



General Purposes Committee

22nd July 2019

Report from the Strategic Director, Regeneration and Environment

Stopping Up Order – Land Fronting Roe Green Hall

Wards Affected:	Queensbury
Key or Non-Key Decision:	Non Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One Appendix A: Stopping Up Order with notice and plan
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Nicolaas Potgieter, Traffic Order Team Leader (Acting) Tel: 020 8937 5542 Email: nicolaas.potgieter@brent.gov.uk

1.0 Purpose of the Report

- 1.1 To seek the authority of the Council's General Purposes Committee to make a Stopping Up Order (SUO) for the stopping up of the highway fronting Roe Green Hall shown on the plan at Appendix A hatched with solid black lines and identified as the "land to which the stopping up relates" ("Highway Land") pursuant to section 247 of the Town and Country Planning Act 1990 (TCPA 1990) as amended. Section 247 of TCPA 1990 permits the making of orders for the stopping up of highways necessary to enable development to take place.
- 1.2 An application was received by the Council for the stopping up of the Highway Land pursuant to the planning permission (under application reference number 17/1577 ("Planning Permission"), brief details of which are to provide a community café with outdoor seating and play area along with accessible toilet to the existing place of worship. The Council's officers have considered the application and believe that the stopping is necessary and acceptable to enable the Planning Permission to be carried out.

2.0 Recommendations

- 2.1 That members note that the draft SUO has been advertised within The London Gazette and Brent and Kilburn Times in accordance with the requirements of Section 252 TCPA 1990. On-site public notices were also placed in the vicinity of the area to be stopped up. In response to the consultation twelve stakeholders have informed the Council that they have:-
- no objections
 - no record of apparatus in the immediate vicinity of the enquiry
 - no strategic additions to the existing network or envisaged any in the immediate future, and
 - no objections were received from the general public.
- 2.2 That members note that Thames Water did not object to the proposal but have underground apparatus in the area. Also that the Church Growth Trust (the applicant) will resolve with Thames Water any diversions or access requirements prior to the SUO being made.
- 2.3 That the Committee approve the making of the SUO and that the notice of making be advertised, subject to written confirmation from Thames Water that an agreement has been reached with the Church Growth Trust (the applicant) to either allow access or divert their services.

3.0 Detail

- 3.1 The Planning Permission of the development of the site was issued on 20 October 2017 following the Council's Planning Committee resolution to grant permission on 18 October 2017.
- 3.2 In order for the development pursuant to the Planning Permission (which includes the development of a single storey front extension and associated landscaping to provide a community café with outdoor seating and play area along with accessible toilet to existing place of worship, and change of use of the meeting rooms and kitchen from residential to form part of the existing place of worship (Use class D1), to be implemented the area of the highway shown on the plan at Appendix A (and being the Highway Land) need to be formally stopped up.
- 3.3 The draft SUO was duly prepared and a notice of proposal was advertised under Section 252 TCPA 1990. A copy of the SUO together with the relevant plan showing the proposed area to be stopped up along with the notice of proposal advertised on 23 May 2019 in the local press and the London Gazette are attached in Appendix A.
- 3.4 Statutory consultees – on whom notice was required to be served, were duly notified of the proposed SUO.
- 3.5 Following which, the Council received twelve responses but no objections or record of apparatus in the immediate vicinity of the site from:
- Atkins Global

- Cadent – Plant Protection
- Colt Technology Services
- ESP Utilities Group Ltd
- London Fire Brigade
- London Underground
- London Underground Infrastructure Protection
- Network Rail
- Turner & Townsend
- Transport for London (TfL)
- Virgin Media
- Zayo Network – JSM Group

3.6 A response from Thames Water did not object to the proposed SUO but confirmed that they have underground apparatus in the area.

3.7 All apparatus owned by a statutory stakeholder situated in the area of public highway to be extinguished will (if necessary) be diverted or moved in consultation with an appointed building contractor and the applicant.

3.8 Members are now requested to approve the making of the SUO which is necessary to proceed with the development, subject to receiving written confirmation from Thames Water that they are satisfied with arrangements with the Church Growth Trust to access or divert their services.

4.0 Financial Implications

4.1 The SUO is estimated to cost approximately £4,500 and will be fully funded by the applicant. There will be no impact on the Council's budget.

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 in accordance with a valid planning permission.

5.2. A SUO extinguishes the right of the public so that the land would become private land not public highway land so that the public would no longer have any right to access the land. Compensation is not payable to those adversely affected by the order.

5.3 Officers have taken the Council's legal advice in relation to the SUO and notice. If it is agreed to make the Order, a notice of the making of the Order will be publicised. The SUO will not then be open to further objection by the public or other authorities, except through questioning the validity of the SUO in the High Court.

6.0 Equality Implications

6.1 None specific.

7.0 Consultation with Ward Members and Stakeholders

7.1 Statutory listed Brent Council stakeholders were consulted on the proposed Stopping-Up Order by e-mail and correspondence, as required under the TCPA 1990.

7.2 Local ward Councillors were also consulted.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None specific.

Related Documents

Planning Decision Notice Approval Application No. 17/1577

Report sign off:

Amar Dave

Strategic Director of Regeneration
and Environment