

<b>Subject:</b>	<b>North Street Environmental Improvement</b>		
<b>Date of Meeting:</b>	<b>July 1<sup>st</sup> 2014</b>		
<b>Report of:</b>	<b>Executive Director Environment, Development &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Mayor</b>	<b>Tel: 294164</b>
	<b>Email:</b>	<b>jim.mayor@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>St Peters &amp; North Laine / Regency</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Royal Bank of Scotland (RBS) own a large block of shops with residential and office space in North Street which is suffering from a poor quality environment as a result of narrow pavements, and bus stops which cause pedestrian and vehicular congestion.
- 1.2 RBS have approached the council to seek permission to enhance the street scene between Ship Street and East Street, with RBS meeting all associated costs.
- 1.3 This report introduces members to the RBS plans, and seeks approval to commence processes to implement the improvements.

**2. RECOMMENDATIONS:**

- 2.1 That Committee approve the initial proposals.
- 2.2 Committee agree that the council oversees proposals to implement environmental improvements in North Street at the earliest opportunity.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Royal Bank of Scotland (RBS), own a significant block of shops with residential and offices above including the old Hanningtons department store building and Huntingdon House, being the whole south side of the street from East Street to Meeting House Lane.
- 3.2 The service yard to the rear of the block recently gained consent for a new Lane, known as Hanningtons Lane.
- 3.3 The poor quality street environment on North Street is having a negative impact on the trading of the shop tenants, resulting in increased vacancies and poor footfall. Narrow and crowded footways and a generally poor quality street-scene create an unattractive environment for pedestrians, which impacts on the viability of commercial properties in the area, reflected by a succession of temporary

tenants and high vacancy levels, with six of the 17 units on North Street currently empty.

- 3.4 Current problems in the area are exacerbated by the location of some of the busiest bus stops in the city. The current bus stop arrangement works poorly for bus passengers and other users of the street.
- 3.5 Although much of North Street's public realm was improved through a recent Department for Transport funded 'Mixed Priority Route' scheme, the extent of improvements between East Street and Ship Street (the area in which Hanningtons is situated) was very limited. This was primarily because scheme budget was limited, and improvements needed to focus on areas where there had historically been the greatest number of accidents. The proposals build upon these previous public realm improvements.
- 3.6 Setting something of a precedent, RBS have approached the council to request that the street-scene outside Hanningtons (between Ship Street and East Street) be enhanced, with RBS meeting all associated costs.
- 3.7 RBS and Brighton & Hove Bus and Coach Company feel the proposals, which effectively deliver the 'missing link' of the wider North Street Mixed Priority Route environmental improvement, will bring mutual benefit:

### **The RBS View**

- 3.1 *"North Street is a key Brighton street but it suffers from an unattractive environment exacerbated by narrow pavements and poor infrastructure which make it a place people want to get through as quick as possible, rather than a place to shop, eat or explore.*
- 3.2 *We believe we can change this and make the street attractive again by widening the pavements and upgrading crossings at the pinch point where the Lanes, North Laine and North Street intersect, adding trees and benches, optimising the position of bus stops and installing new bus shelters, thereby creating an attractive, safe environment for pedestrians and road users alike."*

### **The Brighton & Hove Bus and Coach Company View**

- 3.3 *"The bus stops in North Street are among the busiest in the city. At present there are no bus shelters at the westbound stops as the footway is not wide enough, and bus passengers currently shelter in shop doorways. Another function of bus shelters is to provide a means of displaying information to bus passengers, so at present this is limited to frames attached to the real time signs which is less than satisfactory. The proposed new location will allow for new bus shelters, which will be properly fit for purpose at such busy bus stops.*
- 3.4 *Another factor is that the eastbound and westbound bus stops are opposite each other which can have an adverse effect on traffic flow by restricting the carriageway available for passing vehicles. Moving the westbound stop further west will enable traffic to flow more freely, which will bring benefits for bus punctuality as well as the environment because evidence appears to show that*

*air quality is improved when traffic flow improves. With the Low Emission Zone starting in January this is an important point.*

- 3.5 *Finally, the current westbound bus stop is not equidistant from the bus stops before and after, at Old Steine and Churchill Square. The new location is nearer to the mid-point between these locations, and nearer to the main pedestrian access roads into The Lanes and particularly North Laine”*

### **The Proposal**

- 3.6 The proposal sees public realm improvements between Ship Street (north) and East Street (south). A full scheme description is provided in Appendix 1.
- 3.7 A scheme plan is attached as Appendix 2.

### **Wider Feedback**

- 3.8 In developing the proposal, RBS have consulted various stakeholders, including businesses and residents in North Street. A summary of consultation feedback is provided as Appendix 3 (to update with information from RBS)

### **Moving Forward**

- 3.9 Should members give their support, RBS aim to deliver the improvements at the earliest opportunity. It is hoped that a substantial proportion of works will be completed between January and March 2015. It is not considered necessary to request any further approvals from Committee unless the council receives objections to the Traffic Orders required by the scheme. If this is the case, those objections will be reported to Environment, Transport and Sustainability Committee in October for a member decision on how to proceed.
- 3.10 It should be noted that due to an ongoing arbitration process relating to historic statutory undertaker reinstatements in North Street, the physical extent of improvements will be limited to footway areas in the short term. Carriageway improvements will be undertaken when the arbitration process has been resolved, to ensure the RBS works do not prejudice that process. At this stage, it is unclear how long it will take to resolve the arbitration process.
- 3.11 Should approval be granted to progress the scheme, RBS and the council will develop a shared communication strategy to ensure clarity around the scheme objectives and context.

### **Wider Considerations**

- 3.12 Given the unusual nature of this proposal, it is reasonable to consider associated risks in the main body of the report. Excluding considerations associated with the arbitration process explained in 3.10, there are four areas of potential risk:
- 3.13 ***Risk 1 – Demand on finite officer resource.*** RBS are using their own consultants to deliver as much of the proposal as possible with minimal impact on officer time. Where officer time is required to support the proposal, RBS are reimbursing the council for those officer costs. It is not anticipated that the

proposal will require any more officer resource than would be associated with a standard planning application.

- 3.14 **Risk 2 – Safeguarding the council through construction.** The project will be guaranteed through establishment of a Section 278 agreement prior to works to ensure the council will not become liable for any costs should the scheme encounter any difficulties during construction.
- 3.15 **Risk 3 – Creating an ongoing maintenance liability.** Project construction methodology and materials will be agreed with relevant council officers and will not create any additional ongoing maintenance liability for the council over the current arrangement.
- 3.16 **Risk 4 – Co-ordinating with wider works.** The scheme programme and proposal has been designed to complement planned improvements to the Ship Street junction delivered through the Old Town project.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Given that the council does not have the resources to deliver improvements to this area of North Street, the alternative is doing nothing.
- 4.2 Doing nothing would fail to resolve the current poor environment between Ship Street and East Street to the detriment of RBS's asset, bus passengers and all users of North Street.
- 4.3 Regeneration plans for the buildings themselves include the installation of new heritage shop-fronts in some units. This will include the removal of the inset shop front in the unit formerly occupied by Cargo (unit 16) which is currently used as an informal bus shelter by bus passengers rendering the unit largely unlettable. Rearranging this frontage will leave bus passengers without shelter in inclement weather and increase congestion between people waiting for buses and pedestrians using already narrow and congested footways through the area leading to the current issues getting worse in the short term.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 During the course of developing proposals, RBS have consulted with local stakeholders. The consultation process and results are set out in Appendix 2.
- 5.2 Given that the proposal requires relocation of bus stops and loading bays, an additional level of consultation will be required through the Traffic Order process.

#### **6. CONCLUSION**

- 6.1 The poor quality of the North Street environment between Ship Street and East Street impacts negatively on all users of the street. Historically the council has not had the funding to deliver improvements. RBS are willing to fund those improvements.

- 6.2 Whilst RBS's ultimate objective is to enhance the financial viability of their asset (the old Hannington's building), achieving that objective brings benefit for everyone who uses North Street.
- 6.3 These benefits can be achieved at a minimal immediate or long term risk or cost to the council. As such the council should seek to facilitate RBS's delivery of the proposal as quickly as possible.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 It is anticipated that any costs to the council associated with the recommendations in this report will be funded from external contributions. The project will be guaranteed through establishment of a Section 278 agreement prior to works to ensure the council will not become liable for any costs should the scheme encounter any difficulties during construction.

Project construction methodology and materials have been agreed with relevant council officers and will not create any additional ongoing maintenance liability for the council over the current arrangement.

Funding for improvements works at this site has not been identified within the council budget.

At present, areas of the city exceed national and EU limits for levels of nitrogen dioxide and there is potential for the council to be fined for non-compliance with these limits in the future. It is anticipated that the proposed scheme will reduce the likelihood of non-compliance fines for the area.

*Finance Officer Consulted: Steven Bedford*

*Date: 27/05/14*

### Legal Implications:

- 7.2 Where a new development requires work to be carried out on the existing (publicly maintained) highway it will be necessary for the developer to enter into an agreement with the council under Section 278 of the Highways Act 1980.
- 7.3 Section 278 (1) of the Act (amended by New Roads and Street Works Act 1991) states:

A highway authority may, if they are satisfied it will be of benefit to the public, enter into an agreement with any person – on terms that that person pays the whole or such part of the costs of the works as may be specified or determined in accordance with the agreement.

- For the execution by the authority of any works which the authority are or may be authorised to execute, or

- For the execution by the authority of such works incorporating particular modifications, additions or features, or at a particular time or in a particular manner.
- 7.4 The Section 278 will provide that the Highway Authority is entitled to recover costs associated with Section 278 works.
- 7.5 The Section 278 Agreement will also provide for the acquisition of any land by the Highway Authority considered necessary to enable the works.

*Lawyer Consulted: Katie Matthews*

*Date: 23/05/2014*

Equalities Implications:

- 7.6 An Equality Impact Assessment has not been carried out. This scheme is being delivered externally, and due to the nature of the proposal, it is considered that the proposal can only have positive impacts on accessibility for all groups using North Street due to the creation of an enhanced pedestrian environment. Local accessibility representatives have been consulted on details of the proposal, as set out in Appendix 2.

Sustainability Implications:

- 7.7 As set out in 3.4, Brighton & Hove Bus and Coach Company feel the proposal has potential to improve localised air quality. Where possible, materials will be re-used on site. Otherwise scope for negative or positive (environmental) sustainability impact is limited due to the nature of the proposal.

Any Other Significant Implications:

- 7.8 None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Scheme Description
2. Scheme Plan
3. Summary of Consultation

### **Documents in Members' Rooms / Background Documents**

1. None