

**Decision Maker:**      **Development Control Committee**

**Date:**                      **29<sup>th</sup> 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 19<sup>th</sup> 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 14<sup>th</sup> 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 19<sup>th</sup> 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 29<sup>th</sup> 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.

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