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| Meeting:             | Development Control Committee   |
| Date:                | 17 <sup>th</sup> May 2005   |
| Subject:             | Section 247 of the Town and Country Planning Act 1990 Stopping Up of the Highway – Former youth centre, Library and car park – Grant Road/George Gange Way Wealdstone site. |
| Responsible Officer: | Interim Head of Environment and Transportation  |
| Contact Officer:     | Richard Michalski, Development Engineer, Transportation   |
| Portfolio Holder:    | Environment and Transport   |
| Key Decision:        | No  |
| Status:              | Part 1  |

## **Section 1: Summary**

### **Decision Required**

The Committee is recommended to:

- 1.1 Authorise officers to proceed with the making of the order without further reference to the Development Control Committee as there are no objections to the proposed order.

**REASON:**

To enable the development to be carried out in accordance with the planning permission granted.

**Reason for report**

Resolution No. 810(1) of the D.C. Committee held on 8<sup>th</sup> December 2004 gave authority to advertise the 'Stopping Up' order for the above development and resolution No. 810 (3) instructed officers to report the results of the formal advertising of the Stopping up order. This formal consultation has now been undertaken. There have been no sustained objections.

**Benefits**

The action recommended in this report will allow the completion of the affordable housing scheme which conforms to the Council's policy to secure the provision of affordable housing to meet the needs of the borough's residents.

**Cost of Proposals**

There are no costs incurred by the Council.

**Risks**

None.

**Implications if recommendations rejected**

Completion of development as granted by the planning permission will not be possible.

## **Section 2: Report**

### **2.1 Brief History**

The Acton Housing Association Ltd development comprises of 10 houses and 87 flats in 2-6 storey buildings which will provide affordable housing units in the form of 71 flats. The areas fronting the site is the subject of the stopping up requirement. Planning permission was granted subsequent to the completion of a section 106 legal agreement.

The land beneath the area of highway to be stopped up is within the Ownership of the Acton Housing Association. The land in question is deemed surplus to requirements as public highway. The stopping up will enable the development to be carried out in accordance with the planning permission.

### **2.2 Options considered**

Not applicable.

### **2.3 Consultation**

All Ward Councillors are aware of the development proposals.

### **2.4 Financial Implications**

The London Local Authorities (charges for stopping up) Regulations 2000 gives authority to the Council to recover the costs of making the order from the applicant and therefore there should be no costs incurred by the Council.

Legal officers have obtained adequate monies on account from the applicant prior to the commencement of the process pertaining to the stopping up order, which the Council is authorised to recover under the London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

### **2.5 Legal Implications**

Section 247 of the Town and Country Planning Act 1990 gives the power to the London Boroughs to make stopping up orders for highways within their Boroughs if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the planning permission granted. (Outside London the power is in the hands of the Secretary of State). The responsibility was devolved to the London Boroughs through the Greater London Authority Act 1999.

The process for the making of the order is as follows. Following the Council's resolution, notices of the proposed order are advertised and served on relevant authorities, principally the statutory undertakers, and displayed on site. Following the objection period of 28 days if there have been no objections the Council may make the order.

## 2.6 Equalities Impact

None.

## **Section 3: Supporting Information/ Background Documents**

**Appendix 1** – Plan showing area to be stopped up

**Background papers** – The planning committee report and relevant minute granting planning permission for advertising the Stopping up order.