

LONDON BOROUGH OF BROMLEY

STATEMENT OF EXECUTIVE DECISION

The Portfolio Holder for the Environment, Councillor Colin Smith, has made the following executive decision:

ELMSTEAD LANE (PRIVATE STREET WORKS) - FIRST RESOLUTION

Reference Report (ES16018):

ENV PDS 290916 Elmstead Lane, 29/09/2016 Environment Policy Development and Scrutiny Committee

ENV PDS 290916 Elmstead Lane Drawing 1, 29/09/2016 Environment Policy Development and Scrutiny Committee

ENV PDS 290916 Elmstead Lane Drawing 2, 29/09/2016 Environment Policy Development and Scrutiny Committee

Decision:

- (1) The layout of a footway on the eastern side of Elmstead Lane, between Walden Road and the northern boundary of number 36 Elmstead Lane, as shown on drawing number 11429-03 Rev A, is approved.**
- (2) The layout of a footway on the eastern side of Elmstead Lane, between the northern boundary of number 36 Elmstead Lane to the junction with Grange Drive, as shown on drawing number 11429-05, is approved.**
- (3) A First Resolution under S205 (1) of the Highways Act 1980 in respect of Elmstead Lane is made as follows:**

The Council do hereby declare that the eastern footway of Elmstead Lane, between the junctions with Walden Road and Grange Drive is not levelled, paved, metalled, flagged, channelled, made good and lighted to its satisfaction and therefore resolves to execute street works therein, under the provisions of the Private Street Works Code, as set out in the Highway Act 1980.

Schedule of works

Part 1 - From the street junction with Walden Road, along the eastern side of the street to the northern boundary of number 36 Elmstead Lane, all as more particularly shown on drawing number 11429-03 Rev A.

Part 2 – From the northern boundary of number 36 Elmstead Lane, to the street junction with Grange Drive, all as more particularly shown on drawing number 11429-05.

Reasons:

Footfall is high along the eastern footway of Elmstead Lane, between its junction with Walden Road and Grange Drive, due to the proximity of Elmstead Woods railway station, a school, and a bus stop. Currently, the footway is not made up to adoption

standards and the Council is not responsible for its maintenance and repair. To adopt and make-up the footway, a First Resolution under the Private Street Works Code, covered by the Highways Act 1980, is provided by this decision and it is intended to consider the Second Resolution for approval following the Environment PDS Committee meeting on 8th November 2016.

The Council originally proposed to construct a footway on the basis that it fell within the corridor of maintainable highway. This was challenged by owners of premises fronting Elmstead Lane but subsequently it was understood that all but one of the owner/occupiers of the eight properties fronting Elmstead Lane between Walden Road and Grange Drive accepted the necessity of a new, paved footway. In view of the challenge to the status of the land for the footway, and ongoing opposition from an owner of one of the properties, legal advice referred to action under the Private Street Works Code as the most appropriate approach in the circumstances. This will allow the Council to carry out works in a street not previously adopted as highway and will enable an owner to raise an objection to the Council's proposals on specific grounds contained in s.208 of the Highways Act 1980.

S.236 of the Highways Act 1980 permits the Council, as the Street Works Authority, to resolve to bear the whole of the cost of the street works, rather than recharge the whole or a portion of the cost to the frontage owners. In this instance, it was proposed to use Section 106 funding in respect of the Ravensbourne College development (provided to improve the footway area between Walden Road and Grange Drive, including the alighting point at the bus stop) for the cost of the works at £20k.

The proposed decision was scrutinised by the Environment PDS Committee on 29th September 2016 and the Committee supported the proposal.

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Councillor Colin Smith
Environment Portfolio Holder

Mark Bowen
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Date of Decision: 18 October 2016
Implementation Date (subject to call-in): 25 October 2016
Decision Reference: ENV16014