

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**

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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.
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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
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Staff

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

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

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

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