

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:	19 April 2016	NON-EXEMPT
Application number	P2016/0961/FUL	
Application type	Stopping Up Highway	
Ward	Canonbury Ward	
Listed building	No Listing. Site adjoins boundary of Grade II Listed Hungerford School.	
Conservation area	None.	
Development Plan Context	Open Space – Balls Pond Road Verge and Mitchinson and Baxter Open Space SINC – Baxter Road Open Space Crossrail 2 Rail Safeguarding Area Locally Listed Buildings – Mitchinson Road and Ockendon Road	
Licensing Implications	None	
Site Address	Dover Court Estate, including land to north of Queen Elizabeth Court and garages to west of and land to north and east of Threadgold House, Dove Road; garages to east of Illford House, Wall Street; Romford House Mitchison Road; land to east of Westcliff House and Ongar House, Baxter Road; land to east of Greenhills Terrace; and garages to rear of and ball court to west of Warley House, Baxter Road, Islington, London, N1.	
Proposal	Stopping up of an area of existing highway under Section 247 of the Town and Country Planning Act 1990 to enable the redevelopment of the Dover Court Estate (P2014/3363/FUL).	

Case Officer	Matt Duigan
Applicant	Alistair Gale London Borough of Islington.

Agent	Bob Terry, Calford Seaden.
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1. RECOMMENDATION

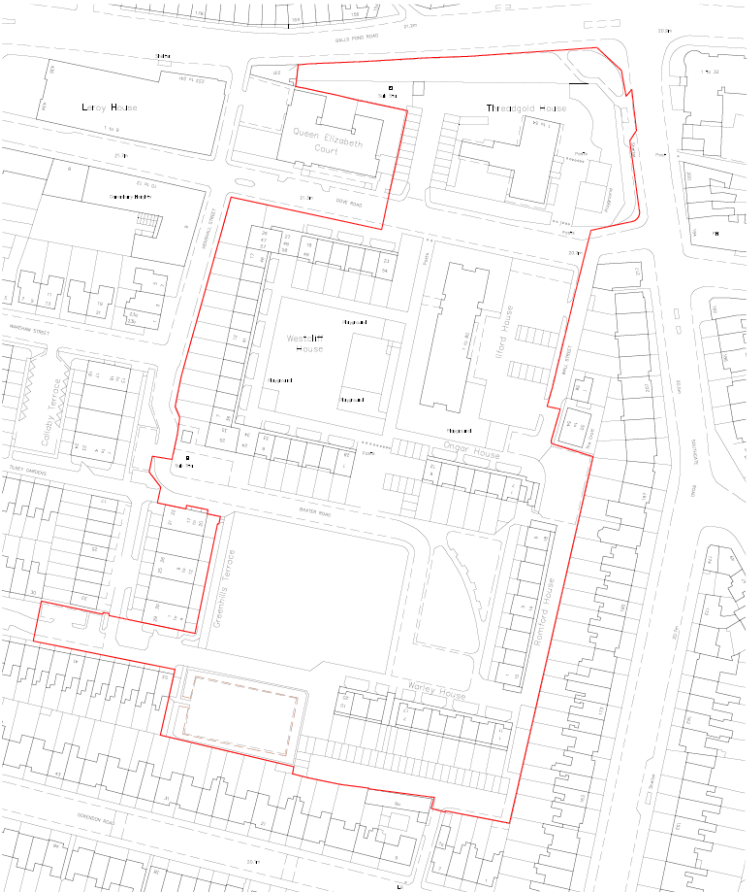
The Committee is asked to resolve to APPROVE the stopping up, subject to the applicant first entering into an indemnity agreement to pay all the council's costs in respect of the stopping up, on the following basis:

- 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- 1.1 If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.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 Dover Court Estate is located on the eastern edge of Canonbury Ward, south of Balls Pond Road and close to the boundary with the London Borough of Hackney. The estate is intersected by Dove Road and Baxter Road both of which run east to west across the site, dividing the site into three main areas.
- 2.2 Baxter Road intersects with Henshall Road and also connects with Tilney Gardens. Baxter Road provides internal access within the Dover Court estate and is laid out to the west and south of Westcliffe House and Ongar House. Baxter Road then turns to head south, terminating at the parking area immediately to the north of Warley House.
- 2.3 The area of land to which the application to stop up the highway relates is the full length of Baxter Road.

Site plan (site outlined in red)



Aerial View of Site



3.0 PROPOSAL

- 3.1 The proposal relates to the stopping up of Baxter Road, which is an internal access road within the Dover Court estate, and is adopted highway under Section 247 of the Town and Country Planning Act 1990 in connection with planning permission ref: P2014/3363/FUL.

'Demolition of an existing two-storey residential building (Romford House)(consisting of 18 units) and 81 garages to allow for the construction of 70 new homes (27 x 1 bed, 26 x 2 bed, 15 x 3 bed and 2 x 5 bed) across nine infill sites, consisting of the construction of a part three, part four storey block and a two semi-detached pair of dwellings facing Balls Pond Road, a two storey block between Dove Road and Balls Pond Road, alterations and extension to ground floor of Threadgold House to create a residential unit and community rooms (measuring 135.8square metres), a part two, part three storey terraced row facing Wall Street, a part single, part three and part four storey extension to the north east corner of Ongar House, a four storey extension to the west elevation of Ongar House, a three storey terraced row replacing Romford House, a four storey block between Warley House and No. 53 Mitchinson Road and a part single, part two storey terraced row to the rear of Warley House, and the provision of new green space and sports and play facilities, including a new ball court to the east of Greenhills Terrace, cycle storage, public realm improvements across the estate and the relocation of Baxter Road to the front of Romford House.'

4.0 CONSULTATION

- 4.1 The council's highway officer has no objection to the proposed stopping up of Baxter Road.
- 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 Dover Court Estate redevelopment has already been considered and approved under application ref: P2014/3363/FUL following a full statutory public consultation exercise. The approved layout plans would require the stopping up of Baxter Road.

5.3 The southern arm of Baxter Road would become landscaped area as part of the estate redevelopment approved in planning permission ref: P2014/3363/FUL (i.e. cannot remain as adopted highway). Most of the remaining section of Baxter Road is to become a 'Home Zone'. The main design intent is to reduce hard landscaping across the site as much as possible. By turning Baxter Road into a 'Home Zone' with a residential character, using a variety of different materials it is proposed to enhance the area and reduce the volume of hard surfaces.

5.4 The approved development would also see the retention of most of Baxter Road and an extension to it. The extension leads to and along the western side of the approved block of new residential dwelling (known as Block G) and ending at the parking area to the front of Warley House (i.e. access to Warley House is to be maintained). Therefore there will be no impact upon Worley House residents as a result of the proposal.

5.6 In addition to the portion of Baxter Road which is become a 'Home Zone' there would remain a small section between Henshall Road and Tilney Gardens. The Council's Highway officer advised that it is also necessary to stop up this remaining section of Baxter Road due to there being no ability to provide a turning circle, which is necessary in order for this road to meet the Council's standards for adoption.

5.7 The proposed stopping up of the area of land would not result in a permanent loss of public access through the redeveloped estate. 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 and to reduce the hard surfacing across the site.

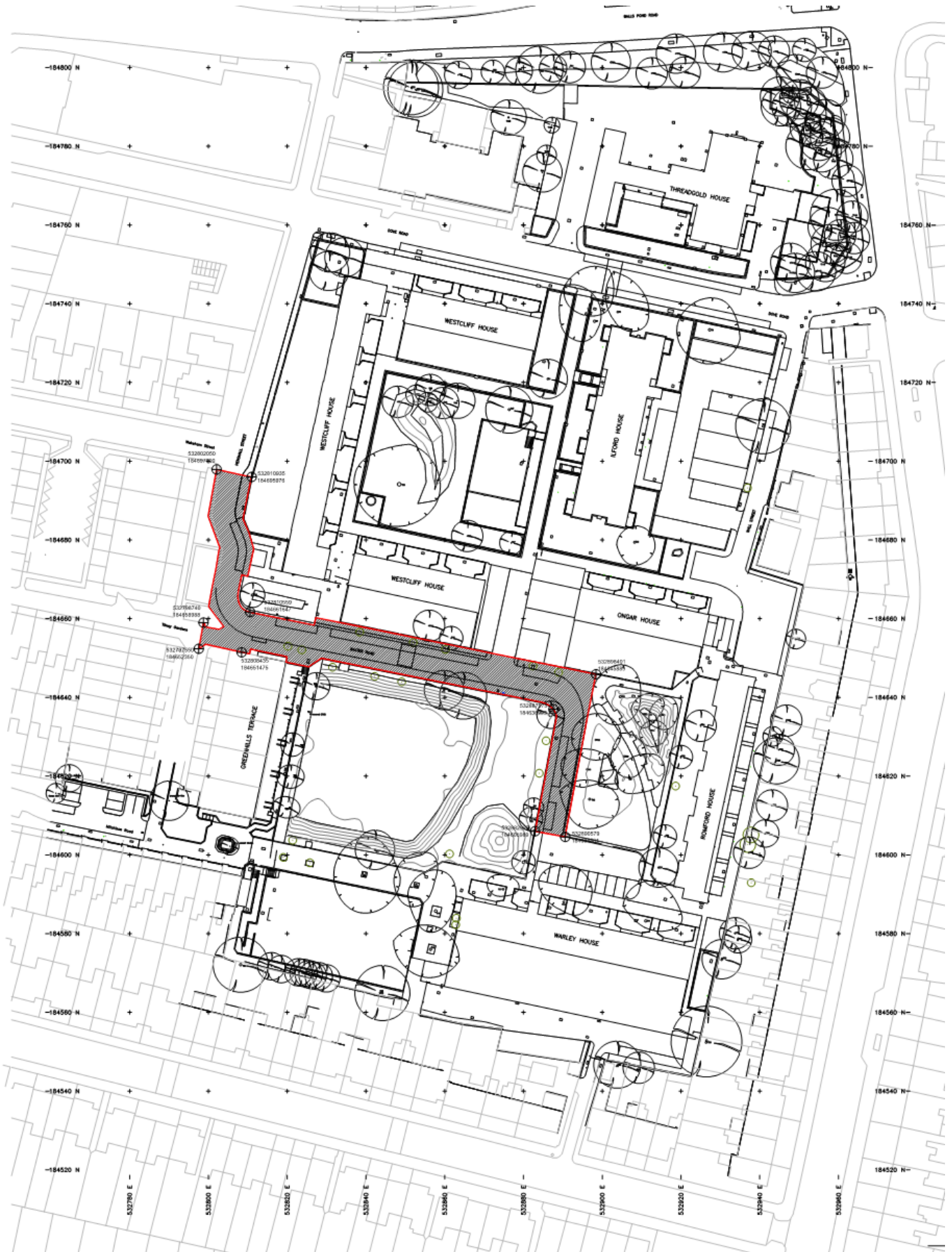
6.0 CONCLUSION

6.1 It is considered that the proposed stopping up of the area of land is necessary to enable the development (P2014/3363/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

