

18 November 2014

Blackwall Reach Highway

in the London Borough of Tower Hamlets

Stopping up orders

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

The proposal

The comprehensive stopping up of Ditchburn Street, Prestage Way, Scouler Street and various potential prescriptive rights of way.

Stopping up of land at Bullivant Street.

Recommendation

That Tower Hamlets Council be advised that the Mayor is content to give his consent to Tower Hamlets Council making the Stopping Up Orders.

Context

1 By a letter dated 2 October 2015 Tower Hamlets Council requested that the Mayor of London give his consent, as required by sub-section 252 (8A)(b)(ii) of the Town and Country Planning Act 1990 ("the Act"), to the making of two Stopping Up Orders under Section 247 of the Act. This reports sets out information for the Mayor's consideration in deciding whether to give his consent.

2 The Mayor of London's decision on this case will be made available on the GLA website www.london.gov.uk.

Site description

3 **Comprehensive Stopping up Order** - The areas of dedicated and undedicated public highway, footpaths and undedicated potential public rights of way subject to the draft proposed comprehensive stopping up order are located in the central and southern portion of the Blackwall Reach application site and are detailed below. The Blackwall Reach application site is bounded by East India Dock Road to the north, Cotton Street to the west, Blackwall Reach Tunnel Approach to the east and Aspen Way to the south. The central portion of the site comprises the Robin Hood Gardens estate and Millennium Green and is separated from the southern portion of the application site by Poplar High Street and Naval Row. The surrounding area is characterised by a mix of uses integrated with major transport infrastructure such as the DLR and the A1261 Aspen Way flyover to the south and the Blackwall Tunnel and associated approach roads that runs through the centre of the wider application site.

Dedicated highway to be stopped up

4 Ditchburn Street and Prestage Way are located in the south western portion of the application site. Ditchburn Street runs parallel to the south of Poplar High Street to join Prestage Way, which runs south from the junction of Poplar High Street and Naval Row towards Blackwall DLR Station. Scouler Street is a 'dead-end' street located within the south eastern portion of the application site to the south of Naval Row and runs eastwards to join Quixley Street. It is proposed that these three pieces of highway are stopped up in their entirety.

Undedicated public footpaths and undedicated potential public rights of way to be stopped up

5 It is proposed by the draft order that the formal footpaths accessing and running around Millennium Green and informal footpaths running across Millennium Green which provide access to the green from the existing streets around the Robin Hood Gardens estate, such as Woolmore Street, Robin Hood Lane and Poplar High Street will be stopped up. In addition, the garage forecourt areas to the west of Robin Hood Gardens estate running parallel to Cotton Street, and to the east of the estate running parallel with Robin Hood Lane, that currently provide potential rights of way to the public, are also required to be stopped up as they will be entirely built upon.

6 In conjunction with the stopping up of Ditchburn Street and Prestage Way, the area of hardstanding, pavement and the bus turnaround area lying to the south of Ditchburn Street, bounded by Preston's Road, Prestage Way and Blackwall DLR Station that provide potential prescriptive rights of way accessing the station and underpass under Preston's Road roundabout are also subject to draft stopping up order.

7 **Bullivant Street Stopping Up Order** – This involves the stopping up of a short section of Bullivant Street (45.3m in length) and includes the footway either side, this will enable the road to be moved a few metres to the west to facilitate the construction of a new and larger primary school. This falls within 1a of the redevelopment.

Details of the related development

8 The comprehensive stopping up order is required to enable the realignment of the highway network within the application site as required by the outline planning permission for the comprehensive redevelopment of the Blackwall Reach area (ref: PA/12/0001) granted on 30 March 2012. The redevelopment will provide up to 1,575 residential units, 1,710 sq.m. retail floorspace and up to 900 sq.m. business floorspace. It will also include the provision of a new school, replacement mosque, an energy centre, new open space and associated landscaping works, and alterations to and the creation of new vehicular and pedestrian access routes.

9 As part of the Blackwall Reach redevelopment, the highway layout across the site has been reconsidered in order to maximise capacity. As described above the garage forecourt areas to the east and west of the existing Robin Hood Gardens estate require stopping up as they will be entirely built upon with new residential blocks. The pavements along Cotton Street and landscaping along Robin Hood Lane that run parallel to the garage forecourts will be improved to create a more pleasant pedestrian environment to address the loss of the potential public right of way provided by these routes. The formal footpaths accessing and running around the Millennium Green and informal footpaths running across the green are proposed to be stopped up as they will either be completely built upon or realigned as part of the landscape of the proposed new park.

10 The area to the south of Poplar High Street encompassing Ditchburn Street, Prestage Way and the areas of hardstanding, pavement and bus turnaround area, bounded by Preston's

Road, Prestage Way and Blackwall DLR Station is subject to extensive realignment. This is necessary to enable the creation of a new public square and the construction of some tall residential towers (up to forty storeys) away from the Blackwall Tunnel alignment that traverses this portion of the site. The new square would provide new alternative access for pedestrians, service, waste and emergency vehicles to Blackwall DLR Station. To facilitate this development the above mentioned areas of highway require stopping up and building upon.

11 To the south east of the application site, it is proposed that Scouler Street is completely stopped up to create a pedestrian street. In addition, a new street will be created parallel to the south of Naval Row to create a circulation loop from the western end of Naval Row to Quixley Street for buses, with a new bus terminus located under the DLR viaduct.

12 A short section of Bullivant Street will be stopped up to enable the construction of the new and larger primary school.

13 As part of these proposals the existing areas of public highway described in paragraphs three to seven of this report will be stopped up, reconfigured and incorporated into the comprehensive redevelopment. This will result in the areas ceasing to exist as public highway.

14 In such cases the developer must ask the local planning authority to make an appropriate Order under the Act to enable the development to take place. Such an Order is required to remove (or “stop up”) the public’s rights to use this area so that the development can be implemented in line with the approved planning permission.

Background

15 Tower Hamlets Council gave notice of its proposal to make the Stopping Up Order in July 2013. On 2 October 2013 Tower Hamlets notified the Mayor that objections had been received to the comprehensive Stopping Up Order which had not been withdrawn. At that time there were three outstanding objections from Vodafone, Virgin Media and Sky.

16 As none of these outstanding objections had been made by a local authority or undertakers or transporters, the Mayor was requested to decide, in accordance with section 252(5A) of the Act whether, in the “special circumstances of the case” the holding of an inquiry was unnecessary.

17 In making this decision the Mayor acknowledged that Tower Hamlets Council had proposed to enter into formal agreements with each company that would protect their apparatus and access to it. However, at the time of writing the report this had not been completed and the objections remained. In the circumstances, the Mayor considered that the requirement to dispense with an inquiry had not been demonstrated and he wrote to Tower Hamlets Council on 25 November 2013 informing the Council of that decision.

18 Objections to the Bullivant Street Stopping Up Order were also made. However, as one of these was from a statutory undertaker an inquiry was automatically required.

19 An objection from Arvin (landowner affected by the Compulsory Purchase Order) was made to the comprehensive Stopping Up Order during the Inquiry.

20 An Inquiry was duly held on 14 days between 11 December 2013 and 22 May 2014 dealing with both Orders.

Inspector's Consideration

21 The essential case made by National Grid, Sky and Vodafone against both proposed Stopping Up Orders related to asset protection and continued access. Arvin's objection related to the fact that the Stopping Up Order would have implications for one of the accesses to its premises and that if its land is excluded from the Compulsory Purchase Order this would have implications for the Stopping Up of Prestage Row.

22 The Inspector concluded that both Stopping Up Orders are necessary if the related Compulsory Purchase Order is confirmed and are essential to enable the planning permission to be carried out. The Inspector noted that the Council was attempting to negotiate with all objectors and the normal contractual guarantees had been offered.

23 The Inspector also concluded that if the CPO was confirmed but excluded the Arvin site or all of Phase 4, then Prestage Way would still have to be stopped up as this would be necessary in order to facilitate the relocation of the services related to Phase 1b of the proposed redevelopment. However, as there is an alternative and adequate access from Naval Row, which is currently used by Arvin, he did not consider Arvin would be unacceptable prejudiced by the confirmation of the Order.

24 The Inspector recommended that provided the Compulsory Purchase Order is made the two Stopping Up Orders be made.

25 The CPO was confirmed on 20 August 2015 (with the exception of Phase 4).

Legal Considerations

26 Section 252(8A) of the Act provides that where a London borough council proposes to make a Stopping Up Order under s247 of the Act after:

- (a) considering any objections to the Stopping Up Order which are not withdrawn, and
- (b) where a local inquiry is held, considering the Inspector's report, and
- (c) obtaining the Mayor's consent to the making of the Stopping Up Order,

the council may make the Stopping Up Order either without modification or subject to such modification as it thinks fit.

27 If the Mayor gives his consent as is now sought, Tower Hamlets may proceed to make the Stopping Up Orders and in that event is required to publish notice to that effect. A six week period for the making of any judicial challenge to the validity of the order follows the date of publication of the notice of making of the order.

Financial Considerations

28 There are no financial considerations relevant to this issue.

Conclusion

29 The Inspector recommended that the two stopping Up Orders be made provided that the related Compulsory Purchase Order is made. The Compulsory Purchase Order was confirmed on

20 August 2015. The Council now wishes to make the Stopping Up Orders and has requested the Mayor's consent. It is recommended that this is given.

for further information, contact Planning Decisions Unit:

Colin Wilson, Senior Manager - Planning Decisions

020 7983 4271 email giles.dolphin@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk
