



## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 PO Box 333  
 Town Hall  
 LONDON N1 2UD

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO:</b>
Date: 02 April 2019	

Application number	P2019/0769/FUL
Application type	Stopping Up of Highway
Ward	Finsbury Park
Listed building	n/a
Conservation Area	n/a
Development Plan Context	Finsbury Park Town Centre Finsbury Park Key area Major and Local Cycle Routes Local Flood Risk Zone Adjacent to TLRN Adjacent to Railway Land
Licensing Implications	Premises licence required
Site Address	240 Seven Sisters Road (including 240a, 240b and 240c), Islington, London, N4 2HX
Proposal	Stopping up order of existing highway comprising part of the footway to the south of Seven Sisters Road, to the front of 240a and 240 Seven Sisters Road, under Section 247 of the Planning Act 1990 to enable the redevelopment of 240 Seven Sisters Road (including 240a, 240b and 240c) under extant planning permission: P2017/3429/FUL dated 14/02/2019

Case Officer	Simon Roberts
Applicant	Tide Construction
Agent	n/a

### 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. 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: 152072/A/16 dated 24.01.2019 to enable the development authorised by planning permission ref: P2017/3429/FUL dated 14/02/2019, following a resolution to grant at the 0910/2018 Planning Committee, to be carried out.

2. If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.
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 If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

## **1.0 SITE AND SURROUNDINGS**

- 1.1 The area of land to which the current application to stop up the highway relates is part of the footway to the southern side of Seven Sisters Road, to the front of 240 and 240a Seven Sisters Road, at a maximum of 5.00 metres in length and 1.00 metres in width, illustrated on drawing reference: 152072/A/16 dated 24/01/2019.
- 1.2 Both Seven Sisters Road and the A503 (Isledon Road) are highways part of the Transport for London Road Network (TLRN) known as 'red routes', and therefore maintained by Transport for London (TfL).

## **2.0 PLANNING HISTORY**

- 2.1 On 14/02/2019, planning permission ref: P2017/3429/FUL was granted for 'Demolition of existing buildings and redevelopment of the site to provide a building of 8 storeys (ground plus 7 upper storeys) accommodating a 192-bedroom hotel (C1 use), ground floor bar/restaurant (A4/A3 use), together with ancillary hard and soft landscaping, cycle parking, refuse storage, and related works'.
- 2.2 To date, there has been no variations to this planning permission, however a number of Approval of Details applications have been submitted and are currently under consideration by the Council.

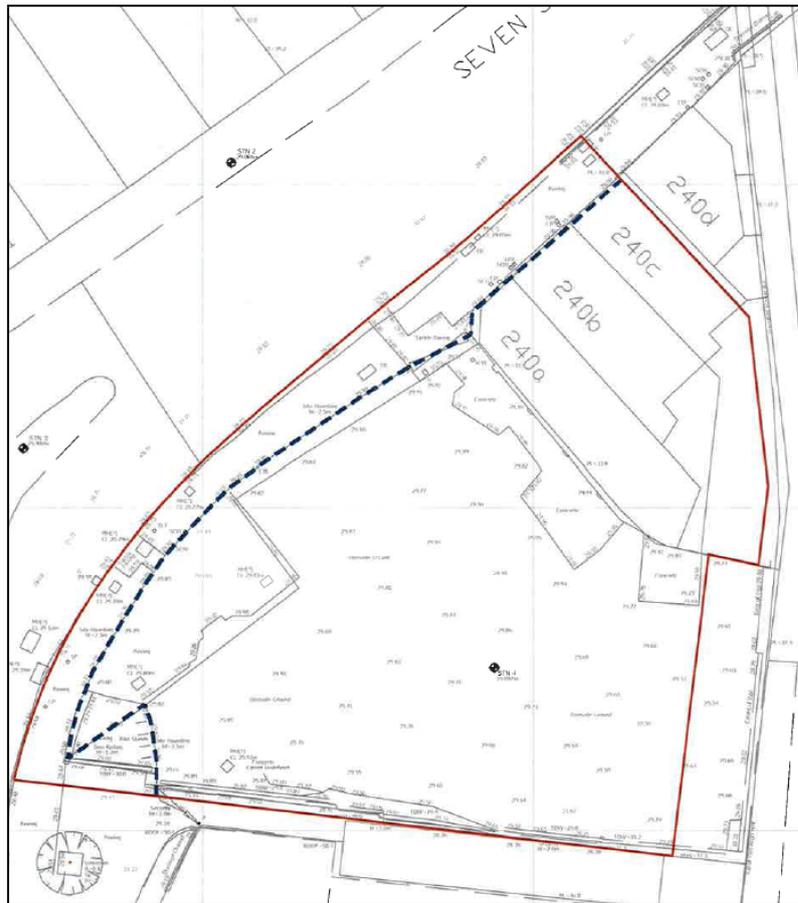


Figure 1: Extract from Plan No. VD18851-SK008; showing existing site boundary (red) and highway boundary (in navy)

### 3.0 PROPOSAL

- 3.1 The proposal relates to the stopping up of an area of highway (described above) under Section 247 of the Town and Country Planning Act 1990 in connection with the implementation of the planning permission ref: P2017/3429/FUL granted on 14/02/2019.
- 3.2 The plan below (ref: 152072/A/16 dated 24.01.2019) shows the adopted highway associated with the site in detail (hatched in black). It seeks to stop up a section of this area, triangular in shape, which previously served a cross over, allowing vehicular access into 240 Seven Sister Road, as shown in the below Figure 3.

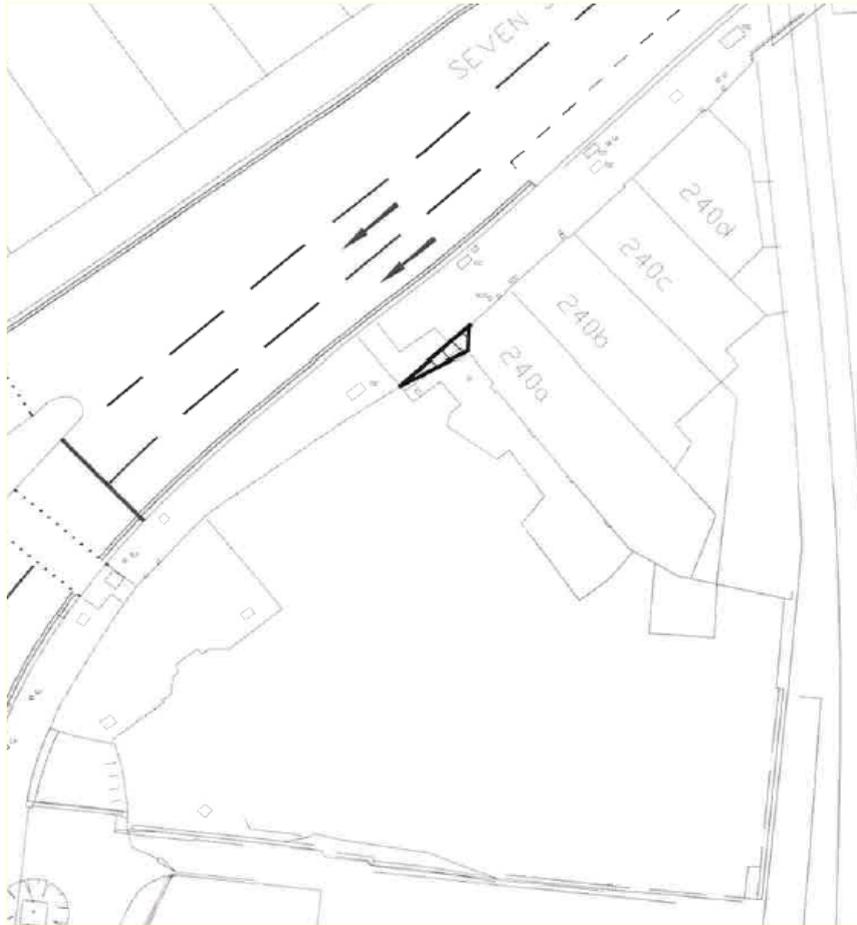


Figure 2: Extract from Plan No. 152072/A/16 dated 24.01.2019.



Figure 3: Photo showing pre-existing crossover and vehicular entrance into 240 Seven Sisters Road.

## 4.0 CONSULTATION

- 4.1 Both the Council's highway officer and Transport for London have raised no objection to the proposed stopping up of the land identified.
- 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 Town and Country Planning Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper. 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, National Park authority or undertakers or public 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 notified were made by a local authority or undertakers or transporters 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 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that "may" implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.
- 5.3 Officers consider that the area comprises land over which the public have been able to pass and repass without hindrance for over 20 years, and over which public rights have accrued.
- 5.4 The proposed footprint of the redevelopment of the site has been considered and approved within planning permission: P2017/3429/FUL dated 14/02/2019, for 'Demolition of existing buildings and redevelopment of the site to provide a building of 8 storeys (ground plus 7 upper storeys) accommodating a 192-bedroom hotel (C1 use), ground floor bar/restaurant (A4/A3 use), together with ancillary hard and soft landscaping, cycle

parking, refuse storage, and related works'. The stopping up now proposed would give effect to the extant planning permission which was subject to public consultation.

- 5.5 The A503 Seven Sisters Road and Isledon Road form part of the Transport for London Network (TLRN), for which TfL is the highway authority. Officers consider that the pedestrian flows along the resultant footway would not be hindered by the proposed stopping up, in order to facilitate the approved consistent principle building line fronting Seven Sisters Road.
- 5.6 The proposed stopped-up area of land would not prevent access into the development site nor would it result in a loss of public access along the footway of Seven Sisters Road.
- 5.7 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 highways rights to enable the development to be carried out.

## **6.0 CONCLUSION**

- 6.1 It is considered that the proposed stopping up of the area of land is necessary to enable the development 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.