



General Purposes Committee
6 December 2017

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

**Stopping Up Order – The Un-Named Road which links
Kilburn Lane and Salusbury Road. (also known as Premier
Corner)**

Wards Affected:	Kilburn and Queens Park
Key or Non-Key Decision:	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:	Three: <ul style="list-style-type: none"> • Statutory Consultation responses (WCC and Thames Water) • Withdrawal responses • Stopping Up Order with notice and plan
Background Papers:	Planning Decision Notice Approval Application No. 16/5462
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Nicolaas Potgieter Traffic Order Team Leader (Acting) Tel: 020 8937 5600 Email: nicolaas.potgieter@brent.gov.uk Marie Frederick Senior Project Manager (Estate Regeneration), Tel: 020 8937 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 that lies to the east of No. 313 Kilburn Lane on The Un-Named Road which links Kilburn Lane and Salusbury Road. (also known as Premier Corner) under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 This Stopping Up Order is required to complete the development situated at Kilburn Lane, Salusbury Road, Claremont Road and Carlton Vale which consists of the demolition of Keniston Press, Premier House, Cullen House and the Falcon Public House. The redevelopment of 137 flats (39 affordable), along

with a new public space, 1270 square meters of commercial space (uses A1/A3/A4) and 959 square meters of office space (Use class B1a for dedicated use by Transport for London (TfL)) within a Part 4, 5, 6, 8, and 9 storey building.

- 1.3 The application includes the Stopping Up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane, Salusbury Road and Carlton Vale.

2.0 Recommendation

- 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 eight consultees have informed the Council that they have either no objections or no record of apparatus in the immediate vicinity of our enquiry. Thames Water wanted assurances 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, Westminster City Council (WCC) did not object to the Order being made but did comment of the potential impact on traffic congestion and road safety.

- 2.2 That members note that all the objections and responses received during the statutory consultation have been considered and resolved. The formal responses from WCC and Thames Water can be seen in Appendix A and the subsequent withdrawal responses can be seen in Appendix B.

- 2.3 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 for the development of the site following the Planning Committee meeting of 9 November 2012 under planning application 12/0788 and as amended by planning application 16/5462 on 6 April 2017.

- 3.2 Subsequent planning applications were also granted in July 2017, which related to s96a (non-material amendment) planning application 17/1639 and s73 (minor-material amendment) planning application 17/1370 for the demolition of Keniston Press (since demolished), Premier House, Cullen House and the Falcon Public House.

- 3.3 The planning applications included the redevelopment of 137 flats (39 affordable), along with new public space, 1270 square meters of commercial space (uses A1/A3/A4) and 959 square meters of office space (Use class B1a for dedicated use by TfL) within a Part 4, Part 5, Part, 6, Part 8, and Part 9 storey building, the stopping up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane, Salusbury Road and Carlton Vale.

- 3.4 The Council appointed consultants have produced a Traffic Signal Technical Report and a study that sets out the assessment work to justify the new signalled junction at Kilburn Lane, Salusbury Road and Carlton Vale. This includes the removal of the existing one way gyratory, in order to create a unified development site followed by the demolition of the existing buildings.

The production of the report followed extensive consultation with TfL including London Buses, and have secured an agreement in principle to the scheme.

- 3.5 The consultant has submitted the report to TfL inclusive of the Council's signal junction design proposal and setting out the impact it would have on the network. This report is currently under assessment and waiting approval from TfL signals unit.
- 3.6 The new signal junction affects the Carlton Vale cycle route, officers have been working with the consultant to ensure that the design will retain the level of service for cyclists.
- 3.7. This development is part of the Council's South Kilburn Regeneration development programme and sits within phases 3a/3b.
- 3.8. A Stopping Up Order was duly prepared and a notice of proposal was advertised under Section 247 TCPA 1990 that would enable the redevelopment to take place. A copy of the Order is attached at Appendix C, together with the relevant plan showing the proposed area to be stopped up and the notice of proposal advertised on 6 July 2017 in the local press and the London Gazette.
- 3.9 Statutory consultees, namely utility companies, TfL and WCC were notified of the proposed Stopping-Up Order by e-mail and correspondence.
- 3.10 The Council's advertised statutory notice of proposal and Stopping Up Order received eight responses from utility companies with either no objections or no record of apparatus in the immediate vicinity of our enquiry. These were from:
 - BT Openreach
 - C.A. Telecom Ltd (Colt Technology Services)
 - Cadentgas
 - London Underground
 - Network Rail
 - Scottish & Southern Electricity Networks (SSE)
 - TfL
 - Vodafone
- 3.11 WCC responded with a formal letter and did not object to the Order being made but did make comments on the potential of the new junction to adversely affect traffic flows and safety at the Fernhead Road junction in Westminster. Assurances have been given in relation to the traffic control measures at this junction specifically taking into account the new proposed signalised junction at Kilburn Lane, Salusbury Road and Carlton Vale.
- 3.12 Upon receipt of the letter dated 21 July 2017 from Westminster, an email was sent by Marie Frederick (Senior Project Manager, Brent Council) to WCC asking them to withdraw the points raised following her subsequent response to their initial concerns.
- 3.13 A formal withdrawal response from WCC dated 18 August 2017 was received and within WCC confirms the withdrawal of any objection they might have had to the proposed stopping up and is herewith attached in Appendix B.

- 3.14 Thames Water requested assurance 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.
- 3.15 Upon receipt of the email dated 11 July 2017 from Thames Water, an email was sent by Marie Frederick (Senior Project Manager, Brent Council) to Thames Water providing the drawing of all the existing utilities of the site alongside the proposed site water modification drawing. The email further stated that Thames Water had already been approached to remove this service as part of the enabling works.
- 3.16 Thames Water's response of 11 August 2017 confirms receipt of Brent Council's confirmation to remove their service as part of the enabling works. Thames Water states that as long as our confirmation is adhered to, have no objection to the proposal (see Appendix B).
- 3.17 Members are now requested to approve the making of the Stopping Up Order which is necessary to proceed with the development.

4.0 Financial Implications

- 4.1 The Stopping Up Order is estimated to cost approximately £5k and will be funded from the South Kilburn Programme budget.

5.0 Legal Implications

- 5.1 Section 247 of the Town and Country Planning Act 1990 (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.
- 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.

6.0 Equality Implications

- 6.1 The public sector equality duty, as set out in section 149 of the Equalities Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 This includes enquiring into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic. For

example, taking account of disabled persons' disabilities and the action that could be taken to help a disabled person.

- 6.3 The design of the new junction following the stopping up will consider people with disabilities and officers do not envisage any equality implications in this report.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Statutory consultees, namely utility companies, TfL and WCC were consulted on the proposed Stopping-Up Order by e-mail and correspondence, as required under TCPA 1990.

- 7.2 Local ward Councillors were also consulted.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None specific

Report sign off:

Mr Amar Dave

Strategic Director of Regeneration and Environment