

# PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department  
 PO Box 333  
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 LONDON N1 1YA

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	17 <sup>th</sup> January 2017	<b>NON-EXEMPT</b>
Application number	P2016/5023/FUL	
Application type	Stopping Up Highway	
Ward	Bunhill Ward	
Listed building	No Listing. Opposite Grade I St Luke's Church to the west.	
Conservation area	None. St Luke's Conservation Area to west, north and south west.	
Development Plan Context	Bunhill and Clerkenwell Core Strategy Key Area Finsbury Local Plan Area Site Allocation BC18 (Redbrick Estate) Central Activities Zone Site of Importance for Nature Conservation (SINC) BC3 Old Street Policy Designated Open Space (Old Street Verge) Local Cycle Route (Old Street) Major Cycle Route (Bath Street)	
Licensing Implications	None	
Site Address	Redbrick Estate including Vickery Court, Bartholomew Court, Steadman Court, Community Centre at 163 Old Street, 169 - 173 Old Street, Bath Street Health Centre, Islington, London, EC1V.	
Proposal	Stopping up Order under Section 247 of the Town and Country Planning Act 1990 of part of Old Street, Bath Street and two areas within the estate to enable the redevelopment of the Redbrick Estate (P2015/0709/FUL).	
Case Officer	Nathaniel Baker	
Applicant	Teresa Santucci - London Borough of Islington.	
Agent	N/A	

## **1. RECOMMENDATION**

The Committee is asked to resolve to APPROVE the stopping up, subject to the applicant first entering into an indemnity agreement to pay all the council's costs in respect of the stopping up, on the following basis:

- 1.1 The council makes a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 ("the Act") in accordance with the procedure in Section 252 of the Act in respect of the area of highway shown on Plan No. 604-SK-18-02 Rev D to enable the development authorised by planning permission ref: P2014/3363/FUL to be carried out.
- 1.1 If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.
- 1.3 If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The Redbrick Estate is located on the north side of Old Street and is bound by Bath Street to the east, St. Luke's Close to the west with Mitchell Street and Cope House forming the northern boundary to the site. The site is made up of 112 residential units, two community uses, a former health centre, a dentist and three commercial units.
- 2.2 The site comprises of two centrally located linked four storey residential blocks laid out with an almost north-south and east-west footprint, a four storey residential block with a 'T' shaped layout in the north west corner of the site, a two storey car park backing onto Bath Street and adjoining a four storey residential block located outside of the site (Cope House), a single storey former health centre, a mixed use two storey building at the south east corner of the site comprising A2, D1 and Sui Generis uses and a single storey community centre on the south west corner of the site. There are also seven defied areas of green space across the site.
- 2.3 The areas of land to which the application to stop up the highway relates comprise an access road and parking area within the south east corner of the site, a turning head within the south west part of the site, a setback area of pavement onto Old Street and part of the pavement on the west side of Bath Street.

**Site plan (site outlined in black)**



**Aerial View of Site**



**3.0 PROPOSAL**

3.1 The proposal relates to the stopping up of four areas of highway comprising an access road and parking area in the south east corner of the site, a turning head and pathway in the south west corner of the site, part of the pavement on Bath Street and part of the Pavement on Old Street. These areas are adopted highway under Section 247 of the Town and Country Planning Act 1990. The stopping up is in connection

with planning permission ref: P2015/0709/FUL, granted on 4<sup>th</sup> November 2015, for the following development:

*'Demolition of Vibast Community Centre, 169-173 Old Street and Health Centre, partial demolition of garages to west of Bath Street, the construction of 55 new homes (comprising 16 x 1 bed units, 25 x 2 bed units and 7 x 3x bed), a community centre (D1 use), two flexible A1/A2 use units across three buildings, consisting of the erection of a part single, four and nine storey building at the junction of Old Street and Bath Street to provide a community centre and A1/A2 unit with residential above, a part two and three storey building at the Junction of Old Street and St Luke's Close to provide an A1/A2 unit and residential units and a part single and four storey residential building fronting Bath Street, alterations to the garages fronting Bath Street, the provision of a new amenity space to the east of Steadman Court and public realm improvement works across the site, inclusive of hard and soft landscaping, cycle parking, alterations to entrances and alterations to boundary treatment. Application re-consulted following receipt of amended plans detailing two additional doors (serving a sub-station) in the Bath Street elevation of the garages.'*

#### **4.0 CONSULTATION**

- 4.1 The council's Highway Officer has no objection to the proposed stopping up the four areas of highway.
- 4.2 No public or external consultation has been carried out by the council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the Orders, the council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 4.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the council must:
- (i) notify the Mayor; and
  - (ii) cause a local inquiry to be held.
- 4.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.
- 4.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

#### **5.0 EVALUATION**

- 5.1 Section 247(2A) of the Act provides that the council of a London borough may by order authorise the stopping up or diversion of any highway within the 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 under Part III of the Act.

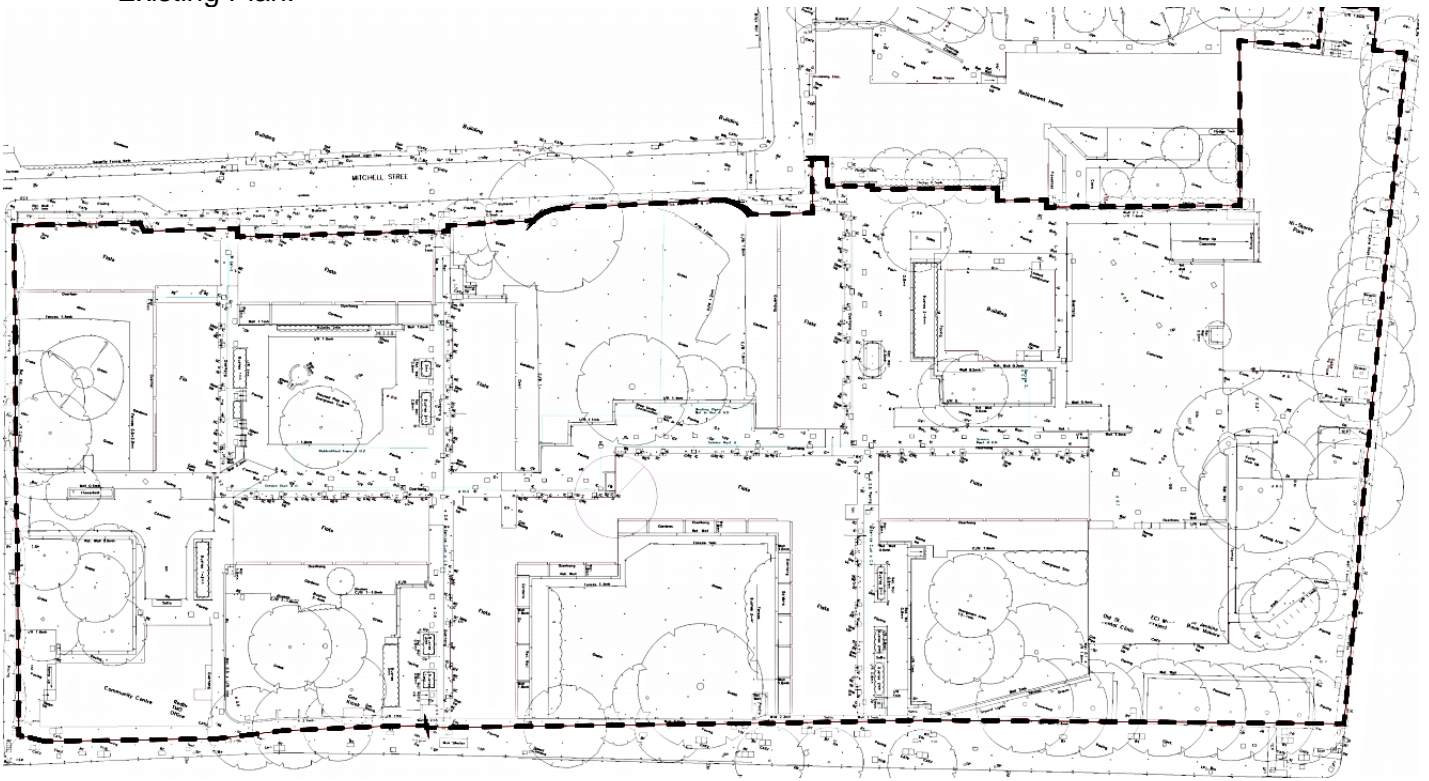
- 5.2 The layout of the Redbrick Estate redevelopment has already been considered and approved under application ref: P2015/0709/FUL following a full statutory public consultation exercise. The approved layout plans would require the stopping up of the four areas detailed on the plan in Annex 1.
- 5.3 The two areas of highway within the south east corner of the site subject to this application are formed of a parking area and access road within the estate and a recessed part of Old Street pavement. The parking area would be replaced with a part four storey, part nine storey residential block with ground floor commercial space, while the pavement area of Old Street would be replaced with the entrance to the approved community centre. The resultant pavement to Old Street would remain extensive and the area of pavement to be stopped up does not form an integral part of the Promenade of Light. Consequently, once this permission is implemented, this part of Old Street and the parking area cannot remain as adopted highway.
- 5.4 A turning head and part of a path within the south west corner of the site would be replaced with a part two storey, part three storey building incorporating affordable housing and a garden area. The approved building at this part of the site removed this public access point. As such, the implementation of this part of the development would mean that this area of highway cannot remain adopted.
- 5.6 The area of pavement onto Bath Street is proposed to be stopped up to facilitate the erection of a four storey residential building incorporating affordable housing with gardens fronting onto Bath Street. The front garden areas provide the necessary cycle parking and refuse/recycling storage space, and defensible space for these properties. Although the width of the pavement would be reduced at this point, and there are a number of street trees, there would remain a sufficient pavement width (a minimum of 4.6 metres), which together with the low height of the front garden walls would provide good levels of legibility. Consequently, once this permission is implemented, this part of Bath Street cannot remain as highway.
- 5.7 The proposed stopping up of the pavement onto Old Street and Bath Street, and the areas within the estate would not result in a loss of public access to and through the site or compromise local permeability. Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights to enable the development to be carried out.

## **6.0 CONCLUSION**

- 6.1 It is considered that the proposed stopping up of the areas of adopted highway is necessary to enable the development (P2015/0709/FUL) to proceed and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.
- 6.2 Officers therefore recommend approval of the stopping up order, subject to the details as set out in the RECOMMENDATION.

# APPENDIX 1: PLANS:

Existing Plan:



Proposed plan:

