



**City of Westminster**

# Cabinet Member Report

<b>Decision Maker:</b>	<b>Cabinet Member for Built Environment</b> <b>Cabinet Member for Sustainability and Parking</b> <b>Cabinet Member for City Management and Customer Services</b>
<b>Date:</b>	<b>7 November 2016</b>
<b>Classification:</b>	<b>For general release</b>
<b>Title:</b>	<b>St. Lawrence House Public Realm Improvements</b>
<b>Wards Affected:</b>	<b>West End</b>
<b>City for All Summary:</b>	<b>The scheme contributes to ‘City for All’ by improving the public realm and accessibility for all along Broadwick Street, Livonia Street and Poland Street.</b>
<b>Key Decision:</b>	<b>No</b>
<b>Financial Summary:</b>	<b>The estimated cost to check the works methodology and monitor the site works of the highway improvements identified in this report is £35,000 which will be fully funded by the developer under the terms of the section 106/278 agreement.</b> <b>The estimated cost of the highway improvements which will be undertaken and funded by the developer is £560,000. As the developer has opted to undertake the highway improvements they will enter into a bond to the value of £840,000 to protect the interests of the City Council.</b> <b>The developer has agreed to fund Westminster costs of £2,100 to clean and wash the proposed granite benches.</b>
<b>Report of:</b>	<b>Executive Director of City Management and Communities</b>

## 1. Executive Summary

Planning permission for the redevelopment of St Lawrence House was granted on 6 August 2014 and is the subject of a section 106/278 agreement to secure highway improvements.

This report presents proposals to secure highway improvements on Broadwick Street, Livonia Street and Poland Street and seeks approval to:

- the detailed design and implementation of the highway improvements;
- make or modify Traffic Management Orders necessary to accommodate the scheme;
- capital expenditure necessary to monitor the implementation of the works;
- allow the developer to use their own contractor to undertake the highway improvements on the public highway; and
- 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 for the design and implementation of the proposed 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 £35,000 necessary to 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 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.
- 2.5 That approval be given for the making of Traffic Orders under sections 6 and 63 of the Road Traffic Regulation Act 1984 to facilitate the provision of additional cycle parking facilities in Broadwick Street and the revision of the hours of control; of the loading restrictions in Livonia Street. Changes to the cycle parking facilities and loading restrictions are described in **Appendix C**, together with the Statement of Reasons.

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

- 3.1 The proposed highway improvements 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 site works is £35,000 and includes Westminster City Council's costs and will be fully funded by the developer under the terms of a section 106 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 capital expenditure necessary to monitor site works.

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

- 4.1 Conditional planning permission for the redevelopment of St. Lawrence House was granted by Westminster City Council on 6 August 2014 and is the subject of a section 106 agreement to secure, inter alia, highway improvements.
- 4.2 Under the terms of the section 106/278 agreement, the developer has opted to design and implement the highway 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. The contractor will be approved by the Executive Director for City Management and Communities to ensure competency and quality of workmanship.
- 4.3 As the developer has decided to undertake the works themselves, in accordance with the section 106 agreement the developer will enter into a bond agreement with the City Council for £840,000 to protect the interests of the City Council should the developer default on their obligations. This bond will be in 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 highway adjacent to the site for all highway users.
- 5.2 The proposals are shown on Plan A included in Appendix B and include:
  - Repaving the footway on Broadwick Street, Livonia Street and Poland Street adjacent to the St. Lawrence House development using Yorkstone paving on Broadwick Street, precast concrete paving on Poland Street, and precast concrete paving and granite setts on Livonia Street;
  - Realigning the kerblines of Livonia Street to widen the southern footway by 0.5m;
  - Replacing old and worn granite kerbs with new granite kerbs;

- Installation of two new curved granite seats around trees in Broadwick Street;
  - Installation of 16 cycle racks along Broadwick Street;
  - Resurfacing of the carriageway in Livonia Street and Poland Street;
  - 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
  - Improving drainage and lighting in the vicinity.
- 5.3 Proposed modifications to Traffic Management Orders, are shown on Plan C in Appendix B, and include:
- Revising the hours of control of the existing loading restrictions in Livonia Street so that they apply "at any time".

## **6. Programme**

- 6.1 Subject to approval the works are currently programmed to commence in September 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. Maintenance Implications**

- 7.1 The proposals in this report replace old and worn existing surfacing materials with new which will, in the near future, reduce the maintenance costs of the City Council.
- 7.2 The developer has agreed to meet increased maintenance costs of the City Council by introducing two granite benches on Broadwick Street. The estimated maintenance costs to clean and wash the benches for 30 years is estimated at £2,100.
- 7.3 There is no provision within the section 106 agreement for the developer to meet any increased maintenance costs of the City Council for improved surface water drainage and public lighting. These costs will be met from existing revenue budgets. It is anticipated that the use of LED lighting units will reduce the power costs.

## **8. Outstanding Issues**

- 8.1 Subject to approval of this report, Traffic Order consultation for the proposed changes identified in this report will be progressed. The Executive Director of City Management and Communities will use his delegated powers to consider any objections received in consultation with the Cabinet Member for Sustainability and Parking.

8.2 The Executive Director of City Management and Communities will ask Legal Services to draft and enter into a Bond agreement to the value of £840,000 to protect the interests of the City Council prior to site works commencing.

## **9. Financial Implications**

9.1 All costs to design and implement the public realm improvements are being funded by the developer in accordance with the section 106/278 agreement.

9.2 The estimated cost of the public realm improvements, which the developer is requesting to undertake themselves using its own contractor, is £560,000 including an allowance for risk and contingencies and will be fully funded by the developer.

9.3 The estimated City Council costs for monitoring the implementation of the site works is £35,000 and will be fully funded by the developer in advance of the site works.

9.4 A bond agreement between Westminster City Council and the developer to the value of £840,000 will be entered into to ensure the developer fulfils their obligations prior to site works commencing.

9.5 The developer has agreed to meet a commuted sum of £2,100 to clean and maintain the two new granite benches on Broadwick Street.

9.6 The provision of new LED public lighting will reduce the maintenance costs of the City Council.

## **10. Legal Implications**

10.1 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 terms of a section 106 agreement for the provision of planning benefits within the vicinity of the development, including improvements to the public highway .

10.2 Section 278 of the Highways Act 1980 enables a local authority, acting in its capacity as local 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 developer's expense.

10.3 The pre-conditions for an agreement under s278 are first, that the local highway 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, second that the works must be such that the local highway authority are authorised to execute, i.e. they must fall within the highway authority's powers of road building, improvement or maintenance.

## **11. Consultation**

- 11.1 A consultation exercise involving Ward Councillors, the local amenity society and key stakeholders including adjacent frontages was carried out in June 2016. Three responses from the frontages consulted and a response from Public Protection & Licensing (Westminster City Council) were received. A summary of the responses 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 6 August 2014
2. Planning Permission dated 6 August 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 **St. Lawrence House Public Realm 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: .....

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 .....

.....  
*(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 **St. Lawrence House Public Realm 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 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 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.



### 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. 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. 70008448-CD-01 REV B**

**Appendix B**

## Appendix C

### Traffic Management Orders

The new cycle facilities in Broadwick Street and the revised loading restrictions in Livonia Street are shown on Plan C in **Appendix B** and are summarised as follows:

Street	Measure	Existing	Proposed	Difference
Broadwick Street	Cycle stands	14 no.	16 no.	+2
Livonia Street	Loading restrictions(8.30am to midnight)	99.2m	0	-99.2m
	Loading restrictions("at any time")	0	99.2m	+99.2m

#### Statement of Reasons

The increase in the provision of cycle stands in Broadwick Street 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.

The hours of control of the existing loading restrictions (8.30 a.m. to midnight) are being revised to "apply at any time" to help ensure that the right turn into Portland Mews from Livonia Street and access into Livonia Street from Berwick Street is not impeded by loading vehicles.

## Appendix D

### Section 6 Consultation Response Summary

#### West End Ward Members Responses

Councillor	Comments	Executive Director's Response
Glenys Roberts	No response	N/a
Jonathan Glanz	No response	N/a
Paul Church	No response	N/a

#### Section 6 Stakeholders Responses

The following organisations were consulted.

Organisation	Organisation
British Medical Association	RMT London Taxi Drivers' Branch
British Telecom National Noticing Centre	Royal Mail
C/O Atkins Telecom	Surface Transport, Transport for London
Cab Shelter Fund	Taxi & Private Hire
Confederation of Passenger Transport UK	Thames Water Utilities
Crown Estate Paving Commission	The British Motorcyclists' Federation
EDF Energy plc	The Licensed Taxi Drivers' Association
Energis	The London Fire Brigade
Freight Transport Assoc. Ltd.	The Owner Drivers' Society
Licensed Private Hire Car Association	The Road Haulage Assoc. Ltd.
London Cab Drivers Club	Transport for London
London Chamber of Commerce	Transport for London, Surface Transport
London Cycling Campaign	Unite the Union (Cab Section)
London TravelWatch	Westminster Ambulance Station
Metropolitan Police Service	Westminster City Council
National Grid	Westminster Living Streets Group
Network Rail (South East Territory)	Westminster Property Association
NOKIA	Westminster Public Protection & Licensing

## Section 6 Stakeholder Responses

Stakeholder	Comment	Designer's Response
Robin Grey (Public Protection & Licensing - Westminster City Council)	Advises that there is a permanent street trader located on the corner of Broadwick Street and Berwick Street who will be affected by the works and asks for timescales of the works	Works phasing information to be provided.

## Frontagers Responses

Resident	Comment	Designer's Response
Tim Lord (16 Broadwick Street)	Asks for the removal of the phone boxes, and also asks for either the removal of the disabled toilet unit (replacing it with trees) or somehow allow access only to disabled people as he states that the only use the unit currently has is for people taking drugs.	The phone box within the scope of the work is to be removed as part of the scheme.
	Asks for improvements works for the underground toilets and to consider the possibility of introducing more trees in Broadwick Street and a green wall in Livonia Street.	Unfortunately refurbishing the underground toilets are outside of the scope of the current scheme. The eight trees along Broadwick Street are proposed to be retained along with the tree in Livonia Street.
	Asks to consider adding power or water services for the flower stall on the Broadwick St/Berwick St junction, and to consider the upgrading of the CCTV or WiFi mast adding if possible noise and air quality monitoring.	There is currently a water service for the stall holder on the opposite side of Broadwick Street. There may be an opportunity to install an electricity bollard, this is being investigated with the WCC licencing team.
	In a second email Mr. Lord asks to consider not replacing the old lantern in Livonia Street. David Bieda from The Seven Dials Trust (copied by Tim Lord in his email) suggests that if the lantern must be replaced to use one of the Covent Garden Lanterns™.	There is some benefits to the public realm in keeping the lighting units along Livonia Street consistent. Alternative options for this unit will be considered.
Catherine Street (Comm Comm UK Ltd - 34-35 Berwick Street)	Asks that she and her colleague Vivien Moseley are added to the updates list for the works.	Noted.
Charity	Overall the design looks good to Charity. However, Charity states that the historic Broadwick Street pump and the Victorian loos should be retained. Also asks to consider how the flower stall on the corner of Broadwick and Berwick Street can be accommodated. Charity wonders why there are not proposed semi-circular seats around all the trees.	Developer requested to consider the impact to the stall holder during the works phasing. <b>Comment from the developer to be added.</b>
Lydia Clarkson Shaftesbury	Generally the improvements are welcomed in this area and will add to improvements that have already taken place opposite at Trenchard House and in the carriageway . It would be good to see	

	improvements continue to the west of this location in the future, to cover Broadwick Street as a whole.	
	I notice the John Snow Pump is not reinstated within this section of Broadwick Street. When will that be reinstated?	The reinstatement of the John Snow Pump now forms part of another scheme.
	Existing red BT box seems to have disappeared from the plan – (see photo). Will it be going? We would welcome the removal of the telephone box as they are often just a focus for antisocial behaviour.	The existing telephone box is proposed to be removed.
	No works proposed to toilet entrances – These are particularly shabby and surely at least repainting would be an important part of improving the public realm here?	This has been requested as part of the works.
	No works proposed to the existing ventilation lantern between the two toilet entrances – This is an eyesore and requires some form of attention as above.	This has been requested as part of the works.
	My understanding is that the levels are changing as part of these works, there is no indication on your plans of this. Are you able to provide any additional information – sections or level plans would help.	The levels are changing in accordance with the plans developed in 2014 as part of the planning approval process.
	There are two types of cycle stands indicated – Type 1 and Type 2 – What are the two types? It is not clear which type is going where from the plan.	Type 2 stands contain a tapping rail for the visually impaired. Type 1 stands do not contain this feature.
	I understand from a recent Cabinet Decision that all WCC CCTV is to be decommissioned from September 2016. Would it make sense to remove the CCTV column from this location at the same time? Or is this one to stay operational?	Clarification on this has been requested internally within WCC.