

Meeting:	Planning Committee
Date:	24 th June 2009
Subject:	Stopping Up of the Highway – Rayners Lane Estate, Goldsmith Close.
Key Decision: (Executive-side only)	No
Responsible Officer:	Stephen Kelly – Divisional Director of Planning.
Portfolio Holder:	Cllr Marilyn Ashton – Portfolio Holder for Planning, Development and Enterprise.
Exempt:	No
Enclosures:	Appendix 1 – Area to be stopped up Appendix 2 – Area plan

SECTION 1 – SUMMARY AND RECOMMENDATIONS

Permission (Ref: West/112/02/OUT) was granted by the planning committee in June 2002 for Rayners Lane Estate regeneration.

Under an approval of reserved matters, a public open space and teenage friendly zone within a section of Goldsmith Close was granted planning permission determined under delegated powers on 23rd July 2008. The approved scheme encroaches onto public highway. A resolution is therefore sought to stop up a section of Goldsmith Close as shown at Appendix 1, to enable completion of the proposal in accordance with the permission granted.

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 the matter 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with section 252 of the Act in the event that any objections made to the proposed order to stop up the highway are not withdrawn within the prescribed period.
3. Authorise that officers proceed with the making of the stopping up order without further reference to the Committee if there are no objections to the proposed order, or the Mayor of London decides that a public inquiry is unnecessary.

REASON:

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

SECTION 2 - REPORT**Background**

The Rayners Lane housing estate is undergoing a regeneration process by the Warden Housing Association appointed as the regeneration developer by executive action in May 2001. Outline planning permission for the overall scheme was issued on 14th October 2002, subject to a legal agreement of the same date. The scheme was for construction of 735 dwellings plus a number of ancillary facilities including a number of changes to the road network. Various sections of public highway have already been stopped up as agreed by the Environment and Transport portfolio holder on 20th December 2002 with subsequent additional stopping up of small areas of highway omitted in the original stopping up application.

The area now to be stopped up, subject of this report was a Reserve Matter for the creation of an open space pursuant to the original outline permission. The section of Goldsmith Close to be stopped up will maintain a pedestrian right of way together with access provision for emergency services. Owing to the alteration to the road layouts, as per the Rayners Lane Estate masterplan, vehicular access to Goldsmith Close will be maintained via Karma Way

(previously known as Thackeray Close) and New Road linking to Rayners Lane as shown at Appendix 2.

The stopping up is therefore required to enable the development to be carried out in accordance with the planning permission granted.

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 unlawfully obstructing public highway when carrying out the approved development. It is the Council's duty to assert and protect the rights of the public to the use and enjoyment of the public highway by instigating prosecutions or by serving notices if the highway is obstructed.

Financial Implications

The London Local Authorities (charges for stopping up) 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 must 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.
- The validity of an order may be challenged in the High Court within 6 weeks of the date on which the notice of the making of the order is first published.

Performance Issues

Not applicable.

Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 3 June 2009		
Name: Izindi Visagie	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 4 June 2009		

Section 4 - Contact Details and Background Papers

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

Background Papers:

- Appendix 1 – Plan showing area to be stopped up
- Appendix 2 - Area plan
- Delegated powers decision notice

