

**Decision Maker:** Environment Portfolio Holder

**For any pre-decision scrutiny questions by the Environment PDS Committee on**

**Date:** 17 April 2012

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

**Title:** PRIVATE STREET WORKS - RAVENSBOURNE AVENUE - REVISED SECOND RESOLUTION

**Contact Officer:** Malcolm Harris, Team Leader:Traffic Engineering  
Tel: 020 83134500 E-mail: malcolm.harris@bromley.gov.uk

**Chief Officer:** Nigel Davies, Director of Environmental Services

**Ward:** Bromley Town

---

1. Reason for report

To obtain a revised second Resolution of Approval under the Private Street Works Code, in respect of the unadopted section of Ravensbourne Avenue. This will enable the street to be made-up and adopted as a highway maintainable at the public expense, with the addition of surface water drainage.

---

2. **RECOMMENDATIONS**

- 2.1 That the revised specification with drainage design, as detailed in plan No. 11068-01, sections, estimate and provisional apportionment, which will be on display on the evening of committee, be approved without modification. These replace the previous documents approved by the Environment Portfolio Holder on 1<sup>st</sup> March 2011.
- 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.
- 

### Financial

1. Cost of proposal: Estimated cost £25k
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: TfL LIP funding for walking and cycling schemes
  4. Total current budget for this head: £355k has been allocated for this LIP area, of which £70k has been set aside for off-road cycling/walking link improvements. An uncommitted balance of £55.4k is available
  5. Source of funding: TfL LIP funding for 2012/13
- 

### Staff

1. Number of staff (current and additional): 1
  2. If from existing staff resources, number of staff hours: estimated at 40 hours depending on whether or not objections are raised at provisional and final apportionment stages
- 

### Legal

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

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Surveys taken on 19/3/12 at hours 7.30-9.30, 10.00-11.00 and 15:00-18.30 indicated 192 pedestrians and 28 cyclists using the park entrance in Ravensbourne Avenue. Projected use is double these cyclist and pedestrian movements.
- 

### Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 Complaints about the condition of the unmade section of Ravensbourne 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.
- 3.2 On 21<sup>st</sup> September 2009 and 1<sup>st</sup> March 2011, the Environment Portfolio Holder received reports regarding the use and condition of part of Ravensbourne Avenue, Beckenham for a shared pedestrian and cycle way that has not been made up and adopted as a highway maintainable at the public expense.
- 3.3 The Council decision was to progress the scheme and some construction work started in January 2012. However the Council then received various complaints about the path design and drainage issues from residents. As construction progressed officers held meetings with some of the residents who raised concerns about water drainage and a potential loss of the turn round head at the park entrance. Ravensbourne Avenue has a downward slope from Crab Hill towards the park, and there is also a slight camber towards the residential houses.
- 3.4 It is felt that there is a duty to reduce all possible flooding risk to residential properties in Ravensbourne Avenue, or at least maintain the status quo here. However, no design drawing for drainage aspects were previously approved by Council, as it was considered as unnecessary for this type of path. The new drawings show the drainage detail, along with a new path which will now lead directly into the park entrance, where trees used to be. The previously approved drawing showed a parallel path to the park giving access to the right hand park path. The improved design will give a larger area for vehicles to be able to turn.
- 3.5 After April 2009 Lewisham significantly altered the entrance to Beckenham Place Park. A large number of trees were cut down, which has now enabled the redesign of the path and also the implementation of soakaways inside the park. Lewisham officers have agreed the new soakaway position just inside the park. They view this new revised design as very beneficial as this location had previously had poor drainage, resulting in surface water build up here after prolonged periods of rain.
- 3.6 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 revised 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. In order for a new design to be implemented it is necessary to obtain new approval for the revised drawings.
- 3.7 The new specification, as detailed in plan No. 11068-01, sections, estimate and provisional apportionment will be on display on the evening of committee, in respect of the previous scheme approved by the Environment Portfolio Holder.
- 3.8 The Portfolio Holder made a First Resolution under s. 205(1) of the Highways Act 1980 on 1 March 2009. The appropriate revised documents have now been prepared to enable a revised Resolution of Approval which includes new drainage and path detail 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.

- 3.9 Ravensbourne Avenue has a junction with Crab Hill which was recently 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 the works to be carried out in 2012/13, in respect of those matters that were the subject of the dissatisfaction (i.e. with the condition of the street) expressed by the Council in the First Resolution. The revised estimated cost of the works is put at £25k. An uncommitted balance of £55.4k is available to fund this scheme from the off-road cycling/walking link improvements allocation within the TfL LIP funding for 2012/13.
- 5.2 These costs are in addition to the cost of works that have been completed during 2011/12, totalling £43k which has been fully funded using TfL LIP monies.
- 5.3 It should be noted that the estimated costs include the cost of staff time directly associated with the administration and supervision of the works.

#### 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 revised Second Resolution, the Resolution of Approval.
- 6.2 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.
- 6.3 During the period that a s.228 notice is displayed, the owner (s) of the street is / are able to object to its adoption as a highway maintainable at public expense. In this case, the Council is able to apply to the Magistrates Court for an order overruling the objection.

<b>Non-Applicable Sections:</b>	Personnel Implications
Background Documents: (Access via Contact Officer)	Report ES 11023 dated 1/3/11 and a previous 1 <sup>st</sup> resolution report dated 21/9/09