

# APPROPRIATION OF LAND AT PORTLAND ROAD, HAYES

<b>Cabinet Member</b>	Councillor Jonathan Bianco
<b>Cabinet Portfolio</b>	Finance, Property and Business Services.
<b>Officer Contact</b>	M Henington, Residents Services
<b>Papers with report</b>	Site Plan

## 1. HEADLINE INFORMATION

<b>Summary</b>	This reports seeks Cabinet approval to appropriate the land from Highways to Green Spaces to create a small park.
<b>Contribution to our plans and strategies</b>	The recommendations support the objectives of the Corporate Property Asset Management Plan in seeking to optimise the use of property assets.
<b>Financial Cost</b>	None specific
<b>Relevant Policy Overview Committee</b>	Corporate Services and Partnerships Policy Overview Committee
<b>Ward(s) affected</b>	Charville

## 2. RECOMMENDATION

That the Cabinet:

- 1) **Authorises officers to give public notice of the Council's intention to appropriate the land from highways purposes to public open space;**
- 2) **Delegates authority to the Deputy Chief Executive and Corporate Director of Residents Services, in consultation with the Leader of the Council, Cabinet Member for Finance, Property and Business Services and the Cabinet Member for Planning, Transportation and Recycling to:**
  - (a) **Consider any objections to the proposed appropriation; and**
  - (b) **Decide whether the land should be appropriated for public open space.**
- 3) **Agrees that Officers be authorised to proceed with seeking planning consent and take any necessary decision to stop up the area of highway in question.**

## **Reasons for recommendation**

The land is currently designated as public highway and it is proposed to appropriate the land to Green Spaces for use as a park to improve local amenities.

## **Policy Overview Committee comments**

None at this stage.

## **3. INFORMATION**

### **Supporting Information**

The site has an area of approximately 1.4 acres. It comprises a grassed amenity area of land, currently held and designated for public highway purposes.

It is proposed that the land will be appropriated for use as a small park, subject to any necessary consent that may be required. The proposals for the land currently include a new playground, picnic area, outside gym and a playing field.

### **Financial Implications**

The land has an estimated value of £15,000 for its existing use, assuming no residential development potential.

There is no cost to the Council in undertaking the appropriation, with any costs associated with the proposed playground report subject to approval at a later date. The financial effect of the recommendation is that Green Spaces rather than Highways Services will pick up the ongoing maintenance costs of the playground development.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The appropriation of the land will result in the land being used as a park for recreational purposes.

### **Consultation Carried Out or Required**

None.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and concurs with the financial implications set out above.

## **Legal**

If the Council wishes to appropriate land from highways to public open space, it will need to be satisfied that the provisions of Section 122 of the Local Government Act 1972 are met and in particular that the land is “no longer required” for the purposes for which it is currently held. Case law has established that in determining whether land is required for a particular purpose, it is legitimate to weigh up the relative importance of different needs and to exercise judgment in the public interest. In this particular case, it would seem that the area of land in question is not needed to facilitate the passage of pedestrians or vehicles and would serve the public interest as a park area. However, the decision maker will need to be satisfied that there is in fact no need for the land to be used as highways land and that in weighing up competing needs, the balance falls in favour of providing public open space for a new park area.

This report indicates that the area of land is open in character. That being the case, the Council will need to advertise its intention to appropriate the land in a local newspaper for two consecutive weeks and take any consultation responses into account before formally deciding to appropriate the land. Officers should consult legal services with regards to the detailed process of appropriation.

Officers have advised that the land is currently adopted highway. That being the case, in order to create a park, it is recommended that the Council obtains a stopping up order in accordance with the Highways Act 1980. This can be obtained on application to the magistrate’s court. The Council would have to satisfy the magistrates that the land is no longer required as a highway. Legal Services should be instructed to carry out this work.

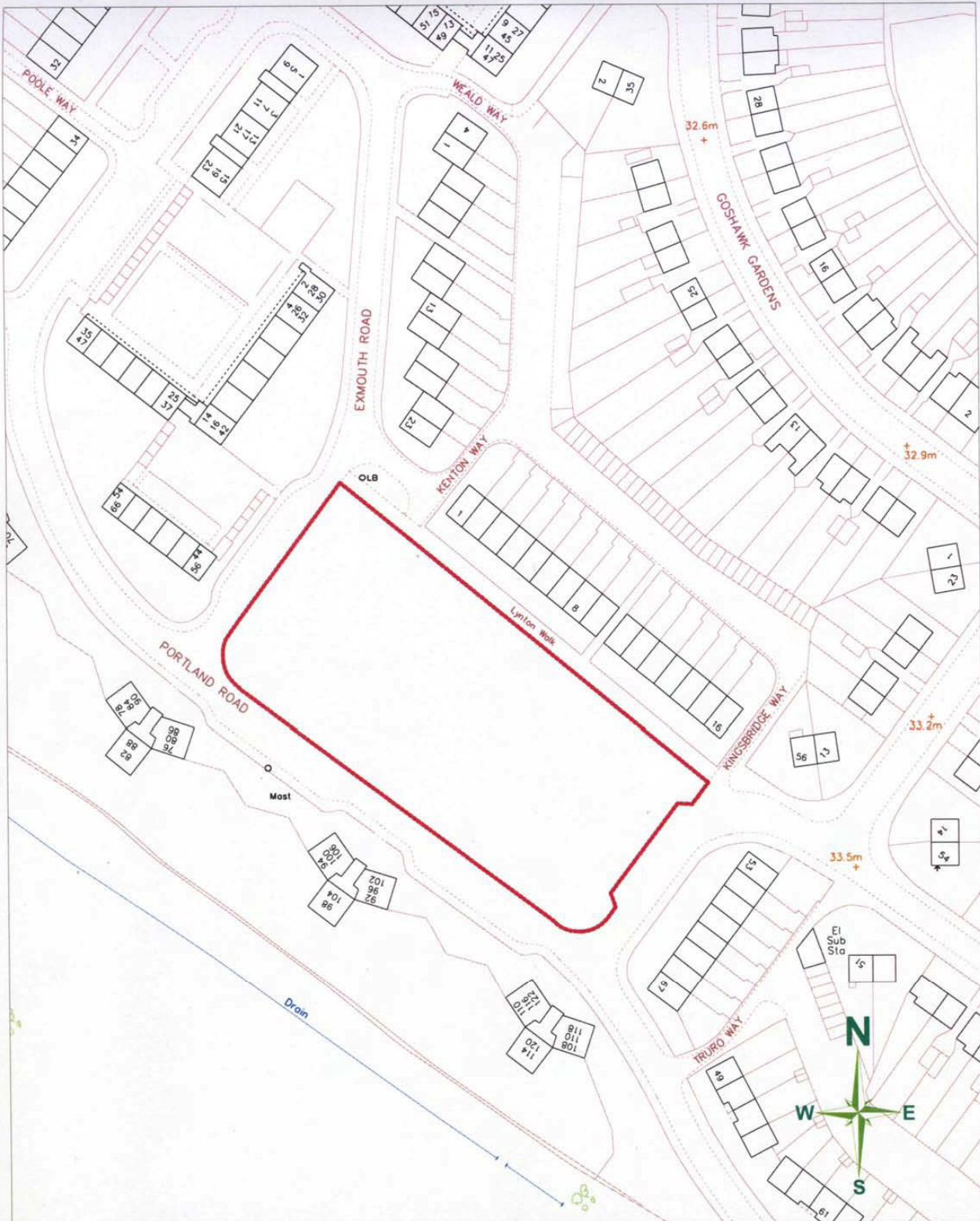
Planning consent will be required in order to carry out the works referred to in this report and officers are advised to seek the advice of the Council’s Planning Department in this regard.

## **Corporate Property and Construction**


Corporate Property and Construction has authored this report.

## **6. BACKGROUND PAPERS**

Nil.



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	<b>PROPERTY SERVICES</b> CIVIC CENTRE, HIGH STREET, UXBRIDGE, MIDDLESEX, UB8 1UW	TITLE	Land at Portland Road Hayes	DRG No	
				SCALE	1:1250
				DATE	24.07.2012