


<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">CABINET</p> <p style="text-align: center;">1 APRIL 2019</p>	
<p>LAND ADJACENT TO NO. 245 BECHTEL HOUSE, HAMMERSMITH ROAD, W6 – SECTION 278 HIGHWAY IMPROVEMENT WORKS & SECTION 38 HIGHWAY WORKS</p>	
<p>Report of the Cabinet Member for the Environment - Councillor Wesley Harcourt</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: Yes</p>	
<p>Consultation Consultation was undertaken during the planning process.</p>	
<p>Wards Affected: Hammersmith Broadway</p>	
<p>Accountable Director: Mahmood Siddiqi - Director for Transport and Highways</p>	
<p>Report Author: Solomon Castillo – Project Engineer</p>	<p>Contact Details: Tel: 020 8753 1972 E-mail: solomon.castillo@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report seeks Cabinet approval to implement the Section 278 highway improvement works outside no. 245 Bechtel House, Hammersmith Road, and approval for the expenditure of the estimated costs for the work, being £721,600. Funding for the highway improvement work has been secured from the developer by way of entering a section 278 agreement dated 2nd May 2018 (“Initial s278 Agreement”).
- 1.2. This funding will be used to drive key Council objectives including; greening the borough with new planters, low level shrubs and trees to improve biodiversity. Creating surface water run-off alignment to feed the new planters from the highway, reducing the demand on the combined sewer system. Improving public health by creating enhanced walking and accessibility for pedestrians through the area, providing additional cycle parking and for community safety improving street lighting and local CCTV coverage.

- 1.3. This report also seeks approval to enter into a highway adoption agreement under section 38 (s38) of the Highways Act 1980, whereby the public/private boundary will be realigned to reflect the new layout of the highway. (Refer to the plan in Appendix C)
- 1.4. The highway works set out within this report are derived from the Heads of Terms set out within the s278 agreement, which focus on improvements to walking, accessibility and landscaping. Officers have addressed these requirements through the design development process and presented the recommendations within this report.

2. RECOMMENDATIONS

- 2.1. To approve the expenditure of £721,600, being the cost for the s278 highway improvement works on Hammersmith Road, Shortlands and Chalk Hill Road.
- 2.2. To note that the main construction works are to be carried out by the Council's Principal Highways Contractor, F.M Conway Ltd, under the existing Term Contract.
- 2.3. To approve entering into a legal agreement with the developer under section 38 of the Highways Act 1980 for the purpose of the Council adopting land and creating a new section of highway land.

3. REASONS FOR DECISION

- 3.1. The estimated value of the s278 highway work is £721,600. As the value of the proposed s278 works is over £100,000 a Cabinet decision is required to approve the expenditure.
- 3.2. The Council are the highway authority for all highways within the borough ("Highway Authority"). The Highway Authority has various statutory duties under various act of parliament such as the Highways Act 1980 and Traffic Management Act 2004. Duties include but are not limited to maintain and carry out improvement works to the public highway, maintain adequate records of works and repairs carried out on the road and to maintain the volume and type of traffic use.
- 3.3. The formulation, management, and maintenance of a Local Implementation Plan ("LIP") is a statutory duty for all London boroughs under the 1999 Greater London Authority Act. The LIP sets out how the borough will deliver the Mayor's Transport Strategy including the improvement of highway roads.

4. PROPOSAL AND ISSUES

Background

- 4.1. Hammersmith Road (A315) is on the Strategic Road Network and spans east/west through the Borough from the eastern side of Hammersmith Gyrotory towards Olympia. The location of where the works are to take place is, no. 245

Bechtel House, which is located on the southern side of Hammersmith Road between Butterwick and Shortlands (“the Site”).

- 4.2. In August 2014 planning permission was granted for the demolition of the existing building and redevelopment of the Site in the form of a new part 10-storey, part 12-storey office building, with some retail and/or restaurant floor space at ground/first floor level (planning reference 2014/04242/FUL).
- 4.3. Subsequently, on 2nd May 2018 the Council entered in to a s278 agreement with the developer. The Heads of Terms set out in the agreement include highway improvements on Hammersmith Road, Shortlands and Chalk Hill Road.
- 4.4. The s278 works on the public highway focuses on improvements to walking, accessibility and landscaping. Officers have addressed these requirements through the design development process and have provided details of the proposed improvements in section 4.5 (below).

Proposals

- 4.5. The Initial Section 278 agreement works represent a significant improvement to the street environment, which include:
 - Repaving of the footway on Hammersmith Road with York Stone
 - Improvements to existing street lighting and CCTV cameras
 - Installation of planters with seating
 - A sustainable drainage system for surface water runoff.
 - Installation of two semi-mature trees, low level planting and irrigation
 - Walking & accessibility improvements including reducing crossing width for pedestrians on Chalk Hill Road at the junction with Shortlands
 - Repairing the footway paving at the rear of the Site on Chalk Hill Road
- 4.6. Details of the proposed highway improvements are shown on the plan in Appendix A and the visualisations in Appendix B. The main construction works are to be carried out by the Councils Principal Highways Contractor, F.M Conway Ltd, under the existing Term Contract.

5. OPTIONS AND ANALYSIS OF OPTIONS

- 5.1. In May 2018 the officers reviewed the developer’s proposals for the public highway and recommended changes in line with the Council’s current street-smart design guidance. The main considerations by officers are outlined below.
- 5.2. The existing planter contains low level planting with mature trees and spans the length of the development site on Hammersmith Road. Keeping the planter in its current form would create a physical barrier for pedestrians and make access to the development difficult. The proposed layout shows six separate

planters with seating which will improve accessibility for pedestrians to/from the development and give the public highway a more open feel.

- 5.3. The existing highway boundary follows the jagged line of the former development site. Given the open nature of the proposed footway space, an explicit public/private boundary line is required. The proposed s38 highway adoption agreement rationalises the public/private boundary by adopting a small amount of private area, which will become maintainable at public expense. (Refer to plan in Appendix C)
- 5.4. Walking & accessibility improvements on Shortlands at the junction with Chalk Hill Road are set out under the Heads of Terms set within the s278 Pedestrian Environment Review System (PERS) audit.

6. CONSULTATION

- 6.1. Residents, businesses and other stakeholders have been consulted on the development proposals via the planning process.
- 6.2. Some 1,500 homes and business, ward councillors (both Hammersmith Broadway and Avonmore and Brook Green) and key stakeholders were invited to the developer's exhibition events in July 2014. A series of pre-application meetings were also held with neighbouring occupiers/landowners, including those with land interest in the podium deck.
- 6.3. The feedback and comments received were largely supportive of the scheme proposals and no major objections were noted during the Planning and Development Control Committee meeting held 12 November 2014. In summary the development provides an opportunity to redesign the street & planting such that it benefits the public's experience rather than being used merely to discourage pedestrians from interacting with the base of the building. In terms of public benefit, the scheme also creates a new vision for the podium deck with improved public routes to it. Officers are satisfied that the design would ensure that the space is activated and people are drawn into it.
- 6.4. During the Council's Public Consultation, the planning application was publicised by way of press and site notices in September 2014 and 760 notification letters were sent to individual properties in surrounding buildings or streets. No responses were received from individual neighbours (residents or businesses) to the planning application.
- 6.5. Prior to implementation of the highway works residents and businesses will be sent a further letter informing of the proposed highway improvements.

7. EQUALITY IMPLICATIONS

- 7.1. The Council has had regard to its public sector equality duty contained in Section 149 of the Equality Act 2010. Hammersmith and Fulham Action on Disability (AoD) will be consulted on the proposed highway works.

7.2. Implications verified/completed by Peter Smith, Head of Policy & Strategy, tel. 020 8753 2206.

8. LEGAL IMPLICATIONS

8.1. Under Section 278 of the Highways Act 1980, a Local Highway Authority may, if they are satisfied it will be for the public benefit, enter into an agreement with any person for the execution of the works on the public highway on the terms that the person pays for the costs of the works.

8.2. Under Section 38 of the Highways Act 1980, a Local Highway Authority has the power to adopt a way, which is constructed by a person and proposes to dedicate the way as a highway and on adoption of the highway, that highway becomes maintainable at public expense.

8.3. Implications verified/completed by: Twahid Islam, Planning and Highways Solicitor, tel. 073 4205 4834.

8.4. Additional legal comments: Assuming that the proposed works are within the scope of the Highways Term contract with FM Conway, there are no further legal implications of a contracts/procurement nature.

8.5. Additional legal implications provided by Deborah Down, Senior Associate with Sharpe Pritchard solicitors, on secondment to the Council: dtdown@sharpepritchard.co.uk

9. FINANCIAL IMPLICATIONS

9.1. The Section 278 agreement between the Council and the developer has been signed and funding for the Council's estimated costs has been secured. There are therefore no additional financial implications for the Council.

9.2. The estimated cost of the Section 278 highway work is £721,600 which includes a 10% contingency sum. This sum excludes the cost of any underground utility diversions which will be provided to the developer in due course.

9.3. Payment of the Council's estimate for underground utility diversion will be secured from the developer prior to the commencement of any site works, as per the conditions set out in the s278 agreement.

9.4. Implications completed by: Gary Hannaway, Head of Finance, tel. 0208 753 6071.

9.5. Implications verified by Emily Hill, Assistant Director, Corporate Finance, tel. 020 8753 3145.

10. IMPLICATIONS FOR LOCAL BUSINESS

10.1. The proposed highway improvements which include footway and carriageway repaving, new street lighting, and will be carried out by the Council's Term Contractor FM Conway Ltd. Local businesses will have been consulted via the

planning process and will be notified by letter prior to works commencing on site.

- 10.2. Implications verified/completed by: Albena Karameros, Economic Development Team, tel. 020 7938 8583.

11. COMMERCIAL IMPLICATIONS

- 11.1. There are no direct procurement implications arising from this report. The orders are to be placed under the existing measured term contracts: the main construction work is to be carried out by the Highways Principal Framework Contractor (F.M Conway).
- 11.2. Implications verified/completed by: Joanna Angelides, tel. 0208 753 2586 on behalf of Simon Davis, Assistant Director Commercial Management.

12. IT IMPLICATIONS

- 12.1. IT Implications: There are no apparent IT implications arising from the proposal in this report.
- 12.2. Implications verified/completed by Karen Barry, Strategic Relationship Manager, tel. 020 8753 3481.

13. RISK MANAGEMENT

- 13.1. Specific risks have been identified and managed on the Project Risk Register. There are no significant risks affecting the secured funding allocation and implementation of the proposed improvements next financial year 2019/2020.

Risk	Mitigation measure(s)
Cost increase/budget reduction	Designs are developed to be flexible to allow amendments to reflect budget reduction whilst still maintaining principle of the project objectives
Lack of stakeholder support	Designs are developed to meet the project objectives and Council's LIP objectives which can justified with support from the stakeholders.
Policy compatibility	To develop bespoke policy compliance tool that all potential proposals will be assessed against
Lack of resources to deliver	Maintain working relationships with framework consultants and contractors to ensure resources are in place to deliver the project

- 13.2. This report proposes physical improvements to the public highway and programmes of work designed to reduce congestion, manage traffic, and

promote road safety, which fall within the Council's statutory duties under a variety of Acts of Parliament including the Traffic Management Act 2004.

13.3. Implications verified/completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, tels. 078 1750 7695 and 020 7361 2389.

14. BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
	None		

LIST OF APPENDICES:

Appendix A – General Arrangement (Drawing No. A087079-100 rev A)

Appendix B – Proposed concept visuals

Appendix C – Proposed s38 Adoption of Highway (Drawing No. 83300/43)