



General Purposes Committee
18 July 2022

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

Stopping Up Order – Aylesbury Street

Wards Affected:	Welsh Harp
Key or Non-Key Decision:	N/A
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: Draft Stopping Up Order with notice and plan
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Nicolaas Potgieter, Traffic Order Team Leader 020 8937 5600 Nicolaas.Potgieter@brent.gov.uk Sandor Fazekas, Head of Healthy Streets and Parking 020 8937 5113 Sandor.Fazekas@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a Stopping Up Order (SUO) for part of public highway consisting of highway verge near No. 2 Aylesbury Street and No. 7 West Way, NW10.
- 1.2 The Stopping Up Order is required under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) to complete the development at the site, which consists of the erection of a three storey block comprising of nine self-contained flats with amenity space, provision of a new vehicular access, car parking, cycle and refuse storage.

2.0 Recommendation

- 2.1 That members note that the draft Stopping Up Order has been advertised in accordance with the requirements of Section 247 TCPA 1990 and in response to the consultation fourteen consultees have responded with the majority informing the Council that they have either no objections or no record of apparatus in the immediate vicinity of our enquiry.
- 2.2 That Cadent Gas and Virgin Media objected on the basis that they have apparatus in the proposed area.
- 2.3 That further to engagement with both Cadent and Virgin to arrange the diversion of their underground assets off site, both utility companies have confirmed that following receipt of payments to undertake the diversion works, that their objections have been resolved.
- 2.4 The Committee approves the making of the Stopping Up Order (SUO) and advertising of the notice of making.

3.0 Detail

- 3.1 Planning consent was granted to MEPK Architects for the development of the site following the Planning Committee meeting of 24 June 2020 under Application No. 19/3738.
- 3.2 Innisfree Housing Association (IHA) are the Developer and have purchased the land, which requires stopping up. MEPK Architects were appointed to design the scheme and act as the agent for IHA with Helix Construct Limited being the appointed contractor to carry out the building works.
- 3.3 The planning application included the erection of a three storey block comprising of nine self-contained flats with amenity space, provision of new vehicular access, car parking and cycle and refuse storage.
- 3.4 The planning application submission included:
 - Application Form, Certificates and Notices;
 - CIL (Community Infrastructure Levy) Form MEPK Architects;
 - Application drawings, prepared by MEPK Architects;
 - Design and Access Statement, prepared by MEPK Architects;
 - Daylight/Sunlight Assessment, prepared by Calfordseaden;
 - Air Quality Assessment, prepared by Syntegra;
 - Arboricultural Implications Assessment by Broad Oak Tree Consultants.
- 3.5 This single phased development will provide a 100 % quantum of affordable housing (measured by habitable room), with 100% London Affordable Rent provision with Brent Council receiving nomination rights for the affordable rented units.

- 3.6 A draft SUO with a notice of proposal (NOP) was prepared and the NOP was advertised, as per the requirements of Section 247 TCPA 1990. This would enable the redevelopment to take place. A copy of the draft Order is attached at Appendix A, together with the NOP and relevant plan showing the proposed area to be stopped up. The NOP was advertised on 7th April 2022 in the Brent and Kilburn Times and the London Gazette allowing for a 28-day statutory consultation period.
- 3.7 Statutory consultees were notified of the proposed Stopping-Up Order by e-mail or hard copy correspondence.
- 3.8 The Council received fourteen responses during the statutory consultation period. The majority of the replies stated that they had either no objections or no record of apparatus in the immediate vicinity of our enquiry; with the exception of Cadent Gas and Virgin Media who objected on the basis that, they have apparatus in the proposed area.
- 3.9 These objections required an assessment of the area to ascertain the apparatus affected and any diversion work required. The objection from Cadent Gas was resolved, following communication between Helix Construct Limited (the Building Contractor) and Cadent. Helix Construct Limited have engaged with Virgin Media whereby diversion has been agreed and the objection has been retracted accordingly.
- 3.10 National Rail submitted a request for information, as a result of the consultation process. The proposed site is not located near any existing National Rail assets and an Asset Protection Questionnaire was returned by Helix Construct Limited and returned to Network Rail on 17th May 2022. No further communication has been received from Network Rail.
- 3.11 The correspondences were from:
- Cadent Gas / National Grid
 - Colt Technology / CA Telecom
 - ES Pipelines Ltd
 - ESP Utilities Group Ltd
 - GTC / BU-UK
 - London Underground
 - London Underground / DLR Infrastructure Protection
 - Network Rail - Asset Protection LNW South
 - Openreach BT
 - Plant Enquiries TfL
 - Thames Water
 - Transport for London
 - Tube TfL
 - Virgin Media
- 3.12 Members are now requested to approve the making of the Stopping Up Order in order to complete the development of the site.

4.0 Financial Implications

- 4.1 The Stopping Up Order is estimated to cost £4096.00 and will be paid by Innisfree Housing Association, the developer.
- 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 in accordance with a valid planning permission.
- 5.2 Officers have taken the Council's legal advice in relation to the promotion of the Stopping Up Order. If it is agreed to make the Order a notice of making of the Order will be publicised. It will not be open to further objection by the public or other authorities.

6.0 Equality Implications

- 6.1 The public sector equality duty, as set out in section 149 of the Equalities Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 This includes enquiring into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic. For example, taking account of disabled persons' disabilities and the action that could be taken to help a disabled person.
- 6.3 There are no equality implications associated with this development or the approval of this Stopping Up Order.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Statutory consultees, namely various utility companies and Transport for London (TfL) were consulted on the proposed Stopping-Up Order by e-mail and correspondence, as required under TCPA 1990.
- 7.2 Local ward Councillors at the time were also consulted.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None specific.

Related Documents:

Planning Decision Notice Approval Application No. 19/3738

Report sign off:

Alan Lunt

Strategic Director of Regeneration
and Environment

Appendix A – Draft Stopping Up Order with notice and plan.



THE LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 202*

Made * 202*

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 and 253 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 24 June 2020 under Application No. 19/3738. ("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 attached to this order and deposited in the offices of Highways Infrastructure, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under Drawing No. 1816 SLP-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 202*.

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 highway verge in an area bounded by Aylesbury Street to the north west, A4088 to the to the north-east, West Way to the south-east and the boundaries of building numbers two Aylesbury Street / seven West Way to the south-west. The maximum length is 44.00 metres and the maximum width is 27.00 metres.

SCHEDULE 2

The Development

Erection of a three-storey block comprising nine self-contained flats with amenity space, provision of new vehicular access, car parking and cycle and refuse storage.

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

SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 202*

1. **NOTICE IS HEREBY GIVEN** that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 and 253 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 24 June 2020 under Application No. 19/3738.
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 7th April 2022 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 Healthy Streets and Parking, Regeneration and Environmental, 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/23/033/NP, within the period of 28 days from the 7th April 2022.
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 7th April 2022.

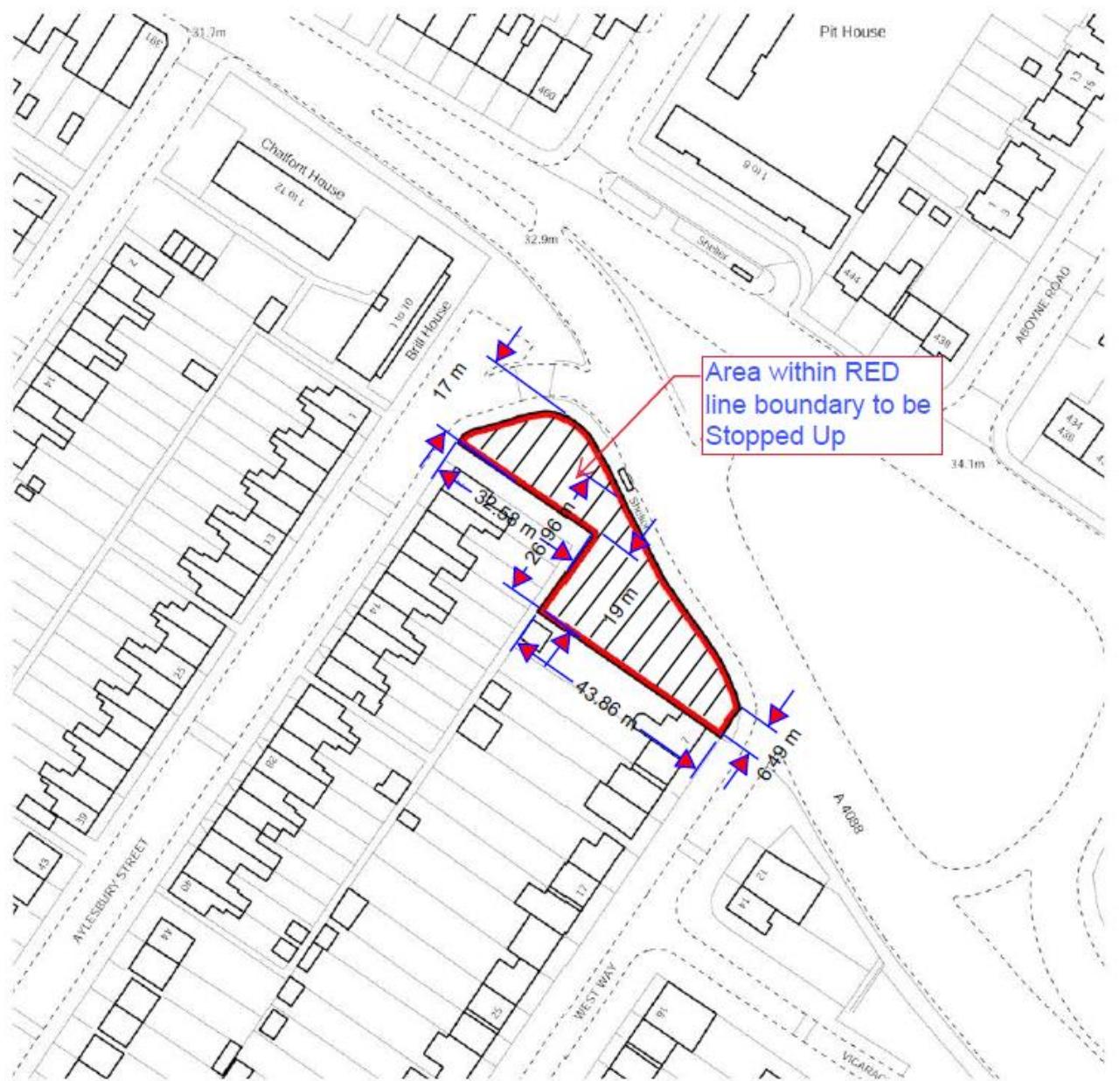
Sandor Fazekas
Head of Healthy Streets and Parking

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SCHEDULE 2

Erection of a three-storey block comprising nine self-contained flats with amenity space, provision of new vehicular access, car parking and cycle and refuse storage.



0 5 10 25 50 75 100 125m
Scale @ 1:1250

Planning

Aylesbury Street, NW10

drawing number	revision	scale @ A4	date	drawn	checked
1816 SLP-01	-	1:1250	21.06.18	HS	SC