



PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	14 June 2016	Non-exempt

Application number	P2016/1997/FUL
Application type	Stopping Up Highway
Ward	Caledonian
Listed building	No listed building on site; adjacent to Grade II listed Caledonian Road Methodist Chapel
Conservation area	None
Development Plan Context	Vale Road/Brewery Road Locally Significant Industrial Site
Licensing Implications	None
Site Address	1-11 Balmoral Grove, London, N7 9NQ
Proposal	Stopping Up and Diversion of Highways (Sections 247 and 253 of the Town and Country Planning Act 1990) - from 0.0m from the back of the footway located adjacent to the northern side of Brewery Road to whole extent of Balmoral Grove; from the back of the footway located adjacent to the northern side of Brewery Road northwards by 72.6m.

Case Officer	Simon Greenwood
Applicant	London Square (Caledonian Road) Limited
Agent	WSP/Parsons Brinckerhoff

1.0 RECOMMENDATION

1.1 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:

- i. 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. SK-11 Rev A to enable the development authorised by planning permission ref: P2015/3989/FUL to be carried out.
- ii. If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, the Stopping Up Order will be confirmed by officers under delegated powers.
- iii. If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.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 PLAN

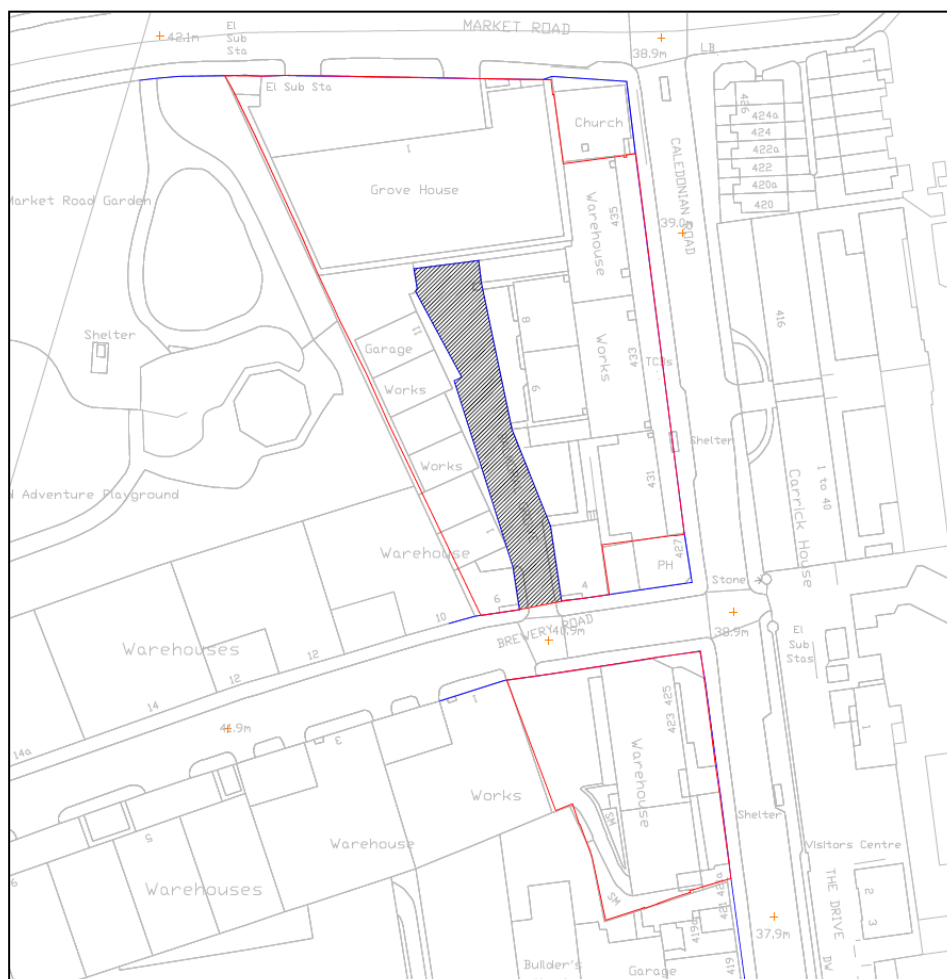


Fig 1: Site plan (development site outlined in red; proposed area to be stopped up hatched in black)

3.0 SITE PHOTOGRAPHS

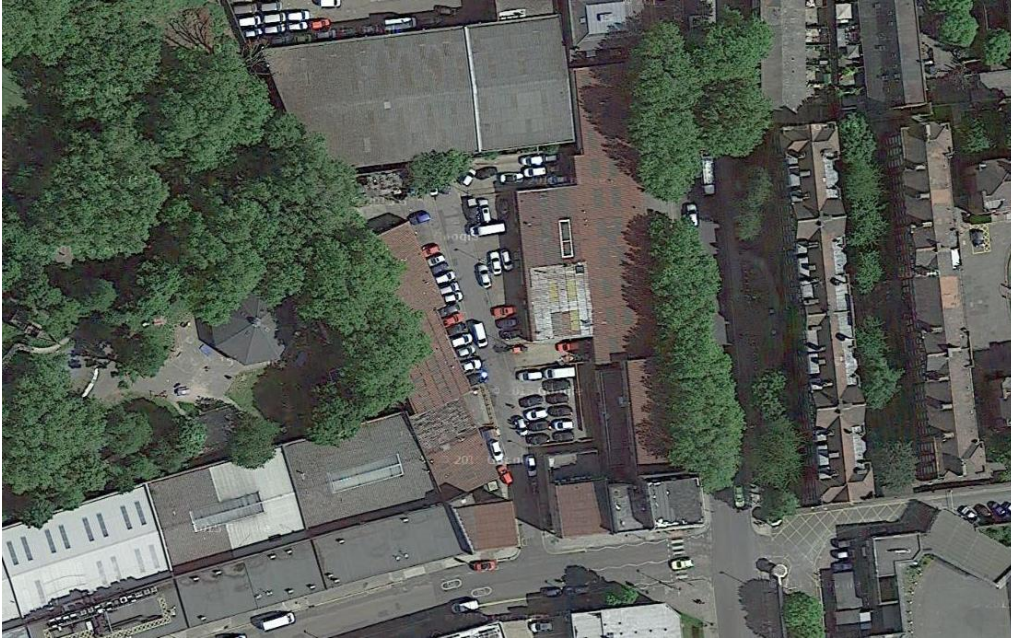


Fig 2: Aerial view of site



Fig 3: Photograph of Balmoral Grove, looking north from Brewery Road

4.0 SITE AND SURROUNDINGS

4.1 Balmoral Grove is a small cul-de-sac extending northwards off Brewery Road. It comprises seven single-storey light/general industrial units erected in the late 1970s. At the junction with Brewery Road are two three-storey buildings (Nos. 4 and 6 Brewery Road), which were constructed at the same time and provide basic office and studio space.

4.2 The units in Balmoral Grove are part of a wider development site of 0.89 hectares, which also comprises the building to the north (fronting Market Road), the buildings to the east (fronting Caledonian Road) and the warehouse buildings to the south of the site (located on the opposite side of Brewery Road). Planning permission was granted for redevelopment of the wider site on 19 January 2016 (Ref: P2015/3989/FUL).

4.3 Balmoral Grove lies within the Vale Road/Brewery Road Locally Significant Industrial Site.

5.0 PROPOSAL

5.1 This application relates to the stopping up of Balmoral Grove, an adopted highway, under Section 247 of the Town and Country Planning Act 1990. The stopping up is in connection with planning permission P2015/3989/FUL, granted on 19 January 2016, for the following development:

“Demolition of all existing buildings on site to provide a mixed use development within new buildings ranging from 1-11 storeys; providing 252 residential units [use class C3]; flexible employment [use class B1a-c]; flexible retail [use class A1-A3]; and community [use class D1] floorspace; together with the creation of a new central vehicular and pedestrian access route through the site from Market Road to Brewery Road and associated highway works; basement car parking; cycle parking; creation of a new pedestrian access into the site from Caledonian Road; and provision of open space and associated works of hard and soft landscaping. DEPARTURE - This proposal constitutes a departure from the development plan with respect to introduction on non-business uses onto this site (policy DM5.3).”

5.2 The area of highway to which this application relates is the full extent of Balmoral Grove, from its junction with Brewery Road to where it terminates at the rear boundary of the adjacent building at 1 Market Road (approximately 72.6 metres).

6.0 CONSULTATION

6.1 The council’s highway officer has no objection to the proposed stopping up of Balmoral Grove.

6.2 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.

6.3 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.

6.4 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.

6.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

7.0 EVALUATION

7.1 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.

7.2 The redevelopment of the wider site (which has an address of 423-425 and 429-435 Caledonian Road, 1-11 Balmoral Grove, 4-6 Brewery Road and Grove House, 1 Market Road, London, N1) has already been considered and approved under application ref: P2015/3989/FUL, following a full statutory public consultation exercise. The drawings approved under this application show a shared surface courtyard running from Brewery Road to Market Road, in roughly the same location as the current adopted highway. This new road provides access to the upper floor residential units, some of the ground floor commercial units and accommodates the delivery and servicing arrangements for the new development, as well as providing access to the new cycle spaces, accessible parking spaces and car lifts. Bollards are proposed at each end, with access being controlled by the concierge. Consequently, once this permission is implemented, Balmoral Grove cannot remain as an adopted highway.

7.3 As Balmoral Grove is not currently a through-route, the proposed stopping up of the highway in this location would not result in a loss of public access 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. There are, however, advantages of stopping up the highways rights, in particular to accommodate the transport and servicing arrangements required by the new development without a corresponding impact on the existing highway network.

6.0 CONCLUSION

- 6.1 It is considered that the proposed stopping up of the area of land is necessary to enable the development (P2015/3989/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: STOPPING UP PLAN SK-11 REV 1