



General Purposes Committee
6 January 2015

**Report from the Strategic Director of
Environment and Neighbourhoods**

For Action

Wards Affected: Kilburn

**Stopping Up Order – Durham Court, Kilburn Park Road and
Gloucester House, Cambridge Road**

1.0 Summary

- 1.1 This report seeks authorisation to make a Stopping Up Order for an area of public highway consisting of footpaths, roads, a podium area and ancillary land at Durham Court, Kilburn Park Road and Gloucester House, Cambridge Road, London NW6 under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 This Order is required to complete the development of the Durham Court and Gloucester House site which will provide for 4-8 storey blocks comprising 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, and the provision of a replacement public space and play area.

2.0 Recommendations

- 2.1 That members note that the draft Stopping Up Order has been advertised in accordance with the requirements of Section 247 TCPA 1990 and that in response to the consultation, 5 consultees have informed the Council that they had apparatus in the area. Of these responses, the Nationalgrid objected to the draft Stopping Up Order and Thames Water reserve the right to object if assurances are not given regarding its apparatus.
- 2.2 That the Committee note the objections in this report, and approve the Stopping Up Order and agree that it should be advertised following the resolution of these objections.

3.0 Detail

- 3.1 Planning consent was granted following the Planning Committee meeting of 23rd September 2014 for demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.
- 3.2 This development is part of the Council's South Kilburn Regeneration development programme.
- 3.3 There will be no other significant changes to the design or traffic and parking management arrangements on the area of highway to be stopped up.
- 3.4 A draft Stopping Up Order was made under Section 247 TCPA 1990 to enable the redevelopment to take place. A copy of the Order is attached at Appendix 1, together with the relevant plan showing the proposed area to be stopped up and the notice advertised on 14th November 2014 in the local press and the London Gazette. Statutory consultees, namely utility companies with apparatus at the site and the Greater London Authority were notified of the proposed Stopping-Up Order by e-mail and correspondence.
- 3.5 The Council advertised the Stopping Up Order and received five responses from utility companies with apparatus in the vicinity. These were from:
- OpenreachBT dated 24th November 2014
 - Nationalgrid dated 14th November 2014
 - Thames Water dated 13 November 2014
 - Virgin Media dated 20th November 2014
 - London Underground dated 13th November 2014
- 3.6 The response from Nationalgrid was an objection as it has apparatus in the vicinity. Nationalgrid require a more detailed assessment, following which they may decide to retract their objection, or require a grant of easement over the affected main or the diversion of that main prior to retracting their objection. Council officers will pursue a more detailed assessment and negotiate with Nationalgrid to have this objection withdrawn.
- 3.7 The response from Thames Water was a request of confirmation that their apparatus will not be affected by the proposed works, that their rights of access will not be impeded and that there are no proposals to build over or close to their apparatus. Council officers will provide assurances and seek confirmation from Thames Water that they do not object to the order.
- 3.8 The letter from Virgin Media was a notice of apparatus in the vicinity with an invitation to seek the diversion of its apparatus if required by the development. The developer will make such arrangements if required.
- 3.9 The response from OpenreachBT was of notice of apparatus in the area and a request to be informed of the developer's details as diversionary works may

be required. This will be provided to OpenreachBT and arrangements made for any necessary diversions.

3.10 The letter from London Underground was information relating to apparatus to the north of the site which will be unaffected by the development.

3.11 Members are now requested to approve the making of the Stopping Up Order to complete the development of the site, subject to the withdrawal or resolution of objections.

4.0 Financial Implications

4.1 The Stopping Up Order making costs of approximately £5,000 will be initially met by Regeneration and Growth and recharged to the developer partner with the related negative cash flow being managed within the South Kilburn Programme budget.

4.2 There are no other financial implications on the Council's revenue budgets.

5.0 Legal Implications

5.1 Officers have taken the Council's legal advice in all aspects of the promotion of the Stopping Up Order. If it is agreed to make the Order following the withdrawal or resolution of the Nationalgrid objection and confirmation from Thames Water that it has no objections, then the making of the Order will be publicised. It will not be open to further objection by the public or other authorities.

6.0 Diversity implications

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

7.0 Staffing / Accommodation Implications

7.1 None specific.

Appendices

Appendix 1 – Stopping Up Order with notice and plan

Appendix 2 – Responses to consultation

Background Papers

Correspondence of Highway and Transport Delivery File TO/23/019/EAM
Planning Committee, 20th August 2014, Agenda item No. 06, Case No.
14/1896.

Contact Officers

Eric Marchais – Transportation Service, 5th Floor North Wing, Brent Civic
Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ. Telephone: 020 8937
5452. E-mail eric.marchais@brent.gov.uk.

Noreen Twomey – Project Manager (South Kilburn), 7th Floor North Wing,
Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ
Telephone: 020 8937 6482. E-mail noreen.twomey@brent.gov.uk.

Appendix 1 – Stopping Up Order with notice and plan



LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

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 of the above Act 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 to the Estate Regeneration Team by the London Borough of Brent in its capacity as Local Planning Authority by way of Committee approval on 23rd September 2014 under Planning Reference No. 14/1896.
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 13th November 2014 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 Transportation, Transportation Service, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, quoting the reference TO/23/019/EAM, within the period of 28 days from the 13th November 2014.
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 13th November 2014.

Tony Kennedy
Head of Transportation

SCHEDULE 1

The area of public highway to be stopped up comprises of all carriageway, footway and footpaths, including elevated footpaths, in an area bounded by Rudolph Road to the north-east, Kilburn Park Road to the south-east, Carlton Vale to the south, Cambridge Road to the west and the southern and south-eastern curtilage of the Cambridge Garden playground to the north.

SCHEDULE 2

Demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.



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***

The Mayor and Burgesses of the London Borough of Brent, in exercise of their powers conferred by Section 247 of the Town and Country Planning Act ("the Act") 1990 hereby make the following order:-

1. The Mayor and Burgesses of the London Borough of Brent authorises the stopping up of an area of highway described in Schedule 1 to this order and shown hatched black on the deposited plan, 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 to the Estate Regeneration Team by the London Borough of Brent in its capacity as Local Planning Authority by way of Committee approval on 23rd September 2014 under Planning Reference No. 14/1896.
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 the Transportation Service, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under plan reference 202203928/AJN/5 until *** ** 201*, after which it will be deposited in the offices of the Transportation Service, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0ES.
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 comprises of all carriageway, footway and footpaths, including elevated footpaths, in an area bounded by Rudolph Road to the north-east, Kilburn Park Road to the south-east, Carlton Vale to the south, Cambridge Road to the west and the southern and south-eastern curtilage of the Cambridge Garden playground to the north.

SCHEDULE 2

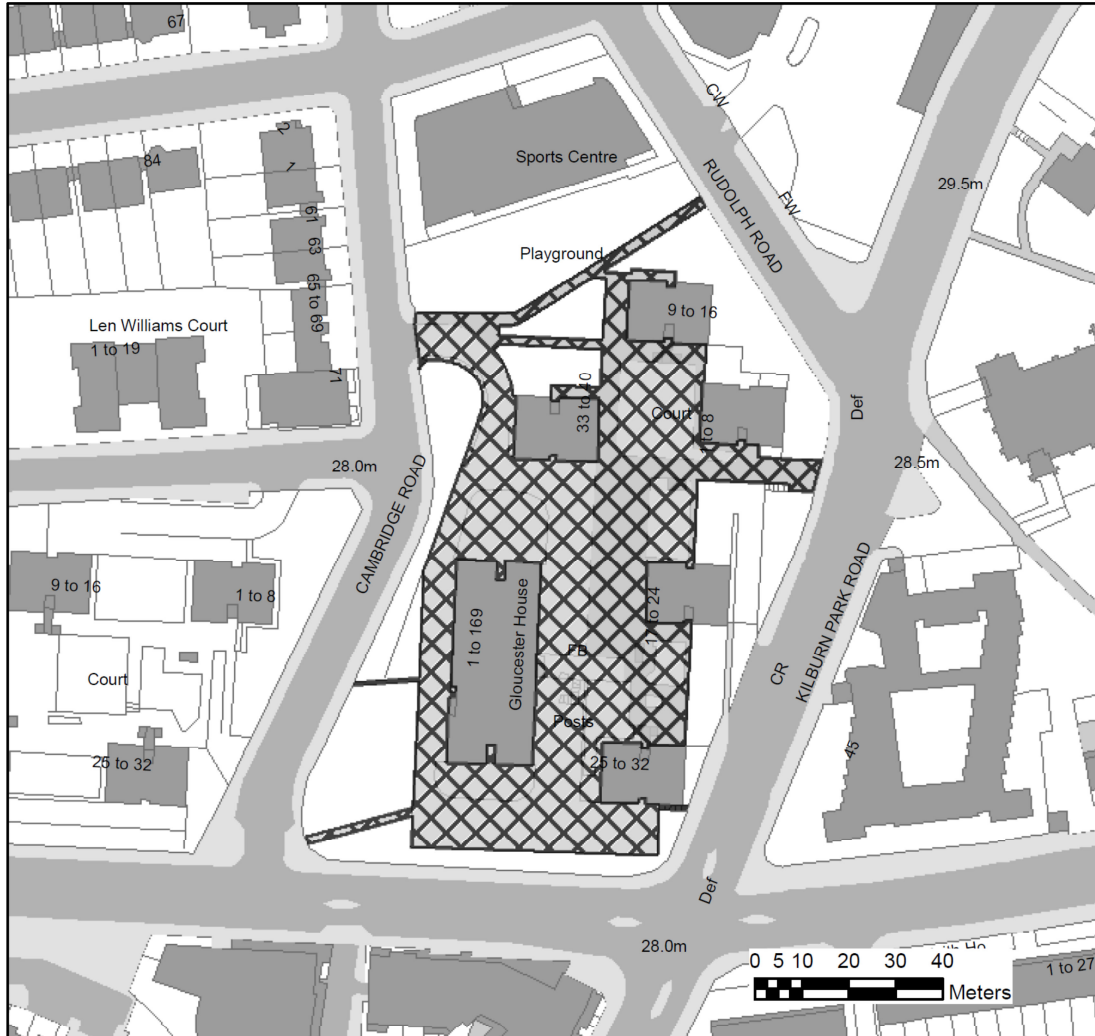
Demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.

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*

**Area to be Stopped Up:
Footpaths, Roadways, Podium Area and
Ancillary Land at Gloucester House,
Cambridge Road; and Durham Court,
Kilburn Park Road, London NW6**



Area to be Stopped Up



Brent

1:1,250
Plan to stated
scale if printed
at A4.

Plan Ref: 202203928/AJN/5

PSMA OS copyright statement
© Crown copyright and database rights 2014 Ordnance Survey 100025260
OS Open data copyright statement:
Contains Ordnance Survey data © Crown copyright and database right 2014

NORTH



Appendix 2 – Responses to Consultation

Hi Sahil

As this is listed as Section 247 of the Town and Country Planning Act 1990.

This makes it a Short form of protection.

Therefore we have no objections to the Stopping up.

Please keep us informed of the developers who will be undertaking the works, as possible diversionary work may be required at that time.

Thank you

Regards

Derek Allen,

Repayments Project Engineer.
Access Operations and Planning / Openreach

Tel : 020 8456 8208

Fax : 020 8205 5700

Web: www.openreach.co.uk

Openreach is delivering fibre broadband services to communities across the UK as well as installing and maintaining the communications infrastructure that links homes, businesses, public and voluntary sector organisations to their Communications Providers' networks.

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Eric Marchais
Brent Council
Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ

Plant Protection
National Grid
Block 1, Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@nationalgrid.com
Telephone: +44 (0)800 688588

National Grid Electricity Emergency Number:
0800 40 40 90*

National Gas Emergency Number:
0800 111 999*
* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.nationalgrid.com

Date: 14/11/2014

Our Ref: NL_TE_Z5_3FWP_022076

Your Ref: TO/23/019/EAM (JH)

RE: Formal Enquiry, NW6 5XG, Gloucester House, Cambridge Road; and Durham Court, Kilburn Park Road, London

Thank you for your enquiry which was received on 13/11/2014.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to 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 National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.

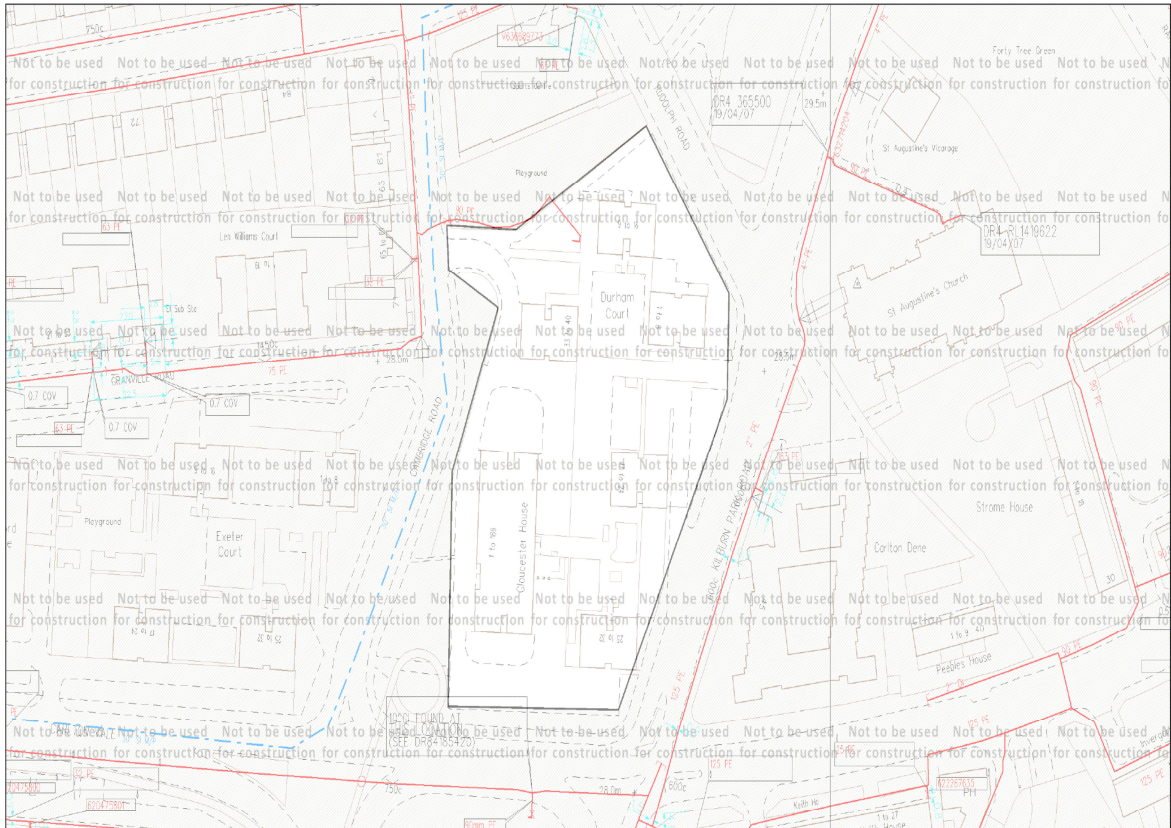
National Grid therefore formally objects to these activities pending further consultation.

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 National Grid's objection.

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



ID: NL_TE_Z5_3FWP_022076		View extent: 361m, 196m	National Grid objects to this application	Map 1 of 1 (GAS)
USER: Jodie.Hunter		LP MAINS — MP MAINS — IP MAINS — LHP MAINS — NHP MAINS —	<p>This plan shows those pipes owned by National Grid Gas plc in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HSG147, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	MAPS Plot Server Version 1.8.0
DATE: 14/11/2014		0m 25m Approximate scale 1:1250 on A4 Colour Landscape		
DATA DATE: 13/11/2014		Valve Depth of Cover Syphon Diameter Change Material Change	Requested by: Brent Council	
REF: TO/23/019/EAM (JH)			This plan is reproduced from or based on the OS map by National Grid Gas plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024886	
MAP REF: TQ2583				
CENTRE: 525425, 183101				

From: Devcon Team
Sent: 13 November 2014 15:37
To: 'traficorders@brent.gov.uk'
Subject: Your Ref: TO/23/019/EAM Our Ref: 5781



13 November 2014

STOPPING UP: Gloucester House / Durham Court

Dear Sir / Madam,

I acknowledge receipt of your letter dated 12 November 2014 regarding the above proposals.

Our records show that Thames Water has apparatus in the area you are proposing to carry out your works.

We may be willing to rely on the rights preserved in the Order under Section 261 (4) of the Town and Country Planning Act in respect of apparatus in the land. However, before we can determine this could you please confirm that our apparatus will not be affected by the proposed works, that our rights of access will not be impeded and that there are no proposals to build over or close to our apparatus.

If we are satisfied with your assurances, we will not raise any objection to the proposed Order.

Attached is an extract from our GIS showing the location of the site. If you have any queries, please do not hesitate to contact me

Regards

Margaret Keen

Planner

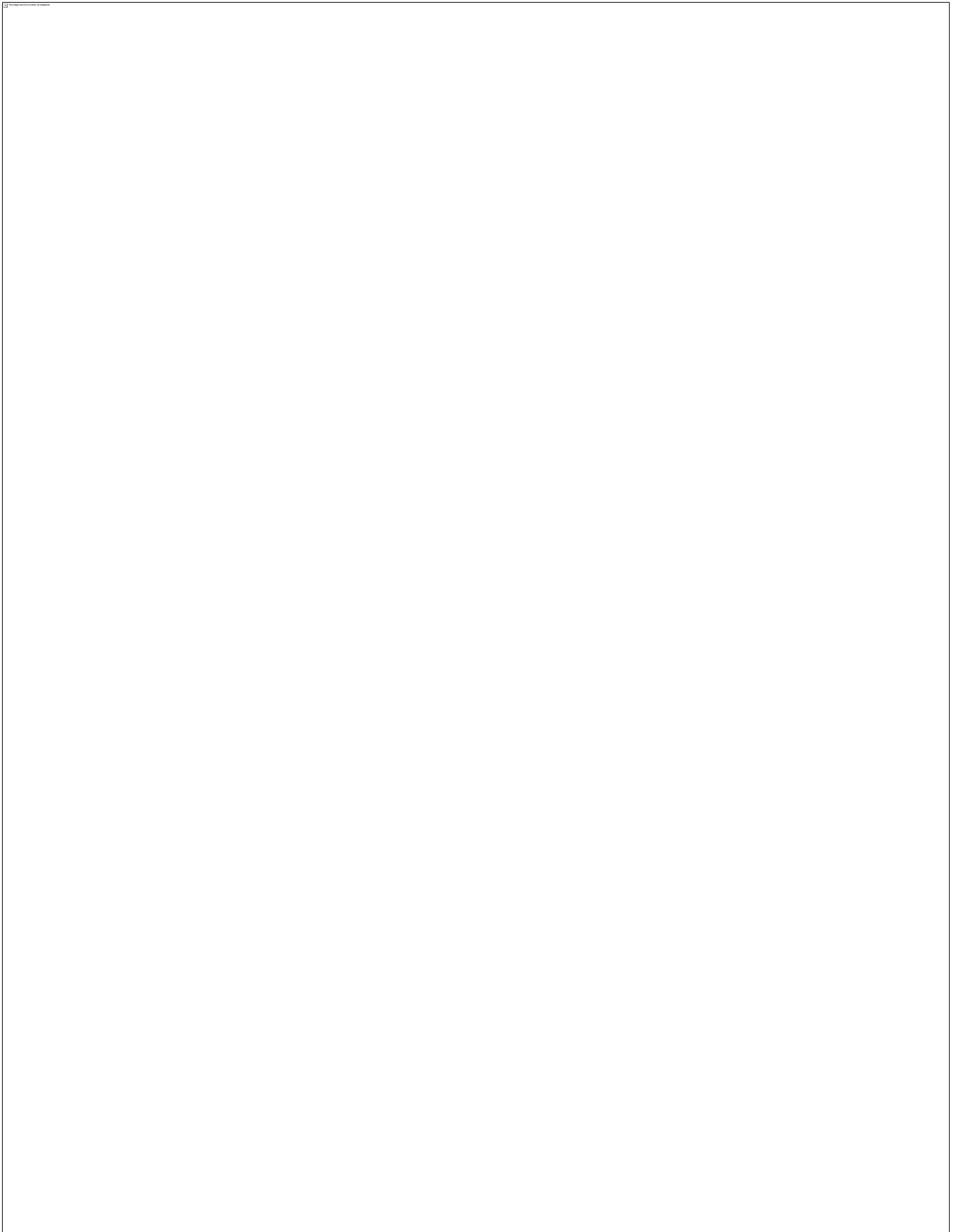
Development Planning

Thames Water Utilities Ltd, Maple Lodge STW, Denham Way, Rickmansworth, Herts WD3 9SQ

☎ 0203 577 9998

Asset Management

Driving Intelligent Investment





Brent Council's

Virgin Media
Field Services
Units 1-12
Broad Lane
Mayfair Business Park
Bradford
Yorkshire
BD4 8PW

Tel: 0870 888 3116 Opt 2

Plant Enquiry Ref: VM.16715
Letter Date 12/11/14
Your Ref: NA
Date: 20/11/14

Dear Sahil,

Enquiry Location

Cambridge Road; and Durham Court, Kilburn Park Road, London NW6 5XE

Thank you for your enquiry regarding work at the above location.

I enclose a copy of our above referenced drawing, marked to show the approximate position of plant owned and operated by Virgin Media.

You will be aware that you have a duty to ensure that no damage results to this equipment as a result of your proposed works. Please note that this apparatus may contain Fibre Optic, Coaxial and/or 240v Power Cables and as such, special care must be taken when excavating this area.

Should you require Virgin Media apparatus to be diverted to accommodate your works and require a detailed estimate, please send a cheque to the value of £720.00 (Bus) / £240.00 (Res) Inc VAT to:

Diversiory Works, Virgin Media, 1 Dove Wynd, Strathclyde Business Park Bellshill ML4 3AL

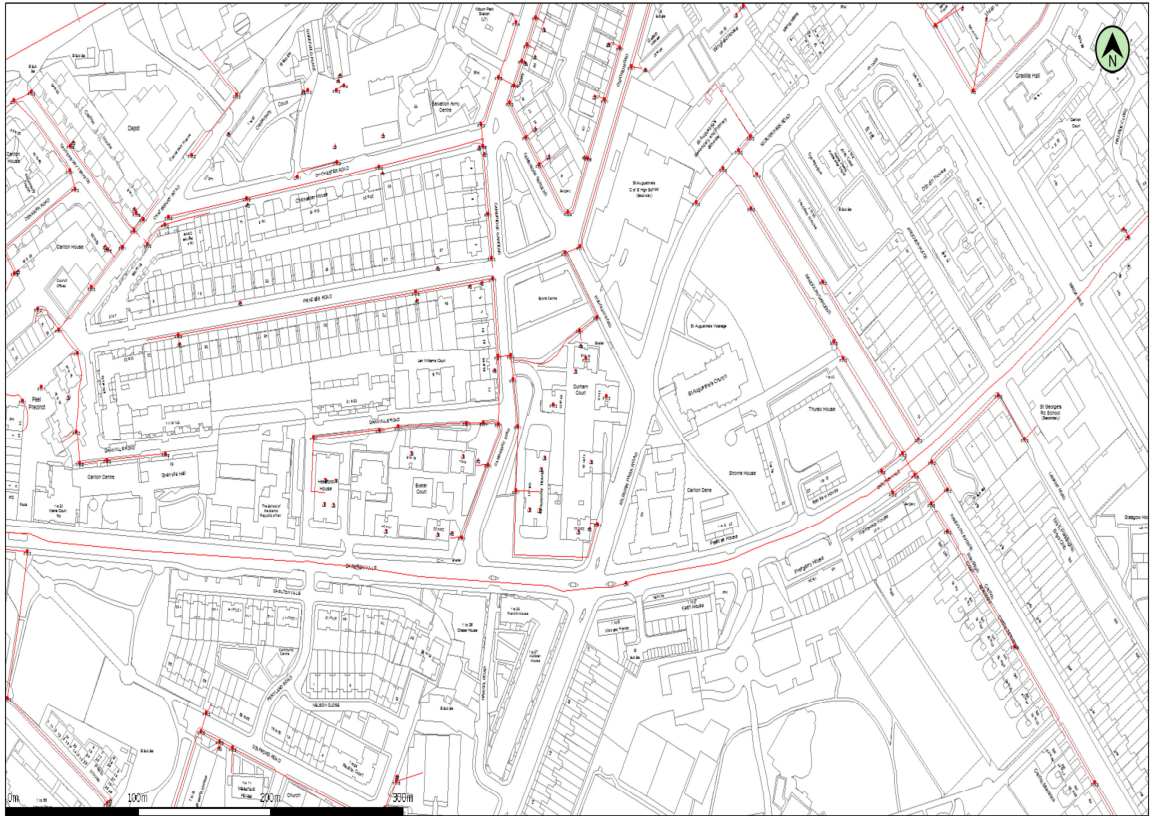
Or Call the Diversiory Team on: 0800 408 0088 Option 1

Should your request be in relation to a new development and you require an estimate to be prepared for Virgin Media to service your proposed development, please submit this request for costs along with site drawings (scale 1:500) to the New Build Team also at the above address.

Yours faithfully

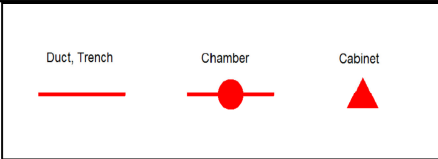
National Plant Enquiries Team, email: plant.enquiries.team@virginmedia.co.uk

Please note: National Plant Enquiries are now able to accept all major cards with the exception of American Express for credit/debit card payments. If you wish to use this facility please contact us at the above telephone number. Please note: National Plant Enquiries Team (Bradford) cover and respond to plant enquiries for all ex ntl:Telewest franchise areas.



(c) Crown Copyright and database rights 2011 Ordnance Survey 100019209 Date: 21/11/14 Scale: 1:3115 Map Centre: 525431,183116 Data updated: 26/10/14 Telecoms Plan A4

Important information - please read
 The purpose of this plan is to identify Virgin Media apparatus. We have tried to make it as accurate as possible but we cannot warrant its accuracy. In addition, we caution that within Virgin Media apparatus there may be instances where mains voltage power cables have been placed inside green, rather than black, ducting. Further details can be found using the 'Holeshot Postcodes.pdf' which can be downloaded from this website.
 Therefore, you must not rely solely on this plan if you are carrying out any excavation or other works in the vicinity of Virgin Media apparatus. The actual position of any underground service must be verified by cable detection equipment, etc. and established on site before any mechanical plant is used. Accordingly, unless it is due to the negligence of Virgin Media, its employees or agents, Virgin Media will not have any liability for any omissions or inaccuracies in the plan or for any loss or damage caused or arising from the use of and/or any reliance on this plan.
 This plan is produced by Virgin Media Limited from Ordnance Survey © Crown Copyright 100019209



joel.janumala@virginmedia.co.uk
 VM.16715



Our Ref: PU48585
Your Ref:
Date: 13 November 2014



Name: SAHIL DALSANIA

Title

Address:
BRENT COUNCIL
BRENT HOUSE
349 - 357 HIGH ROAD
WEMBLEY
WEMBLEY

London Underground
Asset Performance Power
Units 7 & 8, Station Road
Drawing Office:
Tufnell park
London
N19 5UW
0203 054 8418

Dear Sir/Madam

Subject Consultation - Stopping Up Proposal - GLOUCESTER HOUSE / DURHAM COURT
(TO/23/019/EAM)

We acknowledge receipt of your Letter / New Roads & Street Works Act Enquiry, dated 12-Nov-14

We do have apparatus in the area in question, as shown on the enclosed plan(s).

With Drg No(s): R2521/1, R2521/2

Please note we only manage High Voltage and Pilot Cables for London Underground distribution network.

For further assistance please contact Sylvie Stroud in our Drawing Office on 0203 054 8354.

Please ensure that any contractors or sub-contractors engaged by you for these works are made aware of this response and its contents. In some cases our cable ducts may be used by a third party, for which we have no information or drawing records.

Yours sincerely

On behalf of Mr D Beavan, H.V. Cables Manager

Name: Anis Naili

Title: NRSWA co-ordinator

Email: LULHVpowerassets@tfl.gov.uk

MAYOR OF LONDON

London Underground Limited
trading as London Underground
whose registered office is
55 Broadway
London SW1H 0BD

Registered in England and Wales
Company number 1900907

London Underground Limited is
a company controlled by a local
authority within the meaning of
Part V Local Government and
Housing Act 1989. The controlling
authority is Transport for London.



