

Meeting:	Development Management Committee
Date:	2 <sup>nd</sup> May 2007
Subject:	Section 247 of the Town and Country Planning Act 1990 Stopping Up of the Highway – 1,2,3&4 Chandos Parade, Buckingham Road, Edgware.
Key Decision: (Executive-side only)	No
Responsible Officer:	Graham Jones, Director of Strategic Planning
Portfolio Holder:	Marilyn Ashton Planning, Development and Enterprise
Exempt:	No
Enclosures:	Appendix 1 – Area to be stopped up

## SECTION 1 – SUMMARY AND RECOMMENDATIONS

A resolution is sought to stop up an area of highway fronting 1,2,3 and 4 Chandos Parade at the junction of Buckingham Road and Merlin Crescent Edgware.

The Development Control Committee held on 28<sup>th</sup> July 2004 considered and refused planning permission for a change of use of four vacant retail units at Chandos Parade to 10 flats with parking space.

The proposal was however allowed on appeal (22<sup>nd</sup> July 2005). As part of the permission granted on appeal the development footprint encroaches onto public highway. To allow the planning permission to be implemented, an area of highway shown at Appendix 1 will require a 'stopping up' order.

**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In the event that objections are made and not withdrawn within the 28 days of publication of the proposed order, that the objections be referred to the Mayor for London for determination as to whether or not a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 planning committee.

**REASON:**

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

**SECTION 2 - REPORT**

Background

The Development Control Committee held on 28<sup>th</sup> July 2004 considered and refused planning permission for a change of use of four vacant retail units at Chandos Parade to 10 flats with 10 off street parking spaces.

The application site comprises of four existing vacant retail units which have been unoccupied on a long term basis.

The committee refused the proposal on the following grounds:-

1. The proposed development, by reason of its excessive size and bulk, would be visually obtrusive, would be out of character with neighbouring properties and would not respect the scale and massing of those properties, to the detriment of the character of the area and the amenity of neighbouring properties.
2. The proposed parking area, by reason of size and siting would give rise to levels of activity which would have a detrimental impact on the amenity of neighbours.

3. Notwithstanding the details indicated on the submitted drawings, the proposal would give rise to problems of the overlooking of the rear gardens of No's 80 and 82 Buckingham Road particularly at such times as the proposed planting areas are being maintained.

This proposal was allowed on appeal on 22<sup>nd</sup> July 2005.

To allow the planning permission to be implemented, an area of highway shown at Appendix 1 will need to be stopped up. This area of highway is deemed surplus to requirements.

#### Benefits

The action recommended in this report will enable the development to be carried out in accordance with the planning permission.

#### Cost of Proposals

The costs of making the stopping up order will be borne by the developer.

#### Risks

None.

#### Implications if recommendations rejected

Completion of development 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

See Legal Implications section below.

#### 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 will be obtaining adequate monies on account from the applicant prior to the commencement of the process pertaining to the stopping up order.

### 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 intention to make the stopping up order and the proposed order are advertised in the London Gazette and at least one local newspaper circulating in the area. The notice and proposed order would also be served on relevant authorities, principally the statutory undertakers, and displayed on site. Any person served with a notice may within 28 days of the service of the notice object to the making of the stopping up order. 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, the 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	19/04/07	Name: Sheela Thakrar
		Date: April 2007
Monitoring Officer	10/04/07	Name: Jessica Farmer
		Date: April 2007

## 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 appeal decision 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

