



## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM</b>	<b>B3</b>
<b>Date:</b>	18 March 2021	<b>NON-EXEMPT</b>	

Application number	P2021/0246/FUL
Application type	Full Planning
Ward	Clerkenwell
Listed building	N/A
Conservation area	N/A
Development Plan Context	Core Strategy Key Area – Bunhil & Clerkenwell Article 4 Direction – A1 to A2 (1) Article 4 Direction – B1(c ) to C3 (1) Archaeological Priority Area APA1 Protected Vistas – Kenwood Viewing Gazebo to St Paul’s Cathedral Protected Vistas – Parliament Hill summit to St Paul’s Cathedral Central Activities Zone Employment Priority Area – Offices Farringdon Smithfield Intensification Area Site Allocation BC36 – Caxton House, 2 Farringdon Road, EC1M 3HN Rail Safeguarding Area – Crossrail 1
Licensing Implications	No
Site Address	33 Charterhouse Street, London EC1M 3HP
Proposal	Stopping Up Order of existing highway fronting Charterhouse Street and Farringdon Road under Section 247 of the Planning Act 1990 to enable the development of 33 Charterhouse Street, EC1M 3HP (references P120484).

Case Officer	Elizabeth Reynolds
Applicant	ARE 1 Farringdon holdings Sarl. C/O Helical PLC
Agent	Haskoning DHV UK Ltd

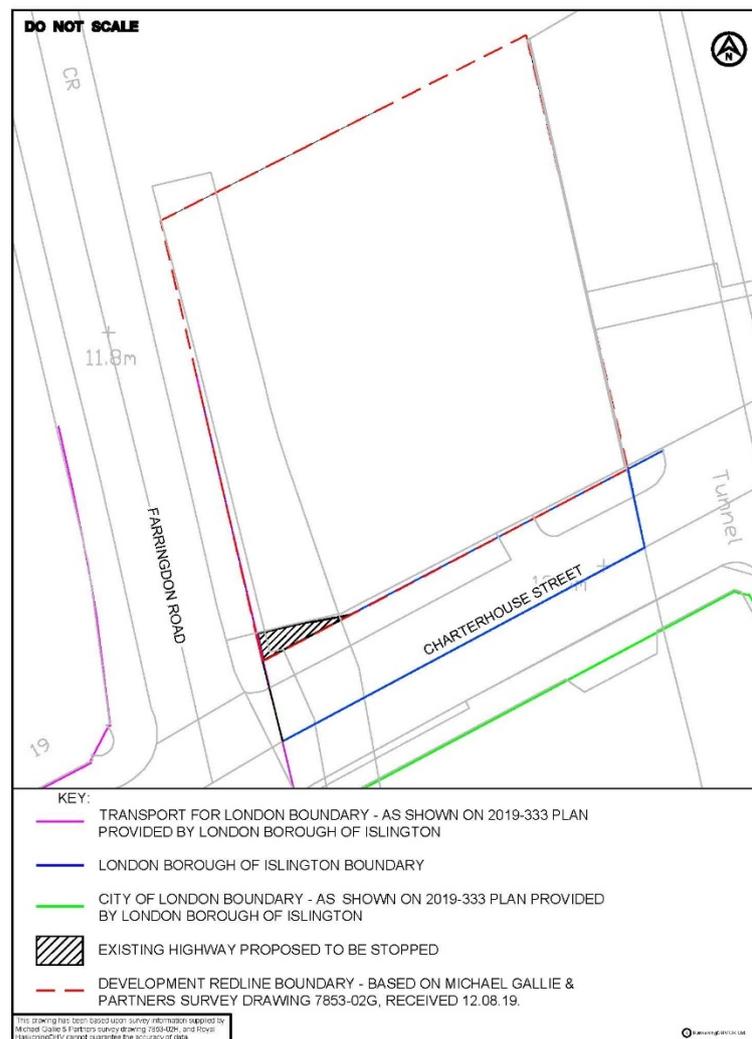
## RECOMMENDATION

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. PC1665-RHD-GE-SW-DR-D-0100 to enable the development authorised by planning permission ref: P120484 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 If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.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 If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the council shall cause a local inquiry to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

- 1.0 The area of land which the application to stop up the highway relates to is on the corner of Farringdon Road and Charterhouse Street, within the London Borough of Islington but immediately adjacent to the City of London. It is outside the hoarding of the Crossrail works site for Farringdon Station and opposite Smithfield Market.

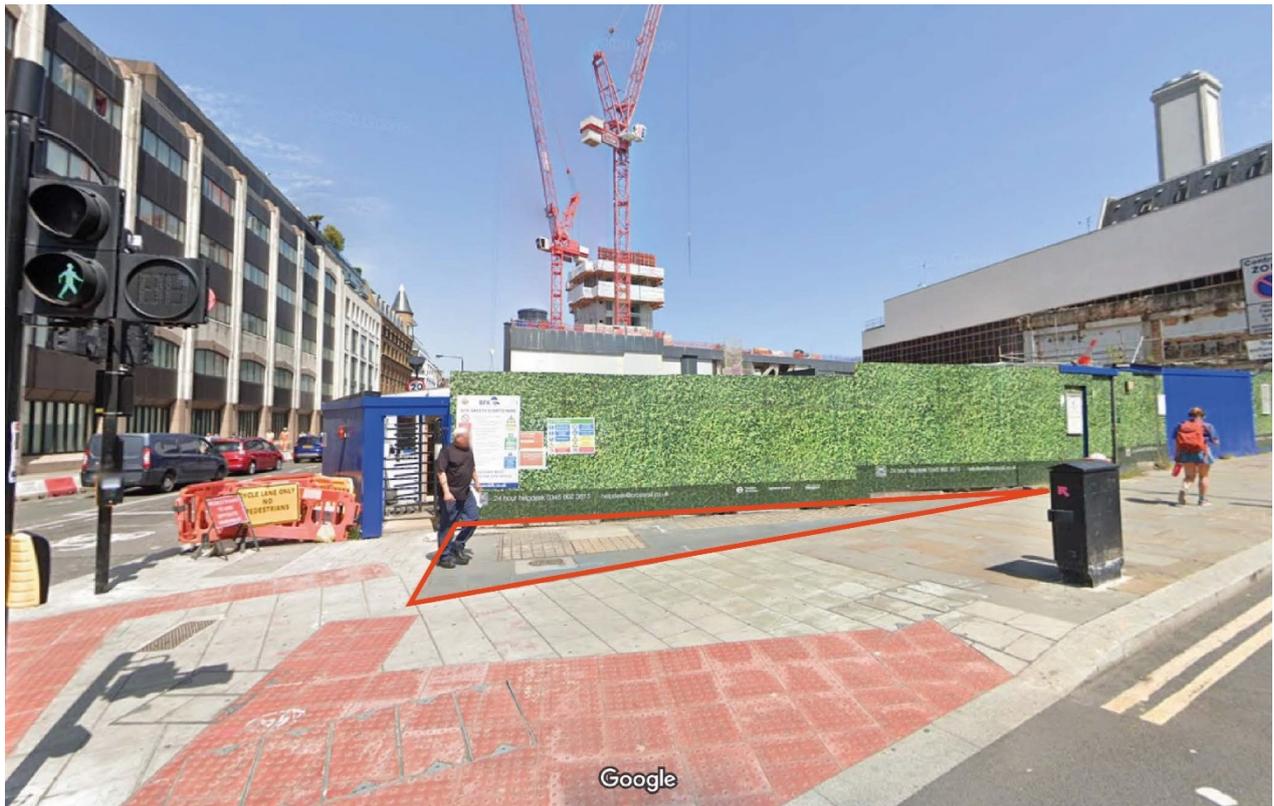


- 1.2 The application relates to a triangular piece of the footway at the corner of Farringdon Road and Charterhouse Street. This section of Charterhouse Street is a highway maintained by the council and is included in the council's List of Streets as highway maintained at the council's expense, Farringdon Road is a TfL red route.

## 2.0 PROPOSAL

- 2.1 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 planning permission reference 120484 granted on 19/06/2012 for:

*The erection of an 11 storey over basement building comprising 4 Class A1 retail units at ground floor level and 15396sqm of Class B1 (office) above, plus ancillary facilities including provision for basement level servicing.*



## 3.0 CONSULTATION

- 3.1 The Council's Highway Officer has not objected to the proposed stopping up of this section of Charterhouse Street.
- 3.2 Should the Committee approve the stopping up, before making the Order 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 order in a local newspaper. A 28-day consultation period would allow interested parties to respond.
- 3.3 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.

3.4 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.

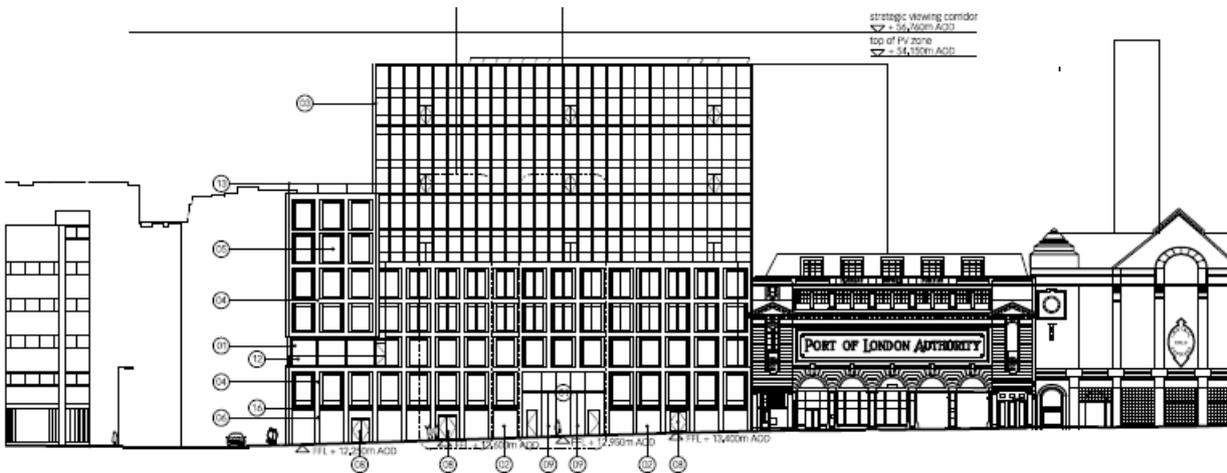
3.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

#### 4.0 EVALUATION

4.1 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.

4.2 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.

4.3 The layout of the development has already been considered and approved under application ref: 120484 following a full statutory public consultation exercise. The stopping up proposed would give effect to the above described planning permission as shown below.



4.4 The stopping up will not impact on vehicular traffic and there is sufficient room on the remaining footway for the free flow of pedestrians.

4.5 Officers therefore consider, to the best of their knowledge, that there would be no disadvantages suffered by the public or (subject to consultation) by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights to enable the approved development to be carried out.

#### 5.0 CONCLUSION

5.1 It is considered that the proposed stopping up of the area of land is necessary to enable the approved development (120484) 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.

5.2 Officers therefore recommend approval of the stopping up order, subject to the details as set out in the RECOMMENDATION.