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|  | <p style="text-align: center;"><b>ACTION TAKEN UNDER DELEGATED<br/>POWERS BY OFFICER</b></p> <p style="text-align: center;"><b>Date</b></p>   |
| <p style="text-align: right;"><b>Title</b></p>                                    | <p><b>Brent Cross Cricklewood<br/>Regeneration Phase 1A North –<br/>Stopping Up Order No 2 - Stopping up<br/>of Highway at / adjacent to Tempelhof<br/>Avenue, Barnet under Section 247 of<br/>the Town and Country Planning Act<br/>1990</b></p> |
| <p style="text-align: right;"><b>Report of</b></p>                                | <p>Commissioning Director – Environment – Jamie Blake</p>   |
| <p style="text-align: right;"><b>Wards</b></p>                                    | <p>West Hendon</p>  |
| <p style="text-align: right;"><b>Status</b></p>                                   | <p>Public</p>   |
| <p style="text-align: right;"><b>Enclosures</b></p>                               | <p>Drawing no. BXCR-ACM-HI-HW-SK-CE-00006 Rev P01.3<br/>and Schedule Rev A dated 31.01.17</p>   |
| <p style="text-align: right;"><b>Officer Contact Details</b></p>                  | <p>Robert Prior – <a href="mailto:robert.prior@capita.co.uk">robert.prior@capita.co.uk</a><br/>Tel. 01342 333301 mob. 07710 383939</p>  |

### Summary

Stopping up of Highway at / adjacent to Tempelhof Avenue, Barnet, under Section 247 of the Town and Country Planning Act 1990.

### Decisions

1. That the Council make an Order for the Stopping up of the highway land at/adjacent to Tempelhof Avenue, Barnet shown hatched with thick black diagonal lines on drawing no. BXCR-ACM-HI-HW-SK-CE-00006 Rev P01.3 and described on the attached Schedule Rev A dated 31.01.17 (or such subsequent revisions to the drawing or the Schedule approved by Development and Regulatory Services), pursuant to Section 247 of the Town and Country Planning Act 1990 (as amended).

- 2. In the event that there are no objections to the making of the Order or in the event that any objections made to the Order are withdrawn, that the Order be confirmed.**
- 3. In the event that objections are made to the making of the Order which are not withdrawn, to notify the Mayor of London of the objections and to hold a public inquiry, if appropriate.**
- 4. To seek recovery of legal and other fees including advertising costs from the developer.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Brent Cross Cricklewood (BXC) Development Partners submitted an outline planning application to the Council on 26 March 2008 for the comprehensive regeneration of the Brent Cross Cricklewood area. (Application Number C/17559/08).

The Council issued planning consent for the Brent Cross Cricklewood Regeneration Area on 28 October 2010.

The Brent Cross Cricklewood Development Partners submitted a "Section 73" Planning Application (ref F/04687/13) to Barnet Council on 11 October 2013 to modify a number of planning conditions which was approved on 23<sup>rd</sup> July 2014.

The Brent Cross Cricklewood development involves the improvement of a number of existing roads and junctions, the construction of number of new roads and the creation of a comprehensive network of pedestrian and cycle routes within and around the site. A number of existing highways and footpaths require stopping up to facilitate this development, and this DPR relates to Tempelhof Avenue only.

The developer, Brent Cross Cricklewood Development Partners UK Ltd, have made a request to the Council (Local Highway Authority) to stop up highway land within the bounds of the planning application. The purpose of the stopping up is to extinguish the public right of way from all existing carriageways and other highway at Tempelhof Avenue, Barnet as shown on attached drawing no. BXCR-ACM-HI-HW-SK-CE-00006 Rev P01.3. The area to be stopped up is hatched with thick black diagonal lines.

The developer will maintain access to all properties unaffected by the proposed redevelopment while construction works take place. Only highway affected by the redevelopment in accordance with the planning permission will be stopped up as part of this order.

The procedure for the stopping up of a public highway under Section 247 of the Town and Country Planning Act 1990 is set out in Section 252 of the TCPA 1990.

This Delegated Powers Report authorises proceeding with the making of the relevant Stopping Up Order to extinguish the public right of way over the highway as identified in the attached plan drawing no. BXCR-ACM-HI-HW-SK-CE-00006 Rev P01.3.

## **2. REASONS FOR DECISIONS**

- 2.1 The highways need to be stopped up in order to extinguish the public right of way over this area and in order to facilitate the implementation of the Planning Permission.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 3.1 None.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 In the event that there are no objections to the making of the Order or in the event that any objections made to the Order are withdrawn, the Order will be confirmed within a period of five years.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

A number of highway stopping up Orders are needed for the Brent Cross Cricklewood development, Phase 1A North. Approval to proceed with the stopping up of highway at/adjacent to Tempelhof Avenue is sought at this time to help resolve an objection to The London Borough of Barnet (Brent Cross Cricklewood) CPO (No.1) 2015.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The developer, Brent Cross Cricklewood Development Partners, will meet all the Council's costs in processing the S247 stopping up order, including any legal or advertising costs.

### **5.3 Legal and Constitutional References**

- 5.3.1 The Town and Country Planning Act 1990 (Section 247) empowers the Council to authorise, by order, the stopping up or diversion of any Highway within its area, or by agreement, within the area of another London Borough. In making the order the Council as local Highway Authority will adopt the procedure set out in Section 252 of the Town and Country Planning Act 1990.

- 5.3.2 The Commissioning Director, Environment is authorised under the Development and Regulatory Services Scheme of Delegation to serve notices and orders under the Town and Country Planning Act 1990.

### **5.4 Risk Management**

- 5.4.1 Approval to proceed with the stopping up of highway at/adjacent to Tempelhof

Avenue is sought at this time to help resolve an objection to The London Borough of Barnet (Brent Cross Cricklewood) CPO (No.1) 2015. If approval to proceed is not granted, the main risk would be that of delay to the acquisition of land and hence delay to the project overall.

## **5.5 Equalities and Diversity**

- 5.5.1 The council in the exercise of its functions through its officers, recognises its statutory duty to have regard to the need to eliminate all types of discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it as required under section 149 of the Equality Act 2010.
- 5.5.2 In considering the proposals detailed in this report, Officers have had due regard to the requirements of section 149 of the Act and consider that the decision to proceed with the proposals as recommended below complies with the Council's statutory duty under the Equality Act.
- 5.5.3 Section 149 of the Equality Act 2010 requires a decision-maker to have 'due regard' to achieving a number of equality goals: (i) to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; (ii) to advance equality of opportunity between those with protected characteristics and those without; and (iii) to foster good relations between persons with a relevant protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.5.4 The Equality Act 2010 provides a broad legal framework covering discrimination against people with specific 'protected characteristics'. One of the protected characteristics is disability. The Equality Act brings together many separate pieces of legislation, including the Disability Discrimination Act 1995. The new infrastructure to replace the highway to be stopped-up under this Stopping-up Order, will be designed so as to comply with the requirements of the Equality Act 2010.

## **5.6 Consultation and Engagement**

- 5.6.1 Relevant Statutory Undertakers and Associations will be consulted as part of the stopping up process.
- 5.6.2 If during a period of 28 days from the date of the publication of the draft notice an objection is received, the Council shall notify the Mayor of London of the objection(s) and the Mayor shall the Mayor of London shall decide whether, in the special circumstances of the case, the holding of an inquiry is necessary.

## 6. BACKGROUND PAPERS

- 6.1 The report of 10<sup>th</sup> September 2015 Planning Committee, Brent Cross Cricklewood Regeneration Infrastructure RMA.

<http://barnet.moderngov.co.uk/documents/g8301/Printed%20minutes%2010<sup>th</sup>-Sep-2015%2018.30%20Planning%20Committee.pdf?T=1>

## 7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

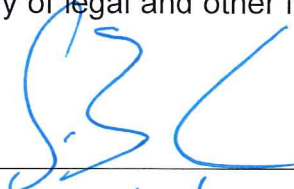
## 8. OFFICER'S DECISION

### I authorise the following action

- 1 That the Council make an Order for the Stopping up of the highway land at/adjacent to Tempelhof Avenue, Barnet shown hatched with thick black diagonal lines on drawing no. BXCR-ACM-HI-HW-SK-CE-00006 Rev P01.3 and described on the attached Schedule Rev A dated 31.01.17 (or such subsequent revisions to the drawing or the Schedule approved by Development and Regulatory Services), pursuant to Section 247 of the Town and Country Planning Act 1990 (as amended).
- 2 In the event that there are no objections to the making of the Order or in the event that any objections made to the Order are withdrawn, that the Order be confirmed.
- 3 In the event that objections are made to the making of the Order which are not withdrawn, to notify the Mayor of London of the objections and to hold a public inquiry, if appropriate.
- 4 To seek recovery of legal and other fees including advertising costs from the developer.

Signed

Date

  
28/7/17