



# REGULATORY SERVICES COMMITTEE

# REPORT

25 April 2013

<b>Subject Heading:</b>	<b>Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway Land comprising part of the service road over the Liberty Centre in the area zebra hatched on the plan annexed to this report</b>  <b>(Application received 25<sup>th</sup> February 2013)</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 25<sup>th</sup> February 2013 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1582.11 which was subject to a

minor non-material amendment under reference N0002.13). The planning permission (planning reference P1582.11 which is a renewal of planning permission reference P1409.08 with alteration to the façade on Market Place) involves the partial demolition of the Liberty Shopping Centre and the construction of new retail floor-space, demolition of bridge to existing service road and associated works to alter the servicing area (“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 ‘Proposed Stopping Up of the Highway at the Liberty Centre’ drawing number 30433/005AC revision C) 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 Provided the appropriate works as required by the Council (and associated highway agreement/s) to alter the servicing area are first completed to the satisfaction of the Council 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 15th December 2011 the Council resolved to grant the Planning Permission (planning reference P1582.11) subject to completion of a Section 106 agreement for a development comprising the partial demolition of the Liberty Shopping Centre and the construction of new retail floor-space, demolition of bridge to existing service road and associated works to alter the servicing area. The Planning Permission was issued on 30th March 2012. Minor changes have been made to the area of stopping up to reflect the minor amendments to the proposals. These amendments were accepted as non-material by Havering Council in their decision notice dated 12th February 2013 under reference N0002.13.
- 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 which comprises a service bridge forming part of the service road over the Liberty Centre. The Plan annexed also shows grey shaded areas of "Highway to be provided" which includes highway works to alter the service road. These works will require the developer to complete highway agreements with the Council as Highway Authority and the stopping up of the highway on the service road is subject to the prior completion of the relevant highway agreement/s and the prior provision of highway to alter the servicing arrangements as the Council as Highway Authority consider necessary. In the context of these works Streetcare staff consider that the highway can work effectively.
- 3.3 The section of public highway to be stopped up is: 28.5 meters in length and 9.8 to 12.5 meters in width and forms part of the service road over the Liberty Centre and is shown zebra hatched on the Plan annexed to this report.
- 3.3 The development involves building on land which includes the said area of adopted highway. 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 amongst other matters carry out the Consultation process and mediate any negotiation with objectors.

### 4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

### 4.4 **Equalities and Social Inclusion Implications:**

None that are 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 which involves

the partial demolition of the Liberty Shopping Centre and the construction of new retail floor-space, demolition of bridge to existing service road and associated works pursuant to the Planning Permission (reference P1582.11 subject to a non-material minor amendment issued under reference N0002.13). It is therefore recommended that the necessary Order is made and confirmed.

### **Background Papers List**

1. Report of Regulatory Services Committee dated 15<sup>th</sup> December 2011 which resolved to grant planning permission, subject to completion of a Section 106 agreement under planning reference P1582.11.
2. Plan (Title 'Proposed stopping up of highway at the Liberty Centre' drawing number 30433/005AC revision C) showing the area to be stopped up