

Notice of Non-key Executive Decision

Subject Heading:	Angel Way Enabling Works, (Former Decathlon Site), Romford Authority to enter into an agreement under s278 Highways Act 1980
Cabinet Member:	Cllr Osman Dervish Environment
SLT Lead:	Barry Francis Director of Neighbourhoods
Report Author and contact details:	Musood Karim Senior Engineer Schemes 01708 432 804 masood.karim@havering.gov.uk
Policy context:	National Planning Policy Framework (2019) London Plan (2017) Havering Local Implementation Plan 2018/19 Delivery Plan
Financial summary:	The full costs of the s278, legal fees, technical fees and implementation of works will be met by the developer. Income to be received by the Council from the development totals £0.035m. The Council will also hold a deposit of £0.226m to cover costs of making good for possible works in default or a bond certificate for the same amount.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	Yes, it is a Non-Key Decision by Officer

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This Executive Decision authorises the Council entering into a highway agreement made under section 278 of the Highways Act 1980 (as amended) to allow changes to the maintained highway to be made in pursuance of the following planning consent:

Land to the North West of Angel Way, (Former Decathlon Site), Romford, RM1 1BJ.

Planning Application Ref P2246.07 - New mixed use development comprising of 350 residential units, 63 bed Hotel, ground floor mixed retail, basement car parking and a new public square.

AUTHORITY UNDER WHICH DECISION IS MADE

Council's Constitution:

Part 3, Section 3.8.3, paragraphs (b) and (v);

(b) Other than in those matters delegated to the Lead Member following consideration by the Highways Advisory Committee, to exercise all powers and duties in respect of maintaining and improving highways, providing facilities, and interference with highways arising under Parts IV, V, VII, IX and XIV of the Highways Act 1980; and

(v) To exercise all powers and duties under the Highways Act 1980 that are not delegated to the Leader or Cabinet Member.

STATEMENT OF THE REASONS FOR THE DECISION

Planning permission was consented for a new mixed-use development of 350 residential units, a 63-bedroom hotel, ground floor mixed retail, basement car parking and a new public square (Ref. **P2246.07 dated 14 Dec 2009**). A non-material amendment (Ref. N0020.20) was due to be determined in April 2020 to allow for amendments to the phasing plan.

Temporary enabling highway works are required to narrow the width of Angel Way Romford that is public highway which is maintained by the council. The purpose of this is to enable the development site and parts of the existing highway to be hoarded off to facilitate the proposed piling along the western side of Angel Way and enable works to the basement to commence.

The proposals are detailed on drawing numbers:

22849603-STR-HGN-100-SK-D-00101, 22849603-STR-HGN-100-SK-D-00201, 22849603-STR-HGN-100-DR-D-00301, 22849603-STR-HGN-100-DR-D-00401, 22849603-STR-HGN-100-DR-D-00501, 22849603-STR-HGN-100-DR-D-00701, 22849603-STR-HGN-100-DR-D-00901 and 22849603-STR-HGN-100-DR-D-01001, which may be subject to change as the development progresses and are available for inspection if required.

OTHER OPTIONS CONSIDERED AND REJECTED

For the S278 works, the alternative option of doing nothing is not considered appropriate given the developments have planning consent and the Council cannot use its highway powers to frustrate the lawful implementation of a planning consent in terms of providing new access.

PRE-DECISION CONSULTATION

None

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Musood Karim

Designation: Senior Engineer Schemes

Signature: *Musood Karim*

Date: 05/01/2022

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council's Constitution requires a formal decision to be taken before an agreement pursuant to s278 of the Highways Act 1980 is entered into. As per the Council's Constitution such authority is delegated to the Assistant Director for Environment.

S278 of the Highways Act 1980 provides for "agreements as to the execution of works" if the highway authority is satisfied that they will be of benefit to the public.

Where a development has been granted planning consent which includes physical changes to the existing highway network, it is deemed that the works will be of benefit to the public given the principles and details of the changes have been examined through the planning process.

S278 of the Highways Act 1980 makes further provisions so that the costs associated with making the agreement, the works, other highway authority costs and maintenance payments are recoverable from the developer through the agreement.

FINANCIAL IMPLICATIONS AND RISKS

All costs associated with the works will be secured with the s278 agreement to ensure the Council's reasonable costs are met.

The full costs for the implementation of the works totalling £0.226m will also be met by the developers through the s278 agreement.

Income to be received by the Council from the development totals £0.035m which comprises of £0.028m for Technical Fees, £0.003m for Traffic Order works, Legal and finance fees of £0.004m. This sum will be held under project code (QO 024) and monitored through the road adoptions revenue budget.

Technical fees are calculated as 12.5% of the full project cost, subject to a minimum fee of £6,500 per project. The technical fee allows for at least 72 hours of staff time per project with larger schemes providing a larger fee and therefore more hours of staff time. In all cases it is anticipated that this work will be contained within the allowed hours.

As these are Enabling Works (temporary) no maintenance contribution is required (£0.000), however, as part of the agreement the developer is responsible for reinstating the site to its original condition once the works are completed. A permanent design layout will be agreed under a separate S278 agreement for which a Maintenance Contribution will be charged accordingly.

Provisions will be made by way of deposit for the making good works defaults, set at 100% works cost. Assuming the projects are completed without defects the deposit value will be returned to the developer(s). In the case of the agreement set out in this report, the developer will provide a deposit to the value of £0.226m. The bond will be held on the balance sheet.

The income generated from the developer through the agreement is set out below:

<u>Item</u>	<u>Full Amount £</u>	<u>£m</u>
Technical Fees – A24020.516460.8034.000000.602208	£28,261.79	£0.028
Maintenance Contribution – A24020.516460.0000.000000.602208	£0.00	£0.000
Temporary Traffic Order – A26910.516460.0000.000000.602208	£2,985.00	£0.003
Legal Fee - Flat rate of £0.004m to legal cost code	£4,000.00	£0.004
Finance Admin Fee – rate of £250 A24020.516460.0000.000000.602208	£250.00	£0.000
Total	£35,496.79	£0.035

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

None arising from this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Council has a general duty under the Equality Act 2010 to ensure that its highway network is accessible to all. Where infrastructure is provided or substantially upgraded, reasonable adjustments should be made to improve access. In considering the impacts and making improvements for people with protected characteristics (often, but not limited to disabled people, the young and older people), this will assist the Council in meeting its duty under the Act.

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

The Technical Approval process which leads to the drawings supporting the s278 agreements will give consideration to ensuring the Council's duties are met.

BACKGROUND PAPERS

None.

Part C – Record of decision

I have made this Executive Decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposals agreed.

Details of decision maker

Signed

Date:

Nicolina Cooper

Name: Nicolina Cooper
Assistant Director of Public Realm

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____