

Meeting:	Development Management Committee
Date:	3 rd September 2008
Subject:	Stopping Up of the Highway – Strongbridge Close Estate, Rayners Lane
Key Decision: (Executive-side only)	No
Responsible Officer:	Andy Parsons, Head of Development Management
Portfolio Holder:	Cllr Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	Appendix 1&2 – Area to be stopped up & adopted

SECTION 1 – SUMMARY AND RECOMMENDATIONS

Permission (Ref: P/3171/06) was granted by the Strategic Planning Committee in January 2007 for the redevelopment of the Strongbridge Close estate.

The development footprint of the approved scheme encroaches onto the existing adopted public highway road and footpath network. A resolution is therefore sought to stop up all of the public highway areas on the estate as shown at Appendix 1, to enable completion of the development in accordance with the permission granted.

The proposal is to create an alternative road and footpath in order to replace the road and footpath to be stopped up. The replacement road and footpath will undergo a formal adoption process under section 38 of the Highways Act 1980. Appendix 2 depicts the replacement road and footpath provision which will be adopted.

RECOMMENDATIONS:

The Committee is recommended to:

1. Authorise the Director of Legal and Governance Services to take the necessary steps to commence the process of stopping up of the areas of highway shown on the plan at Appendix 1 as required under sections 247 and 252 of the Town and Country Planning Act 1990 (the Act).
2. Authorise that any objections made to the proposed order to stop up the highway, and not withdrawn within the prescribed period, be referred to the Mayor for London for determination as to whether or not a public inquiry should be held in accordance with section 252 of the Act.
3. Authorise that if there are no objections to the proposed order, or the Mayor of London decides that a public inquiry is unnecessary, officers proceed with the making of the order without further reference to the Committee.

REASON:

To enable the development to be carried out in accordance with the planning permission granted.

SECTION 2 - REPORT**Background**

The Strongbridge Close housing estate is undergoing a regeneration process and permission was granted in January 2007 for a replacement estate. This permission was subject to a legal agreement that was signed on 2 November 2007. The scheme consists of 254 dwellings with a revised road and footpath layout.

The areas now to be stopped up are therefore required to enable the development to be carried out in accordance with the planning permission granted. There will be a replacement road and footpath provision on the estate which will go through the formal adoption process under section 38 of The Highways Act once the development is completed.

Accordingly, authority is sought from the committee to commence the stopping up process.

Risk Implications

If the relevant highways are not stopped up, the developer will run the risk of encroaching on public highway when carrying out the approved development. This has potential legal implications for the Council as highway authority.

Financial Implications

The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 gives authority to the Council to recover the costs of making the order from the applicant and therefore there should be no costs incurred by the Council. Legal officers will be obtaining adequate monies on account from the applicant prior to the commencement of the process pertaining to the stopping up order.

Legal Comments

Section 247 of the Town and Country Planning Act 1990 gives power to London Boroughs to make stopping up orders for highways within their Boroughs if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the planning permission granted.

The process for the making of the order is as follows:

- Notices of the proposed order will be advertised in a local newspaper circulating in the area and in the London Gazette.
- Notices will be served on relevant authorities, principally statutory undertakers having equipment in or under the subject highway, and displayed on each end of the highway to be stopped up.
- If no objections are received after a period of 28 days, the Council may proceed to make the stopping up order.
- If, however, an objection is received which is not withdrawn, the Council must inform the Mayor of London and a public inquiry may be held to determine the objection.
- Where an inquiry has been held, the Council, after considering the inspector's report and subject to the consent of the Mayor for London, may make the order with or without modification.
- On making the order, the Council must publish in the London Gazette and in at least one local newspaper a notice stating that the Order has been made and specifying a place where a copy of the Order can be seen at all reasonable hours.

Performance Issues

Not applicable.

Section 3 - Statutory Officer Clearance

Signature:		
Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 22 August 2008.		
Signature:		
Name: ...Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 20 th August...2008		

*Delete the words "on behalf of the" if the report is cleared directly by Myfanwy or Hugh.

Section 4 – Performance Officer Clearance

Signature:		
Name: Andrea Durn	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Strategy and Improvement)
Date: 11 August 2008		

*Delete the words "on behalf of the" if the report is cleared directly by Tom Whiting.

Section 5 - Contact Details and Background Papers

Contact: Richard Michalski, Senior Development Engineer, 020 736 6146.

Background Papers:

- Appendix 1 – Plan showing area to be stopped up.
- Appendix 2 - Plan of new highway arrangement to be adopted under section 38 of the Highways Act.