



**General Purposes Committee**  
21 May 2012

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

Wards Affected:  
Kilburn

**Stopping Up Order – Alpha Place and Gorefield Place -  
Zone 6 of the South Kilburn Regeneration Area**

**1.0 Summary**

- 1.1 This report seeks authorisation to make a stopping up Order for areas of public highway, footpath and verges approximately bounded by Canterbury Road, Chichester Road, Cambridge Avenue, Kilburn High Road, Coventry Close and the Curtilages of Alpha House, Gorefield House and Canterbury Court under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990), in order to carry out the development of 144 residential units at zone 6 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 of the TCPA 1990 and that objections were received from Open Reach BT and from the National Grid.
- 2.2 That the Stopping Up Order under S247 of the 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 16th March 2011 for the development of 144 residential units (86 market units – 32 one-bed, 41 two-bed and 10 three-bed and 3 four-bed and 58 affordable units – 16 one-bed, 22 two-bed, 10 three-bed and 10 four-bed) in 3, 4 and 5 storey buildings at zone 6 of the South Kilburn Regeneration Area. The

planning consent specified that the development will include the stopping up of the existing access road and the formation of a new access road from Chichester Road.

- 3.2 There will be no significant change to the design or traffic management on the roads which bound site 6, apart from the creation of a new access road from Chichester Road.
- 3.3 A draft Stopping Up Order was duly made and advertised under Section 247 of the TCPA 1990 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, which includes existing highway, footway and verge, and the notice advertised on 20th October 2011 in the local press and the London Gazette.
- 3.4 The Council's Stopping Up Order advertised in October 2011 received two objections from utility companies with apparatus in the vicinity. One was from OpenreachBT dated the 8<sup>th</sup> November 2011 and the other from National Grid dated the 26<sup>th</sup> 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 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 in 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 A previous objection from UK Power Network relating to access to an electrical substation was withdrawn on 31<sup>st</sup> October 2011. A copy of the letter withdrawing that objection is attached in Appendix 2.
- 3.8 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 which includes Zone 6 - Alpha Place and Gorefield Place, as well as the Zones 12 and 13 South Kilburn Regeneration Area – Denmark Road and Rupert Road. Failure to make either of the Stopping Up Orders for these roads before 6<sup>th</sup> June 2012

would result in a risk that the Council will 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/23/011A/EAM  
Planning Committee, 16th March 2011, Agenda item No. 9, Case No. 10/3247

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