



**City of Westminster**

# Cabinet Member Report

**Decision Maker:**

**Cabinet Member for Built Environment**

**Cabinet Member for Sustainability and Parking**

**Date:**

**20 April 2016**

**Classification:**

**For general release**

**Title:**

**The Colonnades Public Realm Improvements**

**Wards Affected:**

**Bayswater**

**City for All Summary:**

**This decision involves the installation of new, high quality footway paving materials, improved lighting and drainage, increased cycle parking provision and tree planting along Porchester Road and Bishop's Bridge Road all associated with the Colonnades development.**

**Key Decision:**

**No**

**Financial Summary:**

**The estimated cost for the implementation of the proposals identified in this report is £385,000 which is to be paid in full by the developer under the terms of a section 106 Agreement dated 9 October 2014 made between (1) The Owner (2) The City Council ("The Agreement").**

**Under the terms of the Agreement the developer has covenanted to design and implement the public realm improvements themselves and will enter into a Bond Agreement ("The Bond") to secure the value of £575,000 and to ensure the works are completed to the City Council's standards.**

**The estimated cost to monitor the site works to ensure compliance with the City Council's standards is £30,000 which is to be paid in full by the developer.**

**Report of:**

**Executive Director of City Management and Communities**

**Report Author:**

**Peter Bennett, Project and Programme Manager**

## **1. Executive Summary**

This report presents proposals to improve the public realm on the public highway of Porchester Road and Bishop's Bridge Road and seeks approval to:

- Repave the footways on Porchester Road and Bishop's Bridge Road adjacent to the Colonnades development using yorkstone paving;
- Modifications to cycle parking on Porchester Road and Bishops Bridge Road;
- Introduce additional street trees;
- Decluttering the vicinity by removing unnecessary street furniture;
- Allow the developer to use their own contractor to undertake the works on the public highway;
- Capital expenditure necessary to monitor the implementation of the works;
- Enter into a bond to protect the interests of the City Council; and
- Delegate authority to the Executive Director of City Management and Communities to approve minor modifications to the scheme as necessary in consultation with the Cabinet Member for Built Environment and Cabinet Member for Sustainability and Parking.

The design of proposed planters and a granite carpet on private land on the Bishop's Bridge Road frontage is currently being reviewed by the Planning Team and will be reported to the Cabinet Member for Built Environment for consideration.

## **2. Recommendations**

- 2.1 That approval be given for the design and implementation of the proposed public realm improvements shown on Plan A included in Appendix B.
- 2.2 That approval be given for the developer to appoint their own contractor to implement the public realm improvements.
- 2.3 That approval be given to capital expenditure of £30,000 necessary to monitor site works to ensure compliance with the City Council's adopted standards. All costs are to be paid in full by the developer in advance of the works being carried out.
- 2.4 That approval be given to enter into a bond to the value of £575,000 with the developer to ensure the developer fulfils their obligations contained within the terms of the section 106 agreement.
- 2.5 That delegated authority be given to the Executive Director of City Management and Communities to approve minor modifications as necessary to the approved scheme, in consultation with the Cabinet Member for Built Environment and Cabinet Member for Sustainability and Parking.

- 2.6 That approval be given for making a Traffic Order under sections 6 and 63 of the Road Traffic Regulation Act 1984 to facilitate modifications to cycle parking on Porchester Road and Bishop's Bridge Road. Changes to the cycle parking will result in a net increase of three cycle stands as more particularly detailed in Appendix C together with the Statement of Reasons.

### **3. Reasons for Decision**

- 3.1 The proposed public realm works identified in this report will utilise high quality natural materials to improve the environment for all highway users and will help to contribute towards the City for All vision.
- 3.2 The estimated cost to monitor the site works is £30,000 and includes the City Council's costs which are to be paid in full by the developer under the terms of the section 106 agreement.
- 3.3 The Cabinet Member for Built Environment and Cabinet Member for Sustainability and Parking are therefore recommended to approve the proposals outlined in this report and capital expenditure necessary to monitor the site works.

### **4. Background, including Policy Context**

- 4.1 Conditional planning permission for the redevelopment of the Colonnades was granted by the City Council on 9 October 2014 and is the subject of a section 106 agreement to secure public realm improvements.
- 4.2 Under the terms of the section 106 agreement, the developer has covenanted to design and implement the public realm improvements through its own appointed consultant and contractor. The designs have been checked by the City Council's service provider to ensure compliance with the Council's standards.
- 4.3 The public realm improvements referred to in this report are shown on Plan A included in Appendix B.
- 4.4 The developer has agreed to undertake the works themselves and in accordance with the terms of the Agreement the developer will enter into a bond with the City Council for the sum of £575,000 to protect the interests of the City Council should the developer default on their obligations. Completion of the bond will take place before any works are undertaken on site.

### **5. Scheme Design Proposals**

- 5.1 The objective of the proposals is to significantly improve the visual amenity, accessibility and functionality of the public realm adjacent to the site for all highway users.
- 5.2 The proposals are shown on Plan A included in Appendix B and includes, but not limited to the following:
- Repaving footways in yorkstone;
  - Replacing granite kerbs;

- Introduction of seven new street trees (Liquidambar Worplesdon) on Porchester Road;
- Replacement of the three existing street trees on Bishop's Bridge Road with new Magnolia Grandiflora specie;
- Reducing the existing 24 cycle stands on Porchester Road to 21 stands and increasing the existing 4 cycle stands on Bishops Bridge Road to 10 stands which will give a net increase of 3 cycle stands;
- New dropped kerbs to improve accessibility for pedestrians at the signalised pedestrian facilities at the junction of Porchester Road and Bishop's Bridge Road; and
- Decluttering the streetscape on Bishop's Bridge Road and Porchester Road by removing redundant street furniture including guardrail at the junction of Bishop's Bridge Road and Porchester Road.

## **6. Programme**

- 6.1 The works are currently programmed to commence in May 2016 with an anticipated duration of 4 months to complete.
- 6.2 If there are other highway works on the network within close proximity, the schemes will be coordinated to keep disruption to a minimum.

## **7. Outstanding Issues**

- 7.1 Subject to approval of this report, the Executive Director for City Management and Communities will instruct Tri-Borough legal services accordingly to draft and enter into the required bond with the City Council for the sum of £575,000 to protect the interests of the City Council prior to site works commencing.
- 7.2 Subject to approval of this report, the Executive Director for City Management and Communities will initiate procedures to modify traffic regulation orders to accommodate the proposed changes to cycle parking.
- 7.3 The design of proposed planters and a granite carpet on private land on the Bishop's Bridge Road frontage is currently being reviewed by the Planning Team and will be reported to the Cabinet Member for Built Environment for consideration.

## **8. Financial Implications**

- 8.1 All costs to design and implement the public realm improvements are being funded by the developer in accordance with the terms of the section 106 agreement.
- 8.2 The estimated cost of the public realm improvements, which the developer is requesting to undertake themselves using its own contractor, is £385,000 including an allowance for risk and contingencies and will be fully funded by the developer.

- 8.3 The estimated City Council costs for monitoring the implementation of the site works is £30,000 and will be funded in full by the developer in advance of the site works.
- 8.4 A bond between the City Council and the developer to the value of £575,000 will be entered into so as to ensure that the developer fulfils his obligations prior to site works commencing.

## **9. Legal Implications**

- 9.1 Section 106 of the Town Planning Act 1990 enables a Local Authority to enter into an agreement with a person with an interest in land to regulate the use of the land, including amelioration of development impacts. Financial contributions can be secured and received under the provisions of a section 106 agreement.
- 9.2 Section 278 of the Highways Act 1980 enables a Local Authority, acting in its capacity as “Highway Authority” to enter into agreements with developers (in order to facilitate development) for the developer to either pay for, or make alterations or improvements to the highway at the developers own cost and expense.
- 9.3 The pre-conditions for an agreement under section 278 are firstly that the Local Authority should be satisfied that it will be of benefit to the public to enter into the agreement for the execution of the works by the authority and secondly that the works must be such that the Local Authority are authorised to execute, i.e. they must fall within the highway authorities powers of road building, improvement or maintenance.
- 9.4 The highway elements of the proposed public realm scheme fall within the ambit of section 278 of the Highways Act 1980.
- 9.5 Schedules 3 and 4 of the Agreement require the Developer to carry out the Highway Works in accordance with the terms of the Agreement to give effect to the above.
- 9.6 The proposed cycle parking modifications on Porchester Road and Bishop’s Bridge Road will require a Traffic Order to be made under section 6 of the Road Traffic Regulation Act 1984. Any objections the City Council receives during the Traffic Order making process should be delegated to the Executive Director of City Management and Communities (or such other authorised officer) in line with the current Traffic Order making process.
- 9.7 The City Council has a General Power of Competence under Part 1 of the Localism Act 2011 to improve the well-being of its area the former power being under section 2 of the Local Government Act 2000

## **10. Consultation**

- 10.1 A consultation exercise involving Ward Councillors, the local amenity society and key stakeholders including adjacent frontages was carried out in October 2015. No responses were received from the frontages consulted. However, two responses were received from London Buses and the Local Amenity Society. A summary of the response is included along with a list of consultees as Appendix D.

**If you have any queries about this report or wish to inspect any of the Background Papers please contact: Peter Bennett on 020 7641 2920, or email [pbennet@westminster.gov.uk](mailto:pbennet@westminster.gov.uk).**

### **Background Papers:**

1. Section 106 agreement dated 9 October 2014
2. Planning Permission dated 9 October 2014

For completion by the **Cabinet Member for Built Environment**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: **Councillor Robert Davis MBE DL , Cabinet Member for Built Environment**

State nature of interest if any .....

*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled **The Colonnades Public Realm Improvements**

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Signed .....

**Councillor Robert Davis MBE DL, Cabinet Member for Built Environment**

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment: .....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are staffing implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

For completion by the **Cabinet Member for Sustainability and Parking**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: **Councillor Heather Acton, Cabinet Member for Sustainability and Parking**

State nature of interest if any .....

.....  
*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled **The Colonnades Public Realm Improvements.**

Signed .....

**Councillor Heather Acton, Cabinet Member for Sustainability and Parking**

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

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### Other Implications

#### 1. Resources Implications

All costs associated with checking designs and monitoring site works including Westminster City Council costs will be recovered from the developer as a scheme cost.

#### 2. Business Plan Implications

No implications.

#### 3. Risk Management Implications

No implications.

#### 4. Health and Wellbeing Impact Assessment including Health and Safety Implications

Disruption during works will be carefully managed to minimise negative impacts such as dust and noise.

#### 5. Crime and Disorder Implications

The measures in this report are not expected to have any implications under the Crime and Disorder Act 1998.

#### 6. Impact on the Environment

Wherever possible existing materials that are taken up will be recycled. New tree planting and gentrification of the streetscape will not only add to the visually amenity of the streetscape, but will also assist with sustainable urban drainage, by reducing surface water runoff into the sewer and reducing CO2 levels. Cycle parking provision will also encourage people to use a sustainable means of transport to access the local shopping parade and places of work.

## **7. Equalities Implications**

The scheme will improve the accessibility of the streets for persons with mobility difficulties through the installation of flush kerbs at pedestrian crossings.

## **8. Staffing Implications**

No implications.

## **9. Human Rights Implications**

No implications.

## **10. Energy Measure Implications**

No implications.

## **11. Communications Implication**

Residents and business will be notified of the works through a letter drop in advance of the works. Contact details will be displayed on site notice boards and scheme details and progress available on the City Council's website.

**Plan A - Consultation Plan**  
**Drawing No. 70006867-CD-01 REV G**

**Appendix B**

**Traffic Management Orders**

The modified cycle facilities are shown on Plan A in **Appendix B** and are summarised as follows:

<b>Schedule of Cycle Facility Changes</b>			
	Existing Stands	Proposed Stands	Difference
Porchester Road	24	21	-3
Bishops Bridge Road	4	10	+6

**Statement of Reasons (Cycle Parking Traffic Order)**

The changes to the provision of cycle stands in Porchester Road and Bishop's Bridge Road is intended to meet the demand for cycle parking facilities in the area and to encourage cycling by providing adequate space for cyclists to leave their cycles at the start and end of their journey.

## Appendix D

### Section 6 Consultation Response Summary

#### St James Ward Members Responses

Councillor	Comments	Executive Director's Response
Suhail Rahuja	No response	N/a
Richard Holloway	No response	N/a
Brian Connell	No response	N/a

#### Key Stakeholder Responses

Stakeholder	Comment	Designer's Response
London Buses	Please can you ensure that the trees are planted far enough back from the kerb edge that there is no conflict with wing mirrors and that future growth is not going to cause them to lean towards the carriageway and pose a potential danger to buses.	The appropriate tree species have been selected by the WCC Senior Arboricultural Officer for both the footway space and proximity to the general carriageway. The new trees will offset from the kerblines to ensure that there is minimal risk of conflict within large vehicles as the trees mature.
	Please ensure that the footway adjacent to the bus cage is clear for easy boarding and alighting and deployment of the bus ramp.	The bus stop boarding and alighting zone adjacent to the bus stop cage on Bishop's Bridge Road will be free from obstruction to ensure this facility is fully accessible and on-board disabled ramps can operate effectively.
John Zamit Chairman – SEBRA	Disappointed that the footway on the eastern side of Porchester Road outside the Daniel Gooch Public House is not proposed to be repaved as part of the current works.	This section footway falls outside the scope of the section 106 works and therefore is unable to be included.

#### Section 6 Stakeholders' who did not respond

Organisation	Organisation	Organisation
British Medical Association	NOKIA	Cab Shelter Fund
British Telecom National Noticing Centre	Network Rail (South East Territory)	Westminster Property Association
C/O Atkins Telecom	Taxi & Private Hire	Unite the Union (Cab Section)
Confederation of Passenger Transport UK	Thames Water Utilities	Licensed Private Hire Car Association
EDF Energy plc	The British Motorcyclists' Federation	Royal Mail
Energis	The Licensed Taxi Drivers' Association	Crown Estate Paving Commission
Freight Transport Assoc. Ltd.	The London Fire Brigade	
Westminster Living Streets Group	The Road Haulage Assoc. Ltd.	
Westminster Living Streets Group	Transport for London	

London Chamber of Commerce	Transport for London Surface Transport Communications	
London Cycling Campaign	Transport for London, Surface Transport	
London TravelWatch	Westminster Ambulance Station	
Metropolitan Police Service	RMT London Taxi Drivers' Branch	
National Grid	London Cab Drivers Club	