



City of Westminster Cabinet Member Report

Decision Makers: Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm

Councillor Danny Chalkley, Cabinet Member for City Highways

Date: 22 March 2017

Classification: For General Release

Title: Newport Place and Newport Court Streetscape Improvements (Phase 1).

Wards Affected: St James's Ward

Reason for the Report This report seeks the approval of the Cabinet Member for Planning and Public Realm, and the Cabinet Member for City Highways to proceed with initial design, detailed design and implementation of highway improvements in Newport Place and Newport Court ('Phase 1'). Further phases in Little Newport Street and Gerrard Place will be the subject of further delegated authority reports as and when funding becomes available.

City for All Summary The scheme contributes to the City Council's City for All commitments: *creating places and opportunities for everybody in the city to be physically active and play a role in their community; to creating great local places where people enjoy living, working and visiting; and taking pride in our role as custodian of this great city, protecting our heritage by managing places and spaces that can be enjoyed now and in the future.*

Key Decision: This is a Key Decision and has been included in the Forward Plan of Key Decisions available on the City Council website.

Financial Summary: The report seeks the approval for capital expenditure of up to £2.0m as described in section 5 of this report.

Shaftesbury are the major landlord in Chinatown and are funding 100% of the remaining costs of 'Phase 1' through a legal agreement to be negotiated under section 278 of the Highways Act 1980

Summary of the Recommendations contained within this report:

That formal approval be given for:

- i. completion of initial design, detailed design and implementation of the highway improvements described in paragraph 4.9
- ii. capital expenditure of up to £2.0m as set out in section 5 for completion of 'Phase 1' to deliver initial design, detailed design and implementation of the scheme with cost being met from third party funding.
- iii. the advertisement and the making of traffic regulation orders arising from the improvements as detailed in paragraph 4.13 – 4.15.
- iv. the council to enter in to a section 278 agreement with the landowners to fund part of the scheme.
- v. the council to enter into a bollard agreement for the management of Highway bollards by a third party
- vi. the delegation of the resolution of all outstanding matters as described in section 8 to the Executive Director of City Management & Communities

Report of Executive Director City Management and Communities

Report Author Kevin Goad, Head of Highways and Public Realm

1. Executive Summary

- 1.1 This report presents proposals to improve the streetscape in Newport Place and Newport Court ('Phase 1'), by creating a new public square with new paving, lighting and a new Chinese Pavilion. It seeks approval to spend up to £2.0m to complete initial design, detailed design and implementation of the scheme to be funded by Shaftesbury, the major landlord in Chinatown.
- 1.2 The scheme delivers on aspirations first set out within the Chinatown Action plan (2003) and updated within the Chinatown Design Strategy (2008). Shaftesbury is currently onsite with a redevelopment of the ground floors and basement space of the Newport Sandringham block, which sits within Newport Place, Newport Court and Charing Cross Road. This development has driven the availability of funding at this stage to progress with the scheme.
- 1.3 The streetscape improvements and foundations for the new Chinese Pavilion are to be funded by Shaftesbury and the local business association for Chinatown are leading on the design and procurement of the new Chinese Pavilion. The Pavilion will be subject to planning permission and structural design checks are to be carried out by the city council's highways contractor, FM Conway.

2. Recommendations

- i. That approval be given for the completion of initial design, detailed design and implementation of the streetscape improvements described in paragraph 4.9 and shown on the General Arrangement Drawing in Appendix 1.
- ii. That approval be given for capital expenditure of up to £2.0m as set out in section 5 for completion of 'Phase 1' to complete the initial design, detailed design and implementation of the scheme with costs being met in full from third party funding.
- iii. That approval be given for the advertisement and the making of traffic regulation orders arising from the improvements as detailed in paragraph 4.13 – 4.15 and shown on the draft General Arrangement drawing in Appendix 1.
- iv. That approval be given for the council to enter in to a section 278 agreement with the landowners to fund the scheme. The agreement will be completed by the Director of Law in consultation with the Executive Director for City Management & Communities
- v. That approval be given to enter into a formal agreement for the management of Highway bollards associated with the scheme by a third party. The agreement

will completed by the Director of Law in consultation with the Executive Director for City Management & Communities

- vi. That approval be given for the delegation of the resolution of all outstanding matters as described in section 8 to the Executive Director of City Management & Communities in consultation with the Cabinet Member for City Highways

3. Reasons for Recommendations

- 3.1 This part of Chinatown is undergoing a significant change brought about by the redevelopment of the Newport Sandringham block by Shaftesbury (the major landlord in Chinatown). The development will be complete during the summer of 2017, and the public realm improvements are key to the completion of this area's regeneration. As a result the funds have now been made available to deliver on the long held aspiration of the local community to see an improved public space and landmark for Chinatown.
- 3.2 Newport Place is currently dominated by traffic all day making it uncomfortable for residents, business and the thousands of visitors to Chinatown and the new public square will reduce traffic and make the most of the space for the purposes of enjoying the area's heritage.
- 3.3 These improvements together with subsequent phases will see the completion of the transformation of the public realm in every street that makes up 'Chinatown'; works which started with the improvement of Gerrard Street in 2004.

4. Background, including Policy Context

Chinatown Design Strategy

- 4.1 The Chinatown Design Strategy, developed in conjunction with The Prince's Foundation in 2008, repositioned the council's existing Chinatown Action Plan with an ambition to improve the look and feel of Chinatown to make the most of the heritage of the area.
- 4.2 Public realm improvements have already been completed in Gerrard Street, Macclesfield Street, Lilse Street, Wardour Street and Horse and Dolphin Yard. The most recent scheme being the completion of the new and iconic Chinese Gate on Wardour Street in 2016.
- 4.3 The proposed scheme for Newport Place and Newport Court (Phase 1), Little Newport Street (Phase 2) and Gerrard Place (Phase 3) will see the culmination of

this commitment and the completion of the street improvements programme for Chinatown.

City For All

- 4.4 The scheme delivers on the City Council's commitment to:
"creating places and opportunities for everybody in the city to be physically active and play a role in their community; to creating great local places where people enjoy living, working and visiting; and taking pride in our role as custodian of this great city, protecting our heritage by managing places and spaces that can be enjoyed now and in the future".

Streetscape Improvements

- 4.5 This completion of the street improvement programme for Chinatown is to be delivered in three phases. Phase 1 (the subject of this report) improves Newport Place and Newport Court. This scheme is to be funded by Shaftesbury through a section 278 agreement and the new Chinese Pavilion will be designed and procured directly in China by the London Chinatown Chinese Association (LCCA). The new pavilion is subject to planning permission and design and structural checks by the city council's Highways contractor. Phase 1 will also encompass the making and advertising of traffic orders as described in paragraph 4.13 below, and those required to accommodate the future phases of the scheme as described in paragraph 4.14.
- 4.6 Phase 2 will deliver improvements for Little Newport Street as a continuation of past improvements completed in Lisle Street.
- 4.7 Phase 3 will deliver improvements to Gerrard Place, which serves as the main traffic entrance to the underground carpark in Newport Place and for servicing to the area during restricted hours.
- 4.8 Phases 2 and 3 will be the subject of further reports as the funding becomes available. Negotiations are underway with other landowners in the vicinity.
- 4.9 The 'Phase 1' scheme (shown in Appendix 1) has been in development for more than 18 months with the concept and feasibility design phases put together in partnership with Shaftesbury and their architects Buckley Gary Yeoman, and finalised by Burns and Nice under subcontract to FM Conway, the council Highways contractor. The aim of the scheme is to improve the pedestrian environment, accessibility and overall enjoyment of the local area by:

- The creation of a new public square in Newport place through the modification of traffic orders to restrict traffic between the hours of 10am and 7am to the main square (24 hour access maintained to the underground car park in Newport place)
 - paving to Newport Place in a 5 colour granite mix bespoke to Chinatown, comprising of 'standard' materials
 - new drainage to accommodate the new surface in Newport Place
 - complete foundations for a new Chinese Pavilion to be provided by the local business community.
 - new upgraded public lighting to be wall mounted on surrounding buildings.
 - new removable bollards for controlling access to square to be managed by way of a bollard agreement by a third party
 - new paving to Newport Court in granite in keeping with the design in Newport Place
 - upgraded lighting to Newport Court to be wall mounted
- 4.10 The design of the square and the sizes of setts are bespoke to this part of Chinatown as a reflection of the special nature of this area. Despite this, all of the materials can be easily procured through the contractor's standard supplier to the right specification within the standard lead in times for all materials used around the city.
- 4.11 The materials are of a robust nature and high quality and therefore should not require as frequent maintenance as the current surfaces. Utility reinstatements (if required) will be undertaken by prior arrangement by the council's retained Highways contractor and this will be noted on the council's permitting system. Construction of the new square will be to a carriageway grade to accommodate servicing vehicle access outside of restricted hours.
- 4.12 Newport Place is not on any cycle routes and the scheme will not affect the 24 hour access to the underground carpark at the north end of Newport Place.
- 4.13 The City Council's service provider FM Conway is commissioned to carry out design and implementation of the public realm improvements. Burns and Nice who are subcontracted to FM Conway to assist with the design will be retained to oversee the construction of the bespoke paving.

Parking and Loading

- 4.14 The creation of the public square in Newport Place will be provided through the restriction of traffic in Newport Place between 10am and 7am. The restriction will

start from the corner of Newport Place and Gerrard Street to allow continuous access to the 24 hour underground carpark. Shaftesbury will have 24 hour management and security within their new development in Newport Place and will support the new servicing regime through promotion to their new and existing occupiers on the square.

- 4.15 To facilitate Phase 2 of the scheme consultation will also be carried out on the proposed changes to parking and loading on Little Newport Street. Specifically those changes consist of:
- Removal of parking on Little Newport Street and the creation of a shared loading bay and new cycle parking
 - Restriction of traffic between 12pm and 7am from Charing Cross Road to Lisle Street extending the existing restrictions in Lisle Street.
- 4.16 All the above proposals are shown on the draft General Arrangement drawing in Appendix 1

Programme of Work

- 4.17 Subject to approval, implementation will start in May 2017 and work will take approximately 9 months to complete. The programme will prioritise work on the eastern side of the new square to facilitate the fitting out and occupation of the new units on Newport Place.

5. Financial Implications

- 5.1 The cost of the remaining design stages and implementation of 'Phase 1' is estimated to be £1.540m excluding risk and contingency. Feasibility design was undertaken in 2015/16 and 2016/17 with costs met from Local Implementation Plan (LIP) budgets.
- 5.2 The risk and contingency budget is currently £0.458m and will reduce as further design stages are completed. The total budget for 'Phase 1' is to be met by Shaftesbury through a section 278 agreement to be negotiated by the Director of Law.
- 5.3 This scheme is included in the Council's capital programme for 2017/18 and is 100% externally funded.

- 5.4 The implementation budget includes a sum for the construction of the foundations for the new Chinese Pavilion. The costs of the pavilion including design, fabrication, shipping, construction and site supervision will be met in full by the LCCA.

6. Legal Implications

- 6.1 The Council carries out improvements to the public realm using its powers under the Highways Act 1980.
- 6.2 Section 278 of the Highways Act 1980 enables a local authority, acting in its capacity as local highway authority, to enter into agreements with third party developers or landowners for them to either pay for or contribute towards alterations or improvements to the highway.
- 6.3 The pre-conditions for an agreement under section 278 are that the local highway authority 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. In addition it must be satisfied 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.
- 6.4 A separate Agreement will be required between the local highway authority and the relevant landowner for management of the removable bollards traffic bollards restricting access to the square as per paragraph 4.9 above.
- 6.5 The Director of Law is satisfied that the proposed works set out in this report and the installation of the traffic management bollards fall within the ambit of the local highway authority's powers under the Highways Act 1980.
- 6.6 The proposed parking and loading controls arising from this scheme (and detailed in paragraphs 4.13 – 4.15 above) will require a Traffic Order to be made under section 6 of the Road Traffic Regulation Act 1984. Any objections the City Council receives during the Traffic Order making process should be delegated to the Executive Director of City Management and Communities (or such other authorised officer) in line with the current Traffic Order making process.

7 Consultation

- 7.1 Throughout the 18 month design process there has been regular input from Shaftesbury, their architects and the local community through the LCCA.
- 7.2 St James's Ward Councillors have been informally consulted during the design phase of the scheme and are supportive of the plans to regenerate this part of Chinatown.

7.3 The initial design phase of the scheme includes a formal section 6 consultation with local amenity groups, local Ward councillors and statutory consultees. Frontages on Newport Place and Newport Court will also be consulted on the proposals.

8. Outstanding Matters

8.1 The legal agreement made under section 278 of the Highways Act 1980 between the City Council and landowner Shaftesbury is being negotiated by the Director of Law and will be completed before the next stage of work begins.

8.2 The Executive Director of City Management & Communities will initiate the traffic order consultation for the modifications to the traffic orders for parking and loading controls arising from this scheme (and explained in paragraphs 4.13 – 4.15), using his delegated powers to consider any representations received in consultation with the Cabinet Member for Planning and Public Realm and the Cabinet Member for City Highways.

8.3 As described in paragraph 4.9, the scheme will give rise to a new restricted zone controlling traffic by the placing and removal of bollards. This can be managed by a third party through the negotiation of a Bollard and Gate agreement. Any such agreement will be negotiated by the Director of Law.

9. Conclusions

9.1 The proposed streetscape improvements will create substantial benefits for Chinatown and complements the investment being made by the principle landowner for the area. The scheme represents a significant regeneration and upgrade of this part of Chinatown at no cost to the council.

9.2 The improvements will create a new public square for Chinatown, improving the overall experience of Chinatown for residents, businesses and visitors to this part of the West End. . It will raise the appeal of this area for pedestrians choosing to use the council's improved spaces and accessible routes to walk between different West End destinations, rather than take public transport.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Kevin Goad, Head of Highways and Public Realm on 020 7641 1903 or by email: kgoad@westminster.gov.uk

BACKGROUND PAPERS:

- Chinatown Action Plan (2003) - http://transact.westminster.gov.uk/docstores/publications_store/westend/Chinatown-action-plan.pdf
- Design Strategy for Chinatown (2008) - http://transact.westminster.gov.uk/docstores/publications_store/Design%20Strategy%20Website%20Master.pdf

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: _____

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
Newport Place and Newport Court Streetscape Improvements (Phase 1) and reject any
alternative options which are referred to but not recommended.

Signed

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

Date

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

Additional comment:
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If you do not wish to approve the recommendations, or wish to make an alternative decision, it
is important that you consult the report author, the Director of Law, Chief Operating Officer
and, if there are resources 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.

APPENDIX 1

Draft Feasibility Drawing No. **10367.ST1.100**

(Burns & Nice GA attached)