



General Purposes Committee
21 May 2012

**Report from the Director of
Environment and Neighbourhood
Services**

Wards Affected:
Kilburn

**Stopping Up Order – Denmark Road and Rupert Road –
Zones 12 and 13 South Kilburn Regeneration Area**

1.0 Summary

- 1.1 This report seeks authorisation to make a stopping-up Order for areas of public highway in Denmark Road and Rupert Road under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990), in order to carry out the development of 64 affordable residential units and one retail unit at zones 12 and 13 of the South Kilburn Regeneration area.

2.0 Recommendations

- 2.1 That members note that a draft Stopping Up Order has been advertised in accordance with the requirements of Section 247 TCPA 1990 and that 2 objections were received, one from OpenreachBT and one from National Grid.
- 2.2 That the Stopping Up Order under Section 247 TCPA 1990 be approved and duly made and advertised following the resolutions of these objections.

3.0 Detail

- 3.1 Planning consent was granted following the Planning Committee meeting of 12th May 2011 for the development of 64 affordable residential units (13 x one-bedroom, 26 x two-bedroom, 17 x three-bedroom and 8 x four-bedroom) and one retail unit (Use Class A1) within 3, 4, 5 and 6 storey buildings with private and communal amenity space, play space, on-street parking landscaping, a public open space and temporary open space, following the demolition of Bond House, Hicks Bolton House, 1-2 Denmark Road and Wood House. The planning consent specified that the development will involve the stopping up and realignment of Rupert Road and Denmark Road.

- 3.2 In addition to the re-alignment of Denmark Road and Rupert Road there will be a phased connection of Rupert Road to Carlton Vale with changes to the on-street parking layout. There will be no other significant change to the design or traffic management on the highway to be stopped up.
- 3.3 A draft Stopping Up Order was duly made and advertised under Section 247 TCPA 1990 in August 2011 to enable the redevelopment to take place. However, due to a procedural error it was necessary to re-advertise the Order in October 2011 with an improved plan. A copy of the Order is attached at Appendix 1 together with the amended plan showing the proposed area to be stopped-up and the notice advertised on 20th October 2011 in the local press and the London Gazette.
- 3.4 The Council's advertised Stopping Up Order received two objections from utility companies with apparatus in the vicinity. One was from OpenreachBT dated the 8th November 2011 and the other from National Grid dated the 26th October 2011. The grounds for objection were that they had apparatus in the vicinity which would be affected and which would require alterations or diversions.
- 3.5 The OpenreachBT objection was withdrawn in a letter from Openreach BT dated 29th November 2011 on the understanding that BT Openreach/Repayments Division would recover costs for any diversions/removal of its apparatus from the area being re-developed / stopped up. A copy of the letter withdrawing the objection is attached at Appendix 2.
- 3.6 Council officers have been in discussions with National Grid and they have agreed to withdraw their objection subject to a consent to lay agreement and grant of easement. Arrangements have been made for the Assistant Director - Property and Asset Management to sign the agreement on the behalf of the Council as soon as it is finalised.
- 3.7 Members are now requested to approve the making of the Stopping Up Order in order to proceed with the development.

4.0 Financial Implications

- 4.1 The redevelopment is funded by the developer who has entered into a development and sale contract with the Council and includes the Zones 12 and 13 of the South Kilburn Regeneration Area as well as Zone 6 which includes Alpha Place and Gorefield Place. Failure to make either of the Stopping Up Orders for these locations before 6th June 2012 will result in a risk that the Council would not meet its contractual obligations and not realise £11.5 million pounds of development income.

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 then the making of

the Order will be publicised although it is not 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" – Objection Withdrawal Letters

Background Papers

Correspondence of Highway and Transport Delivery File TO/23/012A/EAM
Planning Committee, 12th May 2011, Agenda item No. 15, Case No. 11/0371

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