

**Decision Maker:** Environment Portfolio Holder

**For Pre-decision Scrutiny by the Environment PDS  
Committee on**

**Date:** 28 February 2012

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** PRIVATE STREET WORKS - KENT HOUSE STATION  
APPROACH - SECOND RESOLUTION

**Contact Officer:** Malcolm Harris, Team Leader:Trafic Engineering  
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**Chief Officer:** Nigel Davies, Director of Environmental Services

**Ward:** Penge and Cator

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1. Reason for report

To obtain a Resolution of Approval under the Private Street Works Code, in respect of the unadopted section of Kent House Station Approach. This will enable the street to be made-up and adopted as a highway maintainable at the public expense

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2. **RECOMMENDATION(S)**

2.1 That the specification, as detailed in plan No. ESD-10935-1 revision A, sections, estimate and provisional apportionment, which will be on display on the evening of committee, now submitted by the Director of Environmental Services, in respect of the scheme approved by the Environment Portfolio Holder on 26<sup>th</sup> October 2011, be approved without modification.

2.2 That the Portfolio Holder further resolves that the Council bears the whole of the cost of the street works, which will be met from funding provided by Transport for London, under the provisions of s. 236(1) of the Highways Act 1980.

## Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Quality Environment.
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## Financial

1. Cost of proposal: Estimated cost £205k
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: TfL LIP funding for ....
  4. Total current budget for this head: £3076000 ....
  5. Source of funding: Transport for London
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## Staff

1. Number of staff (current and additional): 1
  2. If from existing staff resources, number of staff hours: estimated at 20 hours depending on whether or not objections are raised at provisional and final apportionment stages
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## Legal

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is applicable
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Surveys taken on 16/1/12 indicated 492 pedestrian, 9 cyclist and 34 car movements between 07:00 and 10:00 with 445 pedestrian, 12 cyclist and 43 car movements between 15:00 and 19:00. Projected use is double the cyclist and pedestrian movements, with car movements increasing considerably.
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: Ward Members have expressed support for this scheme.

### **3. COMMENTARY**

- 3.1 On 4<sup>th</sup> October 2011, the Environment Portfolio Holder received a report regarding the use and condition of the part of Kent House Station Approach, Beckenham that has not been made up and adopted as a highway maintainable at the public expense.
- 3.2 The north east section of footway of Kent House Station Approach was adopted in 2003, as part of another scheme.
- 3.3 Complaints about the condition of the unmade section of Kent House Station Approach have been received from residents and users. On several occasions, the Council has been asked to exercise its discretionary powers to carry out urgent repairs to the street at its own expense, under S.230(7) of the Highways Act 1980, but currently there is no budget to enable such repairs to be considered.
- 3.4 To enable the unmade part of the street to become a highway maintainable at the public expense, the Council needs to adopt it, but is only empowered to do this following improvement to the appropriate standards. The improvement works may be carried out under the provisions of the Private Street Works Code, but for this to occur, the Council has to make two distinct resolutions, a First Resolution to execute the necessary works giving details of those aspects of the street with which it is dissatisfied and a second Resolution, a "Resolution of Approval". This resolution approves a specification for the works required to bring the street up to a suitable standard, an estimate of the cost of such works and a provisional apportionment of these costs, amongst the owners of the land fronting, adjoining and abutting on to the street.
- 3.5 The specification, as detailed in plan No. ESD-10935-1 Revision A, sections, estimate and provisional apportionment, will be on display on the evening of committee, in respect of the scheme approved by the Environment Portfolio Holder on 26<sup>th</sup> October 2011, following the Environment PDS Committee of 4<sup>th</sup> October 2011.
- 3.6 The Portfolio Holder made a First Resolution under s. 205(1) of the Highways Act 1980, on 26<sup>th</sup> October 2011. The appropriate documents have now been prepared to enable the Resolution of Approval to be made and these documents will be available for inspection at the meeting. This enables the Provisional Apportionment, which contains details of property ownerships, to be as up to date as possible.
- 3.7 Kent House Station Approach has a junction with Kings Hall Road, which is currently made up and adopted.

### **4. POLICY IMPLICATIONS**

Policy T14 of the Council's Unitary Development Plan 2006 safeguards the frontagers, who usually have to meet most of the cost of making-up. In this case, however, it is intended that the Council will meet the whole of the expenses of the street works.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 Funding is available from Transport for London to enable works to be undertaken in Kent House Station Approach in this and the next two financial years, in respect of those matters that were the subject of the dissatisfaction (i.e. the condition of the street) expressed by the Council in the First Resolution. The estimated cost of the works is put at £205k, with an additional contingency of £45k to cover additional legal or site works.
- 5.2 During this financial year, costs of up to £25k can be met from Transport for London Budget. The next financial year has £205k set aside, with another £20k the following financial year if

needed. The proposed programming of the scheme would suit the availability of this method of funding.

5.3 It should be noted that all Private Street Works include an amount of 15% of the estimated construction costs to cover staff time associated with the administration and supervision of the works. In this case, this amounts to £30,000 and is included in the total cost of the scheme shown in 5.1 above.

## 6. LEGAL IMPLICATIONS

6.1 By making a First Resolution in respect of this scheme, the Proper Officer of the Council was required to prepare various documents in accordance with S.205(3) of the Highways Act 1980. These documents must now be approved by a Second Resolution, the Resolution of Approval. In order to take advantage of the external funding available, it is intended that the Council meets the full cost of the scheme itself, but to do this, must pass a resolution to this effect under S236(1) of the Highways Act.

<b>Non-Applicable Sections:</b>	Personnel Implications
Background Documents: (Access via Contact Officer)	Report ES 11118 dated 4/10/11. Kent House Station Approach, 1 <sup>st</sup> resolution report