

Supplementary Report to the Highways Committee Meeting 20th October 2005

This Report is supplemental and serves as an addendum to the Report set out at Item 11 of the Agenda for the Highways Committee for 20th October 2005 (“the Report”)

Paragraph 2.1 of the Report

For the sake of clarity and to ensure full compliance with Section 205 of the Highways Act 1980, Paragraph 2.1 is expanded to read as follows: -

“That the Committee states that the service road to the rear of nos. 5-31 (odd nos.) Burnt Oak Broadway, being a private street, is not to the satisfaction of the street works authority, sewered, levelled, paved, metalled, flagged, channelled, made good and lighted and resolves with respect to the street to execute street works street works and the expenses incurred by the authority in executing those works shall be apportioned between the premises fronting the street such that those expenses shall be borne by the developer of 5 Burnt Oak Broadway, whilst other frontagers shall receive a nil apportionment.”

Paragraph 2.2 of the Report

By way of further explanation the reason for the proposed apportionment is set out in further detail below: -

The provisional apportionment in respect of the cost of the works between the neighbouring proprietors are tabulated in the provisional apportionment document referred to in Para. 3(c) to the Report. The overwhelming beneficiary of the road works would be 5 Burnt Oak in that :-

- 1 The road is used by pedestrians, but there are no footways, the road has not been adequately maintained, does not have proper drainage, suffers from fly-tipping, is poorly lit, is generally in poor condition and not safe and unsuitable for the proposed development.
- 2 the re-development of the property will result in a significant increase in the use of the access road which will be by primary vehicular access to the development.

It is, therefore, considered just that the expenses of the road works should be apportioned to that property in their entirety.

Paragraph 2.4 of the Report

For the sake of clarity, paragraph 2.4 is expanded to read:

“That subject to the approval of the items listed in 2.3 above and subject to the developer agreeing to meet the Council’s legal, professional and other costs in pursuing the procedure to adopt the street under the Private Street Works Code, the Director of Transportation proceed with the works such that the street may be adopted under the provisions of S.228 of the Highways Act 1980 – Private Street Works Code.”

Paragraph 4.2 of the Report

For the sake of clarity, paragraph 4.2 is expanded to read:

“The developer is prepared to meet all the Council’s costs in pursuing the Private Street Works Code procedure (including dealing with any objection or other challenge, inclusive of any referred to the Magistrates’ Court or other forum, in respect of which the developer will need to fully indemnify the Council with regard to all legal and other costs incurred). The developer has given a written undertaking to meet these costs and is prepared to enter into a deed of covenant to this effect in respect of which the developer will need to cover the Council’s costs, so there will be no financial implications for Brent Council.”