

 Brent	General Purposes Committee 20 January 2020
	Report from the Strategic Director, Regeneration and Environment
Stopping Up Order – Land North Chippenham Gardens	

Wards Affected:	Kilburn
Key or Non-Key Decision:	
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:	Appendix 1 – Stopping Up Order with notice and plan Appendix 2 – Stopping Up Order Committee Report 23 February 2017
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Joynal Hussain, Senior Traffic Order Maker Tel: 020 8937 5538 Email: Joynal.Hussain@brent.gov.uk Marie Frederick, Senior Project Manager Tel: 0208 937 1621 Email: Marie.Frederick@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a Stopping Up Order for an area of public highway consisting of footway and road located north of Chippenham Gardens under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 This Order is required to complete the development situated at the land north of Chippenham Gardens, which will consist of the demolition of the existing buildings at Nos. 5-9 Chippenham Gardens, former Kilburn Park Post Office and Nos. 4-26 Stuart Road (even numbers only) and the construction of a part-four, five and -six storey building comprising of 52 self-contained flats with associated highway works, hard and soft landscaping, cycle and refuse provision, general amenity space and alterations to the existing highway.

2.0 Recommendations

- 2.1 That members note that the draft Stopping Up Order has been advertised as required by Section 247 TCPA 1990 and that consultees have informed the Council that they have either no objections or no record of apparatus in the immediate vicinity of our enquiry.
- 2.2 That the Committee approve the making of the Stopping Up Order and that a notice of making be advertised.

3.0 Detail

- 3.1 Planning consent was granted in July 2016 for the redevelopment of this site, outlined above, as part of the South Kilburn Regeneration programme.
- 3.2 Higgins Group PLC are the appointed Delivery Partner, working with Octavia, for the consented redevelopment of the site.
- 3.3 A Stopping up Order for the site was approved on the 23 February 2017 (Appendix 2). At a later stage it became apparent that some minor areas of land were excluded from this Order, and which now needed to be included to facilitate the redevelopment.
- 3.4 The Council received 16 responses from utility companies with either no objections or no record of apparatus in the immediate vicinity of our enquiry.

These were from:

- Atkins Global working on behalf of Vodafone dated 4th November 2019
- CA Telecom UK Ltd dated 5th November 2019
- Cadent National Grid dated 4th November 2019
- Cadent – Suresh Patel / Mendick Waring Ltd dated 26th November 2019
- ES Pipelines dated 24th October 2019
- ES Pipelines dated 18th November 2019
- ESP Utilities Group Ltd dated 28th October 2019
- Location Enquiries – Tube TfL dated 28th October 2019
- Network Rail – OP Buried Services dated 24th October 2019
- Plant Enquiries – BU UK dated 24th October 2019
- Plant Enquiries – Virgin Media dated 24th October 2019
- Spatial Planning – TfL dated 29th October 2019
- Thames Water (Devcon Team) dated 31st October 2019
- Thames Water (Devcon Team) dated 27th November 2019
- Turner & Townsend dated 24th October 2019
- Turner & Townsend (MBNL Plant) dated 28th October 2019
- Virgin Media – Plant Enquiries dated 22nd November 2019

- 3.5 Members are now requested to approve the making of the Stopping Up Order to complete the development of the site.

4.0 Financial Implications

4.1 The costs of approximately £5,000 will be initially met by Highways and Infrastructure and recharged to the South Kilburn Programme budget.

5.0 Legal Implications

5.1 Section 247 of the 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. 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 Officers have taken the Council's legal advice as to the statutory requirements 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. However, where an order is made and published, or the council decides not to confirm the order this be challenged within certain time limits.

6.0 Equality Implications

6.1 There is no diversity implications associated with the approval of this Stopping Up Order.

7.0 Consultation with Ward Members and Stakeholders

7.1 None specific.

Related Document

Planning Committee, 14th July 2016, Agenda item No. 02, Case No. 16/1191.

Report sign off:

Amar Dave

Strategic Director, Regeneration & Environment

Appendix 1 – 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 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 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 5 August 2016 under Application No. 16/1191. (**"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. 1627/100/01.
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 areas of public highway to be stopped up is shown hatched black on the Deposited Plan and comprised of two parts, namely:-

- (i) an irregular shaped length of highway to the south of Stuart Road with starting grid reference E525184.4574, N182619.8922 and ending grid reference E525179.8280, N182606.2698 with a maximum length of 14.17 metres and width of 0.89 metres.
- (ii) a curved shaped length of highway to the north of Chippenham Gardens with starting grid reference E525179.8832, N182587.2871 and ending grid reference E525177.4310, N182590.9025 with a maximum length of 4.37 metres and width of 0.96 metres.

SCHEDULE 2

The Development

Demolition of existing buildings at 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers) and redevelopment of the site to provide part-four, -five and -six storey building comprising 52 self-contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision and alterations to Chippenham Gardens.

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 201*

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 5 August 2016 under Application No. 16/1191.
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 24 October 2019 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/23/022B/NP, within the period of 28 days from the 24 October 2019.
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 24 October 2019.

Tony Kennedy
Head of Highways and Infrastructure

SCHEDULE 1

The areas of public highway to be stopped up is shown hatched black on the Deposited Plan and comprised of two parts bounded by Stuart Road to the north, Malvern Road to the west and Chippenham Gardens to the south. The major part is irregular shaped and lies to the south of Stuart Road with starting grid reference E525184.4574, N182619.8922 and ending grid reference E525179.8280, N182606.2698 with a maximum length of 14.17 metres and width of 0.89 metres. The second part lies to the north of Chippenham Gardens with starting grid reference E525179.8832, N182587.2871 and ending grid reference E525177.4310, N182590.9025 with a maximum length of 4.37 metres and width of 0.96 metres.

SCHEDULE 2

Demolition of existing buildings at 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers) and redevelopment of the site to provide part-four, -five and -six storey building comprising 52 self-contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision and alterations to Chippenham Gardens.

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notes

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS AND ENGINEER'S DRAWINGS AND THE SPECIFICATION.
- DO NOT SCALE FROM THIS DRAWING.
- KEY:

- EXISTING HIGHWAYS BOUNDARY
- RED LINE OF NEW DEVELOPMENT
- HIGHWAY TO BE STOPPED UP

25.09.19	ISSUED FOR INFORMATION.	MBR
<p>job</p> <p>LAND NORTH OF CHIPPENHAM GARDENS</p>		
<p>title</p> <p>STOPPING UP PLAN</p>		
<p>drawn</p> <p>SP</p> <p>date</p> <p>SEP 19</p>	<p>checked</p> <p>MBR</p> <p>scale (original - A3)</p> <p>1:250</p>	
<p>Alan Baxter</p> <p>75 Cowcross Street London EC1M 6EL tel 020 7250 1555 email aba@alanbaxter.co.uk www.alanbaxter.co.uk</p>		
<p>orig. no.</p> <p>1627/100/01</p>		<p>rev.</p>

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