

	<p align="center"><b>General Purposes Committee</b> 12 December 2022</p>
	<p align="center"><b>Report from the Corporate Director Resident Services</b></p>
<p><b>Stopping Up Order – Neville Road</b></p>	

<b>Wards Affected:</b>	Kilburn
<b>Key or Non-Key Decision:</b>	Non Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One  Appendix A – Stopping Up Order – Neville Road
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Nicolaas Potgieter, Traffic Order Team Leader: <a href="mailto:Nicolaas.Potgieter@brent.gov.uk">Nicolaas.Potgieter@brent.gov.uk</a>  Amelia Bell, Senior Project Manager (South Kilburn Estate Regeneration): <a href="mailto:Amelia.Bell@brent.gov.uk">Amelia.Bell@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a Stopping Up Order (SUO) for public highway that includes areas of both carriageway and footway within the South Kilburn Estate. This is to enable phased development to an area near Neville House, on Neville Road, in Denmark Road and near Carlton House, Canterbury Terrace.
- 1.2 The SUO is required to facilitate redevelopment in the South Kilburn Estate Regeneration area.

## 2.0 Recommendation

- 2.1 That members note:-
- i) that the draft SUO was advertised in accordance with the requirements of Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) and

that in response to the consultation Openreach BT and Virgin Media objected on the basis that they may have an apparatus in the proposed area;

ii) the South Kilburn Estate Regeneration team communicated with Openreach BT and Virgin Media and resolved both objections.

2.2 That the Committee approve the SUO and agree that the notice of making should be advertised.

### **3.0 Detail**

3.1 Planning consent was granted for the development of the site following the Planning Committee meeting of 15 February 2021 under Application No. 19/3259.

3.2 The description of the development is 'A phased development for the demolition of 2 Canterbury Road, 1-7 and 15-33 Peel Precinct and 8-14 Neville Close, and erection of seven buildings (A to G) ranging between 5 and 16 storeys, plus part basement, comprising private sale residential units (Use Class C3), shared ownership residential units (Use Class C3), social rented residential units (Use Class C3); new health centre (Use Class D1), new gym (Use Class D2), flexible use class within retail and commercial units (Use Class A1/A3/B1) at ground floor, associated landscaping, highways and public realm improvements (including new public space and market square), private open space, associated car parking, cycle parking and servicing provision.'

3.3 The planning application submission included:

- Application Form, Certificates and Notices;
- CIL (Community Infrastructure Levy) Form;
- Application drawings, prepared by Child Graddon Lewis Architects
- Design and Access Statement, prepared by Child Graddon Lewis Architects
- Landscape Strategy (contained within the Design and Access Statement); prepared by Outerspace
- Planning Statement, prepared by Turleys
- Photographs and photomontages (contained within the Design and Access Statement);
- Phasing Strategy (within the Viability Statement);
- Affordable Housing Statement, prepared by Montagu Evans
- Energy and Sustainability Statement, prepared by AECOM;
- Daylight/Sunlight Assessment, prepared by Malcolm Hollis;
- Air Quality Assessment, prepared by XCO2
- Noise & Vibration Assessment, prepared by AECOM
- Flood Risk Assessment and SuDS Strategy, prepared by Price and Myers;
- Viability Assessment prepared by Montagu Evans
- Transport Assessment, prepared by Markides Associates;
- Travel Plan, prepared by Markides Associates;
- Utilities Statement, prepared by XCO2

- Ventilation and Extraction Statement, prepared by XCO2

3.4 This phased development within the South Kilburn Estate will provide a 41 % quantum of affordable housing (measured by habitable room), with 100% social rent provision.

3.5 A draft SUO was prepared and a Notice of Proposal (NOP) was advertised under Section 247 TCPA 1990 to enable the redevelopment to take place. A copy of the draft SUO, together with the NOP and relevant site plan showing the proposed area to be stopped up is provided as an Appendix. The NOP was advertised on 9th June 2022 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 SUO by e-mail or hard copy correspondence.

3.7 Eight stakeholders responded to the Council during the statutory consultation period and one response was received after the statutory consultation period elapsed, however, this was still considered. The majority of 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 Openreach BT and Virgin Media. Virgin Media and Openreach BT objected on the basis that they have an apparatus in the proposed area. Responses were received from the following companies:

3.8 The responses received were from:

- Atkins Global / Vodafone
- ESP Utilities Group Ltd
- GTC / BU-UK
- One Search Direct
- Openreach BT
- Transport for London various departments
- Thames Water
- Turner & Townsend
- Virgin Media

3.9 The South Kilburn Estate Regeneration team communicated with Openreach BT and Virgin Media and resolved the objections. Both companies have withdrawn their objections on the basis that diversions of their apparatus had been secured.

3.10 Members are now requested to approve the making of the SUO, which will allow the development of the site to commence.

#### **4.0 Financial Implications**

- 4.1 The SUO is estimated to cost approximately £5,000 and will be paid for by the developer.
- 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 out in accordance with a valid planning permission. A SUO extinguishes the right of the public to pass and repass over the land to which the order will apply. Compensation is not payable to those adversely affected by the order.
- 5.2 Early consultation about the proposal with all persons and organisations who will be affected by the proposed is advisable. If a person/body objects to the making of the order at the time of the notice, the order might be sent to local enquiry or to the Mayor of London.
- 5.3 Immediately after the SUO is made, the Local Planning Authority must publish a notice in a local newspaper and the Gazette stating the order was made, naming the place where a copy of the order can be inspected. From the date the order is made it must also be sent to consultees, any person affected by the order, and displayed.
- 5.4 Officers have taken the Council's legal advice as to the statutory requirements in relation to the promotion of the Order. If it is agreed to make the Order, notices of making of the Order will be publicised. It will not be open to further objection by the public or other authorities. However, where an order is made and published, or the Council decides not to confirm the order this can be challenged within certain time limits.

## **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 SUO.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 Statutory consultees, namely various utility companies and Transport for London (TfL) were consulted on the proposed SUO 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.

## **Appendices**

**Report sign off:**

***Peter Gadsdon***

Corporate Director Resident Services