

DELEGATED POWERS REPORT NO.

2019

**SUBJECT: West Hendon Regeneration – Telford Road NW9 (Off Perryfield Way) – Highway Agreement under Sections 38 and 278 of the Highways Act 1980**

**Control sheet**

**All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to Governance Service for publishing**

| <b>All reports</b>   |                               |                                    |
|--|-------------------------------|------------------------------------|
| 1. Governance Service receive draft report   | Name of GSO<br>Date           | Anita Vucomanovic<br>22 April 2013 |
| 2. Governance Service cleared draft report as being constitutionally appropriate   | Name of GSO<br>Date           | Anita Vucomanovic<br>22 April 2013 |
| 3. Finance clearance obtained ( <i>report author to complete</i> )   | Name of Fin. officer<br>Date  | Michael Millar<br>23 April 2013    |
| 4. Staff and other resources issues clearance obtained ( <i>report author to complete</i> )                                    | Name of Res. officer<br>Date  | N/A                                |
| 5. Strategic Procurement clearance obtained ( <i>report author to complete</i> )   | Name of SPO<br>Date           | Kevin Bates<br>10 May 2013         |
| 6. Legal clearance obtained from ( <i>report author to complete</i> )  | Name of Legal officer<br>Date | Erojikwe Tobenna<br>07 May 2013    |
| 7. Policy & Partnerships clearance obtained ( <i>report author to complete</i> )   | Name of P&P officer<br>Date   | Andrew Nathan<br>22 April 2013     |
| 8. Equalities & Diversity clearance obtained ( <i>report author to complete</i> )  | Name of officer<br>Date       | Andrew Nathan<br>22 April 2013     |
| 9. The above process has been checked and verified by Director, Head of Service or Deputy ( <i>report author to complete</i> ) | Name<br>Date                  | Pam Wharfe<br>14 May 2013          |
| 10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing                           | Name of GSO<br>Date           | Anita Vukomanovic<br>15/5/13       |
| 11. Report published by Governance Service to website  | Name of GSO<br>Date           | Anita Vukomanovic<br>23/5/13       |
| <b>Officer reports:</b>  |                               |                                    |
| 12. Head of Service informed report is published and can be implemented.   | Name of GSO<br>Date           | Anita Vukomanovic<br>23/5/13       |
| <b>Cabinet Member reports:</b>   |                               |                                    |
| 13. Expiry of call-in period   | Date                          |                                    |
| 14. Report circulated for call-in purposes to COSC members & copied to Cabinet & Head of Service                               | Name of GSO<br>Date           |                                    |

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER (COUNCIL FUNCTION)**

**Subject** **West Hendon Regeneration -Telford Road NW9 (Off Perryfield Way) - Highway Agreement under Sections 38 and 278 of the Highways Act 1980**

**Officer taking decision** Director For Place

**Date of decision** 14 May 2013

**Summary** To seek authorisation to process a highway agreement pursuant to the provisions of Sections 38 and 278 of the Highways Act 1980 for works on Telford Road and Perryfield Way, NW9.

**Officer Contributors** Demetrios Goulas, Engineer – Traffic & Development Section  
Gangan Pillai, Traffic and Development Manager -Traffic & Development Section

**Status (public or exempt)** Public

**Wards affected** West Hendon Ward

**Enclosures** Appendix 1 - Drawing ref. no. GWHPAS-C-DWG-00054 revision PO2 – Legal Agreement Plan

**Reason for exemption from call-in (if appropriate)** Not applicable

Contact for further information: Demetrios Goulas or Gangan Pillai on 020 8359 7343 / 3044

Serial No. 2019

## **1. RELEVANT PREVIOUS DECISIONS**

1.1 None

## **2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

2.1 The Corporate Plan 2013/16 defines the Council's priorities in delivering sustainable and responsible growth to ensure Barnet continues to be successful and prosperous place where people want to live and work. The redevelopment of West Hendon Estate complies with the Council's vision for a sustainable infrastructure growth and ensures compliance with strategic and local policies. Through effective management and design, this regeneration programme will support and deliver housing growth in a sustainable way as well as contribute in creating the conditions for a strong and diverse economy.

## **3. RISK MANAGEMENT ISSUES**

3.1 It is not considered that the issues involved in this report will raise significant levels of public concern or give rise to policy issues.

## **4. EQUALITIES AND DIVERSITY ISSUES**

4.1 The proposed redevelopment of West Hendon Estate, aims to offer better living conditions for the residents and to promote safety, accessibility and mobility to everyone visiting the area, including people with special needs such as wheelchair users. The construction of new roads and pavements will promote safety and encourage greater participation of all residents in public life. This in turn will enhance and support the Borough's reputation as a good place to live and promote equality.

## **5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

5.1 The developers, Barratt Metropolitan LLP, will meet all the Council's costs in processing the S38/278 highway agreement, including legal costs.

## **6. LEGAL ISSUES**

6.1 Section 38(3) (a) of the Highways Act 1980, requires that any person proposing to dedicate land as highway for the use of the public must have the capacity to dedicate the land. The Council should, therefore, ensure that all necessary searches are carried out to ensure that such capacity exists, before entering into the Section 38/278 agreement.

6.2 The agreement on Section 278 elements of the work should be in the public interest and should be entered into for highway reasons alone.

## **7. CONSTITUTIONAL POWERS**

7.1 The Constitution (Responsibility of Functions) states that:  
"General Powers Chief Officers (i.e. the Head of Paid Service, Directors, Assistant Directors, Lead

Commissioners and Heads of Service as listed in Article 12) can take decisions, in consultation with the Cabinet Member concerned (or without consultation where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules or it involves the implementation of policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy)”

to discharge the functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to Executive Members, Cabinet meeting, Cabinet Committees, Committees or Council;

- In all matters where they have managerial or professional authority;
- To authorise and accept quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules for approved schemes with sufficient estimate provision;
- To agree settlements of up to £1,000 subject to budget and audit trails;
- To agree financial settlement where recommended by the Ombudsman or a Court;
- Without exception, in cases of emergency. This covers emergency decisions that were not anticipated within the budget or Service Plans but nevertheless relate to everyday business, not major changes/decisions outside the approved budget and statutory plans listed under paragraph 3.8 as being for decision by Council or Cabinet.

## **8. BACKGROUND INFORMATION**

- 8.1 The developer for West Hendon Estate is Barratt Metropolitan LLP. Their application for Planning Permission was registered on 21 December 2004 under ref. W13937/04. Outline planning consent was granted on 01 July 2008.
- 8.2 The redevelopment of West Hendon Estate involves the demolition of existing buildings and the erection of new residential units which are part of an overall development to provide 2171 new residential units and other community facilities on this estate.
- 8.3 As part of the redevelopment in West Hendon Estate, existing Telford Road needs to be re-constructed further east in order to facilitate access to new development and maintain servicing of existing commercial and residential premises on Telford Road NW9 and the A5 West Hendon, Broadway. Existing drainage will also need to be diverted in order to comply with the new carriageway lay-out. Telford Road will be constructed under the direct supervision of the Council and all highway works will be in accordance with the Council's highway specifications. The new access road will also include two metre wide footpaths on both sides of Telford Road, pedestrian pram crossings and a heavy duty crossover leading to future car parks. As part of the highway works, the existing access to Telford Road will be reinstated back to footway. Drawing no. GWHPAS-C-DWG-00054 revision PO2 illustrates the extent of the proposed highway works on Telford Road and Perryfield Way, NW9.
- 8.4 Under the Section 38 / 278 Agreement, an area highlighted pink in the attached drawing no. GWHPAS-C-DWG-00054 revision PO2 will also be adopted by the Council as public highway following completion of the highway works.

- 8.5 Traffic Management Orders (TMOs) will need to be processed in order to revoke existing waiting and other parking restrictions no longer required and to implement new waiting restrictions (double yellows) and carriageway parking bays in Telford Road.
- 8.6 All costs for the proposed highway works, including TMO costs will be borne by the Developer.

## **9. LIST OF BACKGROUND PAPERS**

- 9.1 Relevant drawings and general correspondence with the developers and other representatives such as consultants, agents etc, are held by the Traffic and Development Section, Development and Regulatory Services, Ref. **West Hendon Regeneration – Telford Road and Perryfield Way, NW9 – S38/278 Agreement.**
- 9.2 Any person wishing to inspect the background papers listed above should telephone Demetrios Goulas or Gangan Pillai on 020 8359 7343/ 3044.

## **10. OFFICER'S DECISION**

**I authorise the following action:**

- 10.1 **That, subject to completion of all necessary legal and other documentation, the Council enters into an Agreement under Sections 38 and 278 of the Highways Act 1980 with the developers, Barratt Metropolitan LLP or any subsidiary or associated company, allowing the developer to carry out works on the public highway in Telford Road and Perryfield Way NW9, under the Council's direct supervision and in accordance with drawing no. GWHPAS-C-DWG-00054 Revision PO2 and other approved drawings associated with the proposed S38/278 highway works, (or any subsequent revisions, as deemed fit by the Director for Place).**
- 10.2 **To progress the Traffic Management Orders (TMOs) as identified in paragraph 8.5 above.**

**Signed**                      **Pam Wharfe**

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**Director For Place**

**Date**                         **14 May 2013**

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