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<th><strong>Cabinet Member:</strong></th>
<th>Planning</th>
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<td><strong>Date:</strong></td>
<td>4 July 2006</td>
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<td><strong>Classification:</strong></td>
<td>For General Release</td>
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<tr>
<td><strong>Title of Report:</strong></td>
<td>Replacement Unitary Development Plan Policy TRANS 18 (A)</td>
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<td><strong>Report of:</strong></td>
<td>Director of Planning and City Development</td>
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<td><strong>Wards involved:</strong></td>
<td>Church Street, Little Venice</td>
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<td><strong>Policy context:</strong></td>
<td>Unitary Development Plan</td>
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<td><strong>Financial summary:</strong></td>
<td>There are no direct financial implications arising from this report.</td>
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<td><strong>Report Author:</strong></td>
<td>Sean Dwyer</td>
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| **Contact Details:**| Telephone 020-7641-3326  
E-mail address sdwyer@westminster.gov.uk |
1. **Summary**

1.1 This report further reconsiders policy TRANS 18 (A) of the Replacement Unitary Development Plan (RUDP) in the light of the receipt of the Inspector’s Report into the West End Green Public Inquiry and the Secretary of State’s subsequent decision on it dated 10 October 2005. It is recommended that no further change be made to the wording of the policy itself, or the associated Reasoned Justification in paragraph 4.142 of the RUDP, but that the associated plan (Map 4.7) be amended to reflect the line approved by the Secretary of State after his consideration of the results of the public inquiry into development Options A and B in respect of the West End Green site. The previously agreed widening line is shown on the original version of Map 4.7, attached as Figure 1, and the suggested widening line is shown on a revised plan (Map 4.7 A), attached as Figure 2.

1.2 It is further recommended that the Policy be the subject of the relevant modifications procedure set out in Regulation 29 of the Town and Country Planning (Development Plan) (England) Regulations 1999.

2. **Recommendations**

2.1 That appendix 6 of the report is exempt from disclosure by virtue of paragraph 5 of Schedule 12A of the Local Government Act 1972, in that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

2.2 That Option 1 (abandoning the safeguarding line altogether), which is considered in paragraph 5.2 of this report, be rejected on the grounds that:
   - none of the parties involved in the Public Inquiry has argued that there is no case for any widening between Church Street and Newcastle Place; and
   - if the safeguarding line were to be abandoned completely the City Council and Transport for London could lose the opportunity for any carriageway or footway widening.

2.3 That Option 2 (amending the safeguarding line to reflect the recent appeal decision), which is considered in paragraphs 5.3 to 5.6 be approved on the grounds that:
   - the Public Inquiry was the most comprehensive examination of the case for widening this part of Edgware Road that there has yet been. The inquiry considered the likely effects of the extension of the Congestion Charging Zone. The Secretary of State’s decision should therefore be given considerable weight; and
   - he has concluded that a purely local widening, between Newcastle Place and Church Street, would bring no benefit to traffic. Only if Edgware Road could be widened as far as Maida Avenue or St John’s Wood Road would significant traffic benefits be achieved. Therefore the only possible
justification for keeping the existing safeguarding line would be to enable such a scheme to proceed. However the Secretary of State has concluded that there is only a remote likelihood of a more comprehensive widening scheme to St John’s Wood Road coming forward, especially given Transport for London recent lack of support for such a scheme.

2.4 That Option 3 (retaining the existing safeguarding line), which is considered in paragraphs 5.7 to 5.9 of this report, be rejected on the grounds that:
- the Secretary of State has concluded that a revised line in accordance with appeal Option A or B is acceptable;
- he has concluded that there is no case for keeping the existing safeguarding line based on local traffic conditions;
- any proposal that generated more traffic than Option A or B is unlikely to gain planning permission;
- Transport for London has not provided any further justification for retaining the existing safeguarding line on the basis of a firm proposal for a six-lane widening of Edgware Road from Harrow Road to St John’s Wood Road; and
- In view of the Secretary of State’s decision the Council cannot simply rely upon its previous justification for the safeguarding line.

2.5 That subject to recommendation 2.6 and the consideration of any further representations received as a result of the modifications procedure no change be made to the wording of Policy TRANS 18 (A) as it is set out in the RUDP that was agreed by Full Council on 13 December 2004, or to the associated Reasoned Justification in paragraph 4.142 of that document, but that the associated plan (Map 4.7) be amended to reflect the line approved by the Secretary of State after his consideration of the results of the public inquiry into development Options A and B in respect of the West End Green site.

2.6 That the revised version of Policy TRANS 18 (i.e. including the revised Map 4.7 A, attached as Figure 2) be the subject of the formal modifications procedure, pursuant to Regulation 29 of the Town and Country Planning (Development Plan) (England) Regulations 1999 (“the Development Plan Regulations”).

2.7 That, if recommendation 2.3 is not accepted, the Cabinet Member indicates whether approval should be given to Option 1, Option 3, or to an alternative option and indicates the reasons for the decision.

3. Background

3.1 In July 2005 the Cabinet Member considered a report on TRANS 18 (A) (the report and decision notice are attached as Appendix 1), the need for which arose out of a decision by the Cabinet following consideration of an Addendum Report entitled “Replacement Unitary Development Plan: Representations received in response to Notice of Intention to Adopt” on 13 December 2004.
3.2 The purpose of this report was, among other things, to consider a letter received from Turley Associates on behalf of Sainsbury's, dated 8 December 2004, in objection to Policy TRANS 18. Cabinet on 13 December 2004 resolved to defer adoption of the RUDP pending inter alia further consideration of the representations put forward on behalf of Sainsbury's, which has an option to purchase 283 Edgware Road.

3.4 The July 2005 report considered Sainsbury's representations and recommended that no further change should be made to Policy TRANS 18 (A) as it is set out in the RUDP as agreed by Full Council on 13 December 2004. The recommendation was approved.

3.5 A public inquiry in respect of appeals by West End Green Properties Limited against refusal of planning permission for two separate proposals (known as Options A and B) for a site affected by the safeguarding line the subject of policy TRANS18 (A) took place from 6 to 23 July 2004 and from 28 September to 1 October 2004. Evidence was called on behalf of the City Council, the appellant, Transport for London and Sainsbury's, including detailed traffic evidence on the effect of road widening along this stretch of the Edgware Road. Neither Option set the building line back to the Council's safeguarding line for road widening although both Options A and B involve partial setting back of the building line to one lane’s depth. At the time of the July 2005 Cabinet Member report a decision on the appeal was still awaited. Now that the Inspector's report (attached as Appendix 2) and the subsequent decision letter from the Secretary of State (attached as Appendix 3) have become available it is considered necessary to review policy TRANS 18 (A) again, in the light of the Inspector’s report and decision letter.

3.6 Two of the parties which submitted evidence to the public inquiry have lodged appeals against the Secretary of State’s decision. No date has yet been fixed for the hearing of their appeals, and it is not considered appropriate to delay consideration of the Secretary of State’s decision, especially as those appeals do not directly concern the safeguarding line.

4. Details of the appeal decision by the Secretary of State

4.1 The Secretary of State decided on 10 October 2005 to grant conditional permission for Option A and therefore allowed the appeal against the City Council’s decision that had appeals not been lodged against non-determination permission would have been refused. The Secretary of State dismissed the appeal on Option B on design grounds. The only difference between Options A and B was that B included a higher tower (26 storeys as opposed to 22 and 19 additional residential units). They were identical in highway terms.

4.2 The Secretary of State has concluded (in paragraphs 13 and 17 of his decision letter) that with regard to the retention of 283 Edgware Road and the Council’s safeguarding line (see Figure 1) :-
With the line of the highways improvements and the carriageway having to narrow to pass 283 Edgware Road before widening again, this would be bound to raise the question of why no. 283 had not been included in the development proposals;

- the footway in front of no. 283 would be very narrow indeed both in absolute terms and in the context of adjacent footways;
- nevertheless, it is possible to tolerate no. 283 remaining as there is a reasonable likelihood of it being acquired and demolished within the foreseeable future;

- the safeguarding line along Edgware Road must be seen as seeking to secure a local road improvement that would be made possible by the expected development, but not necessarily required as a direct result of that development. The potential benefits that arise from maintaining the safeguarding line in terms of bus travel along the Edgware Road corridor are an important consideration. However a decision to maintain the safeguarding line so as not prejudice achieving that benefit must take into account the likelihood of such a scheme coming forward. The Secretary of State concluded that the possibility of a 6-lane widening scheme from Harrow Road to St John’s Wood Road coming forward must be considered remote.

- Therefore a dismissal of the appeals on the grounds that they would prejudice a scheme for a 6 lane widening of Edgware Road from Harrow Road to St John’s Wood Road is not justified;

4.3 The most relevant extracts from the decision letter are set out below :-

“Highways matters

15. Policy TRANS 18 (A) of the replacement UDP acknowledges that the narrowed carriageway of Edgware Road causes congestion for both private and public transport on what is a major bus route and a safeguarding line is proposed within which development must be contained in order to accommodate widening of Edgware Road. TfL and the Westminster City Council object to both of the planning appeal proposals because of their failure to set development back behind the safeguarding line for road widening. In their view, failure to do so would prejudice the effectiveness of any proposals for widening over a greater length of the Edgware Road corridor [IR 13.20]. The Secretary of State has therefore considered whether the safeguarding line represents a necessary building line to mitigate the effects of the proposed development, and in particular, the potential benefits that maintaining it could provide for bus travel along the Edgware Road corridor [IR 13.25].

Bus running times

16. The Secretary of State acknowledges the importance of, and the priority to be given to, improving bus journey times and encouraging greater use of buses [IR 13.29]. For the reasons given in paragraphs 13.57 – 13.60, the Secretary of State agrees with the Inspector that a 6 lane widening from Newcastle Place to Church Street offers no
advantage for bus running times over the partial widening proposed in the appeals schemes [IR 13.66]. However, for the reasons given in paragraphs 13.61 – 13.62, the Secretary of State agrees with the Inspector that a 6 lane widening to Maida Avenue or St John’s Wood Road would enable significant reductions in north-bound bus running times compared with both existing times and modelled times with the proposed development and partial widening [IR 13.67]. He agrees with the Inspector that the potential benefits that arise from maintaining the safeguarding line in terms of bus travel along the Edgware Road corridor are an important consideration [IR 13.25]. However, he agrees that a decision to maintain the safeguarding line so as not to prejudice achieving that benefit must, however, take into account the likelihood of such a scheme coming forward [IR 13.67].

17. For the reasons given in paragraph 13.21, the Secretary of State agrees with the Inspector that the safeguarding line along Edgware Road must be seen as seeking to secure a local road improvement that would be made possible by the expected development, but not necessarily required as a direct result of that development. However, for the reasons given in paragraphs 13.26 – 13.29, the Secretary of State agrees with the Inspector that the possibility of a 6 lane widening scheme coming forward must be considered remote [IR 13.29]. He therefore agrees with the Inspector that a dismissal of the appeals on the grounds that they would prejudice a scheme for a 6 lane widening of Edgware Road from Harrow Road to St John’s Wood Road is not justified [IR 13.131].

4.4 After receiving the Secretary of State’s decision letter, the Council wrote to Transport for London, enquiring which of the options open to the Council (as set out in paragraph 5.1. below) it considered should be chosen by the Council. TfL’s response is contained in Appendix 5 and favours Option 2.

5. Options open to the City Council

5.1 In addressing the Secretary of State’s conclusions with regard to Policy TRANS 18 (A) there would appear to be three courses of action open to the Council :-

1. To abandon any safeguarding line on Edgware Road;
2. To amend the safeguarding line to reflect the fact that the Secretary of State has granted permission for a scheme that was set back from the existing building line, but was not set back as far as the existing safeguarding line;
3. To retain the existing safeguarding line.

Option 1 – to abandon any safeguarding line on Edgware Road

5.2 It is recommended that this Option is ruled out. None of the parties, including the UDP Inspector, the potential developers of the site, and Transport for
London (the highway and traffic authority for Edgware Road) has argued that there is no need for any widening between Church Street and Newcastle Place. The section of road between Newcastle Place and Church Street narrows appreciably, reducing the capacity of this Transport for London Road Network (TLRN) road at this point and causing congestion for both private and public transport, on what is a major bus route. It is served by routes 6, 16, 98 and 414, which provide some seventy buses per hour in either direction on this part of Edgware Road. Furthermore, the decision letter from the Secretary of State makes it clear, in paragraph 13 that he feels that “with the property (no. 283) remaining, the footway past the front of 283 Edgware Road would be very narrow indeed, both in absolute terms and in the context of the wider footways existing to the south and proposed to the north”. If the safeguarding line were to be abandoned completely the City Council and Transport for London could lose the opportunity for any carriageway or footway widening, as the developer of the site could submit a further application with new buildings up to the existing highway line, which the Council would find it hard to refuse.

Option 2 – amending the safeguarding line to reflect the recent appeal decision

5.3 As stated in paragraph 3.6 above, the decision of the Secretary of State is still subject to High Court appeals by two parties, Mr. Dean (the owner of 283 Edgware Road) and Sainsbury’s. Whilst the Secretary of State’s decision is subject to such appeals it could still be overturned and it might therefore be considered premature to revise the policy in accordance with it. However neither of those appeals directly challenges the Secretary of State’s conclusions on the safeguarding line and, given that the final outcome of those appeals may not be known for many months, it is considered appropriate to carry out a review of Policy TRANS 18(A) without further delay, so as not to put back any further the adoption of the RUDP.

5.4 While the Secretary of State’s decision was based on the findings of a Public Inquiry into two very similar proposals and was not a review of the policy itself, the public inquiry was the most comprehensive examination of the case for widening this part of Edgware Road that there has yet been, including consideration of the likely effects of the extension of the Congestion Charging Zone. The Secretary of State’s decision should therefore be given considerable weight.

5.5 Neither the Inspector, nor the Secretary of State, were explicitly critical of the policy. However, they concluded that a purely local widening, between Newcastle Place and Church Street, would bring no benefit to traffic. Only if Edgware Road could be widened as far as Maida Avenue or St John’s Wood Road would significant traffic benefits be achieved. However they also concluded that a dismissal of the appeals on the grounds that they would prejudice a scheme for a six lane widening of Edgware Road from Harrow Road to St John’s Wood Road could not be justified, given the remote likelihood of such a widening coming forward.
5.6 Both the inquiry Inspector and the Secretary of State concluded that Options A and B were both acceptable in highway terms. Given the lack of support from Transport for London for a six-lane widening of Edgware Road between Harrow Road and St John’s Wood Road, it is recommended that Option 2 be chosen by the Council.

**Option 3 – retaining the existing safeguarding line**

5.7 Option 3 is to retain the existing safeguarding line. Given the detailed examination of Edgware Road at the Public Inquiry and the fact that the Secretary of State has concluded that a line in accordance with Options A or B is acceptable, there does not seem to be a case for keeping the existing safeguarding line based on local traffic conditions. The Secretary of State concluded that a purely local widening of Edgware Road, between Newcastle Place and Church Street would bring no benefit to traffic. Therefore it is considered that the only way in which keeping the existing safeguarding line could now be justified would be if Transport for London, as the highway authority for Edgware Road, were to provide the justification upon the basis of a firm proposal for a six-lane widening of Edgware Road from Harrow Road to St John’s Wood Road. This is not the case since the City Council has recently received a letter from Transport for London dated 27 January 2006 (attached as Appendix 5), in response to its letter of 23 December 2005 (attached as Appendix 4), confirming that:

“Transport for London considers that, in view of the Secretary of State’s pronouncement, the current safeguarding line should be changed in the UDP, to a new safeguarding line, in line with that proposed by the developer in Options A and B”.

5.8 The only other possible argument for retaining the existing safeguarding line would appear to be that, while Option A now has planning permission (unless the Secretary of State’s decision is overturned by the High Court), there is no guarantee that it will ever proceed. In theory the existing owner could put forward a completely different proposal, with or without the acquisition of no. 283, or sell the site to a different owner who could do likewise. If a future proposal were to generate significantly more traffic than Option A it might require the building line to be set back to the existing safeguarding line, for example it could be deemed necessary to create a lane purely for traffic generated by the site that would need to turn left from Edgware Road into Church Street. However, it is considered unlikely that such a proposal, that generated significantly more traffic than Option A (which includes a supermarket with 180-space car park, plus residential car parking) would be found acceptable in any event.

5.9 As mentioned above, Edgware Road is part of the TLRN and Transport for London is the traffic and highway authority for Edgware Road. As such it will have the final say on the road layout in Edgware Road, including the area devoted to footway and the area devoted to carriageway, regardless of where
any buildings on the site are set back to. Transport for London’s view, outlined above, is therefore of particular significance.

**Conclusion on the above Options**

5.10 It is therefore recommended that no change be made to the wording of Policy TRANS 18 (A) as it is set out in the RUDP that was agreed by Full Council on 13 December 2004, or to the associated Reasoned Justification in paragraph 4.142 of that document, but that the associated plan (Map 4.7) be amended to reflect the line approved by the Secretary of State after his consideration of the results of the public inquiry into Options A and B of the West End Green site. Given the Secretary of State’s decision on the West End Green appeals, it is considered that the Council can no longer rely upon its previous justification for the safeguarding line.

6. **Legal Implications**

6.1 Legal advice on the Options open to the Council is set out in the confidential Appendix 6 to this report.

7. **Consultation**

7.1 Ward Members for Abbey Road, Church Street, Little Venice, Maida Vale and Regent’s Park wards have been consulted on these proposals and have offered the following observations :-

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<td>Melvyn Caplan</td>
<td>I would urge strongly for the Cabinet Member to approve Option 3 rather than Option 2. There is a long history of planning applications for this site that have not proceeded and secondly the traffic in the area has significantly deteriorated following the introduction of the congestion charge zone and this becoming one of the main free roads outside the zone.</td>
<td>Noted. Officers believe that it is more likely that the adoption of Option 2 would lead to the redevelopment of the site proceeding. Figures show that traffic levels on Edgware Road have dropped since the introduction of congestion charging. Transport for London does not believe they will increase as a result of the introduction of the Western Extension. Moreover the likely effects of the Western Extension were taken into</td>
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<td>The decision of the inspector provides a good argument for rejecting Option 1 as all parties agree that there is a need for some widening of the roadway. Using the same argument does not lead to a conclusion to choose Option 2 rather than Option 3. As the consultation document indicates, the public inquiry was not a review of the policy itself. I would agree that the decision carries considerable weight, but it could only look at the applications themselves, it could not consider other factors or any subsequent applications or changes to traffic in the area. There is no mention in the entire report of the effect of the extension of the congestion charge zone. As the effect of the existing zone has been significant, there is little doubt that the extension of the zone will have a further effect on traffic flows to this key road. It seems premature and unwise to concede that this road should not be widened (beyond the proposed building line), when all the facts suggest otherwise. The Paddington Spa site continues to grow and this will have a knock on effect to traffic</td>
<td>account by the Secretary of State in his decision on the West End Green appeals. Agreed. Agree that it was not a review of the policy, but it was the most comprehensive study of traffic conditions on Edgware Road that there has yet been or is likely to be in the foreseeable future. As mentioned above, figures show that traffic levels on Edgware Road have dropped since the introduction of congestion charging and Transport for London does not believe they will increase as a result of the introduction of the Western Extension. The free route will only be useful to traffic proceeding from north of the congestion charging zone to south of it and vice versa. Transport for London feels that the extra traffic using this route will be more than compensated for by a reduction in local traffic using it to gain access to the charged area. Paddington developments were factored in to the developer’s original</td>
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flows on the Edgware road over the coming years.

To make a decision on the basis of a planning decision that may or may not proceed is something that could be deeply regretted in the future.

I am not asking for a change in the current policy, but a retention of the status quo. Why is there such a rush to make the change, when the next 18-24 months will make it clear whether (a) the appeals succeed (a clearer definitive policy statement on road widening) and (b) the effects of the extended congestion charge zone will become clearer. We should not delay the further adoption of the RUDP, but equally we should consider fully significant changes rather than rushing to meet a deadline. We can go back and change the UDP later, if that is the right decision.

calculations, which were considered during the Public Inquiry.

Whilst it is agreed that Options A or B may not proceed, it is considered unlikely that the City Council would find a proposal that generated more traffic than these Options to be acceptable.

The outcome of the consideration of Policy TRANS 18 (A) is holding up the Adoption of the RUDP. It is considered that a decision other than that recommended in recommendation 2.2 would be more likely to lead to further objections and even to the need for a second Inquiry or Judicial Review.

While it is true that the issue of planning consent for Options A and B is not fully resolved because of an impending Judicial Review of the Secretary of State’s decision, Counsel has advised that it is not appropriate to delay making a decision on Policy TRANS 18 whilst awaiting the outcome of the present appeals. The appeals do not directly touch upon the safeguarding line and, even if they were successful, and the Secretary of State’s decision quashed, there is no reason to suppose that the Secretary of State would reach a different conclusion in relation to the safeguarding line when re-determining the original appeals by West End Green (Properties) Limited. Moreover, given the possibility...
The statement is made that there is a remote likelihood of such a road widening coming forward. This is true today, but less than 3 years ago, the full road widening was TFL policy and had been for many years. Who can judge whether that position could revert back again, so the Council needs to consider the position in relation to its own needs and those of residents affected by these decisions.

The history of this site has shown that it is unwise to change the council's policy as once we remove this requirement, we will be unlikely to be able to add it back in at a later date. I urge the retention of the status quo and therefore Option 3.

Even had Transport for London been in favour of retaining the existing safeguarding line so as to allow for the possibility of six lane widening as far as St John's Wood Road at some future date, such widening would have required the demolition of a considerable number of existing buildings fronting onto Edgware Road and Maida Vale, a number of which are located within the Maida Vale Conservation Area. There might also have been engineering difficulties in bridging over the Regent's Canal. Even if the City Council in its capacity as planning authority were minded to allow the demolition of those properties, it is likely that there would have been very considerable opposition to their compulsory purchase and a very high capital cost if their compulsory purchase were approved. Therefore it is considered that the Secretary of State was right to conclude that the possibility of such a widening scheme coming forward was remote.

Nevertheless, it is agreed that if the requirement for widening to the existing safeguarding line is removed, it might be difficult to replace it at a later date.

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<td>Barbara</td>
<td>I support Option 3. I have</td>
<td>Figures show that traffic levels of a further appeal to the Court of Appeal (and even to the House of Lords), it may be some considerable time before the final outcome of the challenges to the Secretary of State's decision is known.</td>
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### Councillor Comment

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<td>Schmeling</td>
<td>always supported the need for the road widening. This is a bottleneck already and given the future extension of the congestion charge, Edgware Road is likely to have increased traffic flows, which will only make matters worse. Option 3, retaining the existing safeguarding line, is vital for traffic in this area.</td>
<td>on Edgware Road have dropped since the introduction of congestion charging and Transport for London does not believe they will increase as a result of the introduction of the Western Extension. The free route will only be useful to traffic proceeding from north of the congestion charging zone to south of it and vice versa. Transport for London feels that the extra traffic using this route will be more than compensated for by a reduction in local traffic using it to gain access to the charged area.</td>
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### 8. Financial Implications

8.1 This report has no financial implications.

### 9. Impact on Health and Well-being

9.1 There are no significant impacts on health and well-being arising from this report.

### 10. Staffing Implications

10.1 There are no staffing implications as a result of this report.

### 11. Outstanding Issues

11.1 Outstanding issues arising from this report, if a decision is taken in line with the recommendations, include :-

- the High Court challenges to the Secretary of State’s decision;
- the formal modifications procedure, pursuant to Regulation 29 of the Town and Country Planning (Development Plan) (England) Regulations 1999 (“the Development Plan Regulations”), which could result in further objections to the Policy;
- possible further consideration of other options for the site;
- the possible acquisition of 283 Edgware Road;
• a possible further Judicial Review of whatever decision arises out of this report.

12. Performance Plan Implications

12.1 The proposed scheme does not affect original targets set in the 2005/2006 Planning and City Development Business Plan.

13. Crime and Disorder Act

13.1 There are no crime and disorder issues arising from this report.

14. Health and Safety Issues

14.1 There are no health and safety issues arising from this report.

15. Co-operation with Health Authorities

15.1 There are no issues relating to co-operation with health authorities arising from this report.


16.1 There are no issues relating to responsibilities under the Human Rights Act 1998 arising from this report.

17. Traffic Management Act (TMA)

17.1 Edgware Road is not part of the Strategic Road Network, but Transport for London is the highway and traffic authority for it and would therefore need to agree, if not lead on, the final proposals for the carriageway and footway adjacent to any development on that part of Edgware Road between Church Street and Newcastle Place.

18. Conclusions and Reasons for the Proposed Decision

18.1 The Cabinet Member for Planning is recommended to agree that, subject to the consideration of any further representations received as a result of the modifications procedure, the wording of Policy TRANS 18 itself and the associated Reasoned Justification in paragraph 4.142 of that document should stand as in the version of the RUDP that was approved by Full Council on 13 December 2004, but that the associated plan (Map 4.7) be amended to reflect
a revised safeguarding line as approved by the Secretary of State in conjunction with appeal Option A.

18.2 It is recommended that the revised Policy TRANS 18 be the subject of the formal modifications procedure, pursuant to Regulation 29 of the Town and Country Planning (Development Plan) (England) Regulations 1999.

18.3 The reasons for the above recommendations are as follows:-

- The 2005 public inquiry into Options A and B was the most comprehensive examination of the case for widening this part of Edgware Road that there has been, and the outcome was that both the Inspector and the Secretary of State were of the view that a scheme which set back the safeguarding line in line with that shown on Map 4.7 A (Figure 2), instead of the existing Map 4.7 (Figure 1) was acceptable;
- In theory, an alternative proposal could be proposed which could generate more traffic (both motorised and pedestrian) than Option A and which could therefore require a wider Edgware Road than Option A. However, in practice, such an option is unlikely to be acceptable to the City Council anyway;
- Transport for London, the highway and traffic authority for Edgware Road has advised that it would like the safeguarding line modified to reflect that shown on Map 4.7 A (Figure 2) thus confirming that it has no plans in the foreseeable future for six-lane widening between Harrow Road and St John’s Wood Road.

If you have any queries about this report or wish to inspect any of the background papers please contact:
Sean Dwyer on 020-7641-3326 or by fax on 020-7641-2658, e-mail sdwyer@westminster.gov.uk

List of Appendices

1. Cabinet Member report dated July 2005 on Trans 18 (A) and decision notice
2. Inspector’s report on appeals by West End Green (Properties) Ltd dated 9 December 2004
3. Secretary of State’s decision letter dated 10 October 2005
6. Confidential – Legal Implications
Background Papers

The documents referred to in compiling this report are:

1. Reports to and associated minutes of Cabinet and Council Meetings of 13 December 2004 on the Replacement Unitary Development Plan.
2. Inspector’s report into Objections to the Unitary Development Plan Review Part II (Criteria-based policies) Chapter 4: Transport
3. RUDP as agreed for adoption by Full Council 13 December 2004;
5. Assessment of the effects of the proposals contained in this report on health and well-being
For completion by Cabinet Member for Planning

- Declaration of Interest

I have no interest to declare in respect of this report

..................................................  Signed  ........................................ Date
Robert Davis DL

I have to declare an interest

State nature of interest .................................................................

.................................................................

..................................................  Signed  ........................................ Date
Robert Davis DL

(N.B: If you have an interest you should seek advice as to whether it is appropriate
to make a decision in relation to this matter.)

For the reasons set out above:

I agree the recommendation as set out in the report entitled **Replacement Unitary Development Plan Policy TRANS 18 (A)** and reject any alternative options which are referred to but not recommended. As I agree recommendation 2.3 I do not agree recommendation 2.7.

Signed .................................................................

- Cabinet Member for Planning

Date .................................................................

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing. Alternatively I have set out those recommendations agreed and those rejected below:

Additional comment/alternative decision:

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NOTE: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of...
Legal and Administrative Services, the Director of Finance and, if there are staffing implications, the Head of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

**Note to Cabinet Member:** Your decision will now be published and copied to the Members of the relevant Overview & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Overview and Scrutiny Committee to decide whether it wishes to call the matter in.