

LBR24

THE LONDON BOROUGH OF RICHMOND UPON THAMES

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 226(1)(a) AND
226(3)(b)**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
ACQUISITION OF LAND ACT 1981**

**THE LONDON BOROUGH OF RICHMOND UPON THAMES (TWICKENHAM
RIVERSIDE) COMPULSORY PURCHASE ORDER 2021**

AND

**APPLICATION FOR A CERTIFICATE PURSUANT TO SECTION 19 ACQUISITION
AND SCHEDULE 3 OF LAND ACT 1981**

ACQUIRING AUTHORITY

UPDATE NOTE ON STATUS OF STOPPING UP ORDER

LBR24

1. **STOPPING UP ORDER**

- 1.1 On 31 May 2023 the Acquiring Authority received a letter from the GLA¹ confirming that pursuant to section 252(5A) of the Town and Country Planning Act 1990, that it was not necessary to hold an inquiry prior to the confirmation of the Stopping Up Order.
- 1.2 The next step is for the London Borough of Richmond Upon Thames to make the Stopping Up Order which it proposes to do following confirmation, (if any) of the Modified Order.
- 1.3 The GLA letter and the report it refers to are submitted with this document LBR24.

¹ Please note the letter from the GLA is dated 25 May 2023

GREATER **LONDON** AUTHORITY

Good Growth

Will Marshall
London Borough of Richmond upon Thames
By Email

Our ref: 2023/0275/SO

Your ref: 21/2758/FUL

Date: 25 May 2023

Dear Will Marshall,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007;

Highway land at The Embankment, Water Lane, Wharf Lane and service road leading from Wharf Lane, Twickenham.

Local Planning Authority reference: 22/0275/FUL

I refer to your letter on 19 April 2023, requesting that the Mayor makes a decision under Section 252 of the above Act as to whether, in the special circumstances of the case, it is necessary to hold an inquiry into the proposed stopping up of the existing highway land at The Embankment, Water Lane, Wharf Lane and service road leading from Wharf Lane, Twickenham described in the information provided.

The Mayor has delegated his planning powers to me and, on 25 May 2023, I considered a report on this case (GLA reference: GLA/2023/0275/SO). A copy of the report is attached in full.

Having considered the report, I have concluded that the stopping up order will be in accordance with the statutory requirements under Section 247 of the Act in that the Order is necessary to enable development to be carried out in accordance with planning permission granted Part III of the Act.

Under Section 252(5A) of the Town and Country Planning Act 1990, I have decided, having regard to the special circumstances of the case, that it is unnecessary to hold an inquiry. This letter is to notify the London Borough of Richmond upon Thames of this decision.

Yours sincerely



Jules Pipe

Deputy Mayor for Planning, Regeneration and Skills

cc Nicholas Rogers, London Assembly Constituency Member
Sakina Sheikh, Chair of London Assembly Planning Committee
National Planning Casework Unit, DLUHC
TfL

City Hall, Kamal Churchie Way, London E16 1ZE ♦ london.gov.uk ♦ 020 7983 4000

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25 May 2023

Highway land at The Embankment, Water Lane, Wharf Lane and service road leading from Wharf Lane, Twickenham

Local Planning Authority: Richmond upon Thames

Local Planning Authority reference:21/2758/FUL

Stopping Up Order

Section 247 of the Town and Country Planning Act 1990 (as amended) by Schedule 22 of the Greater London Authority Act 1999

The proposal

Stopping up of public highway areas of land on parts of The Embankment, Water Lane, Wharf Lane and service road leading from Wharf Lane, Twickenham.

Recommendation

That the London Borough of Richmond upon Thames be advised that in the special circumstances of the case, the holding of an inquiry is unnecessary.

Context

1. On 21 December 2022, London Borough of Richmond upon Thames granted planning permission (reference DC/LTH/21/2758/FUL/) following completion of a s.106 legal agreement for the demolition of existing buildings and structures and redevelopment of the site comprising 45 residential units (Use Class C3), ground floor commercial/retail/cafe (Use Class E), public house (Sui Generis), boathouse locker storage, floating pontoon and floating ecosystems with associated landscaping, reprovision of Diamond Jubilee Gardens, alterations to highway layout and parking provision and other relevant works.
2. As part of the planning process the planning merits of the development described at paragraph 1 were assessed, and Richmond upon Thames Council concluded, taking the development plan and all material considerations into account, that planning permission should be granted for application DC/LTH/21/2758/FUL/FUL subject to planning conditions and informatives.

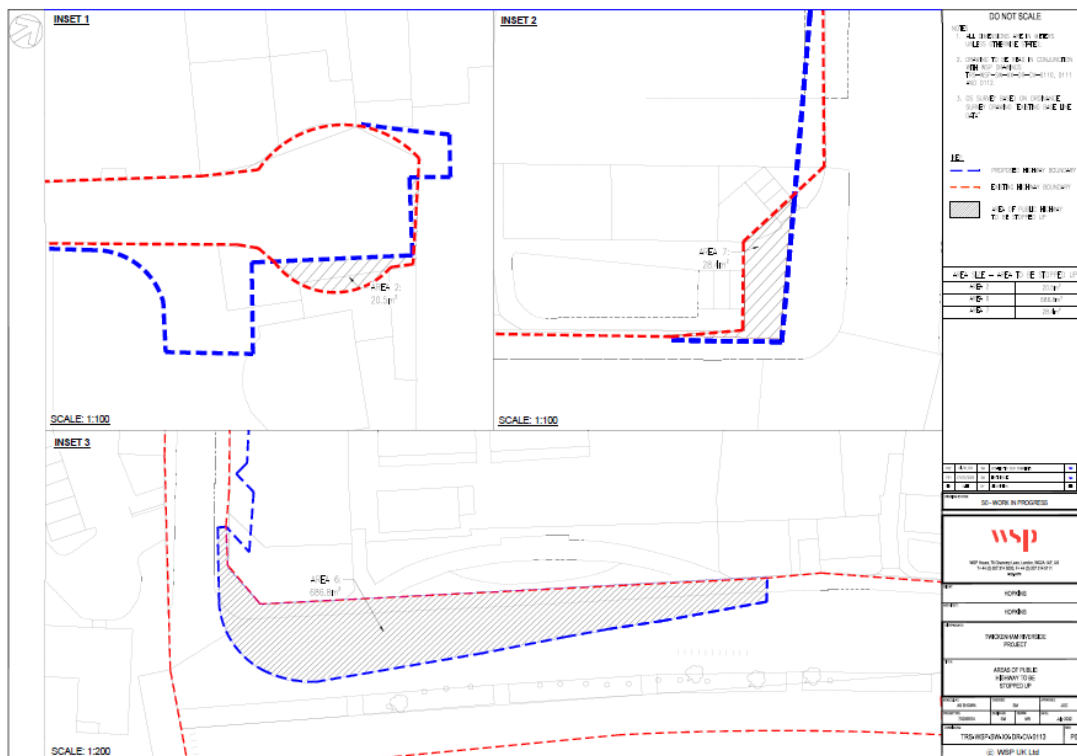
3. The Council proposes to make a stopping up order pursuant to Section 247 of the Town and Country Planning Act 1990 ("the Act") on the basis that it is satisfied that this is necessary in order to enable the development to be carried out
4. As set out below, there are 10 outstanding objections to the Stopping Up Order and therefore ordinarily the Council is required to hold a local inquiry. However, in accordance with section 252 of the Act, the Council has notified the Mayor of the objections and seeks his decision whether, in the special circumstances of the case, the holding of an inquiry is unnecessary.
5. The Mayor of London's statement on this case will be made available on the GLA's public register: <https://planning.london.gov.uk/pr/s/>.

The proposed Road Stopping Order

6. The approved site master plan is shown in Figure 1 below.



7. The stopping up area proposed by the Council is illustrated by the hatched lined areas shown in Figure 2 and comprises public highway areas of land on parts of The Embankment, Water Lane, Wharf Lane and service road leading from Wharf Lane, Twickenham.



Consideration of the need for a local inquiry

8. Section 252(4) (b) of the Act provides that if an objection to a proposed stopping up is received from any local authority, National Park Authority or undertaker or public gas transporter, or from any other person appearing to the relevant council to be affected by the order and that objection is not withdrawn the council must notify the Mayor and ordinarily it must cause a local inquiry to be held.
9. The only exception to the usual requirement to hold a local inquiry arises under section 252(5A) of the Act whereby, provided that none of the outstanding objections is from a local authority or undertaker or transporter, the Mayor shall decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary.
10. Richmond upon Thames Council undertook two rounds of consultation from 4 August 2022 to 11 September 2022 and 2 February 2023 to 2 March 2023. Following these consultations, Richmond upon Thames Council received a total of 10 objections pertaining to the stopping up of land. The outstanding objectors expressed the following concerns:
 - Stopping up more highway than is required to facilitate the proposed development.
 - Lack of a detailed road safety audit.
 - Lack of evidence to show that two-way traffic is safe.
 - Lack of appropriate safe service access for premises on El Pie Island.
 - Additional servicing trips created by the development.
 - Lack of a safe turning space for HGVs at the southern ends of Water Lane and Wharf Lane.

- Lack of consideration of existing surface water flooding on The Embankment
 - Lack of analysis of the impact of the proposals on pedestrians, cyclists, and vulnerable road users.
 - Experimental Traffic Management Orders should be completed before the development has planning permission.
 - Lack of consideration regarding the removal of on-street parking bays.
11. On 10 May 2023, the Council notified the Mayor that the objections were still outstanding. For the purposes of section 252 of the Act, the objectors are not local authority, undertaker, or transporter. Accordingly, the Mayor can decide whether the holding of a local inquiry is unnecessary.
 12. Advice received from the Secretary of State when he was the order-making authority is that he would only find special circumstances if satisfied that no objections remained which could benefit from being heard at an inquiry, for example objections made on non-highway grounds or objections made in bad faith. If objections remained relating to traffic issues, the Secretary of State generally considered that these should be heard at an inquiry, although not to permit a re-run of the planning merits of the development.
 13. Furthermore, guidance for Inspectors published by the Planning Inspectorate states that, when considering objections to a stopping up order, there is a need to weigh the disadvantages or loss likely to arise as a result of the stopping up, whether to members of the public generally or to persons whose properties adjoin or are near the existing highway, against the advantages to be conferred by the proposed order.
 14. The planning process has already assessed the planning merits of the proposed scheme, and the proposed development on existing areas of public highway was shown on the submitted and approved plans. The planning assessment weighed up the advantages and disadvantages of the development and concluded, taking the development plan and all material considerations into account that planning permission should be granted.
 15. It is considered in this instance that if the Mayor were to require an inquiry to be held on the basis of the objections received, it would be revisiting the same issues that have already been considered at the planning application stage including elements which have subsequently been secured to be addressed via the S106 and by planning condition, where it was not deemed to be of sufficient weight to warrant a refusal of the planning application. It is therefore considered that these concerns raised by the objectors to the stopping up of highway proposed have previously been considered and addressed as part of the planning process. When weighing the objections received and the advantages of the Stopping Up Order (necessary for the approved development), special circumstances exist which make the holding of such an inquiry unnecessary.

Financial considerations

16. There are no financial considerations at this stage.

Conclusion

17. The planning process assessed the planning merits of the development (including the proposed stopping up of highway) and concluded, taking the development plan and all material considerations into account, that planning permission should be granted. The stopping up of the land is necessary to enable the development to be carried out and is therefore in accordance with the requirements under section 247 of the Act.
18. If an inquiry is heard it would be revisiting issues which have already been considered at the planning application stage (i.e. the planning merits of the scheme, the related need to stop up the highway and the resulting disruption caused to the residents and impacts on the functioning and safety of the highway). As such, special circumstances exist which make the holding of such an inquiry unnecessary.

For further information, contact GLA Planning Unit (Development Management Team):

Jonathan Aubrey, Principal Strategic Planner (case officer)

email: jonathan.aubrey@london.gov.uk

Katherine Wood, Team Leader – Development Management

email: katherine.wood@london.gov.uk

Allison Flight, Deputy Head of Development Management

email: alison.flight@london.gov.uk

John Finlayson, Head of Development Management

email: john.finlayson@london.gov.uk

Lucinda Turner, Assistant Director of Planning

email: lucinda.turner@london.gov.uk

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