



General Purposes Committee
4 July 2013

**Report from the Director of
Environment and Neighbourhoods**

For Action

Wards Affected:
Kensal Green

Stopping Up Order – Elmwood House, Harlesden Road

1.0 Summary

- 1.1 This report seeks authorisation to make a stopping-up Order for an area of public highway in the access road, formerly known as Harlesden Lane, between Nos. 1 to 47 Longstone Avenue and Knowles House, No. 51 Longstone Avenue, under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 This Order is required to complete the development of the Elmwood House site and provide off-street parking, communal garden, play space and associated landscaping related to the erection of a new building comprising of 38 flats.

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 one qualified objection was received from Thames Water.
- 2.2 That the Committee note the responses to the objection in this report, approve progressing the Stopping Up Order, which will be duly advertised following Committee approval.

3.0 Detail

- 3.1 Planning consent was granted following the Planning Committee meeting of 20th July 2010 for demolition of the existing three-storey building and erection of a new part four-, part five- and part six-storey building comprising 38 flats (8 one-bedroom, 18 two-bedroom, 12 three-bedroom, all affordable), with private amenity space at lower ground-floor level, terrace areas and balconies at upper-floor levels, 25 off-street parking spaces, communal garden, play space and associated landscaping to site. The planning consent did not specify that the development would include the stopping up of a section of the access road from Longstone Road to the site. However, this stopping up is necessary to complete the development of the site, particularly the 25-off-street parking spaces, communal garden, play space and associated landscaping.
- 3.2 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 March 2013 to enable the redevelopment to take place. A copy of the Order is attached at Appendix 1 together with the relevant plan showing the proposed area to be stopped-up and the notice advertised on 21st March 2013 in the local press and the London Gazette.
- 3.4 The Council's advertised Stopping Up Order received one qualified objection from Thames Water on the 20th March 2013. It also received concerns raised by OpenreachBT on 21st March 2013 which do not constitute an objection.
- 3.5 The objection from Thames Water was a qualified objection requesting confirmation that their apparatus would not be affected or built over and that access to it would be maintained. The objection was officially withdrawn on the 19th June 2013 following confirmation that their rights of access to apparatus would be maintained. A copy of the e-mail withdrawing the objection is attached at Appendix 2.
- 3.6 Verbal and written concerns were raised by OpenreachBT relating to how the use of the area might affect apparatus access, particularly in regard to one of their underground chambers. OpenreachBT specifically stated these concerns were not to be treated as an objection and they have since been addressed, copies of their e-mails are included in Appendix 2.
- 3.7 Members are now requested to approve the making of the Stopping Up Order in order to complete the development.

4.0 Financial Implications

4.1 The Stopping Up Order making costs will be met by the developer.

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" – Responses to consultation

Background Papers

Correspondence of Highway and Transport Delivery File TO/23/014/EAM
Planning Committee, 20th July 2010, Agenda item No. 08, Case No. 10/0949

Contact Officers

Eric Marchais – Highway and Transport Delivery, 2nd Floor West, Brent House, 349-357 High Road, Wembley, Middlesex, HA2 8TT. Telephone: 020 8937 5452. E-mail eric.marchais@brent.gov.uk.

Paul Chandler – Head of Transportation, Highway and Transport Delivery, 2nd Floor West, Brent House, 349-357 High Road, Wembley, Middlesex, HA2 8TT. Telephone: 020 8937 5151. E-mail paul.chandler@brent.gov.uk.

Appendix 1 – Stopping Up Order with notice and plan



LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS)(NO.) ORDER 201

1. NOTICE IS HEREBY GIVEN that the Council of the London Borough of Brent propose to make an order under Section 247 of the above Act to authorise the stopping up of areas of public highway described in Schedule 1 to this notice.
2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted to the Network Housing Group by the London Borough of Brent on 4th August 2010 under Reference No. 10/0949.
3. A copy of the draft order and of a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 21st March 2013 at the One Stop Local Office, Brent House, 349-357 High Road, Wembley, Middx, HA9 6BZ.
4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Transportation, Transportation Service, 2nd Floor (west) Brent House, 349-357 High Road, Wembley, Middx, HA9 6BZ, quoting the reference TO/23/014/EAM, within the period of 28 days from the 21st March 2013.
5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 21st March 2013.

Paul Chandler
Head of Transportation

SCHEDULE 1

The area of public highway to be stopped up comprises of a quadrilateral shaped length of carriageway in the access road between Nos. 1 to 47 Longstone Avenue and Knowles House, No. 51 Longstone Avenue, from a point approximately 62 metres north-east of an imaginary line projected from the south-western boundary of Nos. 1 to 47 Longstone Avenue, extending north-eastward for approximately 29 metres with a maximum width of approximately 11 metres.

SCHEDULE 2

Demolition of existing three-storey building and erection of new part four, part five and part six-storey building comprising 38 flats (8 one-bedroom, 18 two-bedroom, 12 three-bedroom, all affordable), with private amenity space at lower ground-floor level, terrace areas and balconies at upper-floor levels, 25 off-street parking spaces, communal garden, play space and associated landscaping to site.

THE LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO.) ORDER 201

Made

201

The Council of the London Borough of Brent, in exercise of their powers conferred by Section 247 of the Town and Country Planning Act ("the Act") 1990 hereby make the following order:-

1. The Council of the London Borough of Brent authorises the stopping up of an area of highway described in Schedule 1 to this order and shown hatched black on the deposited plan, in order to enable development described in Schedule 2 to this order to be carried out in accordance with the planning permission granted under Part III of the Act to the Network Housing Group by the London Borough of Brent on 4th August 2010 under Reference No. 10/0949.
2. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over, along or across any area of highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that area of highway is stopped up as they had immediately beforehand.
3. In this order "the deposited plan" means the plan deposited in the offices of the Transportation Service, London Borough of Brent, Brent House, 349-357 High Road, Wembley, Middlesex, HA9 6BZ under Drawing No. 0938(SK)205 Revision A.
4. This order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and be cited as The London Borough of Brent (Stopping Up Of Highways) (No.) Order 201 .

SCHEDULE 1

The area of public highway to be stopped up comprises of a quadrilateral shaped length of carriageway in the access road between Nos. 1 to 47 Longstone Avenue and Knowles House, No. 51 Longstone Avenue, from a point approximately 62 metres north-east of an imaginary line projected from the south-western boundary of Nos. 1 to 47 Longstone Avenue, extending north-eastward for approximately 29 metres with a maximum width of approximately 11 metres.

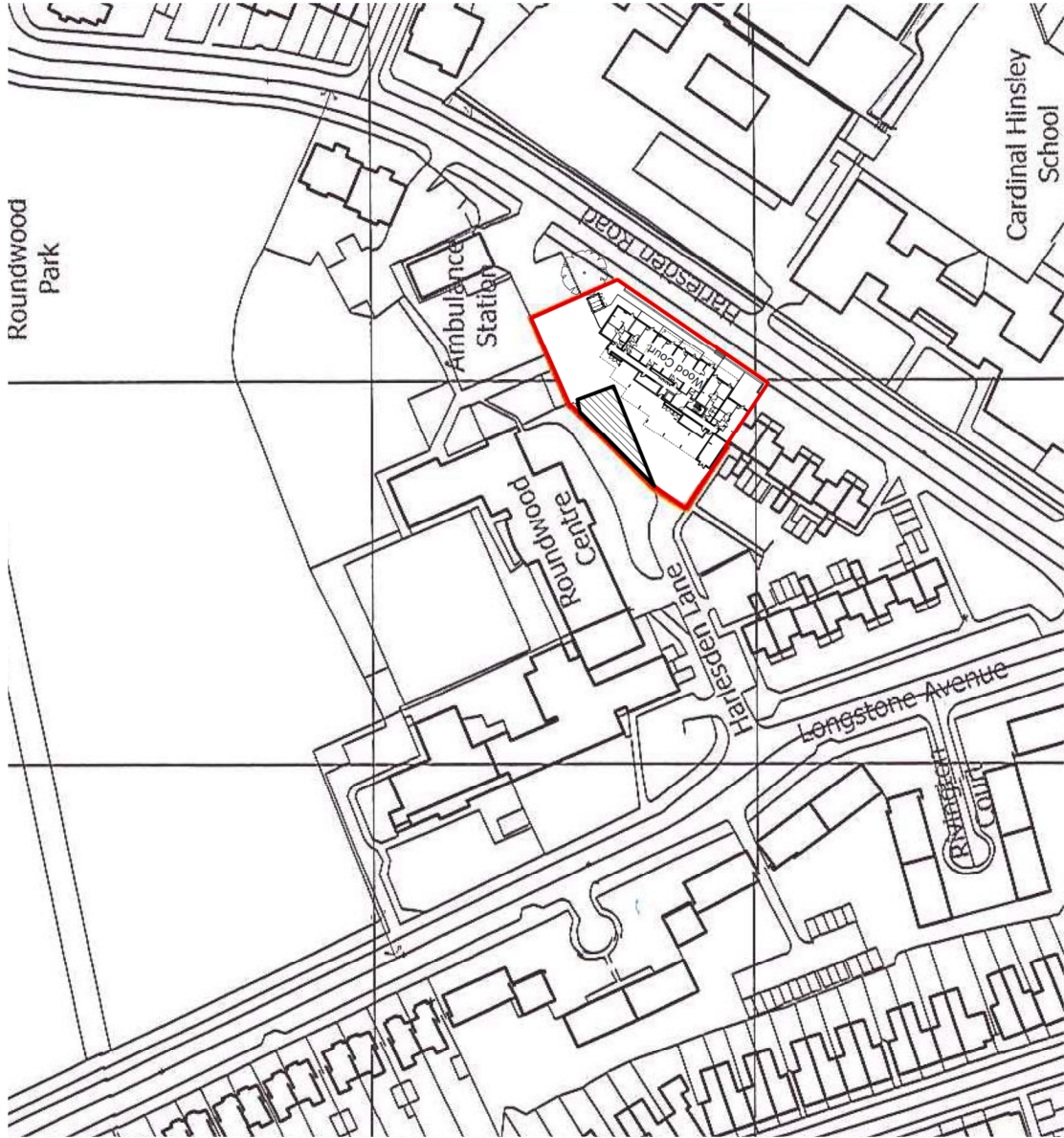
SCHEDULE 2

Demolition of existing three-storey building and erection of new part four, part five and part six-storey building comprising 38 flats (8 one-bedroom, 18 two-bedroom, 12 three-bedroom, all affordable), with private amenity space at lower ground-floor level, terrace areas and balconies at upper-floor levels, 25 off-street parking spaces, communal garden, play space and associated landscaping to site.

The Common Seal of THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF BRENT was hereunto affixed in the)
presence of:)

.....
Solicitor

Dated thisday of 201



General Index
 © Copyright Stephen Davy Peter Smith Architects 2011

Notes
 This drawing is made to be used as a mark-up of the OS map provided by Alan Mill Partnership.

Scale 1:1000
 0 10 20 30 40 50m

Key
 Stopping-Up Area
 Site Boundary

Rev	Issue	Comment	By	Date
A	General Index omitted, including revised Scale	SK 11.03.12		
	revised	SK 13.07.12		
	Final Issue			

Client
 HILL PARTNERSHIPS
 THE POWER HOUSE GUNPOWDER MILL
 170 HARLESDEN ROAD, WALTHAM ABBEY
 ESSEX, S19 1BN

**Stephen Davy Peter Smith
 Architects**

Partnership Practice, Registered in London, UK
 E-mail: stephendavy@stephendavy.com
 Website: www.stephendavy.com

Project Title
 ELMWOOD HOUSE,
 170 HARLESDEN ROAD, NW10 3SJ

Drawing Title
 Site Location Plan and
 Stopping-Up Area

Job no	Drawn by	Scale
0938	KK	1:1000 @ A3

Date	Checked by
July 2012	

Drawing no	Revision
0938 (SK) 205	A

Appendix 2 – Responses to Consultation



19 June 2013

STOPPING UP: Elmwood House, Harlesden Road

Dear Sir,

I acknowledge receipt of your letter dated 19 June 2013 regarding the above proposals.

Our records show that Thames Water has apparatus in the area you are proposing to carry out your works.

We are in receipt of your email confirming our rights of access to our apparatus. We, therefore, have no objection to your proposal.

If you have any queries, please do not hesitate to contact me

Katy Plimsaul

Planner

Development Planning

Thames Water Utilities Ltd, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ

☎ External: 0203 577 9998,

✉ devcon.team@thameswater.co.uk



To Eric Marchais

As discussed today.

I dealt with Elmwood House site in 2009.

All BT Openreach Chambers, Ducts & Cables were left onsite and an agreement for them to stay in situ was formally signed in Nov 2009.

Wayleave agreement : SA159080.

We have No Objections to the Stopping Up,so long as they are aware of the locations of our Network.

BUT...

We do have concerns of what the area is to be used for. Therefore we request a Plan of the area to be stopped up so that we can evaluate further any risk to our Network.

Here are some issues that may cause problems now or in the future to our network,.. ie; restricting access to chambers, Raising levels of the ground (landscaping) making access to our chambers to deep, Trees being planted on or next to our ductwork (this causes damage to our ducts), Play area across our network, etc.

Can you reply with details as soon as possible please.

Regards

Derek Allen,

Repayments Project Engineer.
Access Operations and Planning / Openreach

Tel : 020 8456 8208

Fax : 020 8205 5700

Web: www.openreach.co.uk

Hi Eric

I have found the old diagram from the wayleave agreement back in 2009.

Wayleave agreement : SA159080.

The agreement was signed as a standard Terms and Conditions agreement, which allows us 24/7 access to our apparatus.

We will endeavour to give prior notice of access required, especially if we require any additional machinery/ vehicles to come onto the site area.

The chamber within the carpark area is shown as a carriageway style already.(shown on diagram with "JRC" beside it).

Therefore there is no objections.

Regards

Derek Allen,

Repayments Project Engineer.
Access Operations and Planning / Openreach

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Openreach is delivering fibre broadband services to communities across the UK as well as installing and maintaining the communications infrastructure that links homes, businesses, public and voluntary sector organisations to their Communications Providers' networks.