



HILLINGDON
LONDON



Petition Hearing - Cabinet Member for Planning, Transportation and Recycling

Date: WEDNESDAY, 17
OCTOBER 2012

Time: 7.00 PM

Venue: COMMITTEE ROOM 3 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

Cabinet Member hearing the petitions:

Keith Burrows, Cabinet Member for
Planning, Transportation and Recycling

How the hearing works:

The petition organiser (or his/her
nominee) can address the Cabinet
Member for a short time and in turn the
Cabinet Member may also ask questions.

Local ward councillors are invited to these
hearings and may also be in attendance
to support or listen to your views.

After hearing all the views expressed, the
Cabinet Member will make a formal
decision. This decision will be published
and sent to the petition organisers shortly
after the meeting confirming the action to
be taken by the Council.

**This agenda and associated
reports can be made available
in other languages, in braille,
large print or on audio tape.
Please contact us for further
information.**

Published: Tuesday, 9 October 2012

Contact: Steven Maiden
Tel: 01895 250693
Fax: 01895 277373
Email: smaiden@hillington.gov.uk

This Agenda is available online at:
<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=252&Year=2012>

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



INVESTOR IN PEOPLE

Useful information

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services

Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

Please switch off any mobile telephones and BlackBerries™ before the meeting. Any recording of the meeting is not allowed, either using electronic, mobile or visual devices.

If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



Agenda

CHAIRMAN'S ANNOUNCEMENTS

PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND

- 1 Declarations of Interest
- 2 To confirm that the business of the meeting will take place in public.
- 3 To consider the report of the officers on the following petitions received.

Please note that individual petitions may overrun their time slots. Although individual petitions may start later than advertised, they will not start any earlier than the advertised time.

	Start Time	Title of Report	Ward	Page
4	7pm	Perth Avenue, Hayes, Yeading - Residents' request for the council to 'keep its promises to the residents of Yeading Green Estate and Brookside Primary School regarding the development of their amenity land to include traffic calming on Perth Avenue'.	Yeading	
5	7pm	Cottage Close, West Ruislip - Petition asking for Cottage Close to be resurfaced	West Ruislip	
6	7.30pm	Farthings Close, Eastcote & East Ruislip - Petition asking for Farthings Close to be resurfaced	Eastcote & East Ruislip	
7	8pm	Mahlon Avenue, South Ruislip - Petition asking for Mahlon Avenue, South Ruislip to be resurfaced.	South Ruislip	
8	8pm	Barnhill Lane, Barnhill - Residents' request for resurfacing of Barnhill Lane, Yeading.	Barnhill	

This page is intentionally left blank

PERTH AVENUE, HAYES – PETITION REQUESTING TRAFFIC CALMING MEASURES AND OTHER IMPROVEMENTS TO THE AREA.

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact(s)	Matt Duigan Planning, Environment, Education and Community Services
Papers with report	Appendix A

1. HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition has been received from residents living on the Yeading Green Estate and Brookside Primary School staff, governors and parents.
Contribution to our plans and strategies	The request can be considered as part of the Council's strategy for road safety.
Financial Cost	There are none associated with the recommendations to this report.
Relevant Policy Overview Committee	Residents and Environmental Services
Ward(s) affected	Yeading

2. RECOMMENDATIONS

That the Cabinet Member:

- 1. Meets and discusses with petitioners their concerns regarding road safety in Perth Avenue and listens to their request for security enhancements in the new parking areas.**
- 2. Subject to 1 above asks officers to place this request on the Council's Road Safety Programme for subsequent investigation and the development of possible options.**
- 3. Subject to 1 above offer to undertake a new 7 day, 24 hour classified traffic speed and volume survey at a location in Perth Avenue, to be agreed with petitioners.**
- 4. Subject to 1 above, instructs that the car parking area to the rear of the development be subject to physical improvements, secure fencing and CCTV in line with the recommendations of the Metropolitan Police Crime Prevention Officer.**

Reasons for recommendation

The petition hearing will provide a valuable opportunity to hear directly from the petitioners of their concerns and suggestions. It is considered that due regard should be given to the views of the Metropolitan Police Crime Prevention Officer.

Alternative options considered

These can be discussed in greater detail with petitioners.

Comments of Policy Overview Committee(s)

None at this stage

3. INFORMATION

Supporting Information

Planning Background

1. On 31 March 2010 planning permission was issued for the erection of a block of 12 residential units on a site at 1-16 Sydney Court which had historically been utilised as a car park (reference 65936/APP/2009/2629). The planning permission was accompanied by a S106 legal agreement, which included a requirement for the developer to pay a contribution of £41,020 towards capacity enhancements in nearby educational facilities made necessary by the development.

2. In June 2011 a petition with 187 signatures was received from residents of Yeading Green Estate and staff, parents and governors of Brookside Primary School under the following heading:

“We the undersigned call on Hillingdon Council to keep its promises to the residents of Yeading Gardens Estate and Brookside Primary School. We were promised that as part of the development of our amenity land that we would receive the following

- *Traffic Calming on Perth Avenue*
- *Security/Lighting and surfacing works in the “new” parking areas*
- *Money to be spent on projects in Brookside Primary School to compensate for the noise and inconvenience it has endures for the past year*

We also call on The Council to rethink the proposal to install double yellow lines down Perth Avenue. Parking restrictions such as this allow traffic to speed up, contradicting the need for traffic calming”

3. In the case of the planning permission at 1-16 Sydney Court (reference 65936/APP/2009/2629), the applicant advised that the development would only provide accommodation for persons over 55 years of age. The age restricted nature of the development reduces anticipated child yield, removing the justification for seeking an education contribution. In recognition of concerns raised in the petition in relation to traffic calming, a report was presented to the Central and South Area Planning Committee on 19 July 2011 recommending that a Deed of Variation (DOV) be agreed to alter the original S106 legal agreement so that the education contribution could be used to cover the cost of traffic calming measures.

4. Committee agreed to the resolution and the DOV to the legal agreement was subsequently finalised on 11 August 2011, enabling £41,020 to be used for traffic calming.

Traffic Calming on Perth Avenue

5. Perth Road is a mainly residential road that connects Maple Road and Dunedin Way and runs parallel with Yeading Lane.

6. The Cabinet Member will remember hearing a petition in November 2009 organised by the Brookside Primary school asking for measures to reduce vehicle speeds in Perth Avenue. As a result of this petition an independent 24/7 speed and traffic survey was undertaken in March 2010 where data on traffic volumes, types of vehicles and vehicle speeds were captured. The results of this survey indicated that the majority of vehicles were travelling at or below the speed limit. However, a small number of vehicles were found to exceed the speed limit.

7. While the development of the 12 units did not generate the need for off site highways works (such as traffic calming), the DOV enables £41,020 to be used for traffic calming measures.

8. It is clear that there is funding available for traffic calming works, subject to further investigation and support from local stakeholders. The Cabinet Member may wish to hear the view of petitioners to understand the type of works which they feel may be appropriate, and what concerns may exist in relation to the use of double yellow lines or other waiting restrictions in Perth Avenue. To further inform this process the Cabinet member may wish to instruct officers to undertake a fresh classified traffic / volume speed survey at a location in Perth Avenue to be agreed with the petitioners.

Security/Lighting and surfacing works in the “new” parking areas

9. The planning permission required that the three 'new' parking areas be provided.

- a. 38 spaces on the garage site adjacent to Melbourne Court to re-provide for occupiers of the adjoining estate; and
- b. 20 spaces on the garage site adjacent to 83 Perth Avenue to re-provide for occupiers of the adjoining estate; and
- c. 14 spaces to the west/rear of the main site to re-provide for occupiers of the adjoining residential estate.

10. Several meetings with the Metropolitan Police Crime Prevention Officer took place with the applicant and agreement reached in terms of the measures to be put in place to ensure adequate design and security of parking areas.

11. The three open air replacement parking areas have been recently audited by the Metropolitan Police Crime Prevention Officer, who advised that while the parking areas located adjacent to Melbourne Court and 83 Perth Avenue accord with agreed security requirements, the parking area to the rear of the new development does not. This open air car parking area is not easily observed, has been used for fly tipping and subject to car crime. Maintenance is required to ensure lighting is not obscured by trees and fencing is reinstated. Additionally the Metropolitan Police Crime Prevention Officer recommends that CCTV surveillance be installed. It is recommended that the Cabinet Member give substantial weighting to the comments made by the Metropolitan Police Crime Prevention Officer in particular, as the Council has corporate objectives whereby it supports Secure by Design accreditation, both on private and Council managed development sites. The Metropolitan Police Crime Prevention Officer has stated that

he would be loath to consider the development for Secure by Design accreditation without addressing issues faced by the rear parking area.

12. The Cabinet Member may also wish to hear the views of petitioners to understand the type of works which they feel may be appropriate within the car parking areas.

Money to be spent on projects in Brookside Primary School to compensate for the noise and inconvenience it has endures for the past year

13. It must be remembered that the planning permission included a variety of conditions to mitigate the impacts of the development, including requiring that a construction management plan be prepared and adhered to during the construction phase. Construction impacts were mitigated in this way. The Council took all reasonable steps to protect neighbours from the adverse effects of the development. The Council is not required to pay compensation to neighbours when planning permission is granted. Further compensation could therefore not be justified. If a statutory nuisance has occurred then neighbours could consider making civil claims against the developers and should seek independent legal advice in this regard.

Financial Implications

The costs associated with facilitating traffic calming, subject to the Council's normal procedures and statutory consultation requirements for the development of traffic management schemes, could be met from funding associated with the Section 106 legal agreement. Under the Council's constitution, the decision authority to release Section 106 funding to particular schemes rests with the Leader of the Council and the Cabinet Member for Finance, Property and Business Services.

Funding of any security enhancements to parking areas would have to be met from existing budgets. The three parking areas highlighted in the report are on housing estate land and as such any enhancement works would need to be met from the Housing Revenue Account (HRA), and fall within the remit of the Cabinet Member for Social Services Health and Housing.

Individual Cabinet Members may approve compensation payments within their remit, but normally following a direction from the Local Government Ombudsman, after the Ombudsman has fully investigated the complaint.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To allow the Cabinet Member to discuss in detail with petitioners their concerns.

Consultation Carried Out or Required

None at this stage

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above. Although there is no specific budgetary provision within the HRA to support the

measures recommended within this report, there are sufficient resources to fund these works if approved.

Legal

A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the policy, factual and engineering issues are still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

Highway Improvements

This report indicates that a Section 106 Agreement has secured monies which can be spent on road safety improvements. Officers must ensure that the monies secured by the Section 106 Agreement is spent only in accordance with its terms. Decisions on the release of monies for all capital projects is delegated to the Leader jointly with the Cabinet Member for Finance and Business Services. Therefore, if a scheme is approved in the future, a report will need to be submitted to the Leader and Cabinet Member for Finance and Business Services in order to approve the release of the S106 monies.

Should there be a decision that road safety measures need to be put in place then the relevant statutory provisions will have to be identified and considered.

Security

With regards to the security lighting in the new parking area, officers should review the conditions attached to the planning permission in order to establish whether the Council has planning powers that would require the developer to improve the security. Failing that, the Council would need to obtain the developer's agreement before carrying out any works on its land.

Compensation

There is no statutory duty for the Council to compensate neighbours when planning permission is granted for adjoining land. It is noted that the Council took reasonable care in ensuring that a construction management plan was secured as part of the planning permission. If a neighbour suspects that they have suffered a statutory nuisance, they should seek independent legal advice on whether they have a claim against the developer.

Corporate Property and Construction

There are no property implications resulting from the recommendations set out in this report.

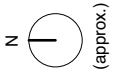
Relevant Service Groups

None at this stage

6. BACKGROUND PAPERS

Petition received – 7th June 2011

Appendix A. Site Plan



A Aerial photograph (mts) - site boundary noted in red



B Photograph looking west (nts)



C Photograph looking east (nts)

**PITMAN TOZER
ARCHITECTS**

311 Westbourne Studios tel 020 7524 7534
 242 Acklam Road fax 020 7524 7535
 London mail@pitmantozer.com
 W10 5JJ www.pitmantozer.com

General Notes
 1. This drawing remains copyright of Pitman Tozer Architects Limited and may not be reproduced or copied without consent in writing.
 2. Do not scale drawings use figured dimensions only.
 3. Any discrepancies between site and drawings to be reported to the architect immediately.
 4. Coordination with all relevant structural and mechanical & electrical engineers drawings.
 5. Dimensions critical to proposed building works must be checked on site before building works commences, as certain assumptions have been made due to lack of accessibility and anomalies in the existing building.

Revisions
 Rev A - location plan omitted, now drawing PL1.4, site boundary amended to include staircases - 25.06.09
 Rev B - layout amended, title block amended, site boundary amended - 24.11.09

Other notes
 1. Site plan taken from digital map provided by the client.
 2. Aerial photograph taken from multi map
 3. Site photographs taken by Pitman Tozer Architects Ltd on 21.11.07.

Project Address
 Perth Avenue, Yeading,
 UB4 9LN (ref. 69)

Drawing
 Existing site information
 Photographs

Drawing status
 For Statutory Consent

Date 06.10.08
Scale nts @ A3

Drawing number 0725(69)PL01
Revision B

COTTAGE CLOSE, RUISLIP - PETITION REQUESTING FOR THE CARRIAGEWAY TO BE REPAIRED

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact(s)	James Birch Planning, Environment, Education and Community Services
Papers with report	Appendix A and B

1. HEADLINE INFORMATION

Summary	To inform the Cabinet Member that a petition has been received from residents requesting the Council to repair the carriageway in Cottage Close, Ruislip.
Contribution to our plans and strategies	A safe Borough, a clean and attractive Borough.
Financial Cost	There are none at present associated with this report.
Relevant Policy Overview Committee	Residents' and Environmental Services.
Ward(s) affected	West Ruislip

2. RECOMMENDATIONS

That the Cabinet Member:

1. **Considers the petitioners' request and discusses with them in detail their concerns regarding the condition of the carriageway surface.**
2. **Subject to the outcome of (1), instruct officers to place Cottage Close on to the list for roads being considered for treatment in a future resurfacing programme.**

Reasons for recommendation

The existing carriageway surface has started to show signs of deterioration to the extent that shallow fretting has taken place in isolated areas of the carriageway. The failure is due to the natural ageing of the bitumen surface, which is now slowly disintegrating after an estimated life of 5 to 15 years. Past patching has filled some of the worst fretting but only as a medium term measure. The road profile is "bumpy" in places and construction joints have opened at a number of locations. Resurfacing using a micro surfacing would improve the visual appearance of the road and improve the ride quality. Officers will also undertake isolated repairs to the footway, which fall within the Council's intervention levels.

Alternative options considered / risk management

Further patching works: However, this option has been discounted due to the shallow depth of the existing bitumen surface dressing. The road has a thin asphalt overlay over a concrete structure. In such a construction it is difficult to patch the surface and consistently 'tie in' to the existing surface level. Delaying or not undertaking certain schemes may place additional pressure on the Council's financial resources if highway permanent repairs are not implemented in a timely manner. In many instances, the delay of schemes may also have safety implications with possible consequent impact on the public liability insurance budget.

Officers consider that the carriageway surface is beyond normal patching repair and that resurfacing using a micro surfacing material is the most economical option available to restore a watertight smooth surface.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

1. A petition with 30 signatures states that local residents from and around Cottage Close would like the carriageway to be resurfaced.
2. Cottage Close is a residential road, approximately 552sq.m. It is located off Sharps Lane, with sheltered housing at the end of the cul-de-sac. The carriageway is of rigid (concrete) construction, which has been overlaid with bituminous (tarmac) material. The uppermost layer has started to oxidise to the extent that potholes and surface cracking have appeared as well as a general 'wearing away' of the surfacing, resulting in ruts, general unevenness and a porous surface that is liable to let in surface water that will ultimately affect the strength of the structural road layers.
3. Based on the results of the most recent United Kingdom Pavement Management System (UKPMS) structural condition surveys, carried out on all Borough roads between January and March 2010, Cottage Close is placed low on the advised priority list for future treatment. Officers consider that this road is a medium priority on 'serviceability' criteria such as appearance, ride quality etc. At the time of the assessment, prior to writing this report, there was no fretting in evidence greater than 40mm, the minimum intervention level for immediate repair of dangerous defects.
4. Patching operations have been attempted over the years. Compacting of new repair material is impractical due to the brittleness of the existing surface course and its shallow depth above the concrete structure. Therefore resurfacing the whole road is an option, which would cost approximately £5,000.

Financial Implications

The estimated cost of the resurfacing works is £5,000. If it is decided to proceed with these works a funding source would need to be identified. These works are typically funded from the Highways Structural or the Highways Revenue Programmes. Officers will also explore the availability of Section 106 funds. This would be subject to normal capital release and member approval protocols.

In certain circumstances, the Council can incur legal liability, as the Highway Authority, for loss or damages to users of the highway, as a result of not complying with their duties under the Highways Act 1980 which could result in costs being incurred by the Council in settling insurance claims if the work is not carried out.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The resurfacing of Cottage Close will take into consideration the particular needs of local residents, schoolchildren and older people and people with disabilities to provide smoother, safer highway surfaces and features. A full resurfacing of the deteriorated road area will offer the most satisfactory outcome for residents, as they would be less pleased with patching works.

Consultation Carried Out or Required

None at this stage.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications as stated.

Legal

The Council has a statutory duty to maintain the highway under section 41 of the Highways Act 1980 (the duty). Each street must be maintained to the standard necessary to allow its ordinary traffic to pass along it. For example, there is a breach of duty in cases where danger is caused by a failure to repair.

A failure to comply with the duty leading to loss or damage to users of the highway creates a risk of legal liability for the Council.

Continued periodic inspection and the making of expeditious repairs, is sufficient to keep the highway in accordance with the necessary standard. The officer's report indicates that although the highway is not dangerous, improved ride quality would be facilitated in the longer term by resurfacing rather than a programme of continued patching.

There are competing priorities in any ongoing programme of maintenance. It is a matter for officers to recommend when the planned resurfacing should take place in the programme of highway works having regard to the legal requirement to meet the duty.

Corporate Property and Construction

None at this stage.

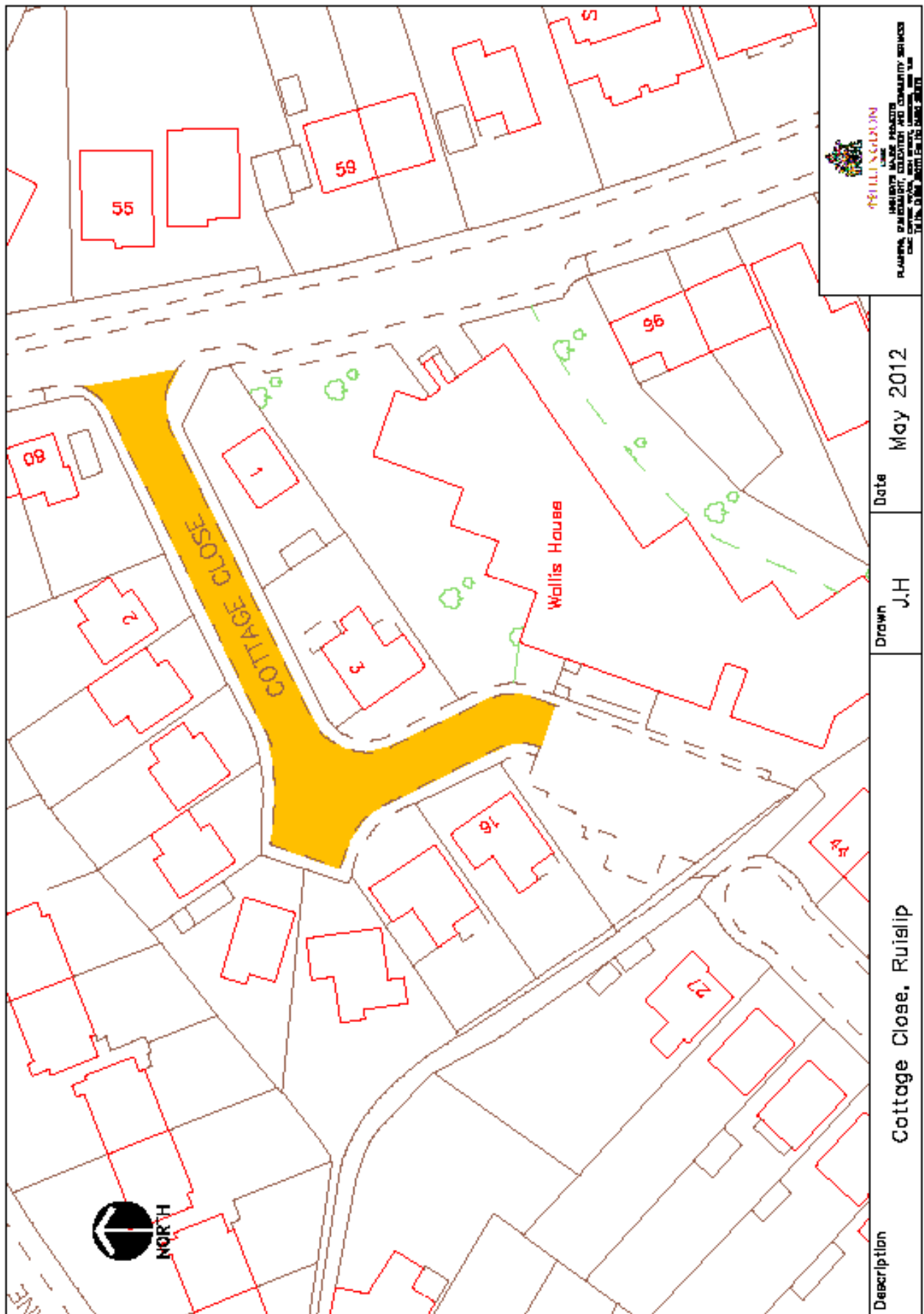
Relevant Service Groups

None at this stage.

6. BACKGROUND PAPERS

A petition received 21 May 2012.

Appendix A




HILLINGDON
 UNIFORMED SERVICES FOR
 PLANNING, DESIGN, CONSTRUCTION AND COMMUNITY SERVICES
 ONE CENTRAL SQUARE, WEST DRAYTON, MIDDLESEX, U.K.
 TEL: 0181 606 2000 FAX: 0181 606 2001

Date	May 2012
Drawn	J.H
Description	Cottage Close, Ruislip

Appendix B



FARTHINGS CLOSE, EASTCOTE & EAST RUISLIP - PETITION REQUESTING FOR THE CARRIAGEWAY TO BE RESURFACED

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact	James Birch Planning, Environment, Education and Community Services
Papers with report	Appendix A and B

1. HEADLINE INFORMATION

Summary	To inform the Cabinet Member that a petition has been received from residents requesting the Council to repair the carriageway in Farthings Close, Eastcote.
Contribution to our plans and strategies	A safe Borough, a clean and attractive Borough.
Financial Cost	There are none at present associated with this report.
Relevant Policy Overview Committee	Residents' and Environmental Services.
Ward affected	Eastcote & East Ruislip.

2. RECOMMENDATIONS

That the Cabinet Member:

1. **Considers the petitioners' request and discusses with them in detail their concerns regarding the condition of the carriageway surface.**
2. **Subject to the outcome of (1), instruct officers to place Farthings Close on to the list for roads being considered for treatment in a future resurfacing programme.**

Reasons for recommendation

The existing carriageway surface has started to show signs of deterioration to the extent that shallow fretting has taken place in isolated areas of the carriageway. The failure is due to the natural ageing of the bitumen surface, which is now slowly disintegrating after an estimated life of 5 to 15 years. Past patching has filled some of the worst fretting but only as a medium term measure. The road profile is "bumpy" in places and construction joints have opened at a number of locations. Resurfacing would improve the visual appearance of the road and improve the ride quality. Officers will also undertake isolated repairs to the footway, which fall within the Council's intervention levels.

Alternative options considered / risk management

Further patching works: However, this option has been discounted given the level of deterioration and that it does not offer the most economic solution. Delaying or not undertaking certain schemes may place additional pressure on the Councils financial resources if highway permanent repairs are not implemented in a timely manner. In many instances, the delay of the scheme may also have safety implications with possible consequent impact on the public liability insurance budget.

Officers consider that the carriageway surface is now beyond normal patching repair and that resurfacing is the only option available to restore a watertight smooth surface.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

1. A petition with 34 signatures states that local residents from and around Farthings Close would like the carriageway to be resurfaced.
2. Farthings Close is a residential no through road, approximately 1,657sq.m. It is located off Field End Road. The carriageway is of flexible construction, i.e. various layers of bound stone aggregate with bituminous ('bitmac') surfacing, that has been subsequently surfaced over with various layers of bituminous material. The uppermost layer has oxidised to the extent that potholes and surface cracking have appeared as well as a general 'wearing away' of the surfacing, resulting in ruts, general unevenness and a porous surface that is liable to let in surface water that will ultimately affect the strength of the structural road layers.
3. Based on the results of the most recent United Kingdom Pavement Management System (UKPMS) structural condition surveys, carried out on all Borough roads between January and March 2010, Farthings Close is placed high on the advised priority list for future treatment. Officers consider that this road is a high priority on 'serviceability' criteria such as appearance, ride quality etc. At the time of the assessment, prior to writing this report, there was fretting in evidence greater than 40mm, the minimum intervention level for immediate repair of dangerous defects.
4. Numerous patching operations have been carried out over the years. Compacting of new repair material is impractical due to the brittleness of the existing surface course. Therefore resurfacing the whole road is an option that would cost £28,500.

Financial Implications

The estimated cost of the resurfacing works is £28,500. If it is decided to proceed with these works a funding source would need to be identified. These works are typically funded from the annual Highways Structural capital or Highways Revenue Programmes. Officers will also explore the availability of Section 106 funds. This would be subject to normal capital release and member approval protocols.

In certain circumstances, the Council can incur legal liability, as the Highway Authority, for loss or damages to users of the highway, as a result of not complying with their duties under the Highways Act 1980 which could result in costs being incurred by the Council in settling insurance claims if the work is not carried out.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The resurfacing of Farthings Close will take into consideration the particular needs of local residents, schoolchildren and older people and people with disabilities to provide smoother, safer highway surfaces and features. A full resurfacing of the deteriorated road area will offer the most satisfactory outcome for residents, as they would be less pleased with patching works.

Consultation Carried Out or Required

None at this stage.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above.

Legal

The Council has a statutory duty to maintain the highway under section 41 of the Highways Act 1980 (the duty). Each street must be maintained to the standard necessary to allow its ordinary traffic to pass along it, for example there is a breach of duty in cases where danger is caused by a failure to repair.

A failure to comply with the duty leading to loss or damage to users of the highway creates a risk of legal liability for the Council.

Continued periodic inspection and the making of expeditious repairs, is sufficient to keep the highway in accordance with the necessary standard. The officer's report indicates that although the highway is not dangerous, improved ride quality would be facilitated in the longer term by resurfacing rather than a programme of continued patching.

There are competing priorities in any ongoing programme of maintenance. It is a matter for officers to recommend when the planned resurfacing should take place in the programme of highway works having regard to the legal requirement to meet the duty.

In relation to informal consultation there are no special legal implications for the proposal. A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the suggestion is still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Should the outcome of the informal discussions with petitioners require that Officers place Farthings Close onto the list for roads being considered for treatment in a future resurfacing programme there will need to be consideration of the Highways Act 1980, the Road Traffic Regulation Act 1984, the Traffic Signs Regulations and General Directions 2002, which govern road traffic orders, traffic signs and road markings. If specific advice is required in relation to the exercise of individual powers Legal Services should be instructed.

Corporate Property and Construction

None at this stage.

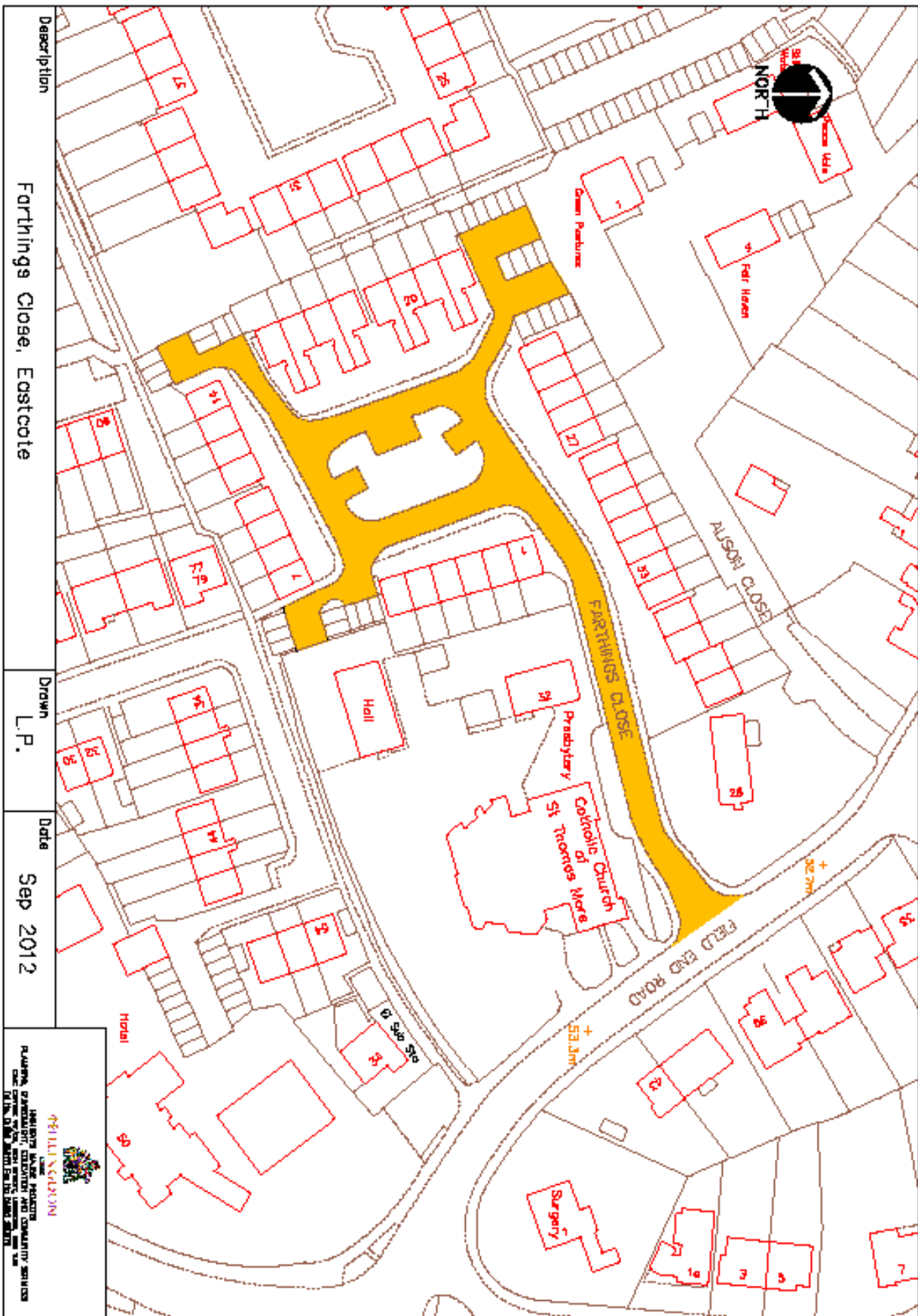
Relevant Service Groups

None at this stage.

6. BACKGROUND PAPERS

A petition received May 2012.

Appendix A



Appendix B



MAHLON AVENUE, SOUTH RUISLIP - PETITION REQUESTING FOR THE CARRIAGEWAY TO BE RESURFACED

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact(s)	James Birch Planning, Environment, Education and Community Services
Papers with report	Appendix A and B

1. HEADLINE INFORMATION

Summary	To inform the Cabinet Member that a petition has been received from residents requesting the Council to resurface the carriageway in Mahlon Avenue, South Ruislip.
Contribution to our plans and strategies	A safe Borough, a clean and attractive Borough.
Financial Cost	There are none at present associated with this report.
Relevant Policy Overview Committee	Residents' and Environmental Services.
Ward(s) affected	South Ruislip.

2. RECOMMENDATIONS

That the Cabinet Member:

1. **Considers the petitioners' request and discusses with them in detail their concerns regarding the condition of the carriageway surface.**
2. **Subject to the outcome of (1), instruct officers to place Mahlon Avenue on to the list for roads being considered for treatment in a future resurfacing programme.**

Reasons for recommendation

The existing carriageway surface has started to show signs of deterioration to the extent that shallow fretting has taken place in isolated areas of the carriageway. The failure is due to the natural ageing of the bitumen surface, which is now slowly disintegrating after an estimated life of 5 to 15 years. Past patching has filled some of the worst fretting but only as a medium term measure. The road profile is "bumpy" in places and construction joints have opened at a number of locations. Resurfacing would improve the visual appearance of the road and improve the ride quality. Officers will also undertake isolated repairs to the footway, which fall within the Council's intervention levels.

Alternative options considered / risk management

Further patching works: However, this option has been discounted given the level of deterioration and that it does not offer the most economic solution. Delaying or not undertaking certain schemes may place additional pressure on the Councils financial resources if highway permanent repairs are not implemented in a timely manner. In many instances, the delay of scheme may also have safety implications with possible consequent impact on the public liability insurance budget.

Officers consider that the carriageway surface is now beyond normal patching repair and that resurfacing is the only option available to restore a watertight smooth surface.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

1. A petition with 61 signatures states that local residents from and around Mahlon Avenue would like the carriageway to be resurfaced.
2. Mahlon Avenue is a residential road, approximately 3,443sq.m. It is located between Station Approach to the north and Masson Avenue on the south. The carriageway is of flexible construction, i.e. various layers of bound stone aggregate with bituminous ('bitmac') surfacing, that has been subsequently surfaced over with various layers of bituminous material. The uppermost layer has oxidised to the extent that potholes and surface cracking have appeared as well as a general 'wearing away' of the surfacing, resulting in ruts, general unevenness and a porous surface that is liable to let in surface water that will ultimately affect the strength of the structural road layers.
3. Based on the results of the most recent United Kingdom Pavement Management System (UKPMS) structural condition surveys, carried out on all Borough roads between January and March 2010, Mahlon Avenue is placed high on the advised priority list for future treatment. Officers consider that this road is a high priority on 'serviceability' criteria such as appearance, ride quality etc. At the time of the assessment, prior to writing this report, there was fretting in evidence greater than 40mm, the minimum intervention level for immediate repair of dangerous defects.
4. Numerous patching operations have been carried out over the years. Compacting of new repair material is impractical due to the brittleness of the existing surface course. Therefore resurfacing the whole road is an option that would cost £54,000.

Financial Implications

The estimated cost of the resurfacing works is £54,000. If it is decided to proceed with these works a funding source would need to be identified. These works are typically funded from the annual Highways Structural capital programme or Highways Revenue Programmes. Officers will also explore the availability of Section 106 funds. This would be subject to normal capital release and member approval protocols.

In certain circumstances, the Council can incur legal liability, as the Highway Authority, for loss or damages to users of the highway, as a result of not complying with their duties under the Highways Act 1980 which could result in costs being incurred by the Council in settling insurance claims if the work is not carried out.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The resurfacing of Mahlon Avenue will take into consideration the particular needs of local residents, schoolchildren and older people and people with disabilities to provide smoother, safer highway surfaces and features. A full resurfacing of the deteriorated road area will offer the most satisfactory outcome for residents, as they would be less pleased with patching works.

Consultation Carried Out or Required

None at this stage.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above.

Legal

The Council has a statutory duty to maintain the highway under section 41 of the Highways Act 1980 (the duty). Each street must be maintained to the standard necessary to allow its ordinary traffic to pass along it, for example there is a breach of duty in cases where danger is caused by a failure to repair.

A failure to comply with the duty leading to loss or damage to users of the highway creates a risk of legal liability for the Council.

Continued periodic inspection and the making of expeditious repairs, is sufficient to keep the highway in accordance with the necessary standard. The officer's report indicates that although the highway is not dangerous, improved ride quality would be facilitated in the longer term by resurfacing rather than a programme of continued patching.

There are competing priorities in any ongoing programme of maintenance. It is a matter for officers to recommend when the planned resurfacing should take place in the programme of highway works having regard to the legal requirement to meet the duty.

In relation to informal consultation there are no special legal implications for the proposal. A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the suggestion is still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Should the outcome of the informal discussions with petitioners require that Officers place Mahlon Avenue onto the list for roads being considered for treatment in a future resurfacing programme there will need to be consideration of the Highways Act 1980, the Road Traffic Regulation Act 1984, the Traffic Signs Regulations and General Directions 2002, which govern road traffic orders, traffic signs and road markings. If specific advice is required in relation to the exercise of individual powers Legal Services should be instructed.

Corporate Property and Construction

None at this stage.

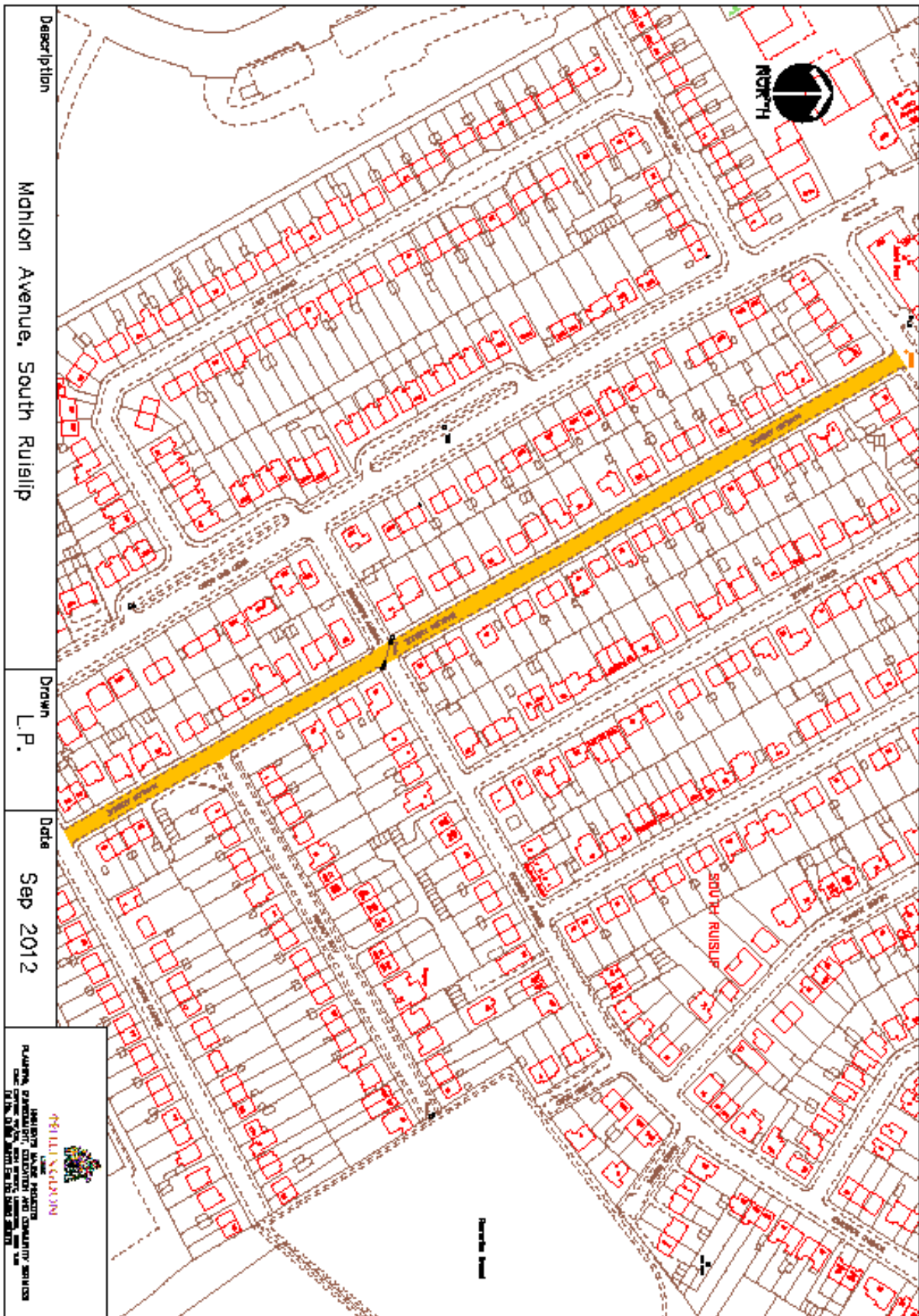
Relevant Service Groups

None at this stage.

6. BACKGROUND PAPERS

A petition received May 2012.

Appendix A



Appendix B



BARNHILL LANE, BARNHILL - PETITION REQUESTING FOR THE CARRIAGEWAY TO BE RESURFACED

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact(s)	James Birch Planning, Environment, Education and Community Services
Papers with report	Appendix A and B

1. HEADLINE INFORMATION

Summary	To inform the Cabinet Member that a petition has been received from residents requesting the Council to resurface the carriageway in Barnhill Lane, Barnhill.
Contribution to our plans and strategies	A safe Borough, a clean and attractive Borough.
Financial Cost	There are none at present associated with this report.
Relevant Policy Overview Committee	Residents and Environmental Services.
Ward(s) affected	Barnhill.

2. RECOMMENDATIONS

That the Cabinet Member:

1. **Considers the petitioners' request and discusses with them in detail their concerns regarding the condition of the carriageway surface.**
2. **Subject to the outcome of (1), instruct officers to place Barnhill Lane on to the list for roads being considered for treatment in a future resurfacing programme.**

Reasons for recommendation

The existing carriageway surface has started to show signs of deterioration to the extent that shallow fretting has taken place in isolated areas of the carriageway. The failure is due to the natural ageing of the bitumen surface, which is now slowly disintegrating after an estimated life of 5 to 15 years. Past patching has filled some of the worst fretting but only as a medium term measure. The road profile is "bumpy" in places and construction joints have opened at a number of locations. Resurfacing would improve the visual appearance of the road and improve the ride quality. Officers will also undertake isolated repairs to the footway, which fall within the Council's intervention levels.

Alternative options considered / risk management

Further patching works: However, this option has been discounted given the level of deterioration and that it does not offer the most economic solution. Delaying or not undertaking certain schemes may place additional pressure on the Councils financial resources if highway permanent repairs are not implemented in a timely manner. In many instances, the delay of the scheme may also have safety implications with possible consequent impact on the public liability insurance budget.

Officers consider that the carriageway surface is now beyond normal patching repair and that resurfacing is the only option available to restore a watertight smooth surface.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

1. A petition with 45 signatures states that local residents from and around Barnhill Lane would like the carriageway to be resurfaced.
2. Barnhill Lane is a residential road, approximately 1,446sq.m. It is located between Welbeck Avenue to the north and Chatsworth Road on the south. The carriageway is of a composite construction consisting of a rigid (concrete) base, with a bituminous overlay material. The uppermost layer has oxidised to the extent that potholes and surface cracking have appeared as well as a general 'wearing away' of the surfacing, resulting in ruts, general unevenness and a porous surface that is liable to let in surface water that will ultimately affect the strength of the structural road layers.
3. Based on the results of the most recent United Kingdom Pavement Management System (UKPMS) structural condition surveys, carried out on all Borough roads between January and March 2010, Barnhill Lane is placed high on the advised priority list for future treatment. Officers consider that this road is a high priority on 'serviceability' criteria such as appearance, ride quality etc. At the time of the assessment, prior to writing this report, there was fretting in evidence greater than 40mm, the minimum intervention level for immediate repair of dangerous defects.
4. Numerous patching operations have been carried out over the years. Compacting of new repair material is impractical due to the brittleness of the existing surface course. Therefore resurfacing the whole road is an option that would cost £24,100.

Financial Implications

The estimated cost of the resurfacing works is £24,100. If it is decided to proceed with these works a funding source would need to be identified. These works are typically funded from the annual Highways Structural Capital or Highways Revenue Programmes. Officers will also explore the availability of Section 106 funds. This would be subject to normal capital release and member approval protocols.

In certain circumstances, the Council can incur legal liability, as the Highway Authority, for loss or damages to users of the highway, as a result of not complying with their duties under the Highways Act 1980 which could result in costs being incurred by the Council in settling insurance claims if the work is not carried out.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The resurfacing of Barnhill Lane will take into consideration the particular needs of local residents, schoolchildren and older people and people with disabilities to provide smoother, safer highway surfaces and features. A full resurfacing of the deteriorated road area will offer the most satisfactory outcome for residents, as they would be less pleased with patching works.

Consultation Carried Out or Required

None at this stage.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above.

Legal

The Council has a statutory duty to maintain the highway under section 41 of the Highways Act 1980 (the duty). Each street must be maintained to the standard necessary to allow its ordinary traffic to pass along it, for example there is a breach of duty in cases where danger is caused by a failure to repair.

A failure to comply with the duty leading to loss or damage to users of the highway creates a risk of legal liability for the Council.

Continued periodic inspection and the making of expeditious repairs, is sufficient to keep the highway in accordance with the necessary standard. The officer's report indicates that although the highway is not dangerous, improved ride quality would be facilitated in the longer term by resurfacing rather than a programme of continued patching.

There are competing priorities in any ongoing programme of maintenance. It is a matter for officers to recommend when the planned resurfacing should take place in the programme of highway works having regard to the legal requirement to meet the duty.

In relation to informal consultation there are no special legal implications for the proposal. A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the suggestion is still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Should the outcome of the informal discussions with petitioners require that Officers place Barnhill Lane onto the list for roads being considered for treatment in a future resurfacing programme there will need to be consideration of the Highways Act 1980, the Road Traffic Regulation Act 1984, the Traffic Signs Regulations and General Directions 2002, which govern road traffic orders, traffic signs and road markings. If specific advice is required in relation to the exercise of individual powers Legal Services should be instructed.

Corporate Property and Construction

None at this stage.

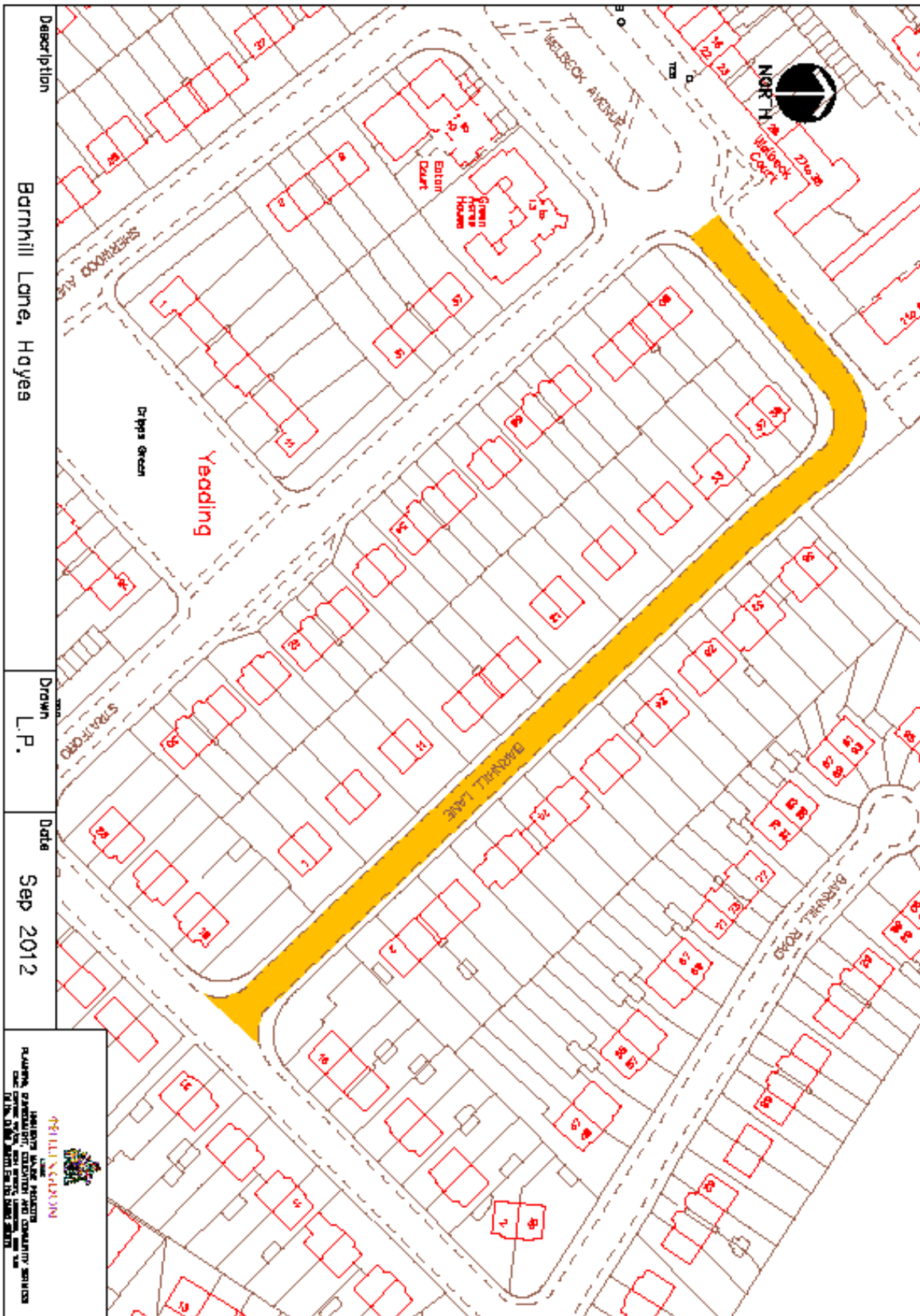
Relevant Service Groups

None at this stage.

6. BACKGROUND PAPERS

A petition received April 2012.

Appendix A



Appendix B

