

REPORT FOR: Planning Committee

Date of Meeting:	12 January 2011
Subject:	Stopping Up of the Highway – Douglas Close, Stanmore.
Responsible Officer:	Stephen Kelly – Divisional Director Planning.
Exempt:	No
Enclosures:	Appendix 1 – Area to be stopped up Appendix 2- Revised road layout

Section 1 – Summary and Recommendations

The planning permission (P/1794/10) to provide 79 residential dwellings in Douglas Close to facilitate regeneration of the existing housing stock was approved by the Planning Committee (subject to completion of a legal agreement) on 15 September 2010. The decision notice was issued on 8 October 2010. In order to facilitate the development, stopping up of the adopted public highway is required as the approved scheme and revised road network will encroach onto existing public highway.

A resolution is therefore sought to stop up the adopted public highway in Douglas Close as shown at Appendix 1, to enable the development to be carried out in accordance with the planning permission granted under Council reference number P/1794/10.

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with section 252 of the Act in the event that any objections made to the proposed order to stop up the highway are not withdrawn within the prescribed period.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 officers to make the stopping up order without further reference to the Planning 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

On 15 September 2010, the Planning Committee resolved to grant planning permission for redevelopment of Douglas Close to provide 79 residential dwellings in order to facilitate regeneration of the existing housing stock. The planning permission was issued by the Council on 8 October 2010.

The proposed development is consistent with relevant development plan policy (in the form of London Plan policies (3A.3 and 3A.15), in that it contributes to the regeneration of the existing estate by providing an increase in overall residential unit numbers and renewing and improving the housing stock.

The approved scheme incorporates a redesign of the existing road layout and footpath within the confines of the existing estate. The existing roads on the site are adopted public highway with established highway rights of way over them. There is an existing unadopted footpath at the eastern boundary end of the site. Given the public highway rights over the existing road layout, it is considered that the most effective way to accommodate the approved layout is by stopping up all the adopted and unadopted highways within the site. Once the stopping up process is complete, the intention would be to adopt the new approved layout using powers available to the Council under section 38 of the Highways Act 1980.

As the approved scheme will encroach onto public highway if the highway is not stopped up, a resolution is being sought to stop up the existing adopted and unadopted public highways in Douglas Close as shown at Appendix 1, to enable the development to be carried out in accordance with the planning permission granted. Appendix 2 indicates the new agreed road and footpath layout.

Accordingly, authority is required from the committee to undertake 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 of stopping up. This will cover all legal and administrative costs associated with the stopping up process including public Inquiry costs if it becomes necessary to hold an Inquiry.

Legal Comments

Section 247 of the Town and Country Planning Act 1990 gives power to the Council to stop up highways in its Borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted by the Council.

Any unresolved objection to the stopping up of a highway pursuant to section 247 will be referred to the Mayor of London for determination.

Equalities Impact Assessment

The stopping up process will facilitate the planning permission thereby contributing to the provision of social housing for the whole community profile. The EqIA's "test of relevance" indicates that there will be not be an unequal impact on any particular group or community resulting from the stopping up process and loss of public highway.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 17 December 2010		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 17 December 2010		

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 – Revised road layout