



Cabinet Member Report

Decision Makers:	Cllr Astaire, Cabinet Member for Planning and Public Realm Cllr Chalkley, Cabinet Member for City Highways
Date:	25 April 2017
Classification:	General Release
Title:	Jermyn Street Public Realm Improvement Project: Report on Consultation and Request to Commence Works
Wards Affected:	St James's
City for All Summary:	<p>The Jermyn Street Public Realm Improvement Project will improve the streetscape environment of Jermyn Street between Regent Street St James's and St James's Street. It builds on from the success of the Jermyn Street East Project in June 2016 and will uplift the area by bringing together the unique businesses in this historic part of Westminster. It includes new layout for loading and parking provisions, and will provide a much improved pedestrian environment.</p> <p>Implementation of the Jermyn Street Public Realm Improvement Project will support the Council's City for All vision.</p>
Key Decision:	Yes
Financial Summary:	<p>The estimated total cost for the project is £ 6.333m which will be fully funded by contributions from The Crown Estate.</p> <p>The project is included within the Council's approved capital programme under the 'Externally Funded Public Realm Schemes' line.</p>
Report of:	Executive Director, City Management and Communities.
Author:	Mark Allan

1. Executive Summary

This report:

- 1.1 seeks Cabinet Member approval for the final design of the proposals for the Jermyn Street Public Realm Improvement Project as shown in the general arrangement drawings contained in **Appendix B** and the revised Traffic Management drawings contained in **Appendix E**.
- 1.2 seeks spending approval for **£5,965,000** (being the difference between the estimated full project cost of £6,330,000 and spending approvals of £368,000 already approved). These costs are fully funded by contributions from The Crown Estate.
- 1.3 confirms the implementation programme for the Jermyn Street Public Realm Improvement Project as shown illustrated in **Appendix F**.

2. Recommendations

- 2.1 That approval be given for the final designs for the Jermyn Street Public Realm Improvement Project as shown on the General Arrangement drawings numbered 70012806-03-GA-01 to 04 (Rev. A) shown in **Appendix B**
- 2.2 That Traffic Management Orders be made for the revised parking and loading controls necessary to introduce the Jermyn Street Public Realm Improvement Project as shown on the Traffic Management Order drawings numbered 70012806-03-TMO-PR-01 to 06 (Rev. C) shown in **Appendix E**.
- 2.3 That approval be given to implement the proposals in line with the Proposed Project Delivery Programme for the Jermyn Street Public Realm Improvement Project as set out in Section 7 of this report and illustrated in **Appendix F**.
- 2.4 That spending approval be given of £5.965m, all of which is funded by The Crown Estate and which will be secured by an Agreement under s.278 Highways Act 1980.
- 2.5 That the Director of Law negotiates and enter into an Agreement under s.278 Highways Act 1980 with The Crown Estate relating to the funding of the Jermyn Street Public Realm Improvement Project on behalf of the Council.
- 2.6 That the Executive Director of City Management and Communities be given delegated authority to make any additional minor changes to the Traffic Management Orders needed for the project and to make any necessary changes to the Jermyn Street Public Realm Improvement Project designs as presented in this report, in consultation with the Cabinet Member for Planning and Public Realm and the Cabinet Member for City Highways and on condition that these changes do not exceed the overall approved capital expenditure of £6.33m.
- 2.7 That the Cabinet Member for Planning and Public Realm and the Cabinet Member for City Highways agree recommendations 2.1 to 2.6 to the extent that the matters fall within their respective Terms of Reference.

3. Reasons for Decision

- 3.1 The proposed highway modifications that will be delivered by the Jermyn Street Public Realm Improvement Project will improve the public realm of Jermyn Street, enhance its role as an important heritage street, improve pedestrian accessibility, manage the pre-dominance of vehicles at the kerbside and provide an attractive pedestrian route between the revitalised St James's Market area (between Regent Street St James's and Haymarket) and Mayfair providing an alternative route to Piccadilly. Implementation of the Jermyn Street Public Realm Improvement Project will support the Council's City for All vision.

4. Background, including Policy Context

- 4.1 The initial stakeholder engagements and a series of subsequent meetings with businesses allowed a refinement and a greater level of robustness of the measures that were presented to the Cabinet Members for Cllr Davis, Deputy Leader and Cabinet Member for Built Environment, Cllr Caplan, Cabinet Member for City Management and Customer Services and Cllr Heather Acton, Cabinet Member for Sustainability and Parking in the report that was approved on 13th December 2016.
- 4.2 That Cabinet Member Report gave approval for:
- The initial design of the £6.33m Jermyn Street Public Realm Improvement Project at an initial design stage and as shown on the General Arrangement drawings contained in that report.
 - The spending approval for the completion of all stages of design at a cost of £368,000.
 - Consultation to continue and for the commencement of advertisement of the Traffic Management Orders of the proposed arrangements for the waiting, parking and loading restrictions necessary to introduce the Jermyn Street Public Realm Improvement Project.
- 4.3 The traffic management arrangements and the kerbside parking, loading and waiting restrictions that have been subject to consultation and on site advertisement are shown in Traffic Management Order Drawings 70012806-03-TMO-EX-01 to 05 (Rev. B) attached at **Appendix C**
- 4.4 **Section 6** of this report describes:
- The responses received following the consultation and the Traffic Management Order advertisement of the proposed changes to parking, loading and kerbside controls. The 21-day formal statutory consultation required for the Traffic Management Orders commenced on 6th January 2017 and closed on 27th January 2017.
 - The changes that are proposed to the advertised parking, loading and kerbside controls resulting from comments and objections received during consultation. Ward Members have been consulted on the proposed changes and have not raised any objection to them.

- 4.5 If the recommended amendments are approved by the Cabinet Member, the design for the Jermyn Street Public Realm Improvement Project will remain compliant with WCC highway standards and Westminster Way and will support the Council's City for All vision.
- 4.6 Other implications for the project which are relevant to the Council are set out in **Appendix A**.

5. Scheme Design Proposals

- 5.1 The aim of the Jermyn Street Public Realm Improvement Project is to improve the streetscape environment in Jermyn Street between Regent Street St James's and St James's Street and uplift the area by bringing together the unique businesses in this historic part of Westminster. It includes new layout for loading and parking provisions, and will provide a much improved pedestrian environment.
- 5.2 The approach to design and the use of materials are in line with Council policy and guidance.
- 5.3 The proposed final design is shown on the General Arrangement drawings numbered 70012806-03-GA-01 to 04 (Rev. A) included in **Appendix B** and includes:
- Wider footway along the north side of Jermyn Street;
 - Reduction and relocation of street furniture to reduce street clutter;
 - Repaving the footways with new granite kerbs and York stone paving (matching the materials introduced in the area as part of other recent public realm projects);
 - Resurfacing the carriageway in black asphalt to provide a new running surface and in preparation for the proposed new road markings and new kerbside controls;
 - Relocation of gullies to ensure surface water drainage provision;
 - Using wall mounted street lights and modern energy efficient equipment to provide modern standards of street lighting and to minimise street furniture which will support the aim of reduced street clutter on the Jermyn Street footways.
- 5.4 The results of the Traffic Management Order advertisement, and the response to comments and objections that have been received, are set out in **Section 6** of this report and in the table in **Appendix D**.
- 5.5 Proposals for amendments to the advertised kerbside parking, loading and waiting restrictions resulting from consultation are set out in **Section 6** and are shown on revised new Traffic Management Order drawings numbered 70012806-03-TMO-PR-01 to 06 (Rev. C) shown in **Appendix E**.

6. Stakeholder Consultation, Traffic Management Order Advertisement and Proposed Amendments

Stakeholder Consultation

- 6.1 A leaflet detailing the Jermyn Street Public Realm Improvement Project was posted to 2,400 residential and commercial properties in the area around Jermyn Street on 4th January 2017 and in advanced of the Traffic Management Order advertisement commencing.

Traffic Management Order Advertisement

- 6.2 On 6th January 2017, notices were published online and in local press, and street notices were erected in the Jermyn Street Public Realm Improvement Project area. Eight responses were received within the consultation period, which lasted from 6th to the 27th January 2017. Two responses were received slightly outside the consultation period, on 30th/31st January 2017, but have been included in this report, making a total of ten responses.
- 6.3 Of these ten responses:
- Two responses expressed support for the proposals
 - Three were comments that generally expressed support for the project, but suggested improvements or required clarification
 - Five were objections
- 6.4 The comments and objections made during the advertisement of the Traffic Management Orders and responses on these are shown in detail in the table at **Appendix D**.
- 6.5 As a result of the comments received on the advertised parking, waiting and loading controls, amendments are proposed and these are set out in section 6.7 below.

Amendments Proposed as a Result of Traffic Management Order Advertisement

- 6.6 As a result of the comments received during the advertisement of the Traffic Management Orders, it is proposed that amendments are made to the advertised parking and loading arrangements for the Jermyn Street Public Realm Improvement Project.
- 6.7 These are that:
- The proposed stopping pad at the church is physically moved 11m eastwards and the proposed disabled parking bay in it is moved to a location to the western end of the relocated pad. It is further proposed that two of the pay by phone parking bays at the eastern end of the relocated pad, that were to operate from midday to 6.30pm, are converted to loading. This proposal will increase the period that loading can take place through the afternoon (midday to 6.30pm) and will be additional to the 8.30 am to midday period that was advertised. From 6.30 pm to 8.30 am the whole of this pad is available for unrestricted night time economy parking. This rearrangement better supports

servicing needs on this part of Jermyn Street and also weddings and funerals at the Church (as requested in the Church's response during the Traffic Management Order advertisement). However, there will be a reduction of availability of two pay by phone car parking spaces during the Midday to 6.30pm period. It is, therefore, proposed that the Jermyn Street Project identifies replacement parking provision (1 bay available through the daytime) in the vicinity of Jermyn St and that this is made available before project completion (see para 9.1) and at a cost to the project.

- The loading time in the stopping pad adjacent to Waterstones is adjusted at the western end to create a 16m bay where loading can take place from midday to 6.30pm providing an additional period to the advertised period of 8.30 am to midday control (- from 6.30 pm to 8.30 am the whole of this pad remains available for night time economy parking). This rearrangement was requested by Waterstones during the Traffic Management Order advertisement to support their extensive external book sales. The amendment has no effect on parking but does have some effect on the pad and its proposed use as additional footway space in the afternoon. However, the effect is not considered to be significant as the adjacent footway is wide and the situation will be monitored.
- Cycle racks are positionally rearranged near the Church and Fortnum and Masons but numbers are not changed.

6.8 The proposed changes set out above have been incorporated into the revised new Traffic Management Order drawings numbered 70012806-03-TMO-PR-01 to 06 (Rev. C) shown in **Appendix E** and Ward Members have been consulted and have raised no objection. It is proposed that these drawings form the basis for the making of the Traffic Management Orders to be used to implement the Jermyn Street Public Realm Improvement Project.

7. Programme

7.1 The programme for construction proposed for the Brook Street and Davies Street Two-Way Project is start in April 2017 and finish before August 2018.

7.2 The nature of Jermyn Street in its current form with its narrow footways and maintaining pedestrian movement, customer access and deliveries whilst works are undertaken, will be demanding. A phased construction plan has therefore been identified to ensure that impacts on businesses and people movement are managed and effects are mitigated. The phased construction plan will also ensure that individual sections of Jermyn Street are not overloaded by the works and an appropriate balance of works delivery and business needs is obtained. The phased work areas delivery plan is illustrated in **Appendix F**.

8. Consultation

- 8.1 Consultation for Jermyn Street Public Realm Improvement Project has been guided by its Communication Plan which sets out the communications requirements during design and construction.
- 8.2 Subject to Cabinet Member approvals it is intended to commence pre-construction stakeholder engagement prior to works commencement to explain the works delivery plan and work with residents and businesses to mitigate works disruption. Stakeholder engagement, during construction will however be an on-going process involving the project website, explanatory leaflets prior to each phase of construction, the issue of site weekly updates and regular on-site communications directly with businesses. Communications has been and will continue to be supported by The Crown Estate.

9. Outstanding Issues

- 9.1 As a result of increasing the loading provision on the section of Jermyn St near the Church which will also provide some opportunity for the Church to facilitate weddings and funerals (with a Council dispensation), there will be a reduction of availability of two pay by phone car parking spaces during the Midday to 6.30pm period. It is, therefore, proposed that the Jermyn Street Project identifies replacement parking provision (1 bay available through the daytime) in the vicinity of Jermyn St and that this is made available before project completion (see para 6.7, bullet 1) and at a project cost.

10. Financial Implications

- 10.1 The estimated project scheme cost of all design, project management, client and the highway works is £6,333,000 including an allowance of £1.755m risk and contingencies. All costs involved in the delivery of the Jermyn Street Public Realm Improvement Project will be fully met and funded by The Crown Estate.
- 10.2 A spending approval for **£5,965,000** (being the difference between the estimated project cost and spending approvals of £368,000 already approved) is being sought in this report to commence and complete works. All costs involved in the delivery of the Jermyn Street Public Realm Project will be fully met and funded by The Crown Estate.
- 10.3 The Jermyn Street project is fully accounted for within the council's approved capital programme under the 'Externally Funded Public Realm Schemes' line
- 10.4 The project funding is provided by a purchase order provided by The Crown Estate. A s.278 Agreement with The Crown Estate will be secured to confirm the funding before works commence. There will be agreed milestone payments. Administration of these arrangements will take place through the delivery partnership's (WCC/TfL/The Crown Estate) Piccadilly and St James's Project Board.

- 10.5 The work for all stages of delivery including works will be undertaken by the Council's Service Provider FM Conway Ltd under the contract signed by the Council on 1st April 2014.
- 10.6 The cost plan in **Appendix G** shows the cost for the design and implementation of Jermyn Street Public Realm Improvement Project.

11. Legal Implications

- 11.1 Prior to the commencement of the Highway Works, The Crown Estate will be required to enter into an Agreement under s.278 of the Highways Act 1980 with the City Council to secure the funding in respect of the above proposals.
- 11.2 Section 278 of the Highways Act 1980 enables the City Council, acting in its capacity as as "Highway Authority" to enter into agreements with developers for the developer to either pay for, or make alterations or improvements to the highway at the developers own cost and expense.
- 11.3 The pre-conditions for an agreement under section 278 are firstly that the 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 highway authority and secondly that the works must be such that the highway authority is authorised to execute, i.e. they must fall within the highway authority's powers of road building, improvement or maintenance.
- 11.4 The Director of Law is satisfied highway elements of the proposed public realm scheme fall within the ambit of section 278 of the Highways Act 1980.
- 11.5 The Crown Estate will also be required to pay the City Council's professional costs in connection with the negotiation, preparation and completion of the Agreement.
- 11.6 Traffic Management Orders will need to be made under the Road Traffic Regulation Act 1984 for the new parking, waiting and loading arrangements needed to introduce the Jermyn Street Public Realm Improvement Project, as shown on drawings 70012806-03-TMO-PR-01 to 06 (Rev. C) in **Appendix E**.

12. BACKGROUND PAPERS

- 12.1 None.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

Mark Allan Tel: 020 7641 1154

mallan@westminster.gov.uk

For completion by the **Cabinet Member for Planning and Public Realm**

Declaration of Interest

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

Signed: _____ Date: _____

NAME: **Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm**

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 **Jermyn Street Public Realm Improvement Project: Report on Consultation and Request to Commence Works.**

Signed

Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm

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, Director Finance and, if there are staffing implications, the Head of People Services (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 City Highways**

Declaration of Interest

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

Signed: _____ Date: _____

NAME: **Councillor Danny Chalkley, Cabinet Member for City Highways**

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 **Jermyn Street Public Realm Improvement Project: Report on Consultation and Request to Commence Works.**

Signed

Councillor Danny Chalkley, Cabinet Member for City Highways

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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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

1.1. Resources Implications

- 1.2. A WCC Project Director is in place to support delivery of the project and is included within the project cost.

2. Business Plan Implications

- 2.1. None

3. Risk Management Implications

- 3.1. The Jermyn Street Public Realm Improvement Project operates within a formalised governance structure. The Partner Project Board and the WCC Steering Group will monitor and consider risk management issues at regular meetings and remedial action will be directed as appropriate.

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

- 4.1. There are no issues relating to co-operation with health authorities arising from this report.
- 4.2. All works undertaken will be closely monitored and carried out to the requirements of the Health and Safety at Work Act 1974 and the Construction (Design and Management) Regulations 2007

5. Crime and Disorder Implications

- 5.1. There are no crime and disorder issues arising from this report.

6. Impact on the Environment

- 6.1. There are no environmental issues arising from this report.

7. Equalities Implications

- 7.1. There are no equalities impacts arising from this report

8. Staffing Implications

- 8.1. There are no other staffing implications arising from this report

9. Human Rights Implications

- 9.1. The measures in this report are not expected to have any implications under the Human Rights Act 1998.

10. Energy Measure Implications

- 10.1. There are no Energy Measure implications as a result of this report

11. Communications Implications

- 11.1. Communication implications are dealt with in the body of this report

Appendix B

**Jermyn Street Public Realm Improvement Project –
Final Design Drawings 70012806-03-GA-01 to 04 (Rev. A)**

Appendix C

**Jermyn Street Public Realm Improvement Project -
Advertised Traffic Management Order Drawings No's. 70012806-03-
TMO-EX-01 to 05 (Rev. B)**

Appendix D

Jermyn Street Public Realm Improvement Project – Comments following Traffic Management Order Consultation and Responses on Them

Appendix E

**Jermyn Street Public Realm Improvement Project –
Traffic Management Drawings 70012806-03-TMO-PR-01 to 06 (Rev. C)**

Jermyn Street Public Realm Improvement Project – Delivery Phases and Dates

**Jermyn Street Public Realm Improvement Project –
Cost Plan**