

Decision Maker: Environment Portfolio Holder

For Pre-Decision Scrutiny by the Environment PDS Committee on:

Date: 20 November 2012

Decision Type: Non-Urgent Executive Non-Key

Title: **BRITTENDEN PARADE, GREEN STREET GREEN – PROPOSED MAKING UP**

Contact Officer: Duncan Gray, Development Manager
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Chief Officer: Nigel Davies, Director of Environmental Services

Ward: Chelsfield and Pratts Bottom

1. Reason for report

- 1.1 To obtain a Resolution of Approval under the private Street Works Code in respect of Brittenden Parade. This will enable the street to be made-up and adopted as a highway maintainable at public expense.

2. **RECOMMENDATIONS**

- 2.1 That the specification, plan no. ESD/10542-4 which will be on display on the evening of the PDS committee, sections, estimate and provisional apportionment now submitted by the Director of Environmental Services, in respect of the scheme approved by the Environment Portfolio Holder on 5th October 2012, be approved without modification.
- 2.2 That the Environment 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 £48k subject to confirmation of the costs of any necessary alterations to Statutory Undertakers' mains and services
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: TfL LIP Funding 2012/13 – Network Infrastructure and Local Transport Priorities
 4. Total current budget for this head: £405k for the former, of which £29k is set aside for this scheme; £100k for the latter, of which £30k is set aside for this scheme
 5. Source of funding: TfL LIP Formula Funding 2012/13
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Staff

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 75
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Legal

1. Legal Requirement: Statutory Requirement: 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 further 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 s.236(1) of the Highways Act 1980
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All users of Brittenden Parade including 5 shops and 5 flats
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors' comments: Ward members support the making up of Brittenden Parade

3. COMMENTARY

- 3.1 On 9th May 2012 the Environment Portfolio Holder received a report setting out a number of optional schemes for the improvement of Brittenden Parade, Green Street Green, which has not been made up and adopted as a highway maintainable at the public expense.
- 3.2 Complaints about the condition of Brittenden Parade have been received from residents, users and the Green Street Green Village Society.
- 3.3 To enable the street to become a highway maintainable at 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 giving details of those aspects of the street with which it is dissatisfied and a further resolution, a Resolution of Approval. The latter resolution approves details of 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.
- 3.4 The Portfolio Holder made a First Resolution under s.205(1) of the Highways Act 1980, on 5th October 2012. The appropriate documents have now been prepared to enable a 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.
- 3.5 The results of the consultation show that the majority of the owners and occupiers of the retail and residential premises in Brittenden Parade support making up.
- 3.6 The support of one of the residents for making up Brittenden Parade was conditional upon future consideration being given to the control of parking in the street. The street is located within the area currently being considered for a scheme of waiting restrictions for this part of Green Street Green and following the implementation of that scheme and the completion of the adoption of Brittenden Parade the situation in the street will be monitored with a view to introducing restrictions as necessary.

4. POLICY IMPLICATIONS

- 4.1 The proposal is within existing Council policy. 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. It is intended that the Council will meet the whole of the expense of the street works, but the Portfolio Holder considered it appropriate in this specific case to consult the owners and occupiers of the retail and residential premises in Brittenden Parade.

5. FINANCIAL IMPLICATIONS

- 5.1 The estimated cost of the works is £48k, excluding any costs that may be necessary relating to the mains and utility services. These works will be met from the 2012/13 TfL LIP funding. In total, £59k is available for this scheme, made up of £29k from the 2012/13 Network Infrastructure budget allocation and £30k from the 2012/13 Local Transport Priorities budget allocation.
- 5.2 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 £6,100 and is included in the total cost of the scheme as referred to in 5.1 above.

6. LEGAL IMPLICATIONS

- 6.1 S.228 of the Highways Act 1980 permits the Council to adopt any private street by means of notices, displayed in the street for a period of one month, after street works have been executed in the street.
- 6.2 During the period that the s.228 notice is displayed, the owner of the street is able to object to its adoption as a highway maintainable at public expense. In such a case, the Council is able to apply to the Magistrates Court for an Order overruling the objection.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Brittenden Parade Green Street Green – First Resolution 5th October 2012