



# REGULATORY SERVICES COMMITTEE

# REPORT

22 August 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 at Little Gerpins Lane, Upminster, shown zebra hatched on the plan annexed to this report</b>  <b>(Application received 22<sup>nd</sup> April 2013)</b>
<b>Report Author and contact details:</b>	<b>Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk</b>
<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	[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 22<sup>nd</sup> April 2013 for the stopping up of highway to enable part of the development of land pursuant to a planning permission (planning reference P1471.09). The planning permission (planning reference P1471.09) involves the variation of planning conditions 1,3 and 6 with consequential variation to conditions 2, 4 and 15 of planning permission reference P1426.96 to enable the improved final restoration of the site. ("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 (plan number 0912/HW/2 v2) 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 payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices 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 zebra hatched black on the attached plan as the land is required to enable development for which the Council has granted planning permission under planning reference P1471.09 to be carried out to completion.
- 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 27<sup>th</sup> June 2011 the Council granted Planning Permission under planning reference P1471.09) the variation of planning conditions 1,3 and 6 with consequential variation to conditions 2, 4 and 15 of planning permission reference P1426.96 to enable the improved final restoration of the site. The Planning Permission was issued on 27<sup>th</sup> June 2011. As part of the planning permission the arrangements for the site entrance were submitted and approved as shown on plan 0912/FC/2.
- 3.2 The stopping up is necessary in order that the development and in particular the access arrangements shown on plan 0912/FC/2 can be implemented and it involves the stopping up of two roughly triangular shaped sections of existing public highway at Little Gerpins Lane, Upminster shown zebra hatched on the Plan annexed to this report.
- 3.3 The larger of the two sections of public highway to be stopped up is approximately: 4.0 metres between points A and B, 28.5 metres between points B to C, 9.5 metres in length between points C and D, 8 metres in length between points D and E and 25.0 metres between points E and A as shown zebra hatched on the Plan annexed to this report. The smaller of the two areas to be stopped up is approximately 3.0 metres in length between points F to G, 14.0 metres between points G and H and 13.5 metres between points F and H
- 3.3 The development involves building on land which includes part of 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 relevant 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.

### 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 carrying 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 which would if confirmed allow planning permission to be carried out which would provide secure access to the land.

## CONCLUSION

The proposed stopping up relates to an area of highway the stopping up of which is necessary to enable the improved final restoration of the site pursuant to the Planning Permission (reference P1471.09), which includes the access arrangements shown on plan 0912/FC/2. It is therefore recommended that the necessary Order is made and confirmed to stop up the highway zebra hatched on plan number 0912/HW/2 v2.

### **Background Papers List**

1. Report of Regulatory Services Committee which resolved to grant planning permission under planning reference P1471.09.
2. Plan with plans numbered 0912/FC/2 and 0912/HW/2 v2 the latter showing the area to be stopped up zebra hatched