



General Purposes Committee
30 May 2022

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

**Stopping Up Order – Neville, Winterleys & Carlton sites -
(NWCC)**

Wards Affected:	Kilburn
Key or Non-Key Decision:	Non Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three Appendix 1 – Draft Stopping Up Order Appendix 2 – Stopping Up Order Notice Appendix 3 – Stopping Up Order Plan
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Giorgio Dessale, Traffic Order Maker and Amelia Bell, Assistant Project Manager (South Kilburn Estate Regeneration)

1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a Stopping Up Order for three parts of public highway within the South Kilburn Estate for a phased development (NWCC) that lie near Neville House, Neville Road and in Denmark Road near Carlton House, Canterbury Terrace.
- 1.2 The Stopping Up Order is required under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) to complete the development at the site, which consists of the demolition of all existing buildings and erection of a part six, nine, ten and twelve storey building arranged around a courtyard (Western Building) providing 135 residential units including a concierge and residential communal room at ground floor and a part four, five, eight, nine and ten storey L shaped building (Eastern Building) providing 84 residential units. Construction of a basement under the Western Building with a car lift and access from Albert Road. The provision of a pedestrian and cycle shared surface along Neville

Road, with associated cycle provision, bin stores, landscaping and ancillary works.

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 seventeen consultees have informed the Council that they have either no objections or no record of apparatus in the immediate vicinity of our enquiry, with the exception of National Grid and Virgin Media. Both consultees objected on the basis that they may have an apparatus in the proposed area. Amelia Bell from the Regeneration & Environment team from South Kilburn is currently in communication with Virgin Media with the aim of resolving the objection.
- 2.2 That the Committee note the objection in this report, and approve the Stopping Up Order and agree that it should be advertised following the resolution of the objection.
- 2.3 That the Committee approve the making of the Stopping Up Order (SUO) 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 3 July 2020 under Application No. 18/4920.
- 3.2 The planning application included the demolition of all existing buildings and erection of a part six, nine, ten and twelve storey building arranged around a courtyard (Western Building) providing 135 units (9 x studios, 52 x 1bed, 56 x 2 bed and 18 x 3bed) including a concierge and residential communal room at ground floor and a part four, five, eight, nine and ten storey L shaped building (Eastern Building) providing 84 residential units (36 x 1bed, 26 x 2bed, 20 x 3bed and 2 x 4bed). Construction of a basement under the Western Building with a car lift and access from Albert Road. The provision of a pedestrian and cycle shared surface along Neville Road, with associated cycle provision, bin stores, landscaping and ancillary works.
- 3.3 The planning application submission included:
 - Application Form, Certificates and Notices;
 - CIL (Community Infrastructure Levy) Form;
 - Application drawings, prepared by PTE (Pollard Thomas Edwards Architects);
 - Design and Access Statement, prepared by PTE;
 - Landscape Strategy (contained within the Design and Access Statement);
 - Planning Statement, prepared by Lichfields;
 - Landscape Management Plan, prepared by The Environment Partnership;

- Photographs and photomontages (contained within the Design and Access Statement);
 - Phasing Strategy (within the Viability Statement);
 - Affordable Housing Statement, prepared by Lichfields;
 - Energy and Sustainability Statement, prepared by Environmental Services Design Limited;
 - Daylight/Sunlight Assessment, prepared by Lichfields;
 - Air Quality Assessment, prepared by Miller Goodall Ltd;
 - Noise Assessment, prepared by Acoustic & Engineering Consultants Limited;
 - Flood Risk Assessment and Drainage Strategy, prepared by Price and Myers;
 - Viability Assessment prepared by Deloitte;
 - Transport Assessment, prepared by Price and Myers;
 - Travel Plan, prepared by Price and Myers;
 - Utilities Statement, prepared by Environmental Services Design;
 - Ventilation and Extraction Statement, prepared by Environmental Services Design;
 - Statement of Community Involvement, prepared by PTE.
- 3.4 This phased development within the South Kilburn Estate will provide a 53.6 % quantum of affordable housing (measured by habitable room), with 100% social rent provision. The affordable housing units will be located in both the Eastern and Western Building. The provision of 112 socially rented homes represents an uplift of 32 socially rented properties on site compared with the existing provision of 80 social rented properties.
- 3.5 A draft SUO 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 draft Order is attached at Appendix A, together with the notice and relevant plan showing the proposed area to be stopped up. The notice of proposal was advertised on 14th October 2021 in the Brent and Kilburn Times and the London Gazette allowing for a 28-day statutory consultation period.
- 3.6 Statutory consultees were notified of the proposed Stopping-Up Order by e-mail or hard copy correspondence.
- 3.7 The Council did receive seventeen responses during the statutory consultation period. The replies stated that they had either no objections or no record of apparatus in the immediate vicinity of our enquiry, with the exception of National Grid and Virgin Media who objected on the basis they may have an apparatus in the proposed area. Both objections required an assessment of the area. The objection from National Grid was resolved as a result of communication with Amelia Bell from the Regeneration & Environment team from South Kilburn. Amelia Bell will pursue a more detailed assessment and negotiate with Virgin Media to have this objection withdrawn.
- 3.8 The correspondences were from:
- Atkins Global / Vodafone
 - Cadent / National Grid
 - Colt Technology / CA Telecom
 - ES Pipelines Ltd

- ESP Utilities Group Ltd
- GTC / BU-UK
- Instalcom Ltd
- London Underground
- London Underground / DLR Infrastructure Protection
- Network Rail - Asset Protection LNW South
- Openreach BT
- Plant Enquiries TfL
- Thames Water
- Transport for London
- Tube TfL
- Turner & Townsend
- Virgin Media

3.9 Members are now requested to approve the making of the Stopping Up Order in order to complete the development of the site, subject to the withdrawal or resolution of the objection.

4.0 Financial Implications

4.1 The Stopping Up Order is estimated to cost approximately £5,000 and will be paid for by the Council.

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

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 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 There are no equality implications associated with this development or the approval of this Stopping Up Order.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Statutory consultees, namely various utility companies and TfL 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:

Alan Lunt

Strategic Director of Regeneration
and Environment