



General Purposes Committee
17 July 2023

**Report from the Corporate Director
of Resident Services**

Stopping Up Order – Watling Gardens

Wards Affected:	Cricklewood & Mapesbury
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 – Watling Gardens
Contact Officer(s): (Name, Title, Contact Details)	Nicolaas Potgieter, Traffic Order Team Leader, 020 8937 5600 Nicolaas.Potgieter@brent.gov.uk Zak Rezig, Senior Development Manager, Housing Supply & Partnerships 020 8937 1589 Zak.Rezig@brent.gov.uk Nadeem Khan, Chief Lawyer (acting) Property, Planning and Regeneration, 020 8937 5731 Nadeem.Khan@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a Stopping Up Order (SUO) for certain area of public highway consisting of highway verge, footway, carriageway located in Watling Gardens under Section 247 and 253 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 The SUO is required to facilitate a redevelopment.

2.0 Recommendation(s)

- 2.1 That members note that the draft SUO has been advertised in accordance with the requirements of Section 247 and 253 TCPA 1990 and that in response to the consultations, Cadent Gas and Openreach made objections, which they subsequently withdrew. Virgin Media – Plant Enquiries team made a request for information as a diversion of their services was required on site, this was supplied to them and their request was satisfied.
- 2.2 That the Committee approve the SUO and agree that the notices of making should be advertised.

3.0 Detail

- 3.1 Planning consent was granted following the Planning Committee meeting of 25th April 2022 approving the development at Watling Gardens under Application No. 21/2473.
- 3.2 The description of the development is Demolition of 1-11 Watling Gardens, 1-30 Claire Court and the associated podium car parking and substation and redevelopment to provide 125 flats: 80 for general needs (Use Class: C3) and 45 for extra care (Use Class: C3(b)) in three separate buildings ranging from 3 to 14 storeys, alongside access improvements, car parking, cycle parking, refuse and recycling storage, amenity space, landscaping and other associated works.
- 3.3 The planning application submission included 125 new homes. The scheme presents an opportunity for the Council to regenerate Watling Gardens through high-quality mixed-use redevelopment and deliver new homes, jobs, and infrastructure for the benefit of local residents, businesses and communities.
- 3.4 The phased development at Watling Gardens was proposed as 100% affordable housing, but post planning changes have resulted in 24 of the units being converted to Shared Ownership.
- 3.5 The draft SUO was duly prepared, and a Notice of Proposal (NOP) was advertised under Section 247 TCPA 1990 to enable the redevelopment to take place. A copy of the draft Order together with the relevant plans showing the proposed area to be stopped up are provided in Appendix A. The NOP was advertised on 28th July 2022 in the Brent and Kilburn Times and The London Gazette. The statutory consultation period ended on 25th August 2022.
- 3.6 Statutory consultees were notified of the proposed SUO by e-mail or hard copy correspondence, as per requirements of legislation.
- 3.7 The Council received 11 stakeholder 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 Openreach and also Virgin Media who made a request for information due to a diversion needed on their existing services in the site. Responses were received from the following companies:

3.8 The responses received were from:

- Atkins Global
- Cadent Gas
- ESP Utilities Group Ltd
- Location Enquiries – TfL
- LULHV Power Assets – TfL
- Network Rail
- Openreach
- Plant Enquiries - CA Telecom
- Plant Enquiries - Bu-uk
- Plant Enquiries – TfL
- Plant Enquiries – Virgin Media

3.9 Cadent Gas and Openreach have since withdrawn their objections on the basis that after further investigation it was agreed that their apparatus will not be affected. Virgin Media's request for further information due to a diversion of their services has since been completed.

3.10 Members are now requested to approve the making of the SUO to complete the development of the site.

4.0 Financial Implications

4.1 The SUO is estimated to cost approximately £5000 and will initially be met by the Healthy Streets and Parking budget. This will then be re-charged and funded by the Housing Partnerships Service budget.

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 SUO 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 Early consultation about the proposal with all persons and organisations who will be affected by the proposed is advisable. 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.

5.3 Immediately after the SUO is made, the LPA must publish a notice in a local newspaper and the 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.

5.4 Officers have taken the Council’s legal advice as to the statutory requirements in relation to the promotion of the Order. If it is agreed to make the Order, notices of making of the Order 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 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 SUO.

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 SUO by e-mail and correspondence, as required under TCPA 1990.

7.2 Local ward Councillors were also consulted.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None.

Report sign off:

Peter Gadsdon

Corporate Director Resident Services