

Meeting:	Development Management Committee
Date:	25 January 2007
Subject:	Section 247 of the Town and Country Planning Act 1990 Stopping Up of the Highway – Honeybun Community Centre, 1 Andrews Close
Key Decision: (Executive-side only)	No
Responsible Officer:	Interim Head of Public Realm Infrastructure
Portfolio Holder:	Marilyn Ashton Planning, Development & Enterprise
Exempt:	No
Enclosures:	Appendix 1 – Area to be stopped up

## **SECTION 1 – SUMMARY AND RECOMMENDATIONS**

The D.C. Committee held on 9<sup>th</sup> October 2002 gave authority for a change of use of the Honeybun Community Centre from a Youth Justice and Community centre to a Women's centre. As part of the agreed permission it is proposed to encompass the car parking spaces fronting the centre within the lease agreement for the new use.

This parking area is adopted public highway and therefore cannot be dedicated for sole use by the centre as required by the proposed lease. To enable the lease to be processed the area of land as shown at Appendix 1 requires a 'Stopping Up' order. This will allow the planning permission to be executed.

**RECOMMENDATIONS:**

The Committee is recommended to:

Authorise officers to commence the necessary process to stop up the area of highway shown on the plan at Appendix 1 in accordance with sections 247 and 252 of the Town and Country Planning Act 1990 as amended by the Greater London Authority Act 1999.

In the event that objections are made and not withdrawn within the 28 days of publication of the proposed order, that the objections be referred to the Mayor for London for determination as to whether or not a public inquiry should be held in accordance with section 252 of the Act.

If there are no objections to the proposed order, or the Mayor of London decides that a public inquiry is unnecessary, that officers be authorised to proceed with the making of the order without further reference to the Portfolio Holder.

**REASON:**

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

**SECTION 2 - REPORT**

Background

A resolution is sought to stop up an area of highway fronting the Honeybun Community Centre to facilitate the planning permission granted on 9<sup>th</sup> October 2002 for a change of use from a Youth Justice/ Community centre to a Women's/ Community centre.

Council policy supports existing and new community facilities for social uses in the Borough. It also considers the suitability and compatibility of sites with the local area to ensure that there is no adverse effect on the local community. As the new use is likely to be less socially intrusive than the existing facility the impact on the community will generally be favourable.

Andrews Close is a cul-de-sac which relies on the area fronting the centre to function as a turning head. The 14 parking spaces which are within this area are currently used by both visitors to the centre and local residents. The proposal is to stop up the parking spaces which will form part of the lease agreement. The roadway in front of the bays will remain public highway in order to fulfil its function as a turning area.

The parking spaces are therefore deemed surplus to requirements as public highway. The stopping up will enable the completion of the change of use consistent with the lease proposals and planning permission.

Appendix 1 indicates the area of land to be stopped up.

### Benefits

The action recommended in this report will allow the completion of the change of use permission which conforms to the Council's policy which supports existing and new community facilities for social uses in the Borough.

### Cost of Proposals

Urban Living staff and stopping up procedure costs will be offset by the income generated by the lease agreement. Staff time and legal costs relating to the stopping up procedure are not expected to exceed £3000, these are in-house costs. However if objections are received and the process extends to a referral to the Mayor for London with a subsequent public inquiry then the final sum incurred would be in the region of £10,000.

### Risks

None.

### Implications if recommendations rejected

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

### Consultation

All Ward Councillors are aware of the proposals and have been sent a copy of this report.

### Statutory Requirements

N/A

### Financial Implications

Staff time and legal costs relating to the stopping up procedure are not expected to exceed £3000. However if objections are received and the process extends to a referral to the Mayor for London with a subsequent public inquiry then the final sum incurred would be in the region of £10,000.

The final sum will need to be offset from the annual receipt from the lease agreement which will be £17,000 per annum. If the stopping-up order does not proceed and, as a result, the occupier is not granted exclusive use of the car

parking spaces, a lower rent will result. This may, subject to negotiations, lead to a reduction in lease receipt of up to £4,000 per annum.

### 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.

On making the order the Council must publish in the London gazette and in at least one local newspaper a notice stating that the Order has been made and naming a place where a copy of the Order can be seen at all reasonable hours.

In the event that an objection is made and it is not withdrawn, the Council must inform the Mayor of London and a public inquiry may have to be called. The Mayor has the power to dispense with the need for a public inquiry in certain circumstances. Where an inquiry has been held, Harrow Council, after considering the inspector's report and subject to the consent of the Mayor for London, may make the order with or without modification.

## **SECTION 3 - STATUTORY OFFICER CLEARANCE**

Chief Finance Officer	<input type="checkbox"/>	Name: Anil Nagpal Date: December 2006
Monitoring Officer	<input type="checkbox"/>	Name: Ade Amisu Date: December 2006

## **SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS**

### **Background Papers:**

- **Appendix 1** – Plan showing area to be stopped up
- **Background papers** – The planning committee report and relevant minute granting planning permission for the development.

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**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	N/A

