



City of Westminster

# Cabinet Member Report

<b>Decision Maker:</b>	<b>Cabinet Member for Built Environment. Cabinet Member for Sustainability and Parking. Cabinet Member for City Management and Customer Services.</b>
<b>Date:</b>	<b>8 July 2016</b>
<b>Classification:</b>	<b>For general release.</b>
<b>Title:</b>	<b>North Wharf Gardens Public Realm Improvements.</b>
<b>Wards Affected:</b>	<b>Hyde Park</b>
<b>City for All Summary:</b>	<b>This decision involves the installation of new footway paving materials, improved lighting and drainage and modifications to the traffic regulation orders to contribute to the City for All vision.</b>
<b>Key Decision:</b>	<b>No.</b>
<b>Financial Summary:</b>	<b>The estimated cost for the implementation of the proposals identified in this report is £288,000, including risk and contingency, which will be fully funded by the developer through a section 278 Agreement with the Council.</b>
<b>Report of:</b>	<b>Executive Director for City Management and Communities.</b>
<b>Report Author:</b>	<b>Chris Warden, Project and Programme Manager</b>

## 1. Executive Summary

- 1.1 This report presents proposals to improve the public realm on Harrow Road, Hermitage Street and North Wharf Road, London W2 and seeks approval to:
  - Complete the detailed design and implement the public realm improvements identified in this report;

- Modify and make traffic regulation orders;
  - Capital expenditure necessary to implement the proposals;
  - Give authority to the Executive Director for City Management and Communities to approve minor modifications to the scheme in consultation with the Cabinet Members for Built Environment, Sustainability and Parking and City Management and Customer Services; and
  - Enter into an Agreement with the developer pursuant to section 278 of the Highways Act 1980.
- 1.2 Attention is drawn to the comments received in response to the consultation exercise and the Executive Director's responses to them, contained in Appendix D. No objections were received.

## **2. Recommendations**

### **Cabinet Member for The Built Environment**

- 2.1 That approval be given to complete the design and to implement the proposed public realm improvements shown on the General Arrangement drawing 70006740-CD-01a-B included in Appendix B.
- 2.2 That authority be given to the Executive Director for City Management and Communities to approve minor modifications to the approved scheme, in consultation with the Cabinet Members for Built Environment, Sustainability and Parking and City Management and Customer Services.
- 2.3 That the Cabinet Member concurs with the decisions of the Cabinet Member for City Management and Customer Services and the Cabinet Member for Sustainability and Parking to the extent that they are within his/her terms of reference

### **Cabinet Member for City Management and Customer Services**

- 2.4 That approval be given to capital expenditure of up to £288,000 necessary for the detailed design and implementation of the works. All costs will be fully funded by the developer in advance of the works being carried out.
- 2.5 That the Cabinet Member concurs with the decisions of the Cabinet Member for Built Environment and the Cabinet Member for Sustainability and Parking to the extent that these are within his/her terms of reference.

## **Cabinet Member for Sustainability and Parking**

- 2.6 That approval be given to make such traffic regulation orders under sections 6 and 45 of the Road Traffic Regulations Act 1984 necessary to accommodate the public realm improvements together with the Statement of Reasons as set out in Appendix C.
- 2.7 That the Cabinet Member concurs with the decisions of the Cabinet Member for the Built Environment and the Cabinet Member for City Management and Customer Services to the extent that they are within his/her terms of reference.

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

- 3.1 The proposed public realm improvements identified in this report will improve the streetscape for highway users by repaving the footway of Harrow Road, Hermitage Street and North Wharf Road using high quality robust materials, providing improved public lighting and drainage, better pedestrian and vehicular accessibility and increasing the on-street parking provision out of the restricted hours.
- 3.2 The estimated cost for the detailed design and implementation of the works is £280,000 which includes risk and contingency and Westminster City Council's costs, and will be fully funded by the developer under the terms of a section 278 agreement.
- 3.3 The recommendations will allow the design of the proposals outlined in this report to be completed together with capital expenditure necessary to implement the works and any minor design changes to be undertaken.

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

- 4.1 Conditional planning permission for the redevelopment of the western side of the former North Westminster Community School (from now on known as North Wharf Gardens) was granted by Westminster City Council on 9<sup>th</sup> August 2013 and is the subject of a section 106 agreement. This agreement required the developer to enter into a section 278 agreement to secure the public realm improvements.
- 4.2 Under the terms of the section 278 agreement, the developer has opted to use the Council's service provider FM Conway Ltd to design and implement the public realm improvements.
- 4.3 The public realm improvements referred to in this report are shown on the General Arrangement drawing 70006740-CD-01a-B included in Appendix B.

## **5. Scheme Design Proposals**

5..1 The aim of the proposals is to accommodate the new development and improve the public realm for all highway users.

5..2 The proposals are shown on the General Arrangement drawing 70006740-CD-01a-B in Appendix B and include:

- Widening and repaving of the eastern footway of Hermitage Street in concrete paving;
- Repaving of the footway outside the new development on Harrow Road and North Wharf Gardens in concrete paving;
- Widening the carriageway and changes to the geometry of the junction of Hermitage Street with Harrow Road and North Wharf Road to enable a two-way traffic flow along Hermitage Street;
- Improve vehicular movement along Hermitage Street by introducing three lay-bys on Hermitage Street where loading will be permitted at any time and parking will be prohibited during the restricted hours;
- Modifications to the existing waiting and loading restrictions to accommodate the new vehicular entrance to the new development (North Wharf Gardens) and the three new lay-bys;
- Removal of the contra-flow cycle lane;
- New informal pedestrian crossing on North Wharf Road immediately west of Hermitage Street;
- Improving the public lighting along Hermitage Street;
- Planting of up to 4 trees, where possible, subject to investigations; and
- Improving the surface water drainage within the whole extents of the scheme.

## **6. Parking, Waiting and Loading**

6..1 In order to accommodate the new vehicular entrance and the three new lay-bys the following changes are required:

- Replace 48m of double yellow line 'at any time' waiting restrictions on the eastern side of Hermitage Street with single yellow line;
- Remove 57m of double blips 'at any time' loading restrictions on the eastern side of Hermitage Street;
- Introduction of 25m of double blips 'at any time' loading restrictions on the southern side of Harrow Road outside the new development; and

- Introduction of 5m of double blips 'at any time' loading restrictions on the northern side of North Wharf Road outside the new development, immediately west of the existing bus stand.
- 6..2 Details of the existing and proposed parking, waiting and loading facilities are shown on drawing 70006740-CD-02-C and 70006740-CD-03-B respectively, included in Appendix C.

## **7. Programme**

- 7..1 The works are currently programmed to commence in August 2016 with an anticipated duration of 3 months to complete

## **8. Outstanding Issues**

- 8..1 Following approval, traffic order consultation for the proposed changes identified in this report will be progressed. The Executive Director for City Management and Communities will use his delegated powers to consider any objections received in consultation with the Cabinet Members for Built Environment, Sustainability and Parking and City Management and Customer Services.

## **9. Financial Implications**

- 9..1 The section 278 highway works will be implemented by WCC's term contractor FM Conway.
- 9..2 All costs of implementing the public realm improvements are being funded by the developer.
- 9..3 The estimated cost of the public realm improvements is £288,000 including an allowance for risk and contingency and will be fully funded by the developer.

## **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. The section 106 required the developer to enter into a section 278 to secure the public realm improvements.
- 10..2 Section 278 of the Highways Act 1980 enables a Local Authority, acting in its capacity as "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 developers own cost and expense.
- 10..3 The pre-conditions for an agreement under section 278 are firstly that the Local 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 secondly that the

works must be such that the Local Authority are authorised to execute, i.e. they must fall within the highway authorities powers of road building, improvement or maintenance.

- 10.4 The Director of Law has read the report and is satisfied that the highway elements of the proposed public realm works fall within the ambit of section 278 of the Highways Act 1980.

## **11. Consultation**

- 11..1 A consultation exercise was carried out during May 2016 involving Ward Councillors, local amenity groups and section 6 consultees including frontages. This consultation exercise attracted 1 response from one Ward Councillor.
- 11..2 A summary of the response is attached as Appendix D.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Chris Warden on 020 7641 2778, email [cwarden@westminster.gov.uk](mailto:cwarden@westminster.gov.uk)**

### **Background Papers:**

1. Section 106 agreement dated 30<sup>th</sup> December 2013.
2. Planning Permission dated 30<sup>th</sup> December 2013.
3. Section 278 dated 28<sup>th</sup> May 2015.

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, Deputy Leader and 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 North Wharf Gardens Public Realm Improvements and reject any alternative options which are referred to but not recommended.

Signed .....

**Councillor Robert Davis MBE, DL, Deputy Leader and 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 Director of Law, Executive Director Finance and Performance and, if there are resources implications, the Executive 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 North Wharf Gardens 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.

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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 North Wharf Gardens Public Realm 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: .....

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 , Executive Director Finance and Performance and, if there are resources implications, the Executive 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.

## Appendix A

### Other Implications

**1. Resources Implications**

All costs associated with detailed design and monitoring of the site works (including the costs of making any necessary traffic orders) 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**

The scheme will have a beneficial impact on health and well-being over the current layout. 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.

**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.

## **Appendix B**

**General Arrangement drawing 70006740-CD-01a-B;**

**Existing Parking, Waiting and Loading drawing 70006740-CD-02-C;**

**Proposed Parking, Waiting and Loading drawing 70006740-CD-03-B;**

## Appendix C Traffic Management Orders

### Proposed Traffic Orders

#### Hermitage Street

- Replace 48m of double yellow line 'at any time' waiting restrictions on the eastern side with single yellow line;
- Remove 57m of double blips 'at any time' loading restrictions on the eastern side.

#### Harrow Road

- Introduction of 25m of double blips 'at any time' loading restrictions on the southern side outside the new development.

#### North Wharf Road

- Introduction of 5m of double blips 'at any time' loading restrictions on the northern side outside the new development, immediately west of the existing bus stand.

In summary the waiting and loading proposals are as follows:

SCHEDULE OF PARKING CHANGES			
TYPE OF TRAFFIC ORDERS	EXISTING	PROPOSED	DIFFERENCE
Residents' parking	24.6 metres	24.6 metres	0.0 metres
Single yellow lines (Mon-Sat 8.30am - 6.30pm)	0 metres	52.6 metres	+ 52.6 metres
Double yellow lines	236.6 metres	186.9 metres	-49.7 metres
Loading restrictions ("at any time")	156.2 metres	150.3 metres	- 5.9 metres

### Statement of Reasons

**The proposed modifications to waiting and loading restrictions in Hermitage Street, Harrow Road and North Wharf Road will improve safety by providing off-road areas to load and unload in front of the new development and will increase the parking provision out of the restricted hours.**

## Appendix D

### Section 6 Consultation Response Summary

#### Hyde Park Ward Members Responses

Councillor	Comments	Executive Director's Response
Heather Acton	No response	N/a
Jean-Paul Floru	<ol style="list-style-type: none"> <li>1. Councillor Floru suggests that the extents of the hard surfacing within the private property is reduced to 20% and the soft landscaping increased to the 80% of the total area .</li> <li>2. He also suggests that trees are installed instead of soft landscaping.</li> </ol>	<ol style="list-style-type: none"> <li>1. The hard surfacing and soft landscaping areas are within private property and the Council as highway authority has no power to propose alterations on private land.</li> <li>2. The possibility of installing trees within the public highway will be investigated.</li> </ol>
Antonia Cox	No response	N/a

#### Section 6 Stakeholders Responses

Organisation	Comments	Executive Director's Response
British Medical Association	No response	N/a
British Medical Association	No response	N/a
British Telecom National Noticing Centre	No response	N/a
C/O Atkins Telecom	No response	N/a
Confederation of Passenger Transport UK	No response	N/a
EDF Energy plc	No response	N/a
Energis	No response	N/a
Freight Transport Assoc. Ltd.	No response	N/a
Westminster Living Streets Group	No response	N/a
Westminster Living Streets Group	No response	N/a
London Chamber of Commerce	No response	N/a
London Cycling Campaign	No response	N/a
London TravelWatch	No response	N/a
Metropolitan Police Service	No response	N/a
National Grid	No response	N/a
NOKIA	No response	N/a
Network Rail (South East Territory)	No response	N/a
Taxi & Private Hire	No response	N/a
Thames Water Utilities	No response	N/a
The British Motorcyclists' Federation	No response	N/a
The Licensed Taxi Drivers' Association	No response	N/a
The London Fire Brigade	No response	N/a



The London Fire Brigade	No response	N/a
The London Fire Brigade	No response	N/a
The Road Haulage Assoc. Ltd.	No response	N/a
Transport for London	No response	N/a
Surface Transport, Transport for London	No response	N/a
Transport for London, Surface Transport	No response	
Westminster Ambulance Station	No response	N/a
Special Events WCC	No response	N/a
Development Planning Delivery Unit Built Environment WCC	No response	N/a
Transportation Commissioning WCC	No response	N/a
Technical Officer, Parking Issues WCC	No response	N/a
Street Management Delivery Unit WCC	No response	N/a
CCTV WCC	No response	N/a
Highway Team WCC	No response	N/a
Team Leader, Street Licensing WCC	No response	N/a
Special Events WCC	No response	N/a
Unite the Union (Cab Section)	No response	N/a
Licensed Private Hire Car Association	No response	N/a
Royal Mail	No response	N/a
Crown Estate Paving Commission	No response	N/a
The Owner Drivers' Society	No response	N/a

### **Residents and Businesses Responses**

No responses received.