



General Purpose Committee
26 March 2018

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

Stopping-Up Orders: Church End Car Park Site

Wards Affected:	Dudden Hill
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Three: <ul style="list-style-type: none"> • Stopping up order site notice for Site A • Stopping up order site notice for Site B • Responses from Cadent to the consultation on Site A
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Adewole Ademolake Project Manager (Property Unit Resources) Email: adewole.ademolake@brent.gov.uk Tel: 020 8937 1726

1.0 Summary

1.1 This report seeks authorisation to make two Stopping-Up Orders for the extinguishment of public access rights over the Church End car park site located in Church End. The Stopping-Up order will be carried out under section 247 of the Town and Country Planning Act 1990 ("TCPA 1990").

1.2 There are no registered Public Rights of Way on any of the titles and any public rights have been acquired by prescription.

1.3 The Stopping-Up Orders are required to enable development of the Church End car park site in accordance with two planning permissions (13/1098 and 13/2213). The planning permissions facilitate the development of 99 new homes and a market square. If public highway exists over the site, the proposed development is extremely likely to encroach on to it.

1.4 The redevelopment of the site seeks to improve the landscaping to the existing area.

1.5 The stopping up reference for the Brent owned land is TO/23/253NP-A ("Site A"). Please refer to appendix A.

1.6 The stopping up reference for Catalyst owned land is TO/23/253NP-B (“Site B”). Please refer to appendix B.

2.0 Recommendations

2.1 That Members note the draft Orders have been advertised in accordance with the requirements of Section 247 of the TCPA 1990 and that in response to the consultation a number of providers have indicated that they have apparatus on the site but, following resolution and withdrawal of an initial objection from Cadent, none objected to the orders.

2.2 That the Committee approve the Stopping-Up Orders and agree the Orders should be made and Notices of Making should be advertised in respect of both orders.

3.0 Detail

3.1 The entire car park site is accessible by pedestrians and can be accessed by vehicles via Eric Road (access currently controlled via a secure barrier). It is, therefore, possible that the car park site is subject to public highway rights.

3.2 The car park site is privately owned by the Council and Catalyst Housing Group and the intention is for the council to secure Site B.

3.3 Following planning application 13/1098, planning consent was granted for Brent to construct 34 new homes, commercial spaces and a market square in February 2017. The construction of this development is extremely likely to encroach on any public highway situated within the site. As such the Stopping-Up Order (reference number TO/23/253NP-A) is required to enable development to be carried out over the Council owned part of the site in accordance with the planning permission granted following planning application 13/1098.

3.4 The adjoining site also received planning consent for 65 new homes and commercial spaces in May 2017. The construction of this development is extremely likely to encroach on any public highway situated within the Catalyst owned part of the site. As such the Stopping-Up Order (reference number TO/23/253NP-B) is required to enable development to be carried out over the Catalyst owned part of the site in accordance with the planning permission granted following planning application 13/2213.

3.5 The draft Stopping-Up Orders were made under Section 247 TCPA 1990 to enable the extinguishment of any public highway over the site. Copies of the Orders are attached at Appendix A and B, together with the relevant plans showing the proposed areas to be stopped up

3.6 The notices of proposal were advertised on 11 January 2018 in the local press and London Gazette. Statutory consultees were notified of the proposed Orders by email and correspondence.

Responses

3.7 Site A received 10 responses, whereas Site B received 12 from statutory consultees.

- 3.8** On Site A, there was one objection from Cadent which has since been retracted leaving no other objections. Please refer to appendix C.
- 3.9** The responses from the statutory providers can be found in table 1.

Table 1- List of responses from statutory providers

Site A	Site B
ESP Gas Group	ESP Gas Group Ltd
London Fire Brigade	London Fire Brigade
Cadent gas	Virgin Media
Thames Water	Thames Water
Network Rail	Network Rail
Transport for London	London Underground
Atkins Global	Atkins Global
Environmental Agency	Environment Agency
Openreach	Open reach
Catelecomuk	TFL power assets
	CA Telecom Uk Limited
	TFL

- 3.10** Out of all the providers who responded, table 2 shows the consultees that have apparatus on Sites A & B.

Table 2- List on consultees that have apparatus on the sites

Site A	Site B
Thames Water	Openreach
Openreach	TFL (Power Assets)
TFL (Power Assets)	

- 3.11** All apparatus owned by any of the statutory consultees on Site A and B will (if necessary) be diverted or moved in consultation with the appointed building contractor and the statutory consultees.
- 3.12** As found in paragraph 2 of the draft stopping up orders, it is clearly noted that the statutory undertakers shall have the same rights as that they had previous to the stopping up order being made.
- 3.13** The Committee is requested to approve the making of the Orders to enable the development of the full car park site.

4.0 Financial Implications

- 4.1** The Order making costs of approximately £6,000 will be internally met using the capital budget for the Church End Redevelopment as approved by Cabinet in November 2016.
- 4.2** There are no other financial implications 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 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. It does not affect private rights. Compensation is not payable to those adversely affected by the order.
- 5.2** Following the required statutory consultation, Officers have confirmed that there are no outstanding objections to either of the proposed Stopping-Up Orders (Cadent's initial objection having been withdrawn).
- 5.3** If the General Purpose Committee resolves to make the Orders, notices of making of the Orders will be publicised. There is no further consultation period within which statutory undertakers or members of the public are entitled to object. However, where an order is made and published, this can be challenged within certain time limits.

6.0 Diversity Implications

- 6.1** Diversity implications were addressed in the reports submitted to Cabinet in January and November 2016 relating to the site. The expectation is that the project will activate the local centre in Church End and create new homes for the benefit of residents in Brent.

7.0 Staffing/Accommodation Implications

- 7.1** There are no staffing implications within this report.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration and Environment

Appendix A - Stopping up order site notice for Site A



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 the 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 10 February 2017 under Application No. 13/1098 ("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 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 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 PG050.
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

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of all highway in an area of car park and associated accommodation land bounded by: the A407 to the north and north-west; Preston Gardens, Eric Road, and buildings and accommodation land known as 179 to 203 (odd inclusive) Church Road, to the south-east; and other car park and accommodation land to the north-east of a straight line joining British National Grid coordinates: 521530E 184727N and 521523E 184752N, to the south-east of a convex line joining coordinates: 521523E 184752N and 521548 E 184773N, and to the south-east of a concave line joining coordinates: 521548 E 184773N and 521558E 184784N.

SCHEDULE 2

Demolition of 205 Church Road and proposal of new market square to replace Eric Road. Demolition of 3 storey building to the rear of 203 Church Road and proposal of 34 residential dwellings and ground floor non-residential space (class A1/A3/B1/D1). Stopping up of Eric Road as revised by plans.

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

.....
Solicitor

Dated this *** day of *** 201*



NOTES:
 1. Measurements are based on metric system
 2. All levels are in meters to Principal Datum (PD) unless noted otherwise
 3. Do not scale drawing
 4. Figure dimensions are to be followed
 5. Do not use for construction unless expressly permitted
 6. Contractor should verify all conditions on site and notify contract administrator of any variations from dimensions before construction

This drawing has been produced by Mae for use on behalf of London Borough of Brent. Mae gives London Borough of Brent and it's authorised personnel the permission to duplicate and reproduce this document for the purposes of staying up in relation to this site alone.

Keyplan drawn based on O/S data 2012

Area to be Stayed up

Rev.	Date	Description
A	11.10.17	Discipline note amended.

Sheet No.	1233	Sheet Name	Church End
Title			
Existing Plan - Staying-Up 1			
Discipline		Scale	
Planning		1:500 @A3	
Drawing No.	PG050	Date	04.10.17
Project No.		Revision	A

Mae

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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 the 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 16 May 2017 under Application No. 13/2213 ("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 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 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 PG051.
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

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of all highway in an area of car park and associated accommodation land bounded by: the A407 to the north; Church Road to the east; buildings and accommodation land known as 205 to 235 (odd inclusive) Church Road, to the south-east; and other car park and accommodation land to the south-west of a straight line joining British National Grid coordinates: 521530E 184727N and 521523E 184752N, to the north-west of a concave line joining coordinates: 521523E 184752N and 521548 E 184773N, and to the north-west of a convex line joining coordinates: 521548 E 184773N and 521558E 184784N.

SCHEDULE 2

Demolition of buildings within 205 and 235 Church Road, and redevelopment of section of Church End car park site to the rear of 207-233(odds inc.) Church Road to erect a part 2,3,4,5 and 6-storey building

containing 65 residential units, 298m2 (GEA) retail floorspace, together with 7 car parking spaces and associated works.

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

.....
Solicitor

Dated this *** day of *** 201*



- NOTES:**
1. Measurements are based on metric system
 2. All levels are in meters to Principal Datum (PD) unless noted otherwise
 3. Do not scale drawing
 4. Figure dimensions are to be followed
 5. Do not use for construction unless expressly permitted
 6. Contractor should verify all conditions on site and notify contract administrator of any variations from dimensions before construction

This drawing has been produced by Mae for and on behalf of Council Borough of Brent. Mae gives Council Borough of Brent and it's 3rd parties permission to duplicate and reproduce this document for the purpose of stopping-up in relation to the site shown.

Layouts drawn based on OS data 2012

 Area to be stopped up

Rev.	Date	Description
A	11.10.17	Disclaimer note amended

Site No.	1233	Site Name	Church End
Title			
Existing Plan - Stopping-Up 2			
Scale			
Planning	1:500 @A3		
Drawing No.	PD051	Date	04.10.17
		Revision	A

Mae

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Appendix C - Responses from Cadent to the consultation on Site



Joyal Hussain
Brent Council
Brent House
349-357 High Road
Wembley
London
Middlesex
HA9 6BZ

Date: 05/02/2018
Our Ref: NL_TE_Z5_3FWP_039601
Your Ref: TO/23/025/NP-A (cjb)
RE: Formal Enquiry, NW10 9EP, land to the rear of 189-203 Church Road, London

Thank you for your enquiry which was received on 01/02/2018.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.
For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.
Cadent and/or National Grid therefore formally objects to these activities pending further consultation.

Cadent and/or National Grid objects to the Order on the grounds that the level of protection currently afforded to the apparatus it has in the subject land may be diminished notwithstanding Paragraph 4, Schedule 12, Part II of the Highways Act, 1980.
See Assessment section below for details of how to deal with Cadent and/or National Grid's objection.

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

National Grid is a trading name for:
National Grid Electricity Transmission plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2366977

National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2006000

Cadent is a trading name for: Cadent Gas Limited
Registered Office: Ashbrook Court, Prologis Park,
Central Boulevard, Coventry CV7 8PE
Registered in England and Wales, No 10080964

Joynal Hussain
Brent Council
Brent House
349-357 High Road
Wembley
London
Middlesex
HA9 6BZ

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

Date: 22/02/2018

Our Ref: NL_TE_Z5_3FWP_039601

Your Ref: TO/23/025/NP-A (cjb)

RE: Formal Enquiry, NW10 9EP, land to the rear of 189-203 Church Road, London

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For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Following further consultation, Cadent and/or National Grid has withdrawn its objection to these activities.

Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry.

Cadent and National Grid therefore have no objection to these proposed activities.