



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 21 September 2011

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Charles Joel (Vice-Chairman)
Councillors Douglas Auld, Eric Bosshard, Katy Boughey, Lydia Buttinger,
John Canvin, Simon Fawthrop, Peter Fookes, John Ince, Russell Jackson,
Kate Lymer, Mrs Anne Manning, Russell Mellor, Alexa Michael, Richard Scoates and
Pauline Tunnicliffe

A special meeting of the Development Control Committee will be held at Bromley
Civic Centre on **THURSDAY 29 SEPTEMBER 2011 AT 6.30 PM**

MARK BOWEN
Director of Resources

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

2 DECLARATIONS OF INTEREST

3 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

To hear questions to the Committee received in writing by the Democratic Services
Team by 5pm on Friday 23rd September 2011 and to respond.

**4 PROPOSED STOPPING UP OF HIGHWAY AT BAPCHILD PLACE, HARBLEDOWN
PLACE AND LAND ADJACENT TO 97 HIGH STREET, ST MARY CRAY - S247
TOWN AND COUNTRY PLANNING ACT 1990 (Pages 3 - 18)**

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Report No.
RES11103

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **29th September 2011**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **PROPOSED STOPPING UP OF HIGHWAY AT BAPCHILD PLACE, HARBLEDOWN PLACE AND LAND ADJACENT TO 97 HIGH STREET, ST MARY CRAY – S247 TOWN AND COUNTRY PLANNING ACT 1990**

Contact Officer: Keith Pringle, Democratic Services Officer
Tel 020 8313 4508 E-mail: keith.pringle@bromley.gov.uk

Duncan Gray, Development Manager
Tel: 020 8313 4556 E-mail: duncan.gray@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Resources

Marc Hume, Director of Renewal and Recreation

Ward: Cray Valley East

1. Reason for report

- 1.1 At their meeting on 19th July the Environment PDS Committee considered a report concerning authorisation for the making of a highway stopping up order under the provisions of section 247 of the Town and Country Planning Act 1990 to enable the development of the sites of Alkham and Horton Towers and land adjacent to 97 High Street, St Mary Cray to be implemented. Following the PDS meeting the Environment Portfolio Holder indicated his support for the recommendation in Report ES11080 (attached at **Appendix A**) and referred the matter to the Development Control Committee for decision as the matter is a non-executive function.

2. **RECOMMENDATION**

- 2.1 That subject to the completion of the section 106 Agreement between the Council and the developer, Broomleigh Housing Association, in respect of the development at Alkham and Horton Towers, the Director of Resources be authorised to take the necessary steps to make an order under section 247 of the Town and Country Planning Act 1990 for the extinguishment of highway rights over the areas shown on drawing numbers ESD/10887/1 and ESD/10888/1 appended to Report ES11080 at **Appendix A**.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: Estimated cost £2k
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £nil
 5. Source of funding: Developer is to meet the Council's costs
-

Staff

1. Number of staff (current and additional): 2
 2. If from existing staff resources, number of staff hours: 20
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All users of the areas to be stopped up.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: Councillor Fortune comments that this is an area that desperately needs regeneration and he supports the action being taken.

3. COMMENTARY

- 3.1 Following the grant of planning permissions on 14th April 2011 (refs. 10/03697 & 10/03698, the latter subject to the completion of a legal agreement) to Broomleigh Housing Association for the development of both the site adjacent to 97 High Street and that of Alkham and Horton Towers in St Mary Cray, it is necessary for these sites (including the surrounding grassed/wooded areas, which will form part of the developed sites) to be stopped up in order that the developments can take place.
- 3.2 Stopping up is the legal removal of the rights of the public to pass and re-pass over the affected areas and the order, if confirmed, will enable the land to be developed without threat of challenge from the public that highway has been obstructed.
- 3.3 In considering the matter on 19th July 2011 the Environment PDS Committee resolved that *“the Portfolio Holder be recommended to indicate his support to the Development Control Committee for the recommendation outlined in Report ES11080”* - please see **Appendix B** attached.
- 3.4 In his Decision Statement on 29th July 2011 (attached at **Appendix C**) the Environment Portfolio Holder decided that:
- “The recommendation outlined in Report ES11080 be supported and referred to the Development Control Committee for decision as the matter is a non-executive function”*
- 3.5 The making of a highway stopping up order under section 247 of the Town and Country Planning Act 1990 is a non-executive function and as such is a matter for the Development Control Committee to decide on. Members of the Committee are therefore asked to authorise the Director of Resources to take the necessary steps to make an order under section 247 of the Town and Country Planning Act 1990 for the extinguishment of highway rights over the areas shown on drawing numbers ESD/10887/1 and ESD/10888/1 – subject to the completion of the section 106 Agreement between the Council and the developer, Broomleigh Housing Association, in respect of the development at Alkham and Horton Towers.

4. FINANCIAL IMPLICATIONS

- 4.1 The costs of around £2,000 associated with this exercise represent staff and legal costs, including advertising, and are to be borne by Broomleigh Housing Association. There are therefore no financial implications for the Council.

5. LEGAL IMPLICATIONS

- 5.1 Section 247 of the Town and Country Planning Act 1990 empowers the local authority to make an order to stop up a highway where it is satisfied that it is necessary to do so to enable development, for which there is a valid planning permission, to be carried out. In the case of the development of Alkham and Horton Towers this will only be once the legal agreement has been completed.

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| Non-Applicable Sections: | Policy Implications, Personnel Implications |
| Background Documents: (Access via Contact Officer) | Planning Permission refs 10/03697 & 10/03698 |

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PART 1 - PUBLIC

Decision Maker: Environment Portfolio Holder

**For pre-decision scrutiny by the Environment PDS
Committee on**

Date: 19th July 2011

Decision Type: Non-Urgent Executive Non-Key

Title: **PROPOSED STOPPING UP OF HIGHWAY AT BAPCHILD
PLACE, HARBLEDOWN PLACE AND LAND ADJACENT TO 97
HIGH STREET, ST MARY CRAY - S 247 TOWN AND
COUNTRY PLANNING ACT 1990**

Contact Officer: Duncan Gray, Development Manager
Tel: 020 8313 4556 E-mail: duncan.gray@bromley.gov.uk

Chief Officer: Nigel Davies - Director of Environmental Services

Ward: Cray Valley East

1. Reason for report

To authorise the making of a highway stopping up order under the provisions of section 247 of the Town and Country Planning Act 1990 to enable the development of the sites of Alkham and Horton Towers and land adjacent to 97 High Street, St Mary Cray to be implemented.

2. **RECOMMENDATION**

- 2.1 That: subject to the completion of the section 106 Agreement between the Council and the developer, Broomleigh Housing Association, in respect of the development at Alkham and Horton Towers, the Director of Resources be authorised to take the necessary steps to make an order under section 247 of the Town and Country Planning Act 1990 for the extinguishment of highway rights over the areas shown on drawing numbers ESD/10887/1 and ESD/10888/1.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: Estimated cost £2k
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: n/a
 4. Total current budget for this head: £none
 5. Source of funding: Developer is to meet the Council's costs
-

Staff

1. Number of staff (current and additional): 2
 2. If from existing staff resources, number of staff hours: 20
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All users of the areas to be stopped up
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: Councillor Fortune comments that this is an area that desperately needs regeneration and he supports the action being taken.

3. COMMENTARY

- 3.1 Following the grant of planning permissions on 14th April 2011 (refs. 10/03697 & 10/03698, the latter subject to the completion of a legal agreement) to Broomleigh Housing Association for the development of both the site adjacent to 97 High Street and that of Alkham and Horton Towers in St Mary Cray, it is necessary for these sites (including the surrounding grassed/wooded areas, which will form part of the developed sites) to be stopped up in order that the developments can take place.
- 3.2 Stopping up is the legal removal of the rights of the public to pass and re-pass over the affected areas and the order, if confirmed, will enable the land to be developed without threat of challenge from the public that highway has been obstructed.

4. FINANCIAL IMPLICATIONS

- 4.1 The costs of around £2,000 associated with this exercise represent staff and legal costs, including advertising, and are to be borne by Broomleigh Housing Association and so there are no financial implications for the Council.

5. LEGAL IMPLICATIONS

- 5.1 Section 247 of the Town and Country Planning Act 1990 empowers the local authority to make an order to stop up a highway where it is satisfied that it is necessary to do so to enable development, for which there is a valid planning permission, to be carried out. In the case of the development of Alkham and Horton Towers this will only be once the legal agreement has been completed.

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|---|--|
| Non-Applicable Sections: | Policy Implications, Personnel Implications |
| Background Documents: (Access via Planning Division/Council web site) | Planning Permission refs 10/03697 & 10/03698 |

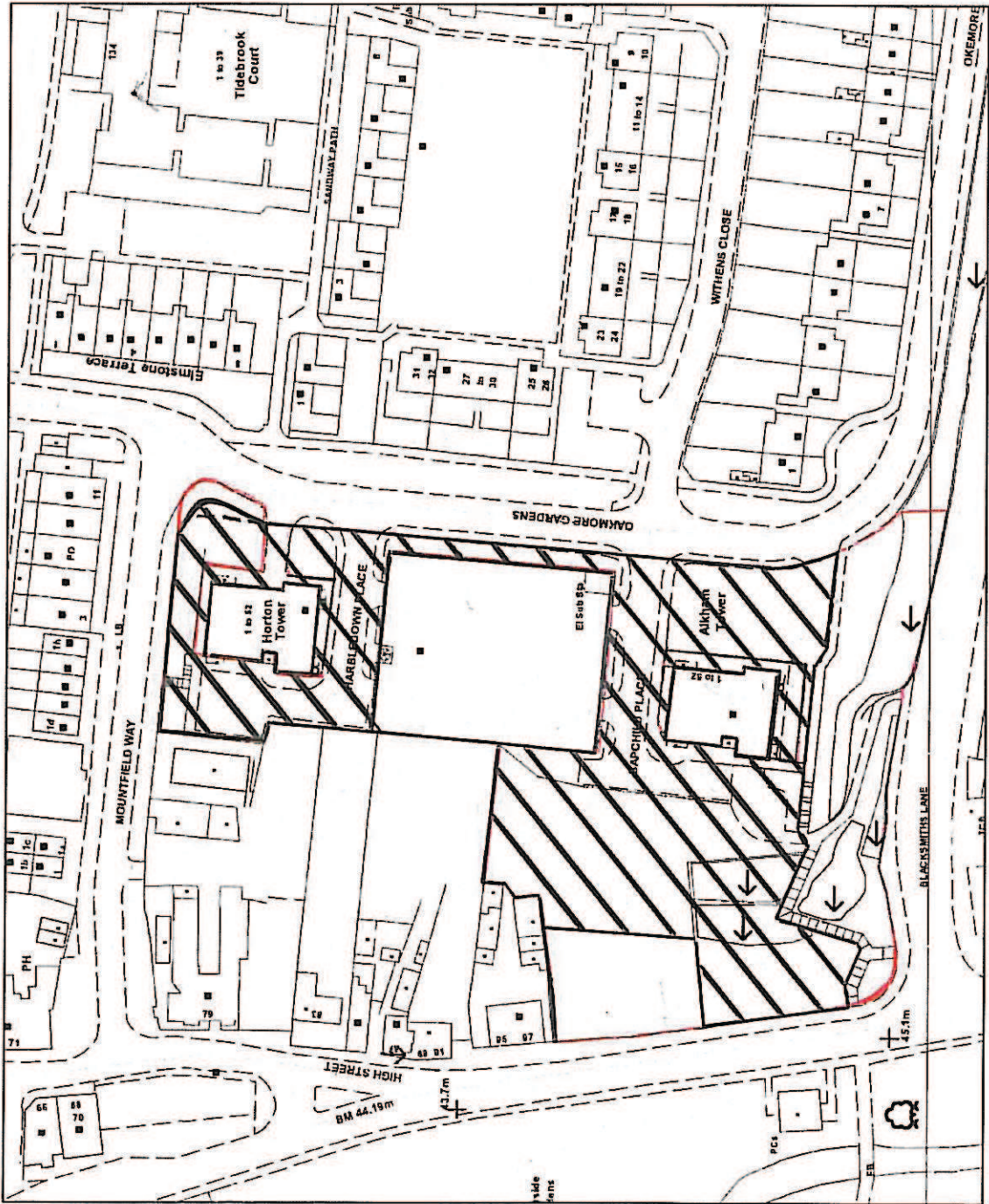
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CIS by ESRI (UK)

Land adjoining Alkham and Horton Towers

Mountfield Estate



Legend



AREA TO BE STOPPED
MAP

Scale : 1:1250

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|--------------|------------------------|
| Organisation | London Borough Bromley |
| Department | Authorised User |
| Comments | |
| Date | 16 February 2011 |
| SLA Number | 100017661 |

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Land adjoining Alkham and Horton Towers

Mountfield Estate

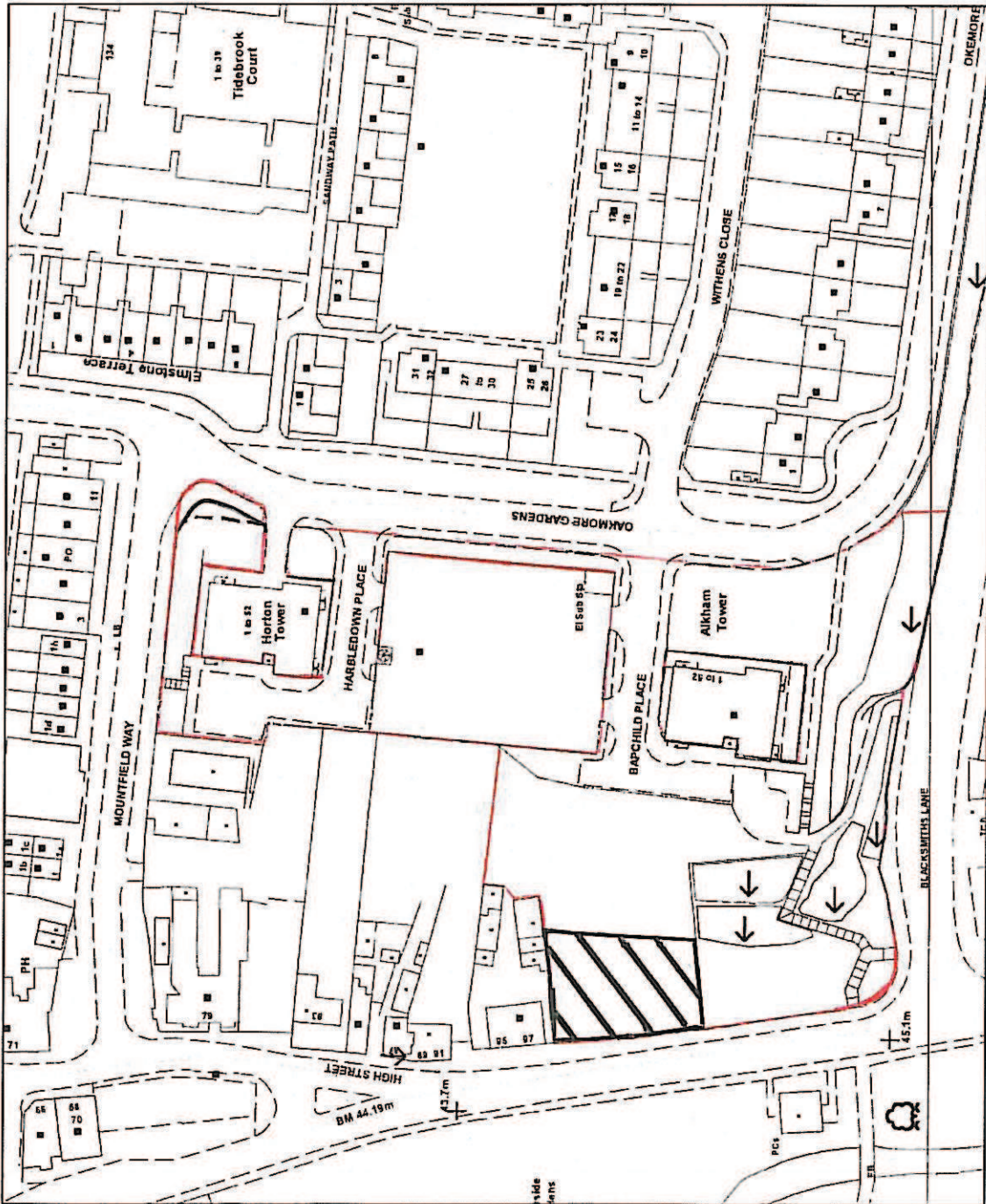


GIS by ESRI (UK)

Legend

 AREA TO BE STOPPED UP

Scale: 1:1250



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|--------------|------------------------|
| Organisation | London Borough Bromley |
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Relevant Minute from the Environment PDS Committee meeting held on 19th July 2011

23 MINOR TRAFFIC/PARKING SCHEME REPORTS TO THE ENVIRONMENT PORTFOLIO HOLDER

A) PROPOSED STOPPING UP OF HIGHWAY AT BAPCHILD PLACE, HARBLEDOWN PLACE AND LAND ADJACENT TO 97 HIGH STREET, ST MARY CRAY - S 247 TOWN AND COUNTRY PLANNING ACT 1990

Report ES11080

The Chairman declared a personal and prejudicial interest in this item and accordingly vacated his Chairmanship of the meeting for the duration of the item to Councillor Samaris Huntington-Thresher.

Following the grant of planning permissions on 14th April 2011 to Broomleigh Housing Association for the development of both the site adjacent to 97 High Street and that of Alkham and Horton Towers in St Mary Cray (refs. 10/03697 and 10/03698, the latter subject to the completion of a legal agreement), it was necessary for these sites (including the surrounding grassed/wooded areas which would form part of the developed sites) to be stopped up in order that the developments could take place.

Members were advised that authorisation for the making of a highway stopping up order under section 247 of the Town and Country Planning Act 1990 was a non-executive function and as such the Portfolio Holder could only make a recommendation, in this case to the Development Control Committee.

Members agreed to support the recommendation in the report.

RESOLVED that the Portfolio Holder be recommended to indicate his support to the Development Control Committee for the recommendation outlined in Report ES11080.

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LONDON BOROUGH OF BROMLEY

STATEMENT OF EXECUTIVE DECISION

The Portfolio Holder for the Environment, Councillor Colin Smith, has made the following executive decision:

PROPOSED STOPPING UP OF PROPOSED STOPPING UP OF HIGHWAY AT BAPCHILD PLACE, HARBLEDOWN PLACE AND LAND ADJACENT TO 97 HIGH STREET, ST MARY CRAY - S.247 TOWN AND COUNTRY PLANNING ACT 1990

Reference Report (ES11080):

ENV PDS 190711 item 8a Stopping Up Highway at Bapchild Place, Harbledown Place and Land Adj to 97 High St, St Mary Cray

ENV PDS 190711 item 8a Drawing 1

ENV PDS 190711 item 8a Drawing 2

Decision:

The recommendation outlined in Report ES11080 be supported and referred to the Development Control Committee for decision as the matter is a non-executive function.

Reasons:

Following the grant of planning permissions on 14th April 2011 to Broomleigh Housing Association for the development of both the site adjacent to 97 High Street and that of Alkham and Horton Towers in St Mary Cray (refs. 10/03697 and 10/03698, the latter subject to the completion of a legal agreement), it is necessary for these sites (including the surrounding grassed/wooded areas which would form part of the developed sites) to be stopped up in order that the developments can take place.

This measure is supported but authorisation for the making of a highway stopping up order under section 247 of the Town and Country Planning Act 1990 is a non-executive function and as such is a matter for the Development Control Committee to decide on.

This item was considered by the Environment PDS Committee on 19th July 2011.

.....
Councillor Colin Smith
Environment Portfolio Holder

Mark Bowen
Director of Resources
Bromley Civic Centre
Stockwell Close
Bromley BR1 3UH

Date of Decision: 29 Jul 2011

Implementation Date (subject to call-in): 5 Aug 2011

Decision Reference: ENV11010

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