to the road users;
  - iv) that prior to commencement of the works, existing street lights, traffic signs and street furniture are isolated and removed safely;
  - v) That any occupiers or properties that might be affected by the road closures are notified in advance and alternative arrangements are agreed prior to commencement of the works.
- 5.2 No public or statutory consultations have been carried out by the Council in respect of the current stopping up application. However, should the Planning Committee approve the stopping up before making the order, the Council would

carry out consultation as required by Section 252 of the Act. This would involve consulting with statutory undertakers, posting site notices and publishing the proposed orders in the Romford Recorder and the London Gazette. A 28-day consultation period would allow interested parties to respond.

5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority or utility provider on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:

(i) notify the Mayor of London and

(ii) cause a local Inquiry to be held.

5.4 If, however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor of London shall decide whether, in the “special circumstances of the case” the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.

5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

5.6 Below is break down of the Councils costs that will be met by the applicant:

Technical fees	£6700
Traffic management order advertisement	£2900
Legal fees	£4500
Finance Admin	£250
<b>Total</b>	<b>£14,350</b>

## 6. Conclusions

6.1 It is considered that the proposed stopping up of the highway, shown on the Plan, is necessary to facilitate the development at No 279 South Street, Romford in pursuant to the granted planning permission relating to planning application reference no. P1473.18.

6.2 It must be noted, however, that the remaining obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

## **Appendix 1**

Location Plan of the development site  
No 279 South Street, Romford

Drawing No. TPC/GBD/OAK/001/2020

## **Appendix 2**

Plan showing area to be stopped up in relation to the development site

Drawing No. TPC/GDB/OAK/002/2020