



General Purposes Committee
23rd February 2017

**Report from the Strategic Director,
Regeneration and Environment**

For Action

Wards Affected: Wembley Central

Report Title:

Stopping Up Order and Extinguishment of Vehicular Rights Order – Ealing Road Library, Coronet Parade

1.0 Summary

- 1.1 This report seeks authorisation to make a Stopping Up Order and an Extinguishment of Vehicular Rights Order for certain areas of public highway consisting of footway and road located in front of Ealing Road Library (Coronet Parade, Ealing Road) under Section 247 and 249 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 The Stopping Up Order is required to complete a part of the development which will require the placing of a modular unit that will contain a café (A3) on a certain section of the public highway. The Extinguishment of Vehicular Rights Order is required for improving the amenity of the area which will consist of pedestrianisation, the introduction of cycle parking, planting of a tree, provision of a communal bench and an area for the use of performances and a market.
- 1.3 The redevelopment of the site will also provide landscaping to the library forecourt with addition of further alteration to the existing public highway including provision of additional footway, alteration to the existing highway access, replacement of windows and doors in library street façade and the replacement of a vehicular access gate.

2.0 Recommendations

- 2.1 That members note that the draft Orders have been advertised in accordance with the requirements of Section 247 and 249 TCPA 1990 and that in

response to the consultations Virgin Media seeks the potential diversion of its apparatus. A site visit will need to be conducted by Virgin Media to determine a resolution.

- 2.2 That the Committee approve the Stopping Up Order and Extinguishment of Vehicular Rights Order and agree that the notices of making should be advertised following the resolution of the Virgin Media response.

3.0 Detail

- 3.1 Planning consent was granted following the Planning Committee meeting of 14th December 2016 approving the landscaping to the library forecourt with the addition of a café (A3) and community and enterprise hub (B1/D1) modular units. Alteration to the existing public highway including provision of additional footway, stopping up of part of the footway, alteration to the existing highway access, replacement of windows and doors to the library street façade and replacement of a vehicular access gate leading to the rear car-parking space to the rear of the library.
- 3.2 The alterations to the current design of traffic and parking arrangements along Coronet Parade and Ealing Road will include the relocation of the existing junction currently situated opposite Ealing Road library and the re-organisation of the parking place provisions along Ealing Road and Coronet Parade. These changes are not considered significant as it only amounts to a minor loss of parking space. The loss of parking space will be balanced out by the significant improvements that will be made to the amenity of the library forecourt area which is currently unregulated and used by visitors to the area as free all day car parking. The two existing disabled car parking spaces will be relocated to the rear of the library, so there will be no loss of disabled car parking spaces. Along Ealing Road and adjoining Coronet Parade, there are currently sixteen parking bays, three of which are disabled car parking spaces. Once the project is completed, there will be eleven car parking spaces, but no loss of disabled car parking spaces.
- 3.3 The draft Stopping Up Order was made under Section 247 TCPA 1990 to enable the redevelopment to take place and the Extinguishment of Vehicular Rights Order was made under Section 249 TCPA 1990 for the improvement of the amenity of the area. Copies of the Orders are attached at Appendix 1, together with the relevant plans showing the proposed area to be stopped up and of where vehicular right will be extinguished. The notices of proposal were advertised on 22nd December 2016 in the local press and the London Gazette. Statutory consultees, namely utility companies and Transport for London were notified of the proposed Orders by e-mail and correspondence.
- 3.4 The Council received ten responses from utility companies with either no objections or no record of apparatus in the immediate vicinity of our enquiry. These were from:

- ATKINS working on behalf of Vodafone response to both Orders
- Asset Data response to Stopping Up Order
- Colt Technology Services response to both orders
- ESP Gas Group Ltd response to both Orders
- Instalcom response to Stopping Up Order
- Nationalgrid response to Stopping Up Order
- Network Rail response to Stopping Up Order
- Scottish & Southern Electricity Networks response to Stopping Up
- Transport for London (TfL) response to Stopping Up Order
- Thames Water response to Stopping Up Order

3.5 A letter from Virgin Media was also received with a notice to a reference drawing, marked to show the approximate position of plant owned and operated by them. In reference to the plan the affected plant is mainly within the area where vehicular rights are to be extinguished. A site meeting has been requested to seek a resolution to this response. Virgin Media will undertake to divert its utility service if, following their site visit, it is deemed necessary.

3.6 Members are now requested to approve the making of the Orders to complete the development of the site, subject to a resolution to the Virgin media response.

4.0 Financial Implications

4.1 The Order making costs of approximately £6,000 will be initially met by Highways and Infrastructure Service and recharged to the Ealing Road Library capital project costs.

4.2 There are no other financial implications on the Council's revenue budgets.

5.0 Legal Implications

5.1 Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) permits the making of an order for the stopping up of a highway necessary to enable development to be carried out in accordance with a valid planning permission. A stopping up order extinguishes the right of the public to pass and repass over the land to which the order will apply. Compensation is not payable to those adversely affected by the order.

5.2 The local planning authority can resolve to improve the amenity of its area by removing vehicular rights over a highway which is neither a trunk road, a road classified as a principal road or a GLA road (section 249, TCPA 1990). Compensation is payable to anyone who loses their lawful right of access to the highway.

- 5.3 Early consultation about the proposal with all persons and organisations who will be affected by the proposed is advisable. However, objections to the Extinguishment of Vehicular Rights order must be made within 28 days following the latest date of publication of the notice. If a person/body objects to the making of the order at the time of the notice, the order might be sent to local enquiry or to the Mayor of London.
- 5.4 Immediately after the Extinguishment of Vehicular Rights order is made, the LPA must publish a notice in a local newspaper and the London Gazette stating the order was made, naming the place where a copy of the order can be inspected. From the date order is made it must also be sent to consultees, any person affected by the order, and displayed at each end of the affected highway.
- 5.5. Officers have taken the Council's legal advice as to the statutory requirements in relation to the promotion of the Orders. If it is agreed to make the Orders, notices of making of the Orders will be publicised. It will not be open to further objection by the public or other authorities. However, where an order is made and published, or the Council decides not to confirm the order this can be challenged within certain time limits.

6.0 Diversity implications

- 6.1 Diversity Implications were addressed in the October 2016 Cabinet report. It is expected that the combined elements of the project, will promote and enhance social cohesion, which falls into the Council' current Regeneration & Environment Strategy Priority Three: To maximise investment in Brent, from the private, public and community sectors in line with regeneration priorities and ambitions.

7.0 Staffing / Accommodation Implications

- 7.1 There are no staffing implications within this report.

Appendices

Appendix 1 – Stopping Up Order and Extinguishment of Vehicular Rights Order with notices and plans

Appendix 2 – Response from Virgin Media to the consultations

Background Papers

Correspondence of Highway and Transport Delivery File TO/23/023A and B/NP
Planning Committee, 14th December 2016, Agenda item No. 07, Case No. 16/4257.

Contact Officers

Nicolaas Potgieter – Highways and Infrastructure Service, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ. Telephone: 020 8937 5600. E-mail nicolaas.potgieter@brent.gov.uk.

Christine Moore – Capital Projects Manager (Regeneration and Environment), 6th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ Telephone: 020 8937 3118. E-mail christine.moore@brent.gov.uk.

Appendix 1 – Stopping Up Order and Extinguishment of Vehicular Rights Order with notices and plans



THE LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 201*

Made * 201*

THIS ORDER is made by the Mayor and Burgesses of the London Borough of Brent ("The Council") acting in its capacity as a local highway authority and in exercise of its powers under Section 247 of the Town and Country Planning Act 1990 ("the Act") as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other powers enabling it in that behalf.

BY THIS ORDER:

1. The Council authorises the stopping up of an area of public highway described in Schedule 1 to this order and shown hatched black on the Deposited Plan ("the Highway"), in order to enable development described in Schedule 2 to this order to be carried out in accordance with the planning permission granted under Part III of the Act by the Council on 15th December 2016 under Application No. 16/4257. ("the Development").
2. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over, along or across any area of the highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that area of the highway is stopped up as they had immediately beforehand.
3. In this order "the Deposited Plan" means the plan deposited in the offices of Highways Infrastructure, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under Drawing No. 056_SK161216-01.
4. This order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and be cited as The London Borough of Brent (Stopping Up Of Highways) (No. *) Order 201*.

SCHEDULE 1

Description of Highway to be Stopped Up

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of an rectangular shaped length of carriageway located to the west of Ealing Road Library on Coronet Parade, Ealing Road, bounded by the north-western boundary wall of No. 45 Ealing Road to the south and Ealing Road to the west, starting grid reference E184759.00, N518131.58 and extending south-westward to grid reference E184759.25, N518126.87 with a maximum width of 4.00 metres throughout.

SCHEDULE 2

The Development

Landscaping to library forecourt with addition of café (A3) and community and enterprise hub (B1/D1) modular units. Alteration to existing public highway including provision of additional footway, stopping up of part footway, and alteration to existing highway access. Replacement of windows and doors in library street facade. Gate to frontage.

The Common Seal of THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF BRENT was hereunto affixed in the)
presence of:)

.....
Solicitor

LONDON BOROUGH OF BRENT**TOWN AND COUNTRY PLANNING ACT 1990****THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 2016**

1. **NOTICE IS HEREBY GIVEN** that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 of the Town and Country Planning Act 1990 ("The Act") as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 to authorise the stopping up of an area of public highway described in Schedule 1 to this notice.
2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted under Part III of the Act by the London Borough of Brent as the Local Planning Authority on 15th December 2016 under Application No. 16/4257.
3. A copy of the draft order and of a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 22nd December 2016 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.
4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Highways and Infrastructure, Highways Infrastructure Services, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, or via email to trafficorders@brent.gov.uk, quoting the reference TO/23/023A/NP, within the period of 28 days from the 22nd December 2016.
5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 22nd December 2016.

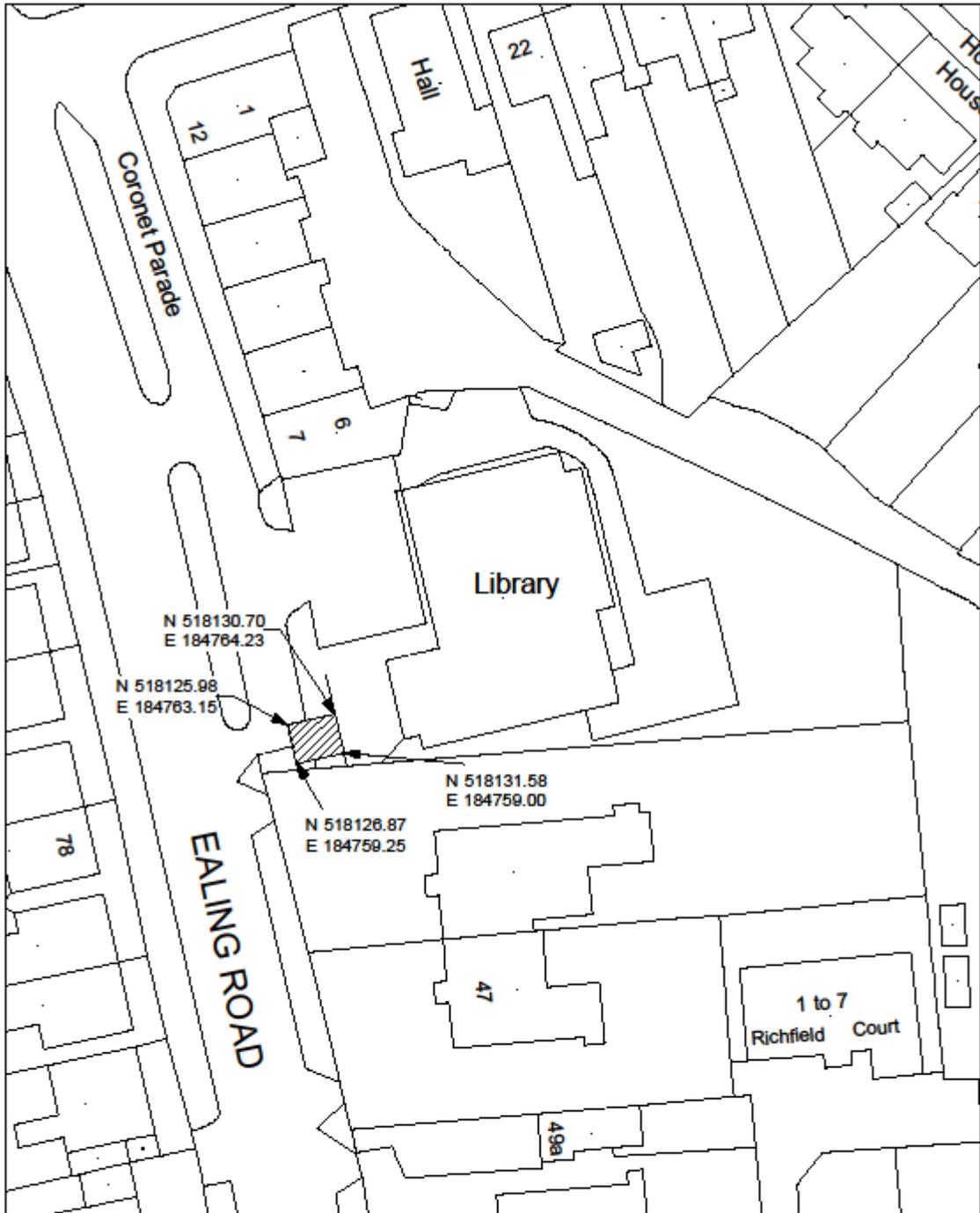
Tony Kennedy
Head of Highways and Infrastructure

SCHEDULE 1

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of a rectangular shaped length of carriageway located to the west of Ealing Road Library on Coronet Parade, Ealing Road, bounded by the north-western boundary wall of No. 45 Ealing Road to the south and Ealing Road to the west, starting grid reference E184759.00, N518131.58 and extending south-westward to grid reference E184759.25, N518126.87 with a maximum width of 4.00 metres throughout.

SCHEDULE 2

Landscaping to library forecourt with addition of café (A3) and community and enterprise hub (B1/D1) modular units. Alteration to existing public highway including provision of additional footway, stopping up of part footway, and alteration to existing highway access. Replacement of windows and doors in library street facade. Gate to frontage.

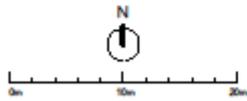


PROJECT
056 - Ealing Road Library, HA0 4BA

DRAWING
056_SK161216-01
STOPPING UP PLAN

SCALE
1:500 @ A4

DATE
DECEMBER 2016



 Area to be stopped up
Total hatched area: 19.34m²

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THE LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (EXTINGUISHMENT OF VEHICULAR RIGHTS) (NO. *) ORDER 201*

Made * 201*

THIS ORDER is made by the Mayor and Burgesses of the London Borough of Brent ("The Council") acting in its capacity as a local highway authority and in exercise of its powers under Section 249 of the Town and Country Planning Act 1990 ("the Act") and of all other powers enabling it in that behalf.

BY THIS ORDER:

1. The Council authorises the extinguishment of vehicular rights over an area of public highway described in Schedule 1 to this order and shown within an area outlined black on the deposited plan ("the Highway"), in order to enable the improvement of the amenity of a certain length of Coronet Parade, Ealing Road, Wembley, as described in the resolution of the Council dated 15th December 2016 under Application No. 16/4257, that includes the public ceasing to have a right of way with vehicles over the said highway.
2. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over, along or across any area of the highway authorised where vehicular rights are extinguished pursuant to this order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that area of the highway where vehicular rights are extinguished as they had immediately beforehand.
3. In this order:-

"the deposited plan" means the plan deposited in the offices of Highways Infrastructure, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under Drawing No. 056_SK161216-03; and

"pedal cycle" has the same meaning as in the Traffic Signs Regulations and General Directions 2016 (a), as amended.
4. This order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and be cited as The London Borough of Brent (Extinguishment of Vehicular Rights) (No. *) Order 201*.
5. Notwithstanding the foregoing provision of this Order shall not apply to the use of vehicles in the cases specified in Schedule 2 to this Order.

(a) S.I. 2016 No. 362

The Common Seal of THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF BRENT was hereunto affixed in the)
presence of.)

.....
Solicitor

SCHEDULE 1

Description of the highway to which this Order relates

The area of public highway where vehicular rights are to be extinguished is in the London Borough of Brent. It is shown outlined black on the plan attached to this Order and is a certain length of Coronet Parade, Ealing Road, Wembley, starting at its southern junction with Ealing Road northward for a distance of 24.465 metres with a maximum width of 11.041metres.

SCHEDULE 2

Cases where persons may use vehicles on the Highway described in Schedule 1 to this Order.

1. Where the vehicle is using the highway:-
 - (a) for police, ambulance or fire brigade purposes; and
 - (b) in connection with the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the said length of highway of any sewer, main, pipe, conduit, wire cable or other apparatus for the supply of gas, water, electricity or of any telecommunication apparatus as defined in Schedule 2 to the Telecommunications Act 1984.
 - (c) to facilitate an event held at or near Ealing Road Library.
2. Where the vehicle is a pedal cycle.

LONDON BOROUGH OF BRENT**TOWN AND COUNTRY PLANNING ACT 1990****THE LONDON BOROUGH OF BRENT (EXTINGUISHMENT OF VEHICULAR RIGHTS) (NO. *)**
ORDER 201*

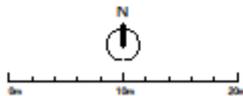
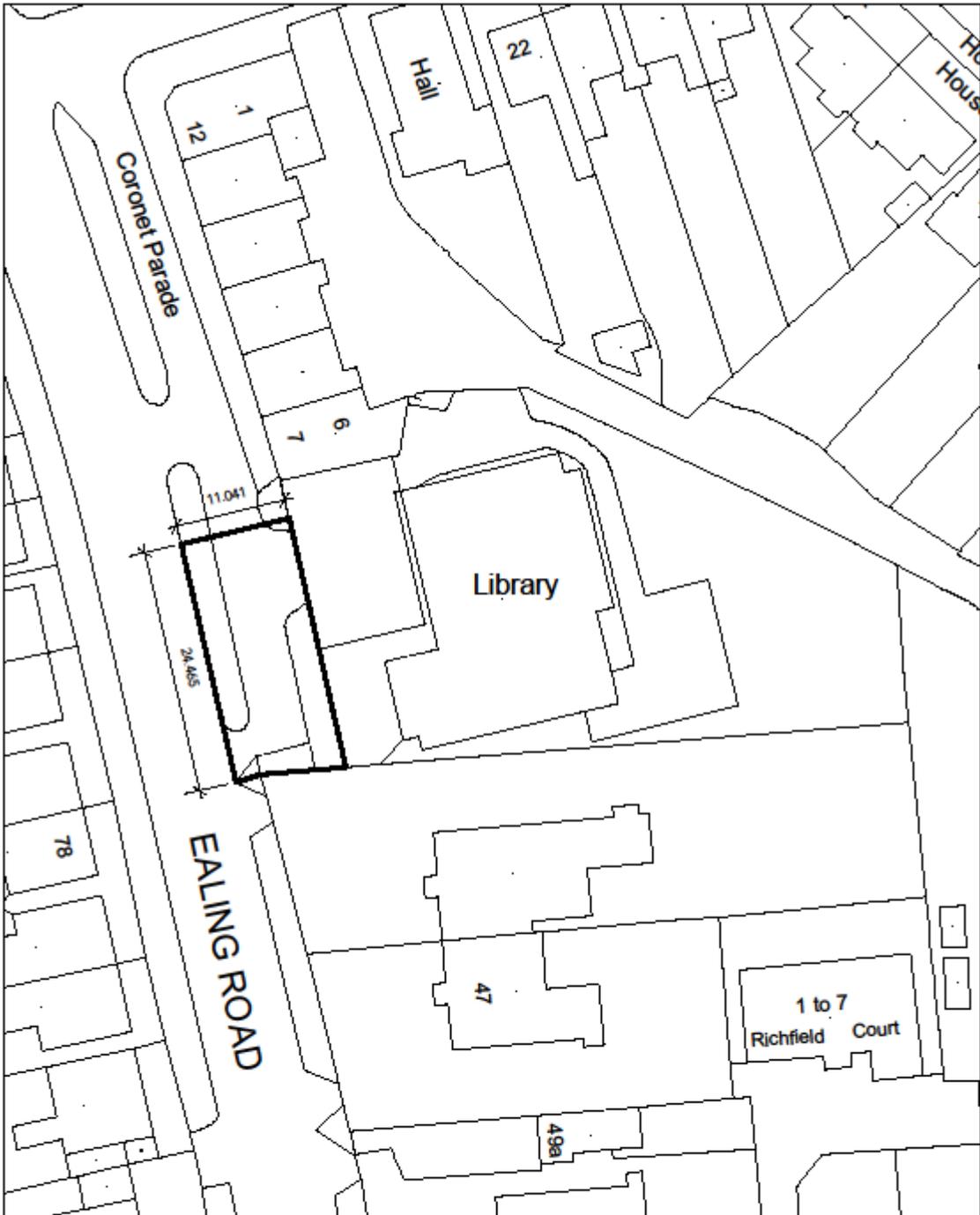
1. **NOTICE IS HEREBY GIVEN** that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 249 of the Town and Country Planning Act 1990 ("The Act") to authorise the extinguishment of vehicular rights over the area of highway described in the Schedule to this notice at Coronet Parade, Ealing Road, Wembley shown outlined black on the plan attached to the Order to enable the improvement of the amenity of a certain length of Coronet Parade, Ealing Road, Wembley, as described in the resolution of the Council dated 15th December 2016 under Application No. 16/4257.
2. The draft order would contain provisions for permitting the use of the highway described in the Schedule to this notice by vehicles being used for, by the Emergency Services, by those the Council authorises to maintain Coronet Parade, Ealing Road for the purpose of maintaining Coronet Parade, Ealing Road, by any statutory undertaker maintaining plant beneath Coronet Parade, Ealing Road, where the vehicle is facilitating an event at or near Ealing Road Library and where the vehicle is a pedal cycle.
3. A copy of the draft order and of a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 22nd December 2016 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.
4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Highways and Infrastructure, Highways and Infrastructure Service, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, or via email to trafficorders@brent.gov.uk, quoting the reference TO/23/023B/NP, within the period of 28 days from the 22nd December 2016.
5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 22nd December 2016.

Tony Kennedy
Head of Highways and Infrastructure

SCHEDULE

The area of public highway where vehicular rights are to be extinguished is in the London Borough of Brent. It is shown outlined black on the plan attached to the Order and is a certain length of Coronet Parade, Ealing Road, Wembley, starting at its southern junction with Ealing Road northward for a distance of 24.465 metres with a maximum width of 11.041metres.



 Area within which vehicle rights will be extinguished.

Mark
Projects
Ltd
Architecture Landscape Urban Design
+44 (0)7845 291 800 markprojects.co.uk

PROJECT
056 - Ealing Road Library, HA0 4BA

DRAWING
056_SK161216-03
VEHICLE RIGHTS PLAN

SCALE
1:500 @ A4

DATE
DECEMBER 2016

Appendix 2 – Virgin Media responses to Consultation



Brent Civic Centre
Engineers way
Wembley
Middlesex
HA9 0FJ

Virgin Media
Field Services
Units 1-12
Broad Lane
Mayfair Business Park
Bradford
Yorkshire
BD4 8PW

Tel: 0870 888 3116 Opt 2

Plant Enquiry Ref: VM.165658
Letter Date 03.01.2017
Your Ref: TO/23/023A/NP and
TO/23/023B/NP
Date: 04.01.2017

Hello,

Enquiry Location: Ealing Road Northward HA9 0FJ

Thank you for your enquiry regarding work at the above location.

I enclose a copy of our above referenced drawing, marked to show the approximate position of plant owned and operated by Virgin Media.

You will be aware that you have a duty to ensure that no damage results to this equipment as a result of your proposed works. Please note that this apparatus may contain Fibre Optic, Coaxial and/or 240v Power Cables and as such, special care must be taken when excavating this area.

Should you require Virgin Media apparatus to be diverted to accommodate your works and require a detailed estimate, please send a cheque to the value of £720.00 (Bus) / £240.00 (Res) Inc VAT to:

Diversionsary Works, Virgin Media, 1 Dove Wynd, Strathclyde Business Park Bellshill ML4 3AL

Or Call the Diversionsary Team on: 0800 408 0088 Option 1

Should your request be in relation to a new development and you require an estimate to be prepared for Virgin Media to service your proposed development, please submit this request for costs along with site drawings (scale 1:500) to the New Build Team also at the above address.

Yours faithfully

National Plant Enquiries Team, email: plant.enquiries.team@virginmedia.co.uk

Please note: National Plant Enquiries are now able to accept all major cards with the exception of American Express for credit/debit card payments. If you wish to use this facility please contact us at the above telephone number. Please note: National Plant Enquiries Team (Bradford) cover and respond to plant enquiries for all ex ntl:Telewest franchise areas.