
Decision Maker: ENVIRONMENT PORTFOLIO HOLDER

**FOR PRE-DECISION SCRUTINY AT ENVIRONMENT POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE ON**

Date: 7th July 2015

Decision Type: Non-Urgent Executive Non-Key

Title: PLAWSFIELD ROAD (PRIVATE STREET WORKS) – FIRST
RESOLUTION

Contact Officer: Laura Squires, Traffic Engineer
Tel: 020 8313 4231 E-mail: Laura.Squires@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Penge and Cator

1. Reason for report

To obtain both an approval of the proposed approach and a first resolution under the Private Street Works Code (Highways Act 1980) in respect of the adoption and making up of Plawsfield Road, Beckenham.

2. **RECOMMENDATION(S)**

- 2.1 That the Environment Portfolio Holder makes a first resolution under S205 (i) of the Highways Act 1980 in respect of the carriageway as follows:

The Council do hereby declare that the carriageway within the whole of Plawsfield Road (within the street junctions of Beckenham Road/Plawsfield Road terminating at Kent House Railway Station): Is not sewered, 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.

2.2 Schedule of works

From the street junction Beckenham Road/Plawsfield Road to Kent House Station, as detailed in drawing number 11980-01.

- 2.3 That the Environment Portfolio Holder makes a recommendation enabling one of the options detailed in section 3.6 of this report, subject to TfL funding being available.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment Safer Bromley
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Financial

1. Cost of proposal: Estimated Cost: Option 1 = £294,492, Option 2 = £101,423, Option 3 = £49,203 & Option 4 = £53,136, subject to TfL LIP funding being available
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: TfL 2015/2016 LIP budget for Public Transport Interchange and Access
 4. Total current budget for this head: £100k, of which £80k is available as an uncommitted balance
 5. Source of funding: TfL LIP Formula Funding 2015/16
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Staff

1. Number of staff (current and additional): 1
 2. If from existing staff resources, number of staff hours: 200
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance: No requirement at this stage, but should a scheme proceed then the procedure is set out in 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 the Plawfield Road highway and surrounding properties, plus pedestrians using the Kent House Station.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Cllr Phillips is supportive of at least one footway being made up, to help her constituents reach the station by foot, but would support the making up of the carriageway and both footways should funding become available. Any additional views expressed by Ward Members will be reported to the Environment PDS Committee and the Portfolio Holder.

3. COMMENTARY

- 3.1 Plawfield Road runs from its street junction with Beckenham Road, and terminates at Kent House Station. The carriageway is approximately 9m wide for its entire length, with an approximately 3m wide footway on both sides. It has not been made up to adoption standards and therefore the Council is not responsible for its upkeep or maintenance.
- 3.2 There is a long history of complaints about the condition of this road, particularly the lack of continuous paved footway for the public to safely access Kent House Station.
- 3.3 Currently there is no evidence of any maintenance works done here for many years. Generally, the whole area is in a very poor condition.
- 3.4 The Council is entitled to make-up the Highway for adoption under the provisions of the Private Street Works Code, contained in the Highways Act 1980. S.236 of the Act enables the Council, as the Street Works Authority, to resolve to bear the whole of the cost of the works, rather than recharge most of the cost to the frontage owners. In this instance, it is proposed that the cost of the works would be met from TfL LIP funding.
- 3.5 The London Borough of Bromley has managed to obtain £80,000 funding from TfL to make up and adopt part of Plawfield Road therefore additional funds will be required to complete the making up and adoption of this road in its entirety. This additional money will be sought from TfL should option 1 or 2 be approved.
- 3.6 The following options have been proposed with associated cost estimates:

| | Description of Proposal | Cost Estimate |
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| Option 1 | Making up both footways and the carriageway. | £294,492 |
| Option 2 | Making up both footways (but not the carriageway). | £101,423 |
| Option 3 | Making up just the eastern footway. | £49,203 |
| Option 4 | Making up just the western footway. | £53,136 |

- 3.7 Option 3 would be sufficient to meet the needs of pedestrians accessing the station and has the advantage of not needing to accommodate any vehicle crossovers. Options 2 and 3 are of limited additional benefit to this. Option 1 would be the foremost recommendation should funding become available as this would improve vehicle access to the station as well as improved pedestrian access.
- 3.8 Should option 1 or 2 be pursued, works could be carried out in phases to meet the available budget.
- 3.9 It is therefore recommended that the Portfolio Holder makes a resolution enabling any one of these options to be taken forward.

4. POLICY IMPLICATIONS

- 4.1 Policy T14 of the Unitary Development Plan (UDP) adopted in July 2006 says that un-adopted highways will normally be considered for making-up and adoption, as resources permit, following a referendum. However in exceptional circumstance a referendum can be dispensed with such as with this scheme.

- 4.2 In this case, where there is a clear demand for the Council to take action and it is not proposed that the cost of making up the Highway will be passed onto the frontage owners, it is recommended that a referendum is not conducted.
- 4.3 The draft Environment Portfolio Plan 2014-17 includes the aim “Maintain roads, pavements and street lighting in a good condition”, which this report addresses in respect of Plawsfield.

5. FINANCIAL IMPLICATIONS

- 5.1 The estimated cost of the works is between £49,203 and £294,492 dependent on which option is agreed. The actual progression of the options is dependent on sufficient funding being available from the LIP budget to meet the full cost of the works.
- 5.2 At this moment in time there is only funding of £80k available, from the TfL LIP budget for Public Interchange and Access, although it is likely that there will be enough funding to enable Option 2 to be progressed before the end of year.
- 5.3 Officers will include the carriageway works in the 2016/17 LIP funding proposal, to enable Option 1 to be progressed during 2016/17, if approval is given for all of the works to be completed.

5. LEGAL IMPLICATIONS

- 6.1 The Council must proceed under the requirements of the Private Street Works Code, which will involve serving notices of provisional apportionment on the frontage owners. Because the intention that the full cost of the scheme will be met without charge to them, the notices will show “nil” street works costs. This means that the frontage owners will not be able to raise objections to the proposal on financial grounds, but may choose to pursue objections on other grounds.
- 6.2 Any objections which could not be resolved by negotiation would have to be referred to the Magistrates Court for determination, which could delay the scheme.
- 6.3 The Highways Act 1980 s. 208 sets out grounds upon which the owner(s) of premises shown in a Provisional Apportionment of estimated costs as liable to be charged with any part of the costs of executing the proposed street works may by notice, object to the proposed works.
- 6.4 There are six grounds in all, of which one, s.208 (b) allows the objection that there is some material informality defect, or error in the documents that have been displayed.

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| Non-Applicable Sections: | Personnel Implications |
| Background Documents: (Access via Contact Officer) | None |