



**General Purposes Committee**  
4 July 2013

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

For Action

Wards Affected:  
Kilburn

**Stopping Up Order – Bronte House and Fielding House, South  
Kilburn**

**1.0 Summary**

- 1.1 This report seeks authorisation to make a Stopping-Up Order for areas of public highway in Cambridge Road and Kilburn Park Road, including the Podium Car Park and area of mostly elevated footpath leading to the car park roof, under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990), in order to carry out the development of 229 flats (126 market / 103 social rented) at site 11b 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 4 objections were received, one from OpenreachBT, one from Thames Water, one from Cable and Wireless UK, directly from the company and also via their agent Atkins Telecoms, and one from T-Mobile UK Ltd.
- 2.2 That the committee note the responses to these objections in this report, and approve progressing the Stopping Up Order under Section 247 TCPA 1990 which will be duly advertised following the resolutions of these objections.

### **3.0 Detail**

- 3.1 The South Kilburn Regeneration Programme aims to transform South Kilburn into a sustainable and mixed neighbourhood. The programme will re-build around 1,200 affordable homes and deliver the same number of additional market homes to help cross subsidise the building of new high quality affordable homes for existing tenants. The South Kilburn Regeneration programme will also deliver a new school, healthy living centre, urban park and public realm improvements.
- 3.2 Brent Council acts as master developer in South Kilburn. It is delivering a mixed tenure neighbourhood through the phased de-risking of development opportunities. The neighbourhood has been parcelled up into a series of small development sites. The Council undertakes design to RIBA Stage D, secures planning permission, cleans up the title and secures vacant possession. The de-risked sites are then disposed of to a delivery partner and the land receipts are reinvested into the programme to deliver subsequent opportunities. Bronte House and Fielding House forms Phase 2a of the South Kilburn Regeneration programme. The Council, in its capacity as master developer, secured planning consent for a RIBA Stage D design on Bronte House and Fielding House on 20th June 2012.
- 3.3 On 15th October 2012 the Executive authorised the Director of Regeneration and Major Projects to undertake a mini-competition under the South Kilburn Developer Framework to procure a delivery partner to redevelop Bronte House and Fielding House in accordance with the planning permission granted. On 22nd April 2013 the Executive authorised the award of contract to Network Housing Ltd to enter into a development agreement to comprehensive redevelop Bronte House and Fielding House and deliver 229 new homes in accordance with the planning permission granted.
- 3.4 Planning consent granted the erection of 229 flats (126 market / 103 social rented) together with associated landscaping, private and communal amenity space, car parking, new public pedestrian route and square following the demolition of buildings on Bronte House and Fielding House sites. The planning consent specified that the development would include the stopping up of Cambridge Road and the formation of a new access road through the rearrangement of the existing Cambridge Road / Kilburn Park Road junction.
- 3.5 In addition, it has been agreed that a small triangular shaped length of footway of Kilburn Park Road requires stopping up for the development to proceed. Also, the Brent legal department have advised that the mostly elevated footpath to, and including the podium car park roof should be considered public highway and also be stopped up.
- 3.6 There will be no other significant change to the design or traffic management on the highway to be stopped up.

- 3.7 A draft Stopping Up Order was duly made and advertised under Section 247 TCPA 1990 in December 2012 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 6th December 2012 in the local press and the London Gazette.
- 3.8 The Council's advertised Stopping Up Order received four objections from utility companies with apparatus in the vicinity. These were from:
- Thames Water dated 5th December 2012
  - Atkins Telecoms on behalf of Cable and Wireless dated 13th December 2012
  - Openreach BT dated 19th December 2012
  - T-Mobile UK Ltd and H3G UK Ltd dated 7th January 2013.
- 3.9 The objection from Thames Water was a qualified objection requesting confirmation that right of access to apparatus would be maintained. The objection was withdrawn on 26th March 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.
- 3.10 The objection from Atkins Telecoms on behalf of Cable and Wireless was a qualified objection which was followed by a further e-mail from Cable and Wireless on 20th December 2012. Cable and Wireless required written assurance as to the safeguarding of their apparatus and reimbursement of any costs for any works necessary. Council officers have been in discussions with Cable and Wireless and with Vodafone which integrated Cable and Wireless operations on 1st April 2013. On 17th April 2013 they verbally agreed to withdraw their objection. The objection was formally withdrawn on 24th June 2013. A copy of the letter withdrawing the objection is attached at Appendix 2.
- 3.11 The letter from OpenreachBT was treated as a qualified objection as it stated no objection would be raised provided that assurances could be given that apparatus would remain in situ and access to them maintained. It was withdrawn on 23rd April 2013 subject to any affected apparatus being relocated at Brent's expense. A copy of the e-mail withdrawing the objection is attached at Appendix 2.
- 3.12 The letter from T-Mobile UK Ltd and H3G UK Ltd was received outside the consultation period but was nonetheless taken into consideration and treated as an objection as T-Mobile UK Ltd had apparatus close to the site. The objection was withdrawn on 26th May 2013. A copy of the e-mail withdrawing the objection is attached at Appendix 2.
- 3.13 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 Executive Committee approved the award of contract on 22nd April 2013 to Network Housing Ltd who will be redeveloping the site. Network Housing Ltd will provide the Council with a capital receipt for the land which will be used to fund the next phase of the South Kilburn Regeneration Programme. Network Housing Ltd will be responsible for and bear all costs associated with building of the scheme. The South Kilburn Regeneration Programme will cover all costs associated with the Stopping Up Order.

## **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/23/013/EAM

Planning Committee, 20th June 2012, Agenda item No. 06, Case No. 12/0454

### **Contact Officers**

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

Paul Chandler – Head of Transportation, Highway and Transport Delivery, 2<sup>nd</sup> Floor West, Brent House, 349-357 High Road, Wembley, Middlesex, HA2 8TT. Telephone: 020 8937 5151. E-mail [paul.chandler@brent.gov.uk](mailto: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 Regeneration and Major Projects Department by the London Borough of Brent on 20th November 2012 under Reference No. 12/0454.
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 6th December 2012 at-
  - (a) The One Stop Local Office, Brent Town Hall, Forty Lane, Wembley, Middx, HA9 9HD; and
  - (b) 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/23/013/EAM, within the period of 28 days from the 6th December 2012.
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 6th December 2012.

Paul Chandler  
Head of Transportation

## SCHEDULE 1

The areas of public highway to be stopped up comprise of:

- (a) a triangular shaped length of footway and carriageway on the north side of Cambridge Road at its junction with Kilburn Park Road, London NW6;
- (b) a triangular shaped length of footway on the north-west side of Kilburn Park Road opposite Nos. 105 to 117 Kilburn Park Road, London NW6;
- (c) an irregular shaped length of mostly elevated footpath bounded by Kilburn Park Road, London NW6 to the east, the curtilage of Fielding House to the south, Cambridge Road, London NW6 to the west and the curtilage of Bronte House to the north.

## SCHEDULE 2

The demolition of buildings on Bronte House and Fielding House site and erection of 229 flats (126 market / 103 social rented) together with associated landscaping, private and communal amenity space, car parking, new public pedestrian route and square.



**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 areas of the highway described in Schedule 1 to this order and shown hatched red or cross-hatched red on the deposited plan, in order to enable development described in Schedule 2 to be carried out in accordance with the planning permission granted under Part III of the Act to Regeneration and Major Projects Department by the London Borough of Brent on 20th November 2012 under reference 12/0454.
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. 202141129/AJN/1a.
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 areas of public highway to be stopped up comprise of:

- (a) a triangular shaped length of footway and carriageway on the north side of Cambridge Road at its junction with Kilburn Park Road, London NW6;
- (b) a triangular shaped length of footway on the north-west side of Kilburn Park Road, opposite Nos. 105 to 117 Kilburn Park Road, London NW6;
- (c) an irregular shaped length of mostly elevated footpath bounded by Kilburn Park Road, London NW6 to the east, the curtilage of Fielding House to the south, Cambridge Road, London NW6 to the west and the curtilage of Bronte House to the north.

**SCHEDULE 2**

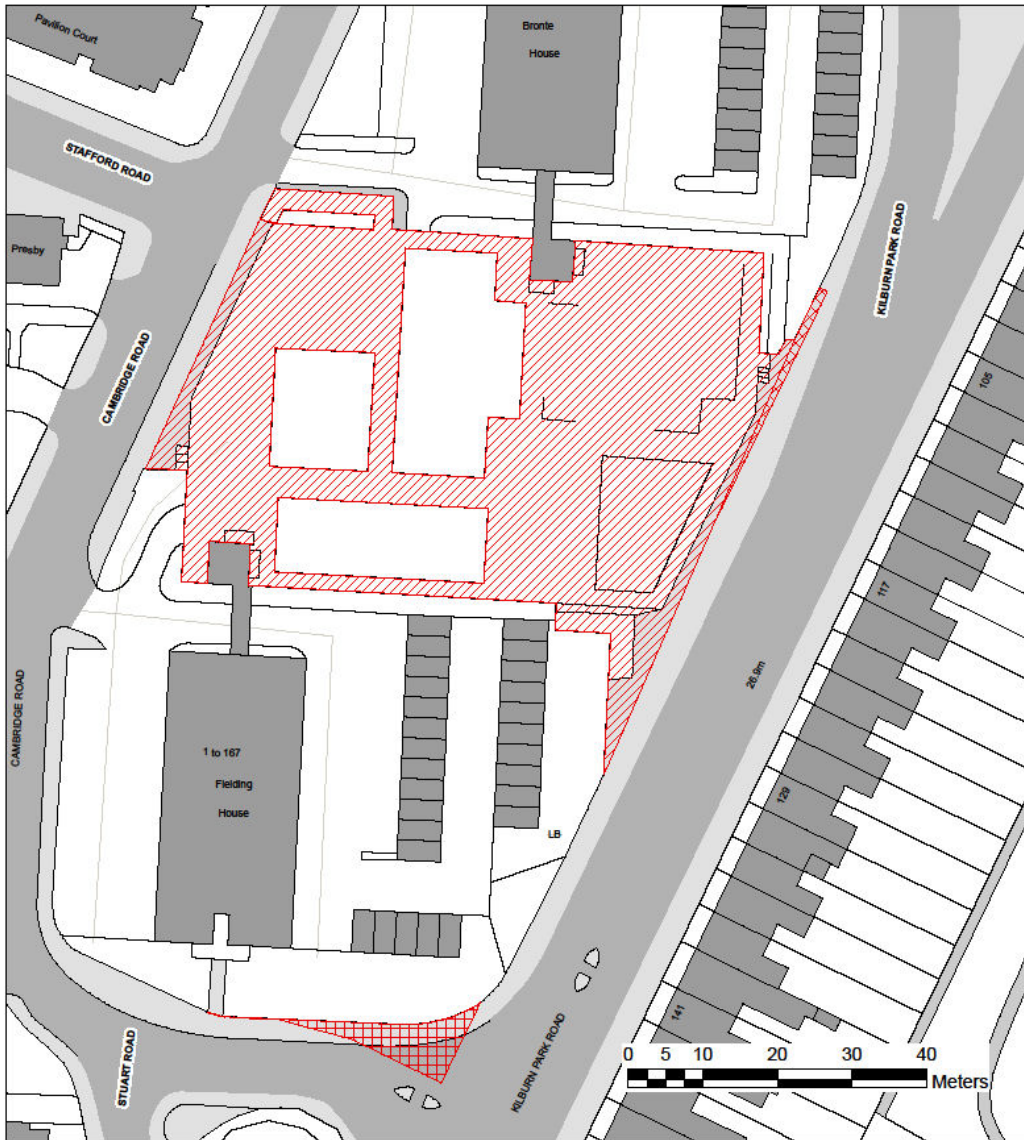
The demolition of buildings on Bronte House and Fielding House site and erection of 229 flats (126 market / 103 social rented) together with associated landscaping, private and communal amenity space, car parking, new public pedestrian route and square.

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

.....  
Solicitor

Dated this .....day of ..... 201



# The London Borough of Brent (Stopping Up Of Highways) Order



**Brent**


**1:500**  
Plan to stated  
scale if printed at A3.

**AREAS TO BE STOPPED UP:**

-  Cambridge Road at its junction with Kilburn Park Road, London NW6
-  Kilburn Park Road opposite Nos 105 to 117 Kilburn Park Road, London NW6
-  Podium Car Park Roof Footpath, London NW6

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OS Open data copyright statement: Contains Ordnance Survey data © Crown copyright and database right 2012

**NORTH**



**Plan Ref:**  
**202141129/AJN/1a**



## Appendix 2 – Objection Withdrawal Letters

**Marchais, Eric**

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**From:** Margaret.Keen@thameswater.co.uk on behalf of DevconTeam@thameswater.co.uk  
**Sent:** 26 March 2013 12:15  
**To:** Peter Sherlock; Marchais, Eric  
**Cc:** DevconTeam@thameswater.co.uk  
**Subject:** Your ref: TO/23/013/EAM - Our Ref: 7028  
**Attachments:** pic08942.gif; pic19264.jpg

(Embedded image moved to file: pic08942.gif)

26th March 2013

STOPPING UP: Cambridge Road/Kilburn Park Road/Polium Car Park Roof Footpath

Dear Sir,

I acknowledge receipt of your email dated 26th March 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.

Yours Sincerely,

M Keen

Panner

Development Planning (Embedded image moved to file:  
Thames Water Utilities Ltd, Maple pic19264.jpg)  
Lodge STW, Denham Way,  
Rickmansworth, Herts, WD3 9SQ

0203 577 9998 8  
[devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)

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PO Box 290  
500 Park Avenue  
Aztec West  
Almondsbury  
BRISTOL BS32 4RZ

Tel: +44 (0) 1454 66 2881  
Email: [osm.enquiries@atkinsglobal.com](mailto:osm.enquiries@atkinsglobal.com)

London Borough of Brent  
Transportation Service, 2nd Floor  
Brent House, 349-357 High Road  
Wembley  
HA9 6BZ

Our Ref: NRSWA/544/16748  
YourRef: TO/23/013/EAM

Date: 24 June 2013

Dear Sirs

**New Roads and Street Works Act 1991  
Stopping Up Order - Withdraw Objection**

**Re:** *Cambridge Road/Kilburn Park Road, London Borough of Brent*

We refer to previous correspondence regarding the above Stopping Up Order.

Atkins Global, working on behalf of Vodafone, withdraw the objection in relation to this Order.

This is a direct instruction from the Vodafone planner who has informed us that the Order will not affect the Vodafone apparatus at this time.

We trust this is satisfactory, and should you wish to discuss your proposals further then please don't hesitate to contact us.

Yours faithfully

OSM, UK and Ireland  
Acting as Agent for and on behalf of Vodafone

*Please note. To enable us to process your application as quickly as possible, please ensure that you include a post code and/or an Ordnance Survey Grid Reference. Thank you for your co-operation.*

**Marchais, Eric**

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**From:** ray.dover@openreach.co.uk  
**Sent:** 23 April 2013 13:31  
**To:** Marchais, Eric  
**Cc:** Peter.sherlock@sherlockconsultancy.com  
**Subject:** Stopping Up Order Cambridge Road/Kilburn Park Road - Ref TO/23/013/EAM - our ref: 10595

Eric,

I can confirm that Openreach has no objection to the proposed stopping up.

This is subject to any affected Openreach apparatus being relocated at Brent's expense.

Regards

**Ray H. Dover**  
Repayment's Project Engineer  
Central Operations | Openreach  
Telephone: 020 7260 5377  
Mobile: 07743 843286

Web: [www.openreach.co.uk](http://www.openreach.co.uk)

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British Telecommunications plc  
Registered office: 61 Newgate Street London EC1A 7SU  
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**Marchais, Eric**

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**From:** Noel Lester <Noel.Lester@mbnl.co.uk>  
**Sent:** 23 May 2013 09:25  
**To:** Stratford, Abigail  
**Cc:** Marchais, Eric; James Allerton  
**Subject:** Proposed stopping up order Cambridge Rd, Kilburn Park Rd, Portium Car Park roof  
footpath (TD/23/D13/EAM)

Abigail,

I confirm agreement for removal of our objection to the stopping up order.

Regards

Noel

Noel Lester BSc (Hons) MRICS  
Regional Property Surveyor

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