



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:	21 July 2016
Classification:	For General Release
Title:	Nova Victoria 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 Buckingham Palace Road and Allington Street.
Key Decision	No
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 £75,000 which will be fully funded by the developer under the terms of a section 106 agreement and section 278 agreement. The estimated cost of the works which will be undertaken and funded by the developer is £3,500,000. As the developer has opted to undertake the works they have entered into a bond to the value of £5,210,000 to protect the interests of the City Council.
Report of:	Executive Director of City Management and Communities

1. Executive Summary

- 1.1 Planning permission for the Nova Victoria development was granted on 9 October 2009 followed by a subsequent variation to the planning permission on 10 June 2013. The southern arm of Warwick Row and the western arm of Allington Street were stopped up under section 247 of the Town and Country Planning Act 1990 in September 2011 to enable construction work on the Nova development to proceed.
- 1.2 The planning permission is the subject of an agreement pursuant to section 106 of the Town and Country Planning Act 1990 to secure the highway improvement works surrounding the site.
- 1.3 The developer has agreed to extend the highway works secured through the section 106 agreement which have been secured under the terms of a section 278 highways agreement.
- 1.4 Works are also being undertaken by Transport for London (TfL) along Bressenden Place and Victoria Street, through a separate section 278 highway agreement. The TfL highway works are consistent with those identified in this report and will be carefully co-ordinated to keep disruption to a minimum.
- 1.5 This report presents proposals to improve the streetscape and environment at the building frontages on Buckingham Palace Road and Allington Street and seeks approval:
 - to allow the developer to use its own contractor to undertake the works on the public highway;
 - for capital expenditure to check the detailed design and works methodology and to monitor the implementation of the works;
 - to modify and make traffic regulation orders necessary to accommodate the scheme; and
 - to delegate authority to the Executive Director of 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 Built Environment, the Cabinet Member for Sustainability and Parking and the Cabinet Member for City Management and Customer Services.

2. Recommendations

- 2.1 That approval be given to the design and implementation of the highway improvements shown on Plans A and B 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 expenditure of £75,000 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 Regulation 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 authority be delegated to the Executive Director of 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 Built Environment, the Cabinet Member for Sustainability and Parking and the Cabinet Member for City Management and Customer Services.
- 2.6 That the Cabinet Member for Built Environment, the Cabinet Member for Sustainability and Parking, and the Cabinet Member for City Management and Customer Services concur with the adoption of recommendations 2.1 to 2.5 to the extent that the matters fall within their Terms of Reference.

3. Reasons for Decision

- 3.1 The proposed highway improvements identified in this report will improve the streetscape and safety for all highway users along Buckingham Palace Road and Allington Street 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 £75,000 which includes client costs, risks and contingencies and will be fully funded by the developer under the terms of a section 106 agreement.
- 3.3 The Cabinet Member for Built Environment, the 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 agreements, 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 Plans A and B, included in Appendix B.
- 4.3 The proposals identified in this report are consistent with the Westminster Way and the planning permission granted and will help to contribute towards the City for All Vision.
- 4.4 As the developer has decided to undertake the works it will , in accordance with the section 106 and 278 agreements, enter into a bond with the City Council for £5,210,000 to protect the interests of the City Council should it default upon its 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 public realm improvements are shown on Plans A and B attached in Appendix B and include:
- Renewal of granite kerbs along Buckingham Palace Road and Allington Street;
 - New Artificial Stone (ASP) footway paving along Buckingham Palace Road;
 - New granite sett footway paving along Allington Street;
 - Improved highway drainage;
 - Improved highway lighting;
 - Planting two new trees on Allington Street and twelve new trees on Buckingham Palace Road;
 - Carriageway reconstruction works; and
 - Reduced street clutter.

6. Parking, Waiting and Loading

- 6.1 To accommodate development proposals the southern arm of Warwick Row and the western arm of Allington Street were stopped up under section 247 of the Town and Country Planning Act 1990 in September 2011. This stopping up of highway required the removal of all parking bays. The removal of the parking was facilitated through the suspensions process and will be formalised as part of this report.

Allington Street

- 6.2 The development proposals also required the realignment of Allington Street which links Victoria Street to Bressenden Place and reassignment of kerb side activities. The reassigned kerbside activities are as follows:
- 6.2.1 Extend the existing tour bus stand in Buckingham Palace Road by 3.3m and relocate it 4m southwards;
 - 6.2.2 Revoke 5 pay-by-phone parking bays from the realigned Allington Street;
 - 6.2.3 Introduce a lay-by on the widened footway on the east side of Allington Street which will accommodate a 13 metre tour bus stand for the use of The Original London Sightseeing Tour Ltd operating “at any time” and a 25.6 metre loading bay/servicing area which will operate between 10.00 a.m. and 1.00 p.m. throughout the week with a maximum stay of 20 minutes;
 - 6.2.4 Introduce a London Cycle Hire docking station with racks for 28 bicycles; and
 - 6.2.5 Introduce “At Any Time” waiting and loading restrictions throughout the Allington Street, except in the aforementioned tour bus stand and loading bay.
- 6.3 TfL’s proposals include 12 new cycle stands to be located on the TLRN. In addition, 876 private-use cycle stands will be located within the building basement to cater for the development’s future demands. Due to high pedestrian activity on Buckingham Palace Road and the narrowness of the footways on Allington Street there are no cycle stands proposed on the Westminster highway other than the 28 London Cycle Hire racks.

Buckingham Palace Road

- 6.4 Extend the existing tour bus stand in Buckingham Palace Road by 3.3m and relocate it 4m southwards;

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 £3,500,000, including an allowance for risk and contingencies. These costs will be incurred by the developer and do not affect Westminster City Council's capital programme.
- 7.3 The estimated cost for checking the detailed design, works methodology and monitoring the implementation of the works is £75,000, 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 £5,210,000 will be entered into prior to commencement of the works to ensure the developer fulfils its obligations.

8. Legal Implications

- 8.1 Section 106 of the Town Planning Act 1990 enables a Local Planning 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 for use in connection with making reducing adverse effects of a development.

- 8.2 Under Section 278 of the Highways Act 1980 a Local 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 the works on the public highway on the terms that that person pays for the cost of the works.

9. Consultation

- 9.1 In May 2016 Ward Members, the Local Amenity Society, emergency services, frontages and key stakeholders were consulted on the proposals presented 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 at the end of July 2016 and be complete by September 2016 to accommodate the developed property's businesses and operations.
- 10.2 Due to continued development works along Allington Street it is not proposed to open Allington Street to vehicular traffic or to undertake the highway works until the development works are complete which is currently programmed for Autumn 2018.

11. Outstanding Issues

- 11.1 The Executive Director for City Management and Communities will initiate the procedures required to modify and make Traffic 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 a bond to the value of £5,210,000 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 agreement dated 9 October 2009

Section 278 agreement dated 22 March 2016

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

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
'Nova Victoria' 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 Director of Law, 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

.....
.....

(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

‘Nova Victoria’ 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.

Additional comments:

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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

.....
.....

(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

'Nova Victoria' 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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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

Plan B: Consultation Plan

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

AGGREGATE CHANGES			
Type of parking	Existing	Proposed	Difference
Buckingham Palace Road			
Tour Bus Stand ("at any time")	24.7 metres	28 metres	+ 3.3 metres
Allington Street			
Pay by Phone Parking (Mon – Fri, 8:30am – 6:30pm)	27.2 metres	0 metres	- 27.2 metres (5 bays)
Single Yellow Line Waiting Restriction (Mon – Fri, 8:30am – 6:30pm)	88.0 metres	0 metres	- 88.0 metres
Double Yellow Line Waiting Restriction ("at any time")	75.7 metres	176.4 metres	+ 100.7 metres
Loading Restrictions ("at any time")	31.9 metres	0 metres	- 31.9 metres
Tour Bus Stand ("at any time")	0 metres	13 metres	+ 13 metres (1 stand)
Loading Bay (10am – 1pm, max stay 20 mins)	0 metres	25.6 metres	+ 25.6 metres
London Cycle Hire Racks	0 stands	28 stands	+ 28 stands

Statement of Reasons

The Nova Victoria development comprises a mixture of residential, office and restaurant/bar/retail premises on the land bordered by Bressenden Place, Buckingham Palace Road Victoria Street and Allington Street. Construction of the buildings that make up this development is expected to be completed by October 2016.

As part of the associated public realm improvements, a realigned Allington Street operating one-way between Victoria Street and Bressenden Place is the only remaining road inside the development area. In order to promote the flow of traffic in this road it will be necessary to introduce "at any time" waiting and loading restrictions throughout, except in a lay-by on the east side of the road adjacent to the Victoria Palace Theatre. The lay-by will include a tour bus stand and a loading bay / servicing area.

The introduction of a tour bus stand in Allington Street is necessary to continue to provide a dedicated facility for The Original Tour following a reduction of available kerb-side space in Victoria Street as a result of developments in this area. The

loading bay / servicing area will provide a facility for businesses and residents in the immediate vicinity of Allington Street.

The introduction of a London Cycle Hire docking station will provide additional facilities for cyclists to begin and end their journeys in this area.

The southward relocation of the pedestrian crossing outside No. 20 Buckingham Palace Road to outside No. 24 Buckingham Palace Road will allow the tour bus stand opposite Nos. 8 to 14 Buckingham Palace Road to be extended by 3.3 metres. The proposed change provide adequate space for two Big Bus Tours buses to be set further south of the junction with Bressenden Place and the start of the bus lane.

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	No comment	N/A
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	<p>Thank you for consulting me about these proposals. I am replying on behalf of Westminster Cycling Campaign, the local group of the London Cycling Campaign.</p> <p>As I am sure you are aware, the Victoria area is currently dominated by motor traffic. Access on foot and especially by bicycle can be difficult and unpleasant. We are therefore disappointed that the proposals miss the opportunity to improve this situation.</p> <p>Westminster's map of the Central London Grid of cycle routes includes a link between Ebury Street and Buckingham Palace Road NE of Lower Grosvenor Place / Bressenden Place. Is there anything that can be done within the present scheme in preparation for this link? For example, leaving space for a cycle contraflow along Buckingham Palace Road from Ebury Lane to Lower Grosvenor Place?</p>	<p>Victoria has very high levels of traffic and pedestrian activity and the development of the proposals has been through a series of reviews with key stakeholders including Transport for London. The proposed layout is considered the best solution for the existing and future demands.</p> <p>A creation of a contraflow cycle route on Buckingham Palace Road between Lower Grosvenor Street and Eaton Lane raised safety concerns by creating a conflict between right turning buses and cyclists continuing straight through the junction. There is also limited carriageway width available for a contra flow cycle lane, bus stands and general traffic on Buckingham Palace Road.</p> <p>The scheme improves cycling facilities by introducing Advance Stop Lines (ASL's) on Buckingham Palace Road.</p>

	<p>A couple of observations on the proposals:</p> <ol style="list-style-type: none"> 1. Does it make sense to have an advance stop line on lane 3 of Buckingham Palace Road in the first plan? Without further assistance, it will be difficult for cyclists to reach this lane. 2. Does it make sense to have a couple of bus stands blocking the bus lane in Buckingham Palace Road in the second plan? 	
Metropolitan Police Service Brian McDonnell	No comment	N/A
Transport for London, Network Assurance, Oliver Bentford / Emile Roberts	No comment	N/A
Transport for London, Taxis and Private Hire, Nicola Harris / Donna Dawson	<p>Thank you for sending through the consultation regarding the Nova Victoria Public Realm Improvement Scheme.</p> <p>Have any consideration been given to putting in a dedicated taxi rank and a set down/pick up area for taxis and private hire?</p>	It is not proposed to introduce any taxi facilities on Buckingham Palace Road or Allington Street.
Transport for London, Bus Operations Central Region, Samantha De Lotz	No comment	N/A