

PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM	B3
Date:	15 th July 2024	NON-EXEMPT	

Application number	P2024/1611/DOV
Application type	Stopping Up of Highway / Footway
Ward	St Peter's & Canalside Ward
Listed building	N/A
Conservation area	Within 50m of Conservation Areas as detailed below
Development Plan Context	Within 50m of New River Conservation Area Within 50m of Angel Conservation Area Within 50m of Duncan Terrace / Colebrooke Row CA Central Activities Zone (CAZ) Angel & Upper Street Core Strategy Key Area Islington Village and Manor House Archaeological Priority Area Alexander Palace Protected Viewing Corridor Site Allocation 1-7 Torrens Street Angel Town Centre Within 100m of TLRN and SRN road Rail Safeguarding – Crossrail 2 Rail Land Ownership – TfL London Underground Zones of Interest Article 4 Direction A1-A2 (Rest of the borough) Article 4 Direction B1c to C3
Licensing Implications	None
Site Address	Street Record City Road / Islington High Street London, EC1V 1NY
Proposal	Stopping-up and Diversion of Highways - Sections 247 and 253 of the Town and Country Planning Act 1990 for three narrow sections of footway along the building line of the proposed building

Case Officer	Stefan Sanctuary
Applicant	Tishman Speyer
Agent	Steer

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/footway shown on Plan No. ANG-STR-XX-00-DR-H-00304 to enable the development authorised by planning permission ref: P2022/0871/FUL 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 If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.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 If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.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. SITE PLAN (site outlined in red)

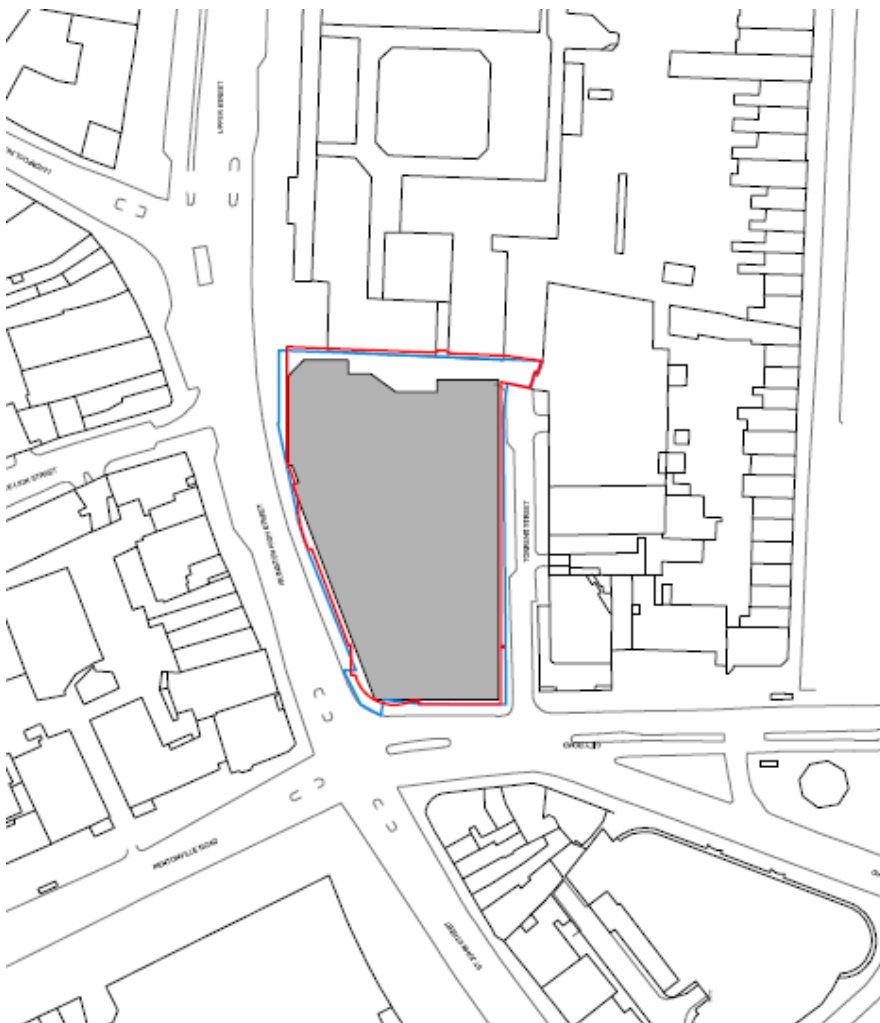


Fig. 1: Site Plan – Application Site outlined in red

- 1.1 The areas of land to which the application to stop up the highway and footway relates are three modest areas of footway which border the building line of the proposed building. The three areas are shown on plan here and are identified as areas A, B and C.

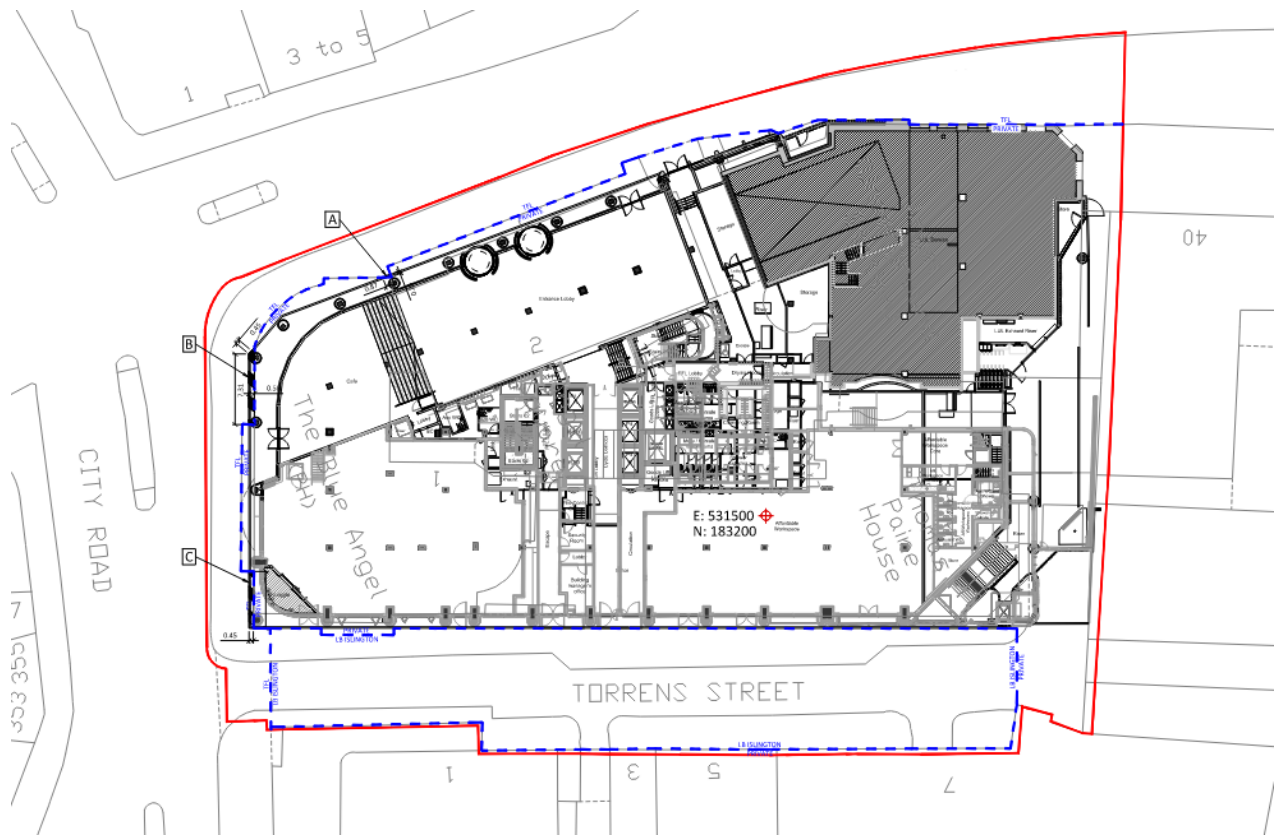


Fig. 2: Ground Floor Plan / Stopping Up Order Plan

- 1.2 The areas were previously part of the adopted footway and while they would still essentially form part of the footway, they are now in between pillars under the overhang of the proposed building. Area A is a triangular shaped area of some 0.125sqm in size. Area B is 7.31m in length and 0.58m in width, while Area C is 5.89m long and 0.45m wide.
- 1.3 The planning application for 1 Torrens Street (planning application reference P2022/0871/FUL) has recently been approved and the development is under construction.

2.0 PROPOSAL

- 2.1 The proposal relates to the stopping up of sections of the footway along Islington High Street and City Road as marked up on the plan above, under Section 247 of the Town and Country Planning Act 1990 in connection with the implementation of the planning permission ref: P2022/0871/FUL that granted:

“Application for full planning permission for the partial demolition of the existing building, construction of two new floors, reconfiguration of floorspace and renewal of the existing facades to provide new office floorspace (Use Class E(g)), retail floorspace (Use Class E(a)&(b)), a replacement public house (Sui Generis), alongside new access arrangements, landscaping improvements, new public realm and other associated works.”

3.0 CONSULTATION

- 3.1 The council's Highway Officer has no objection to the proposed stopping up of the relevant sections of footway on City Road and Islington High Street.
- 3.2 No public or external consultation has been carried out by the council in respect of the current stopping up application. Should the Committee resolve to 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.
- 3.3 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.
- 3.4 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.
- 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 proposed development of 1 Torrens Street has already been considered and approved under application ref P2022/0871/FUL following a full statutory public consultation exercise. The approved layout plans would require the stopping up of the areas of land that are the subject of this report. The stopping up now proposed would give effect to the above described planning permission as shown on Plan No. ANG-STR-XX-00-DR-H-00304.

- 4.4 The proposed stopping up of the area of land would not result in a permanent loss of public land or footway. The development described above principally pushes the building line back so that the area of public footway is widened, with these three modest areas of footway now located under the overhang of the building. Officers, therefore, consider that there would be no disadvantages suffered by the public or by those with properties near the existing highway.

5.0 CONCLUSION

- 5.1 It is considered that the proposed stopping up of the area of land is required 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