



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet Member for Built Environment Cabinet Member for Sustainability and Parking Cabinet Member for City Management and Customer Services
Date:	18 July 2016
Classification:	For General Release
Title:	'Eland House (Warwick Row)' Highway Improvements
Wards Affected:	St James's
Better City, Better Lives Summary:	The scheme contributes to City for All by improving the public realm and accessibility for all along Warwick Row.
Financial Summary:	The estimated cost to check the detailed design, works methodology and monitor the site works of the highway improvements identified in this report is £31,000 which will be fully funded by the developer Tishman Speyer under the terms of a section 106 agreement. The estimated cost of the works which will be undertaken and funded by the developer is £430,000. As the developer is undertaking the works the developer has entered into a bond to the value of £645,000 to protect the interests of the City Council.
Report of:	Executive Director of City Management and Communities

1. Executive Summary

Planning permission for the redevelopment of Eland House was granted on 1 September 2014 and is the subject of a section 106 and 278 agreement to secure highway improvement works to Warwick Row.

This report presents proposals to improve the streetscape and environment at the building frontages on Warwick Row and seeks approval: to

- improve the highway along Warwick Row including lighting and drainage;
- increase cycle parking;
- allow the developer to use their own contractor to undertake the works on the public highway;
- capital expenditure to check the detailed design and works methodology and to monitor the implementation of the works;
- modify and make traffic regulation orders necessary to accommodate the scheme; and
- delegate authority to the Executive Director for City Management and Communities to approve minor modifications to the scheme in consultation with the Cabinet Member for Built Environment, Cabinet Member for Sustainability and Parking and Cabinet Member for City Management and Customer Services.

2. Recommendations

- 2.1 That approval be given to implement the highway improvements shown on Plan A attached in Appendix B.
- 2.2 That approval be given for the developer to appoint their own contractor to implement the scheme.
- 2.3 That approval be given to capital expenditure of £31,000 necessary to check the detailed design, works methodology and monitor site works to ensure compliance with the City Council's adopted standards. All costs will be fully funded by the developer in advance of the works being carried out.
- 2.4 That approval be given to modify and make Traffic Orders under sections 6, 45 and 63 of the Road Traffic Regulation Act 1984 necessary to accommodate the highway improvements, together with the Statement of Reasons, as set out in Appendix C.
- 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, Cabinet Member for Sustainability and Parking and Cabinet Member for City Management and Customer Services.

- 2.6 That authority be delegated to the Executive Director for City Management and Communities to consider any representations made on Traffic Orders and to decide whether to make the Traffic Orders with or without modifications and to approve minor modifications to the scheme in consultation with the Cabinet Member for Sustainability and Parking.

3. Reasons for Decision

- 3.1 The proposed highway improvements identified in this report will improve the streetscape and safety for highway users along Warwick Row and will help to contribute towards the City for All vision.
- 3.2 The estimated cost to check the designs and works methodology and monitor the works is £31,000 which includes, client costs, risks and contingencies and will be fully funded by the developer under the terms of a section 106 and 278 agreement.
- 3.3 The Cabinet Member for Built Environment, Cabinet Member for Sustainability and Parking and the Cabinet Member for City Management and Customer Services are therefore recommended to approve the proposals outlined in this report and the capital expenditure necessary to implement the works.

4. Background, including Policy Context

- 4.1 Under the terms of the section 106 and 278 agreement, the developer has opted to design and implement the streetscape proposals through their own appointed consultant and contractor. The contractor will be approved by the Executive Director for City Management and Communities to ensure competency and quality of workmanship. This process will be fully funded by the developer.
- 4.2 The highway improvements referred to in this report are shown on drawing Plan A, included in Appendix B.
- 4.3 The proposals identified in this report are consistent with the Westminster Way.
- 4.4 As the developer has decided to undertake the works themselves, and in accordance with the section 106 and 278 agreement, the developer will enter into a Bond with the City Council for £645,000 to protect the interests of the City Council should the developer default upon their obligations. This Bond will be in place before any works are undertaken on site.

5. Scheme Design Proposals

- 5.1 The aim of the proposals is to accommodate the new development and improve the streetscape for all highway users.
- 5.2 The highway improvements are shown on Plan A attached in Appendix B and include:
- Renewal of granite kerbs along Warwick Row;
 - New Artificial Stone (ASP) footway paving;
 - Improved highway drainage;
 - Improved highway lighting;
 - Carriageway resurfacing works; and
 - Reduced street clutter.

6. Parking, Waiting and Loading

- 6.1 To accommodate the proposals identified in this report and to maintain vehicular flows, the current layout of Warwick Row will be modified. The proposed changes are as follows:
- The pay-by-phone parking place (four bays) on the west side of Warwick Row, outside the Rubens Hotel, will be shortened with two of its bays relocated to the east side of the road, opposite the Hotel, and set into the footway;
 - The motorcycle bay on the west side of Warwick Row, also outside the Rubens Hotel, will be relocated and set into the footway on the east side of the road, opposite Warwick House;
 - Double yellow lines “at any time” waiting restrictions will be introduced throughout Warwick Row, except where parking places are located or proposed to be located and except outside and opposite the rear of No. 23 Buckingham Palace Road; and
 - relocate two cycle stands from the eastern footway, towards the southern end of Eland House to the footway near the northern end of that property and expand the number of stands at that northern site to a total of eight. The existing cycle parking will be increased from ten cycle stands to sixteen cycle stands.
- 6.2 The proposed changes will enable delivery vehicles to access and leave the loading bay of Eland House. There will be no loss of parking as a result of the highway proposals.

- 6.3 The existing pay by phone parking bays will have a high usage due to Eland House being redeveloped into a Waitrose store at ground floor and offices on the upper floors. As a result the parking group have recommended that the reallocation of existing parking to electric vehicle parking cannot be accommodated. However provision will be made by the development for two shared use bays on private land (accessible from Palace Street) that will also have electric vehicle charge points.
- 6.4 The proposed parking arrangements are shown on Plan A attached in Appendix B. Refer to Appendix C for a summary of the associated gains and losses to parking provisions and the Statement of Reasons.

7. Financial Implications

- 7.1 All costs of implementing the highway improvements are being funded by the developer under the terms of a section 106 and 278 agreement.
- 7.2 The estimated cost of all the public realm improvements, which will be carried out by the developer using their own contractor, is £430,000 including an allowance for risk and contingencies.
- 7.3 The estimated cost for checking the detailed design, works methodology and monitoring the implementation of the works is £31,000 which includes client costs and risks and contingencies and will be fully funded by the developer in advance of the works.
- 7.4 A bond agreement between Westminster City Council and the developer to the value of £645,000 will be entered into to ensure the developer fulfils their obligations.

8. Legal Implications

- 8.1 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 received under the provisions of a section 106 agreement.
- 8.2 Under section 278 of the Highways Act 1980 a highway authority may, if they are satisfied it will be for the public benefit, enter into an agreement with any person for the execution of works on the terms that that person pays for the cost of the works.

9. Consultation

- 9.1 A consultation exercise with Ward Members, the Local Amenity Society, emergency services, frontages and key stakeholders was carried out in April 2016 on the proposals identified in this report. A summary of the consultation exercise and responses are contained in Appendix D.

10. Programme

10.1 Subject to approval, implementation of this scheme is provisionally programmed to commence in July 2016 and complete by October 2016 to accommodate the developed property's businesses and operations.

11. Outstanding Issues

11.1 The Executive Director for City Management and Communities will initiate the procedures required to modify and make traffic management orders needed to accommodate the proposals identified in this report..

11.2 The Executive Director for City Management and Communities will ask Legal Services to enter into as bond to the Value of £630,000 to protect the interests of the City Council

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, fax 020 7641 2658 or email pbennet@westminster.gov.uk.

BACKGROUND PAPERS

Section 106 and 278 agreement dated 1 September 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

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(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 **‘Eland House (Warwick Row)’ Highway Improvements** and reject any alternative options which are referred to but not recommended.

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:

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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 Head of Legal and Democratic Services, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of 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

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(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 **‘Eland House (Warwick Row)’ Highway Improvements** and reject any alternative options which are referred to but not recommended.

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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For completion by the **Cabinet Member for City Management and Customer Services**
Declaration of Interest

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

Signed: _____ Date: _____

NAME: **Councillor Melvyn Caplan, Cabinet Member for City Management and Customer Services**

State nature of interest if any

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(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 **'Eland House (Warwick Row)' Highway Improvements** and reject any alternative options which are referred to but not recommended.

Signed

Councillor Melvyn Caplan, Cabinet Member for City Management and Customer Services

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:

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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 Head of Legal and Democratic Services, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of 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.

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APPENDIX A - Other Implications

Resources Implications

All costs associated with the checking of designs and monitoring of the works (including the costs of making any necessary Traffic Orders) will be recovered from the developer as a scheme cost.

Business Plan Implications

No implications.

Risk Management Implications

No implications.

Traffic Implications

It is anticipated that some disruption will occur during works. This disruption will be managed and co-ordinated to keep disruption to a minimum. No long term impacts as a result of the scheme are expected.

Health and Wellbeing Impact Assessment including Health and Safety Implications

The scheme will have a beneficial impact on health and wellbeing over the current layout by improving safety and accessibility. Disruption during works will be carefully managed to minimise negative impacts such as dust and noise.

Crime and Disorder Implications

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

Impact on the Environment

No implications.

Equalities Implications

The scheme will improve the accessibility of the streets for persons with mobility difficulties by reducing street clutter and improved footway space.

Staffing Implications

No implications.

Human Rights Implications

No implications.

Energy Measure Implications

No implications.

Communications Implication

Residents and businesses will be notified of the works through a letter drop in advance of the works. Contact details will be displayed on site notice boards.

APPENDIX B – SCHEME DRAWINGS

Plan A: Consultation Plan

APPENDIX C – Gains and Losses Associated with Parking Changes and Statement of Reasons

AGGREGATE CHANGES			
Type of parking	Existing	Proposed	Difference
Pay-by-phone bays (Mon – Fri, 8:30am – 6:30pm)	22.5 metres (4 bays)	23 metres (4 bays)	+ 0.5 metres (<i>no change</i>)
Motorcycle parking ("at any time")	12.6 metres	12.6 metres	<i>no change</i>
Double yellow lines (no waiting "at any time")	0 metres	98.6 metres	+ 98.6 metres
Single yellow lines (no waiting, Mon – Fri, 8:30am – 6:30pm)	124.3 metres	26.3 metres	- 98 metres
Double red lines (no stopping "at any time")	4 metres	4 metres	<i>no change</i>
Cycle stands	10 Stands	16 Stands	+ 6 stands

Statement of Reasons

In connection with the redevelopment of Eland House, Bressenden Place, a number of highway improvements will be made to Warwick Row including the relocation of existing parking places and the introduction of "at any time" waiting restrictions throughout the greater part of the road. These measures are necessary to enable delivery vehicles to access and leave the delivery area of Eland House. There will be no net loss of designated parking places as a result of these changes.

The complement of cycle stands in Warwick Row will be increased by six to provide additional facilities for cyclists.

Appendix D

Section 6 Consultation Response Summary

St James's Ward Members

Councillor	Comments	Executive Director's Response
Louise Hyams	No comment	N/A
Tim Mitchell	No comment	N/A
Cameron Thomas	No comment	N/A

Section 6 Stakeholders' responses

Organisation	Comments	Executive Director's Response
Westminster Society, Mr Peter Handley, Miss Olwen Rowlands	<p>Thank you for your letter of March 29th (reference 70160330-JK-70013117) and it's accompanying (and very clear) drawing about proposed public realm improvements affecting Warwick Row.</p> <p>The proposals appear generally to have been well thought and the Westminster Society has no major issues with them. The only concern I would raise is that the four parking bays might be more useful as loading bays for the properties either side of Warwick Row.</p>	<p>Thank you for your support and comments. The scheme layout was developed in correspondence with the Ruben's Hotel and the S278 Eland House Development.</p> <p>Double yellow lines are proposed which will permit some loading in the areas as shown on the consultation plan.</p> <p>The S278 Eland House loading will happen off site within the development. The no waiting restriction is to allow for vehicle manoeuvring into the development. It was also thought to retain the parking bays as retail and cafe's are proposed at ground floor level of the development.</p>
Westminster Property Owners Association, Charles Begley	No comment	N/A
The London Fire Brigade, Lee Sandy	No comment	N/A
Westminster Living Streets Group, Peter Hartley and Hugh Small	No comment	N/A
London Cycling Campaign Colin Wing	No comment	N/A
Metropolitan Police Service Brian McDonnell	No comment	N/A
Transport for London, Network Assurance, Oliver Bentford / Emile Roberts	No comment	N/A

<p>Transport for London, Taxis and Private Hire, Nicola Harris / Donna Dawson</p>	<p>a) Could you confirm what type of parking bays are being proposed?</p> <p>b) Thanks for confirming. Do you know what the new development will be?</p>	<p>Response a) The parking bays proposed are as follow:</p> <ul style="list-style-type: none"> • pay by phone bays • motorcycle bays <p>All the parking bays are retained but just repositioned on either side of the road. All parking is neutral, no losses or gains. The rest of the area/space is needed for servicing vehicle manoeuvring for the Rubens Hotel and the new development.</p> <p>Response b) The development will be retail at ground floor and offices on upper floors.</p>
<p>Transport for London, Bus Operations Central Region, Samantha De Lotz</p>	<p>Does any loading activity currently take place in Warwick Row and if so, will it be able to post scheme?</p> <p>Will construction works have any impact on Bressenden Place?</p>	<p>Loading takes place in Warwick Row for the new development and Rubens Hotel.</p> <p>Works at the junction of Warwick Row and Bressenden Place will have a minor impact on Bressenden Place. These works will be co-ordinated with TfL to keep disruption to local traffic and buses to a minimum.</p>