



City of Westminster

Cabinet Member Report

Decision Makers:	Cabinet Member for Finance, Property and Regeneration Cabinet Member for Environment and Highways
Date:	4 th December 2020
Classification:	General Release
Title:	Church Street Green Spine Phase 1 – report on stage 3 Detailed Design and next stage of implementation
Wards Affected:	Church Street Ward
City for All Summary:	This decision contributes to our Vibrant Communities commitment under the City For All programme, in supporting the businesses and education facilities in the vicinity. The decision also supports our Greener and Cleaner vision, as improved connectivity may encourage walking, cycling and use of public transport.
Key Decision:	No
Financial Summary:	This report seeks approval for capital expenditure of £6,297,749 to cover costs associated with implementation of the proposals identified in this report. This spend will be predominantly funded by Westminster City Council's (WCC) Capital Funding, with additional section 106 and Community Infrastructure Levy funds.
Report of:	Kevin Goad – Director of City Transportation Serena Simon – Programme Director, Church Street Regeneration, Growth Planning & Housing

1. Executive Summary

- 1.1 In December 2017, Cabinet approved the Church Street Masterplan as the Council's framework for informing the future regeneration of the Church Street area. The Church Street Green Spine project ('Green Spine') proposes to address the lack of public open space by converting roads to parkland and delivering transformational improvements to the public realm along Salisbury Street and Lisson Street as an integrated element of the Council's Church Street Masterplan.
- 1.2 Extensive consultation has been undertaken which has been taken into consideration by the Council in developing the design for the Green Spine.
- 1.3 The design for Phase 1 of the Green Spine from Bell Street to Samford Street creates a wide, pedestrian-focused route with trees and planting areas enabling water attenuation and aiding a sustainable urban drainage system ('SUDS'). Pockets of activity along the route provides spaces for the community to socialise, exercise and "play on the way". One-way traffic operates south-bound and resident parking is retained on the west side of the road. At the southern end, Broadley Street Gardens and Lisson Street Gardens are joined to create one large park by pedestrianising Lisson Street and the corner of Ashmill Street.
- 1.4 Subject to the Cabinet Members' approvals, a phased construction of Phase 1 Green Spine can be scheduled to start in January 2020 with anticipated completion by mid 2021. The overall cost of the project (including design and implementation of the proposals including WCC costs, risk and contingency, and a commuted sum for uplift in maintenance) is £7.22M. As consultation and design has completed (previously approved at a cost of £922,251), this report is seeking approval for spend to implement the scheme at a cost of £6,297,749.

2. Recommendation

That the Cabinet Member for Finance, Property and Regeneration:

- 2.1 approves the implementation of the proposed public realm improvements for Phase 1 as shown in **Appendix B ('Green Spine Phase 1 works')**;
- 2.2 approves the capital expenditure of £6,297,749 to carry out the implementation of Green Spine Phase 1 works; and
- 2.3 delegates to the Executive Director of Growth, Planning and Housing the decision to approve non-material amendments as necessary to the scheme, in

consultation with the Cabinet Member for Finance, Property and Regeneration and with the Cabinet Member for Environment and Highways.

Cabinet Member for Environment and Highways

- 2.4 That approval is given to modify and make traffic regulation orders in accordance with the Road Traffic Regulations Act 1984, necessary to accommodate the changes to prescribed routes, parking layout, and associated highway improvements.

3. Reasons for Decision

- 3.1 To deliver transformational improvements to the public realm along Salisbury Street and Lisson Street as a key element of the Council's Church Street Masterplan. The project converts roads and footways to parkland, helping to address the deficiency in public open space in the area and create a much more attractive and vibrant place for both the community and visitors.

4. Background including Policy Context

- 4.1 The proposed Green Spine is at the heart of the Council's Church Street Masterplan, an area-based and housing-led regeneration in the Church Street ward. The Green Spine aims to provide additional green space to address the existing open space deficiency. The area has a high resident population of under eighteen year olds and the pressure on existing green space in this densely urban inner London ward, is immense.
- 4.2 The Green Spine project proposes to develop a network of green streets and spaces to form a green lung through the centre of Church Street's residential community. The intention is that the full length of the Green Spine runs from Marylebone Road to the canal, linking Lisson Gardens, Broadley Gardens, Church Street, the new Luton Street development, Fisherton Estate and Orange Park.
- 4.3 The Green Spine has been split into two phases for design and delivery to maximise available funding, so that one phase can be delivered with secured funds whilst the design of a further phase is developed and further funding sought for its future construction. Phase 1 refers to the Green Spine from Bell Street to Samford Street (which is the phase detailed in this report) where it joins the section through the Luton Street development (which is being designed and constructed as a part of this development).

- 4.4 It is proposed that Phase 2 of the Green Spine (subject to future design and implementation) will continue northwards from the northern edge of the Luton Street development along Fisherton Street to the canal. Early concept designs have been developed for Phase 2 and the intention is to progress with consultation and next design stages in 2021, subject to funding.
- 4.5 It is intended that the Green Spine can be used as an additional resource to engage the community and encourage social interaction, health and wellbeing through organised initiatives such as the Neighbourhood Keepers Programme and Church Street Create. A management plan is being developed alongside design proposals and management/maintenance will be undertaken through existing term contracts with the uplift in costs met through a commuted sum of £476,189 from the capital funds.
- 4.6 Extensive public consultation was undertaken in the early stages of the project which guided the design (as further set out in section 8 of this report).
- 4.7 The Green Spine proposals are based on a set of objectives to:
- a. Create a flexible, community focused outdoor space with capacity to be used for a range of activities,
 - b. Enhance and improve movement creating a pedestrian focused space that also functions well for cyclist and vehicles,
 - c. Enhance biodiversity, vegetation and provide sustainable urban drainage solutions,
 - d. Improve accessibility for all age groups and those with physical or mental disabilities,
 - e. Create a safer environment through landscape and lighting interventions which work both during the day and night,
 - f. Introduce art where appropriate,
 - g. Provide opportunities for play throughout the whole of the Green Spine, and
 - h. Create an environment that is maintainable and loved by all those that use it.
- 4.8 The vision is to create a place where people can sit and relax, a place where people are put first, a safe and pleasant place to live, a playful landscape, and a more sustainable environment. It is a place for community and interaction, gardens and green spaces, play and activities, and events.

- 4.9 The general arrangement plan showing the extent of Phase 1 is attached to this report in **Appendix B**. At the southern end, Broadley Street Gardens and Lisson Street Gardens are joined to create one large park by pedestrianising Lisson Street and the corner of Ashmill Street. North of Broadley Street, one-way traffic operates south-bound and resident parking is retained on the west side of the street. The east side of the street becomes a wide, pedestrian-focused route with trees and planting areas enabling water attenuation and aiding SUDS. Pockets of activity along the route provide spaces for the community to socialise, exercise and “play on the way”.
- 4.10 Planning approval was gained on 15 May 2018.
- 4.11 The City Council carried out a formal Traffic Management Order (‘TMO’) consultation on the Green Spine. Further details of this consultation and other consultation is at section 8 of this report.
- 4.12 The table below shows indicative milestone dates:

Indicative milestones	Date
Material Orders	November 2020
Works start on site (Stage 1*)	January 2021
Stage 1* complete	June 2021
Works start on Stage 2**	June 2021
Stage 2** and works complete	April 2022

*Stage 1 includes Salisbury Street, Lisson Street Gardens and surrounding parking changes in the wider Church Street Ward

**Stage 2 includes Lisson Street, Broadley Street Gardens, installation of playground equipment and planting

5. Financial Implications

- 5.1 The overall cost of implementation of the proposals for Phase 1 Church Street Green Spine including, design, implementation, third party costs, Council costs (client costs and service management fee are standard fees within the highways term contract), risk and contingency, and a commuted sum for uplift in maintenance costs is £7.22M. The table below provides a breakdown of costs, for further details on the project cost, please refer to Project Cost Summary attached in **Appendix D**.

Total costs	Cost
Stage 1-2 'Initial Design'	£233,103
Stage 3 'Detailed Design'	£311,436
Stage 4-5-6 'Implementation' of the works	£3,098,735
Stage 9 'Traffic Management Orders'	£17,345
WCC Direct Costs (including WCC Parks)	£1,817,572
WCC Client Costs and Service Management Fee as required by the highways term contract	£190,254
Contingency (10%)	£566,845
Risk and Indexation	£508,521
Commutated sum for uplift in maintenance	£476,189
Project Total (including Risk & Contingency)	£7,220,000

5.2 Spend to date including outstanding commitments equates to £922,251, as detailed in the table below. Previous approvals to complete the design and consultation stages of the scheme include Delegated Authority ('DA') reports, the final of which was approved in September 2020 by the Director of City Highways, Environment and City Management and the Programme Director for Church Street Regeneration to enable £98,012 capital spend on the early ordering of materials. Due to the impact of Covid-19 some materials have a longer lead-in time than would normally be the case and to enable works to start on site in January 2021 some low-risk early ordering of materials was necessary. The table below details spend to date:

Spent to date (approved via DA reports)	Cost
Stage 1-2 'Initial Design'	£233,103
Stage 3 'Detailed Design'	£311,436
First Material Order (Sept 2020)	£98,012
Stage 9 'TMO'	£17,345
WCC Direct Costs	£241,247
WCC Client Costs and Service Management Fee	£21,108

Total spent to date (incl outstanding commitments)

£922,251

- 5.3 This report requests the approval for the outstanding elements below, covering all aspects of implementation, WCC Direct costs (including WCC Parks costs and utility diversions), applicable risk and contingency, and a commuted sum for uplift in maintenance costs. These costs are outlined in the table below. Further detail can be seen in the Project Cost Summary ('PCS') in **Appendix D** (although note that the commuted sum costs are not included in the PCS).

Costs requiring approval	Cost
Stage 4-5-6 'Implementation' (minus first material batch)	£3,000,723
WCC Direct Costs (including WCC Parks costs and utility diversions)	£1,576,325
WCC Client Costs and Service Management Fee	£169,146
Contingency (10%)	£566,845
Risk and Indexation	£508,521
Commuted sum for uplift in maintenance costs	£476,189
Total costs requiring approval	£6,297,749

Capital Funding

- 5.4 The costs for the implementation of the public realm improvements are proposed to be funded predominantly by WCC Capital funding contained within the Capital Strategy approved by Full Council on 4th March 2020. The remainder of funding is a combination of Internal Community Infrastructure Levy ('CIL') funding, and section 106 funding for the green spine from the nearby Luton Street development.

Source	Funding
WCC Capital	£3.72M
Section 106 (Luton Street)	£3.00M
WCC CIL	£0.50M
Total	£7.22M

5.5 Early design work for Phase 2 of the Green Spine was undertaken in 2019/20 with funding from Transport for London's Local Implementation Plan programme. A Capital Programme bid has been submitted for £240,000 in 2020/21 to undertake public consultation and progress designs and to seek external funding for its implementation thereafter.

6. Legal Implications

6.1 The legal implications to the proposals in this report are:

6.1.1 The decision to commit a sum of money to implement and the decision to deliver the proposed Phase 1 Green Spine works, is enabled by section 1 of the Localism Act 2011 ('LA 2011'), which is referred to as the general power of competence. This legislative power provides that a local authority has power to do anything that individuals generally may do, provided it is not prohibited by other legislation.

6.1.2 In addition to the general power of competence under the LA 2011, there is provision under section 19 of the Local Government (Miscellaneous Provisions) Act 1976 for a local authority to provide such recreational facilities as it thinks fit within (or outside of) its area.

6.1.3 There are incidental powers in section 111 of the Local Government Act 1972 which give a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

6.1.4 A traffic regulation order (TRO) regulates, restricts or prohibits the use of a road or any part of a road by vehicular traffic or pedestrians (part 1, Road Traffic Regulation Act 1984 ('RTRA 1984')). The changes to parking locations and designations as part of the proposed scheme will require a TRO to be made under section 6 of the RTRA 1984. It is noted that the TRO making process can be delegated to the Director of City Transportation in line with the current Traffic Order making process.

7. Staffing

7.1 There are no staffing implications arising from the decision sought in this report.

8. Consultation

8.1 Ward Councillors have been consulted.

- 8.2 Extensive public consultation was undertaken in the early stages of the Phase 1 project which guided the design.
- 8.3 Public consultation for the scheme was held in three tranches in 2016/17, which informed the design development. Statutory consultations for planning followed in 2017/18, and then Traffic Management Order consultation in September 2020.
- 8.4 The consultation undertaken in 2016/17 is summarised in **Appendix C**. The first phase of consultation was during spring/summer 2016 was to gauge the 'Scale of Change' to inform the designs. The second round of public consultation was held during Autumn 2016/Winter 2017 to test the ideas of the concept design and establish people's views and thoughts on the design. Alongside engaging with local communities and the public, there were a number of meetings with key stakeholders and other important consultees such as the Metropolitan Police and their Safer Neighbourhoods team, and the Portman Early Years Centre. Regular meetings with through design development with the Paddington Development Trust and community groups set up through the Church Street Masterplan were integral to ensuring an in-depth knowledge of the site and continued collaboration and feedback.
- 8.5 Statutory planning consultation ran from 9th August until 29th September 2017. All statutory consultees and affected residents in the area were notified and given the opportunity to view the proposals. Comments received were generally positive with detailed comments particularly relating to planting, traffic, play and antisocial behaviour. Planning approval for the proposals outlined in this report was gained at Planning Committee on 15 May 2018.
- 8.6 The Council carried out a formal Traffic Management Order ('TMO') consultation on the Green Spine proposals between 2nd and 30th September 2020.
- 8.7 The purpose of this consultation was to gather feedback on the traffic changes and kerb-side restrictions. The extent of the letter consultation included the Church Street Ward Councillors, the St Marylebone Society, the Church Street Ward Neighbourhood Forum, 33 statutory bodies and 2,019 frontagers.
- 8.8 As a result of the TMO consultation, the Council received 10 responses, including two expressions of support, one objection, five comments with concerns and two no comments / no objections. The Metropolitan Police are expected to provide further comments in due course on the local policing perspective.

9. Equalities Implications

- 9.1 Under the Equalities Act 2010 the Council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act:
- a. to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and
 - b. to foster good relations between persons who share a relevant protected characteristic and those who do not share it.
- 9.2 The Council is also required to have due regard to the need to take steps to take account of disabled persons’ disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves in particular having regard to:
- a. the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
 - b. take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
 - c. take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
 - d. encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.
- 9.3 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.
- 9.4 Officers have considered the need for a formal Equalities Impact Assessment (EIA) of the proposals set out in this report. Potential impact may arise from the proposals and therefore a full EIA is deemed necessary.

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

Simon Morgan – Programme Assurance Manager – Highways

smorgan@westminster.gov.uk

Rebecca Cloke – Head of Programme Delivery, Place Shaping – Place Shaping and Town Planning

rcloke@westminster.gov.uk

For completion by the **Cabinet Member for Finance, Property and Regeneration**

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 Finance, Property and Regeneration**

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 recommendations in the report entitled **Church Street Green Spine – report on stage 3 Detailed Design and next stage of implementation**

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Signed

Councillor Melvyn Caplan, Cabinet Member for Finance, Property and Regeneration

Date

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

Additional comment:

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

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the

criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

For completion by the Cabinet Member for Environment and Highways

Declaration of Interest

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

Signed: _____ Date: _____

NAME: **Councillor Andrew Smith, Cabinet Member for Environment and 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)

In respect of approval to modify and make traffic regulation orders in accordance with the Road Traffic Regulations Act 1984, necessary to accommodate the changes to prescribed routes, parking layout, and associated highway improvements, for the reasons set out above, I agree the recommendation(s) in the report entitled Church Street Green Spine – report on stage 3 Detailed Design and next stage of implementation

Signed

Councillor Andrew Smith, Cabinet Member for Environment and 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.

Additional comment:

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Appendix A

Other Implications

1. Resources Implications

No implications.

2. Business Plan Implications

No implications.

3. Risk Management Implications

No implications.

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

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

5. Crime and Disorder Implications

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

6. Impact on the Environment

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

7. Equalities Implications

Accessibility has been an important consideration in the design. The scheme will improve the accessibility of the streets for persons with mobility difficulties through the installation of flush kerbs at pedestrian crossings. Officers have considered the need for a formal Equalities Impact Assessment (EIA) of the proposals set out in this report. Potential impact may arise from the proposals and therefore a full EIA is deemed necessary.

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 Council's website.

Scheme Proposals

Consultation Response Summary

Project Cost Summary