

To:	Oluwaseyi Enirayetan
From:	Hannah Fallows (Principal Transport Planner)
Date:	05 June 2017
Re:	237-239 West End Lane LONDON NW6 1XN
Proposal:	<i>Installation of timber decking with enclosure (Retrospective)</i>
Reference:	2017/1829/P

The plans and documents submitted with the application 2017/1829/P and have deemed the proposal as **unacceptable** and should be refused.

Proposal

The proposal seeks to gain permission to permanently place decking on the public highway as part of a retrospective planning application.

Policy DP21 expects developments connecting to the highway network to avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter.

CS14 states “Development schemes should improve the quality of building, landscaping and the street environment and, through this, improve the experience of the borough for the residents and visitors.”

DP17 states “The Council will expect new developments to provide appropriate, safe pedestrian and cycle links as part of schemes in order to promote sustainable travel and enhance accessibility, including vulnerable users.”

The proposals are contrary to policies DP21, CS14 and DP17 given that the plans result in a loss of public space as the plans show the decking outline to encroach 1.86m onto what is currently Council maintained public highway. The proposals block an established right of way, which in turn, hinders pedestrian movement and prevents sustainable travel. The loss of public highway will only diminish the pedestrian route and would exacerbate the busy pedestrian high street. **The application should therefore be refused and the decking removed.**

Loss of Public Highway (Stopping Up)

In the event that this planning application is not refused, for development on the Public Highway the applicant would require planning permission from the Planning Authority **together with a separate stopping up order from the Highway Authority.**

Stopping Up of the Public Highway in such a location is very rare and would need to demonstrate a measureable benefit to the community, such as to make way for additional space for a medical institute or a community building offering services to the community. In this instance The Council do not feel that this development would provide this and would **not be willing to support this planning application or a subsequent application for a stopping up order.**

The applicant should be made aware that a stopping up order can be very expensive and lengthy even if it is supported by the council. The process can be summarised as follows.

Phase 1 Internal Investigation and Consultation:

Initial Application check: 2 Weeks

Internal Consultation: 3 Weeks

Report and approval by Assistant Director (Environment & Transport): 2 Weeks

Total= 7 Weeks- This can be done prior to the planning application (Fee £8500)

Phase 2 Formal Consultation

Notices Drafting and preparing to go on street, in newspapers and London Gazette letters to utilities/frontages: 3 Weeks

Formal Consultation: 4 Weeks

Checks: 1 Week

Total: 8 Weeks- This can be done during the planning application process (Fee £12,400)

Phase 3 If Objections- Letter to GLA to see if inquiry required

Respond to the objectors 3 Weeks approx.

Draft letter to GLA 2 Weeks

Response from GLA 8 Weeks (out of our control)

Total: 13 Weeks - This should be done after the planning process is approved (Fee Charged based on time approx £1680.00)

Phase 4 If Objections and Inquiry Required

Application to Planning Inspectorate: 2 Weeks

Date for Inquiry usually in about: 6 months

Inquiry: 1 Week

Report Returns to LBC: 4 months

LBC Report written and approval: 6 Weeks

Letter to GLA informing them of decision: 2 Weeks

Total: 55 Weeks (The Fee Charged will depend on officer time, lawyer costs and charges by the planning inspectorate cost of room hire)

Phase 5: Make the order

Draft the final order and notices: 1 Weeks

Legal seal order and advertise: 2 Weeks

Total: 3 Weeks

Phase 6: Legal Challenge

A legal challenge can be made on the basis that the process was not undertaken correctly: 6 Weeks

The time for making the stopping up order can vary between 18 Weeks (24 including time for possible legal challenge) if there are no objections and 86 weeks (92 including time for possible legal challenge) if there is a public inquiry.

Conclusion

The application should be refused given that the proposal will result in a loss of both public highway and an establish right of way. Narrowing of the footway is heavily resisted and thus it is recommended that the application with withdrawn/refused and that the decking is removed from the public highway.