



HILLINGDON
LONDON



Petition Hearing - Cabinet Member for Planning, Transportation and Recycling

Date: WEDNESDAY, 25 MAY 2011

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

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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.

Published: Tuesday, 17 May 2011

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INVESTOR IN PEOPLE

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Agenda

PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND

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

	Start Time	Title of Report	Ward	Page
3	7.00 p.m.	Petition against Zebra Crossing in front of 320 Kingshill Avenue, Hayes	Charville;	1 - 8
4	7.00 p.m.	Petition requesting the opening of the Public Right of Way at RAF Uxbridge	Uxbridge North;	9 - 14
5	7.30 p.m.	Petition requesting the construction of a Proper Tarmac Footpath alongside the approach to the Willow Tree Marina, Yeading	Yeading;	15 - 18
6	8.00 p.m.	Petition to Save the Beech Tree outside 63 Beech Avenue, Ruislip	Cavendish;	19 - 26
7	8.00 p.m.	Petition requesting Road Resurfacing and Pavement Repairs in Dollis Crescent, Ruislip	Cavendish;	27 - 32

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KINGSHILL AVENUE, HAYES – PETITION OBJECTING TO PROPOSED ZEBRA CROSSING

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	Catherine Freeman Planning, Environment, Education and Community Services
Papers with report	Appendices A & B

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition has been received objecting to the location of the proposed zebra crossing on Kingshill Avenue, Hayes.
Contribution to our plans and strategies	The proposed zebra crossing forms part of the Council's strategy for road safety and School Travel plans
Financial Cost	If the Cabinet Member decides to progress the proposed zebra crossing scheme, the estimated cost for implementation is £35,000
Relevant Policy Overview Committee	Residents' & Environmental Services
Ward(s) affected	Charville Ward

RECOMMENDATION

That the Cabinet Member:

1. Meets with the petitioners to discuss in greater detail their concerns regarding the location of the proposed zebra crossing on Kingshill Avenue.
2. Considers the views of the petitioners and other stakeholders when deciding subsequently upon whether or not he formally approves the pedestrian crossing.
3. Subject to (1) instructs officers in Highway Maintenance to inspect the condition of the footway in Kingshill Avenue.

INFORMATION

Reasons for recommendation

The Council wishes to consider the views of residents when designing road safety measures. The petition hearing will provide an extremely valuable opportunity to hear directly from the petitioners of their concerns and suggestions.

Cabinet Member meeting with Petitioners

Alternative options considered / risk management

These can be discussed in greater detail with petitioners

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

1. The Council has received a petition of 397 signatures from residents of Hayes concerning the location of the proposed zebra crossing on Kingshill Avenue. Residents have signed the petition under one or both of the following headings:-

- *'Against having a zebra crossing at the proposed site, in front of 320 Kingshill Avenue'* (204 signatures)
- *'We want a safe place to cross. Make the south island safer'* (193 signatures)

2. The petitioners are concerned that the location of the proposed zebra crossing is too close to the bend where vehicle speeds are high. They consider there to be a shortage of on-street parking spaces in Kingshill Avenue and some residents are Blue Badge holders. The petition includes photographs showing the parking situation in Kingshill Avenue and its neighbouring roads at different times of the day. The residents are also concerned that there have been accidents at the junction of Kingshill Avenue and Frogmore Avenue.

3. A number of the petitioners appear to be requesting a formal pedestrian crossing at the location of the existing central island on Kingshill Avenue, southwest of the junction with Adelphi Way, as shown in Appendix A. Residents do not consider the existing island to be a safe crossing point and visibility is restricted by parked vehicles. They would like a formal crossing at this location because it would provide a safe facility for pedestrians accessing the shops as well as for children walking to school.

4. The petition also raises concerns relating to various issues including the condition of the footway in Kingshill Avenue. Residents have requested additional restrictions and increased enforcement to stop delivery vehicles parking in front of the shops and on existing yellow lines. They have also requested additional waiting restrictions on junctions and have stated that buses need more space to turn the corner at the junction of Kingshill Avenue and Adelphi Way.

5. The Cabinet Member will be aware that the proposed zebra crossing scheme on Kingshill Avenue has been developed in response to a request from Hayes Park School which was identified as part of the 'School Travel Plan Programme'. Hayes Park School is located on Raynton Drive, as shown in the location plan attached as Appendix A.

6. The Transport for London (TfL) funded 'School Travel Plan' programme is a road safety based initiative that draws upon school concerns to develop measures of benefit to pupils, in their journey to and from school. Schools that participate in the 'School Travel Plan' programme generate their own Action Plans with support from the Council, which are then used as the basis for bids to TfL in order to secure funding for relevant traffic scheme and works. A request for a new zebra crossing on Kingshill Avenue is one of the key elements of Hayes Park School's Action Plan.

Cabinet Member meeting with Petitioners

7. The Council's School Travel Plan Advisor has indicated that the preferred location for the crossing is near the junctions with Bradenham Road and Frogmore Avenue as this is the desire line for children and parents crossing Kingshill Avenue to access Hayes Park School via its entrance on Frogmore Avenue.

8. In 2010 officers carried out a feasibility study to determine the optimum location for the requested zebra crossing. This included a careful review of the existing layout of driveways along Kingshill Avenue in the vicinity of Bradenham Road and Frogmore Avenue. A feasible location was identified on Kingshill Avenue, northeast of the junction with Frogmore Avenue, as shown in Appendix B.

9. In December 2010, the local Ward Councillors were consulted on the proposed zebra crossing scheme. Two of the Ward Councillors indicated their support for a zebra crossing on Kingshill Avenue, northeast of Frogmore Avenue. One of the Ward Councillors raised concerns regarding the loss of on-street parking on this section of Kingshill Avenue and instead suggested locating the crossing at the existing central island, near the junction with Adelphi Way.

10. The proposed scheme was reviewed in a combined Stage 1 and 2 Road Safety Audit carried out independently by Colin Buchanan. The auditor's comments and recommendations have been incorporated within the design of the scheme, which includes the re-location of an existing tree outside Nos. 320/322 Kingshill Avenue to improve visibility of pedestrians waiting to use the crossing. The auditor did not raise any concerns regarding vehicle speeds and the proximity of the bend to the proposed crossing location.

11. A public notice stating the Council's intention to install the proposed zebra crossing was advertised on 9th February 2011 for 14 days. During this period the Council received two objections to the proposed scheme.

12. The two objectors are residents of Kingshill Avenue with properties directly affected by the proposed crossing. The main reason for objection is due to the loss of on-street parking. One of the objectors stated that themselves and another resident are Blue Badge holders and have applied for a disabled parking bay outside their property.

13. The second objector is concerned that the proposal does not show all of the driveways for residents who currently park in their front gardens on this section of Kingshill Avenue. The resident stated that they have limited mobility and there is already insufficient on-street parking in Kingshill Avenue and Frogmore Avenue. Both objectors suggested that the Council installs a formal pedestrian crossing at the location of an existing central island near Adelphi Way.

14. The Cabinet Member will be aware that there is pressure on parking in Kingshill Avenue which is the same as many other residential roads in the Borough. Site observations have indicated that some residents of Kingshill Avenue currently park in their front garden but do not have an official vehicle access.

15. Officers have investigated suggestions to install a formal pedestrian crossing at the location of the existing central island on Kingshill Avenue, southwest of the junction with Adelphi Way. The central island is approximately 100 metres east of the junction with Frogmore Avenue. Discussions with the Council's School Travel Plan Advisor has indicated that the location of the existing island would not be in the desire line for pedestrians crossing Kingshill Avenue between the junctions with Bradenham Road and Frogmore Avenue to access Hayes

Cabinet Member meeting with Petitioners

Park School via the entrance on Frogmore Avenue. There is also an existing parking lay-by approximately 8 metres southwest of the existing island. If a formal crossing was to be installed at this location then vehicles would be parking within the controlled area on the eastbound approach to the crossing which would increase the potential for conflicts between pedestrians and vehicles.

16. In May 2011, the local Ward Councillors were consulted further on the proposed zebra crossing scheme. One Ward Councillor enquired whether any existing trees in Kingshill Avenue would need to be removed to accommodate the new crossing. Another Ward Councillor stated that the safety of children and local residents crossing this very busy road is cause for concern. The same Ward Councillor sympathises with the petitioners' concerns over the loss of parking places in Kingshill Avenue, and also supports the petitioners' request for additional waiting restrictions on junctions to improve access for buses.

17. Hayes Park School supports the principle of the need for a safe pedestrian crossing, and has identified this in their School Travel Plan, but is mindful of the sensitivities associated with its precise location.

18. Analysis of Police recorded personal injury accident data has shown that there have been four collisions on Kingshill Avenue between the junctions of Park Lane and Lansbury Drive during the 3 year period ending December 2010. Two accidents involved pedestrians colliding with vehicles on Kingshill Avenue approximately 40 metres northeast of the junction with Frogmore Avenue. One accident was a shunt type collision involving two vehicles on Kingshill Avenue approximately 30 metres northeast of the junction of Adelphi Way. One accident involved a vehicle moving off and being hit by another vehicle on Kingshill Avenue approximately 30 metres northeast of the junction of Dales Drive.

19. It is suggested that the Cabinet Member discusses in detail with petitioners their concerns regarding the location of the proposed zebra crossing on Kingshill Avenue.

Financial Implications

If the Cabinet Member decides to progress the proposed zebra crossing scheme, the estimated cost for implementation is £35,000. This can be funded by Transport for London as part of the Council's Local Implementation Plan (LIP) bid. The Leader of the Council formally released this funding in August 2010.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

It will allow further consideration of the petitioners' concerns

Consultation Carried Out or Required

- The proposed zebra crossing scheme was raised as an item at the Council's Traffic Liaison Meeting in January 2011, which was attended by representatives from the emergency services. No objections were raised to the proposed scheme at this meeting.
- Local Ward Councillors were consulted on the proposal in December 2010 and May 2011.

Cabinet Member meeting with Petitioners

- An informal consultation letter was hand delivered to the directly affected residents on 10th January 2011.
- A public notice stating the Council's intention to install the proposed zebra crossing was advertised on 9th February 2011 for 14 days.

CORPORATE IMPLICATIONS

Legal

The Power to Establish a Zebra Crossing

The Local Authorities power to establish, alter and remove crossings is contained in the Road Traffic Regulations Act 1984 ("the Act"). Crossings should be provided in accordance with The Zebra, Pelican and Puffin Pedestrian Crossing Regulations and General Directions 1997.

Requirement to Consider Responses

Section 23(2) of the Act provides that before establishing a crossing the local traffic authority shall: -

- I. Consult with the chief officer of police about their proposal to do so;
- II. Shall give public notice of that proposal to do so; and
- III. Shall inform the Secretary of State in writing.

The statutory requirement to give notice of the proposal includes a duty upon the Council to consider the responses received, to give adequate time to those considerations and consider such responses with a receptive mind and in a contentious manner before finalisation of any proposals.

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.

Balancing the Considerations -The Statutory Requirements

The Council is under a duty imposed by section 122 of the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

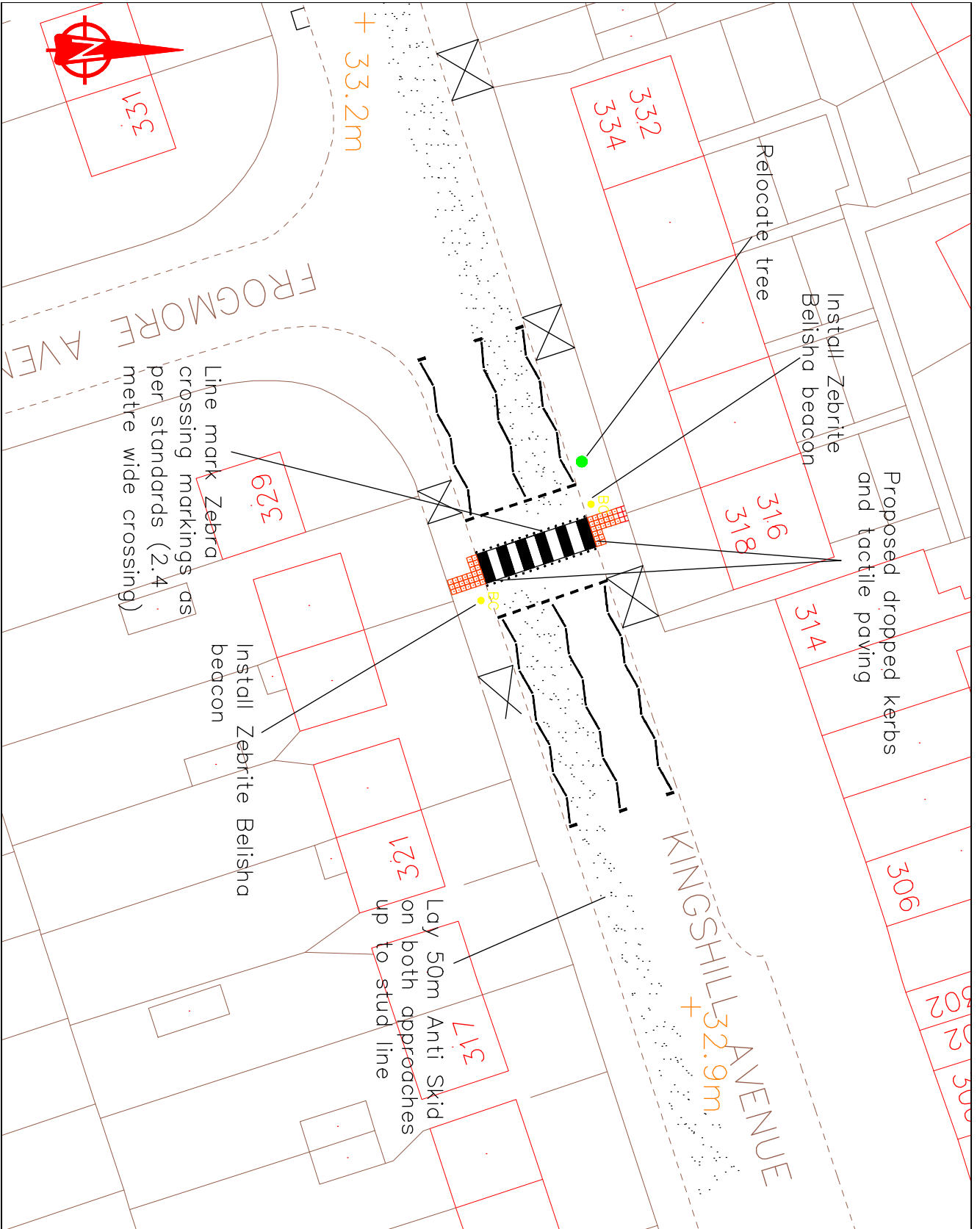
The Council must also have regard to a number of matters set out in Section 122(2), which include -

- I. The desirability of securing and maintaining reasonable access to premises.
- II. The effect on the amenities of any locality affected,
- III. The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or wishing to use such vehicles.
- IV. Any other matter appearing to the Local Authority to be relevant.

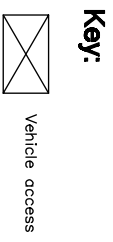
The Council must balance the duty to secure the expeditious movement of traffic under section 122 of the Act (above) with the requirement to take into account the matters listed above under section 122(2). The Courts have held that the duty for expeditious, convenient and safe movement of traffic must be followed but only as far as possible once it has considered the matters to be taken into account in section 122(2) above. R v Leicester CC Exp LPC Group (2002)

BACKGROUND PAPERS

Petition objecting to the proposed zebra crossing on Kingshill Avenue, received 6th April 2011.



- Notes:**
- 1) Check lighting and drainage at detailed design stage
 - 2) Critical dimensions to be checked at detailed design stage



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 London Borough of Hillingdon 100019283 2011



Project
 Kingshill Avenue, Hayes
Proposed zebra crossing

Description	
Scale	Drawn (Initials/Date)
N/S	CF 01/11
Project No.	Drawing No.
	Rev.

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PUBLIC RIGHT OF WAY U63 – PETITION ASKING FOR THE RE-OPENING OF THE RIGHT OF WAY.

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation and Recycling
Officer Contact	Richard Kane Planning, Environment, Education and Community Services
Papers with report	Appendix A & B

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that two petitions have been received asking for the Public Right of Way U63, which traverses through the Royal Air Force site at Uxbridge to be re-opened.
Contribution to our plans and strategies	The proposals form part of the council's strategy for a safer borough
Financial Cost	Any financial implications resulting from the recommendations of this report can be met from the Public Rights of Way maintenance budget.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	Uxbridge North

RECOMMENDATION

That the Cabinet Member;

- 1. Meets and discusses with petitioners their request to re-open the Public Right of Way U63.**
- 2. Subject to the outcome of 1 above instructs Officers to take the appropriate action to facilitate this request.**

INFORMATION

Reasons for recommendation

The recommendation reflects the views of local residents and meets the Council's legal obligation as the Highway Authority to protect the rights of the public to use the Right of Way.

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Alternative options considered

There are no alternatives to consider as failure to re-open this Right of Way will constitute an obstruction to the public as planning permission has not yet been approved and appropriate Legislation to temporarily divert or 'stop up' the route while development takes place cannot be considered at this present time.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

1. Two Petitions one with 53 signatures and the other with 24 Signatures have been submitted to the Council under the following heading 'We the undersigned petition the Council to as soon as the RAF leaves RAF Uxbridge, the public right of way from Vine Lane to St Andrews Gate Uxbridge should be re-opened'.
2. The Public Footpath U63 is a registered public footpath on the borough's Definitive Map and Statement which runs from St Andrews Gate to Vine Lane, Hillingdon. The route follows the line of St Andrews Road which traverses through the Royal Air Force (RAF) station.
3. The footpath was closed in 1988 for security reasons to mitigate the risk of a terrorist attack. However limited access was allowed to the public when RAF personnel opened the footpath at certain times of the day. In 1999 the footpath appears to have been permanently closed to the public but no official closure order or notice was made, but because of security risks it is believed to have been done with the co-operation of LBH.
4. The site has now been sold and is subject to redevelopment. The final RAF personnel are due to leave the site in April 2011 so it is recommended that the Cabinet Member asks Officers to arrange for the Public Right of Way to be opened at the earliest opportunity.

Planning

Any development of the site, in so far as it affects the Public Right of Way, would require an Order under Section 247 of the Town and Country Planning act 1990 for the temporary diversion or closure of the right of Way.

Safety, Security and Crime

Under Statutory Legislation Public Right of Way U63 should be re-opened when the military presence leaves the site but consideration should also be given to public safety for users of the footpath and also the safety of the site itself. Consultation will need to be carried out between the Council and the land owner / developer to ensure the safety of the public and the site itself. Methods such as fencing the route, lighting and closing the gates at night could be considered on a temporary basis until the development is under way with security.

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Financial Implications

The Council are responsible for the surfaces of most Public Rights of Way. Since the closure no survey of the surface has taken place. Should the footpath be re-opened then a survey would have to be made and any maintenance work identified would be met from the Public Rights of Way budget.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The footpath provides the residents of Vine Lane and surrounding areas with an environmentally friendly route into Uxbridge town centre. The Council will be carrying out its statutory duty to assert and protect the public's right to use the Public Right of Way.

Consultation Carried Out or Required

Consultation will need to be carried out between the developer, Planning Department and Petitioners regarding short/long term use of the footpath.

CORPORATE IMPLICATIONS

Legal

Officers have indicated in this report that the public footpath that is the subject of this report has never been formally stopped up. Although public footpaths may in some circumstances be stopped up for military or defence reasons, such stopping up may only be effected by following the relevant statutory procedures. That being the case, it would on the face of it appear that the footpath has not been lawfully stopped up.

Section 130 of the Highways Act 1980, places a duty on the Council to assert and protect the public's right to use the highway at all times. If the gates are not re-opened this may contravene Section 137 of the Highways Act 1980 by constituting an obstruction to the highway. The Council could be at risk of a legal challenge if it failed to observe and perform its statutory duties with regards to the footpath.

BACKGROUND PAPERS

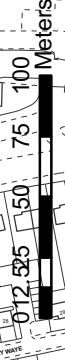
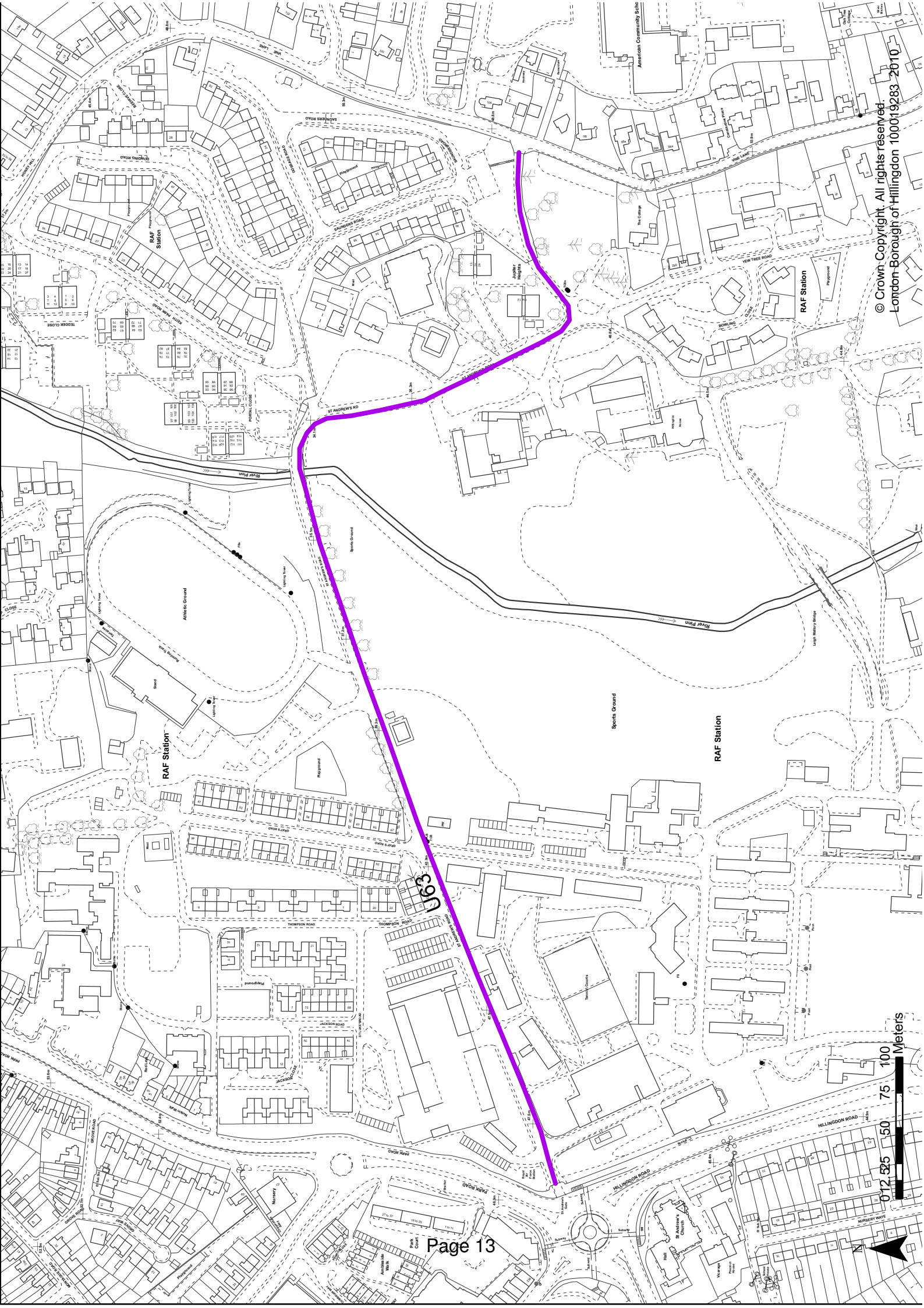
Petitions received July 2010 and March 2011
Copy of the Definitive Map and Statement

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Appendix A

U63	FP	Starts in Vine Lane at Lodge and proceeds along private carriageway through the grounds of the RAF Station. River Pinn crossed by a substantial bridge. Ends at a close-boarded gate in a wall by large entrance gates in High Street opposite War Memorial.
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PETITION REQUESTING THE CONSTRUCTION OF A PEDESTRIAN FOOTWAY ON WEST QUAY DRIVE

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation and Recycling.
Officer Contact	James Birch Planning, Environment, Education and Community Services.
Papers with report	Petition received October 2010 Appendix A – LOCATION PLAN

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition of 170 signatures has been received supporting the request for a pedestrian footpath to be constructed on West Quay Drive.
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 Policy Overview Committee
Ward(s) affected	Yeading

RECOMMENDATIONS

That the Cabinet Member:

1. Meets and discusses with petitioners' their concerns regarding pedestrian access to Willow Tree Marina and in particular Quayside Bistro from West Quay Drive.
2. Notes the lack of space available for footway provision within the existing public highway and the consequent impact any proposals to construct a new footway adjacent to the highway will have on the adjacent green space.
3. Subject to the outcome of (1), instructs officers to investigate feasible options to address the concerns of the petitioners and report back to the Cabinet Member and Ward Members on the findings.

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Reasons for recommendation

To allow the Cabinet Member to discuss further with petitioners.

Supporting Information

1. The Council has received a petition with 170 signatures primarily from customers and staff of Quayside Bistro, a restaurant located on West Quay Drive under the following heading:

'We the undersigned want the construction of a proper 'Tarmac Footpath' along side the approach to the Willow Tree Marina on West Quay Drive – UB4 9TA'
2. West Quay Drive was redeveloped in the mid 1980s as a mixed use residential development leading down to the inland waterway marina on the Paddington Arm of the Grand Union Canal which provides home to approximately 100 boat owners. West Quay Drive runs from its junction with Glencoe Road to the Marina. There are footways along West Quay Drive from Glencoe Road to the junction with Marina Approach where the road forks as indicated in Appendix A.
3. From this point where the road forks there is no footway provision to the Marina along West Quay Drive.
4. On construction of the roadway of West Quay Drive down to the Marina no provision was made for a footway. A footway could not be constructed now as requested by the petitioners without drastically reducing the width of the carriageway or removing the majority of the shrubs, trees and vegetation on one side of the road.
5. There is currently no specific budget available for the construction of a new footway in this location and the estimated cost of providing a footway adjacent to the carriageway including the removal of trees and vegetation is £12,000.
6. West Quay Drive is not a through road and thus does not attract significant levels of vehicular traffic.
7. Should the Cabinet Member wish for officers to explore the feasibility of constructing a new footway alongside the carriageway this would benefit residents wishing to walk to the Marina and provide refuge from any passing vehicles but would have an impact on the natural vegetation lining the carriageway.

Alternative options considered

None at this stage

Comments of Policy Overview Committee(s)

None at this stage

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Financial Implications

There are no financial implications directly associated with the recommendations of this report. If as a result of the hearing officers are instructed to identify feasible options to address the concerns, these will need to fully identify any costs and budgetary implications.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The recommendation will allow the Cabinet Member to discuss further the concerns with the petitioners. Officers will explore options for improving, if necessary, access to the Marina for the benefit of pedestrians and residents.

CORPORATE IMPLICATIONS

Legal Implications

A meeting with the petitioners is a legitimate 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 all the necessary information being available upon which the decision should be based.

Section 66(1) of the Highways Act 1980 ("the Act") imposes a duty on the Highways Authority to provide adequate footways as part of the publically maintainable highway. This duty only arises where the Authority considers the provision of the footway as necessary or desirable for the safety or accommodation of pedestrians.

The Authority may also provide at public expense such raised paving, pillars, walls rails or fences as they think necessary for purpose of safeguarding pedestrians. The liability for the maintenance of such structures would then fall to the Authority.

The Authority is entitled to take into account financial considerations when deciding whether to provide a footway as part of an improvement scheme (R v Norfolk CC Exp Thorpe The Times, February, 9, 1998) An estimate of the costs to carry out these works have been referred to in the report.

The Act provides that the footway can be provided within or by the side of the existing adopted highway. Section 72 of the Act also gives the Authority the power to widen a highway and agree with the owner of the adjoining land for its dedication as a highway.

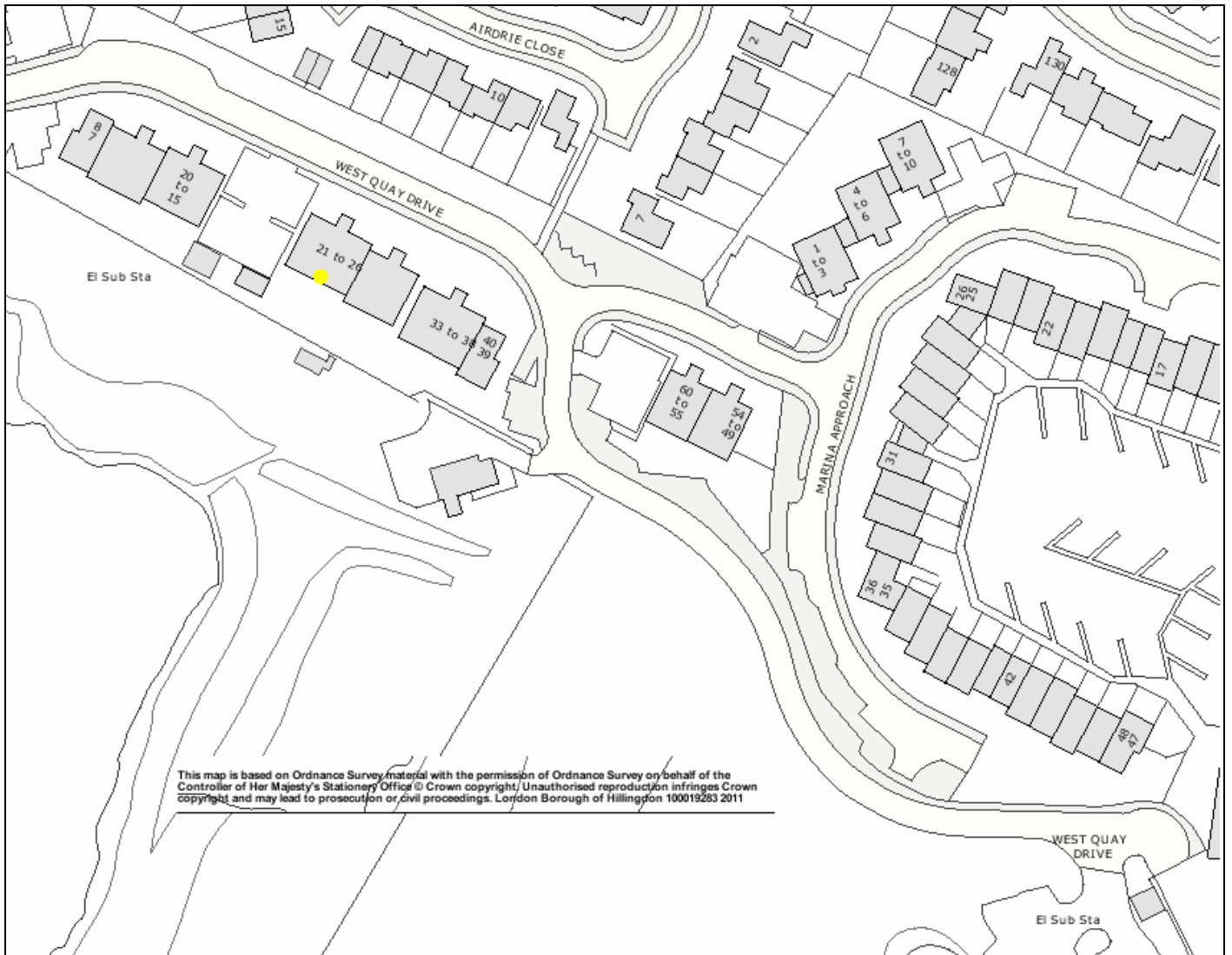
BACKGROUND PAPERS

A petition received October 2010

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

APPENDIX 'A' – LOCATION PLAN



WEST QUAY DRIVE

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

PETITION AGAINST THE REMOVAL OF TREE OUTSIDE 63 BEECH AVENUE, RUISLIP

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation and Recycling
Officer Contact	James Birch Planning, Environment, Education and Community Services.
Papers with report	Petition received 8 th February 2011 Appendix A – LOCATION PLAN Appendix B – PHOTOGRAPHS <i>(please note barriers have been re-erected)</i>

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition has been received from residents living in Cavendish Ward objecting to the removal of a beech tree outside No. 63 Beech Avenue
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 Policy Overview Committee
Ward(s) affected	Cavendish

RECOMMENDATIONS

That the Cabinet Member:

- 1. Meets and discusses with petitioners' their concerns regarding the removal of the beech tree located outside No. 63 Beech Avenue, Ruislip.**
- 2. Subject to the outcome of (1), instructs officers to take the necessary action to remove the tree on pedestrian safety grounds, make good the footway surrounding the tree and replace the tree with a similar species more suited to the street environment at the start of the next planting season in November 2011.**

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Reasons for recommendation

The proposed removal of the beech tree located outside No. 61/63 Beech Avenue will improve pedestrian access on Beech Avenue and reduce the risk of tripping accidents associated with the current uneven footway.

Supporting Information

1. A petition has been received from residents living in Cavendish and Manor Wards, Ruislip, under the following heading;

'We the undersigned, being residents, neighbours and passers-by of Beech Avenue, Ruislip, request the Council not to fell a healthy tree outside No. 63 Beech Avenue. We request the Council to find and implement another way to ensure safe passage along the highway for all users without the loss of the tree'

The petition contains 25 signatures, 68% of which are from residents of Beech Avenue.

2. The hard surface of the footway surrounding the beech tree outside No. 61 / 63 Beech Avenue has recently been removed, this was to determine whether a proportion of the tree roots that were causing damage to the footway to become uneven and unsafe for pedestrian users could be ground out, leaving the tree intact. Unfortunately following further investigation of the raised root plate and the extent of the root spread officers have determined that the only option left available is to fell the tree.
3. In accordance with the Section 41 of the Highways Act 1980, the council has a duty to maintain the footway to a standard that is "fit for purpose".
4. Based on the duty imposed on the council by virtue of the Highways Act 1980 to ensure safe pedestrian passage the only practical option available to the council is to fell the tree. Should the tree be retained adequate footway repairs cannot be feasibly undertaken. Should substandard repairs be carried out, or further damage to the footway caused by tree roots then the council may be liable for any damage to property or injury to persons caused by the footway surface around the tree.
4. A desirable outcome of the unfortunate removal of the tree will be the replanting of a suitable replacement. The replacement tree will be planted during the next tree planting season in November 2011. The cost of the tree removal will be £350. The cost of providing a replacement tree will be £360 and will be funded by the Green Spaces Team and/or Highways Team.

Alternative options considered

No root grinding, resurface footway: unfortunately given the extent of root growth it is not feasible to simply resurface the footway as the surface would still be too uneven and unsafe for pedestrian access.

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Root grinding, resurface footway: the height difference between the surrounding footway and standing by the tree is such that if we were to reduce this height difference to an acceptable amount from a pedestrians safety perspective the damage to the tree would result in terminal decline and death of the tree. The tree would become unstable and prone to topple over.

Grass over footway to become verge: this considered option was to leave all roots intact, grass over the area and allow it to become a grass verge rather than a footway. However as stated above the Council has a duty to maintain the footway to a standard that is “fit for purpose” and therefore will not be allowed to “stop up” the footway unless a stopping up order is made. Stopping up this part of the highway is not considered to be a desirable or practical solution.

Grass over footway to become verge, construct current verge as footway adjacent to boundary wall of 61 Beech Avenue:
constructing the footway in place of the current verge would only be at best a temporary solution as the roots also run through the verge and would affect the newly constructed footway. Construction of the footway adjacent to number 61 would also impact on the property at 61 and require the Council to make adjustments to the private boundary wall. The construction of the footway in this location may also have drainage implications that may affect number 61 Beech Avenue.

Comments of Policy Overview Committee(s)

None at this stage

Financial Implications

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 which could result in costs being incurred by the Council in settling claims if the work is not carried out.

The costs of removal of the tree and associated works (including replanting) can be met from existing budgets.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The felling and removal of the tree would ensure that the public adopted footway were to be returned to a suitable standard to be passed and re-passed by pedestrians without incident. The proposal to replace the tree once felled would ensure that the residents of Beech Avenue would retain the tree lined feature of the road.

CORPORATE IMPLICATIONS

Corporate Procurement

This report does not contain any recommendations to enter into new contracts or vary existing ones and as such no comments are made on the proposal.

Legal Implications

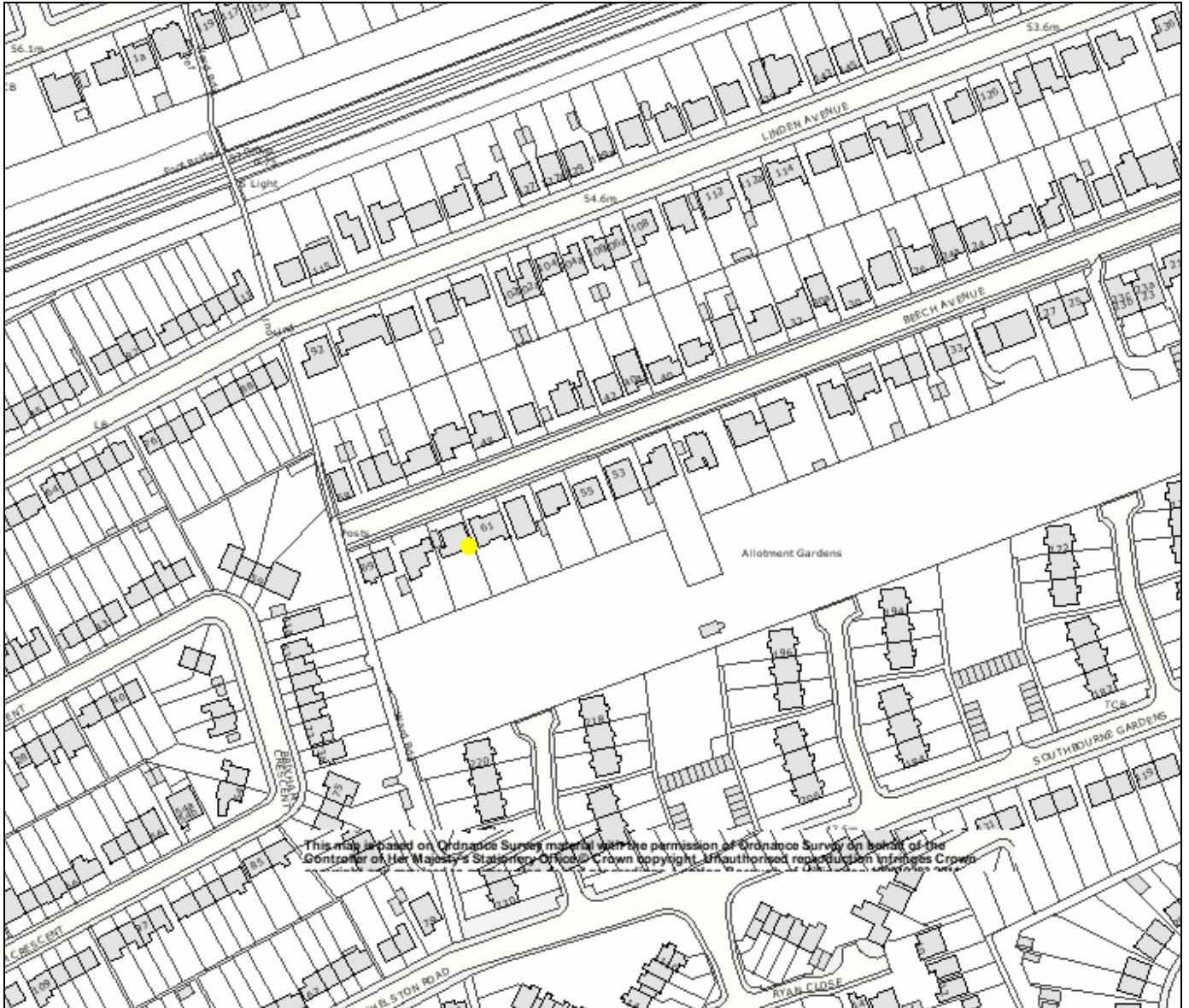
Although a listening exercise with petitioners is perfectly legitimate, the Council has a statutory duty to maintain the highway under section 41 of the Highways Act 1980 (the duty) and this duty must take primacy in the decision making process. Each street must be maintained to the standard necessary to allow its ordinary traffic/pedestrians to pass along it. There could be a breach of duty in cases where a 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.

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. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

BACKGROUND PAPERS

A petition received 8th February 2011

APPENDIX 'A' – LOCATION PLAN



63 BEECH AVENUE

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

APPENDIX 'B' – PHOTOGRAPHS OF EXISTING FOOTWAY AND EXPOSED TREE ROOTS



Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press



Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

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DOLLIS CRESCENT, RUISLIP – CONDITION OF CARRIAGEWAY SURFACE

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation & Recycling
Officer Contact	Gurmeet Matharu
Papers with report	Appendices A and B

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition signed by 21 residents of Dollis Crescent, Ruislip has been received.
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 Policy Overview Committee
Ward(s) affected	Cavendish Ward

RECOMMENDATION(S)

That the Cabinet Member for Planning, Transportation and Recycling:

- 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 Dollis Crescent on to the list for roads being considered for treatment in a future resurfacing programme.**

Reasons for recommendation

The existing carriageway surface has deteriorated to the extent that shallow fretting has taken place in isolated areas of the carriageway. This is due to the natural ageing of the surface and the surface dressing that has been applied over the original layer. Past patching has filled some of the worst fretting but only as medium term measure. The road profile is "bumpy" in places and service trenches have sunk at a number of locations. In areas the surface has worn away resulting in shallow ruts and general unevenness. Resurfacing would improve the visual appearance of the road and improve the ride quality.

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Supporting Information

1. The petition states that local residents from Dollis Crescent would like the road to be fully resurfaced as the repairs recently undertaken were incomplete.
2. Dollis Crescent is a residential cul-de-sac, approximately 130 metres in length and 4.7 metres in width a turning head, coming off Southbourne Gardens. The carriageway is of rigid (concrete) construction, with an overlay of bituminous (tarmac) material. The uppermost layer has oxidised to the extent that potholes 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 recent United Kingdom Pavement Management System (UKPMS) structural condition surveys, carried out on all Borough roads between January and March 2010, Dollis Crescent is placed high on the advised priority list for future treatment. Officers also 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 which would cost £10,637.

Alternative options considered

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 schemes 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 smooth surface.

Comments of Policy Overview Committee(s)

None at this stage

Financial Implications

The estimated cost of the resurfacing works is £10,637. 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 Localities Capital Programmes. Officers will also explore the availability of Section 106 funds. This would be subject to normal capital release and member approval protocols.

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

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. If in due course it is decided to resurface the road a funding source would need to be identified.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The resurfacing of Dollis Crescent will take into consideration the particular needs of local residents, school children 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.

CORPORATE IMPLICATIONS

Legal Implications

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.

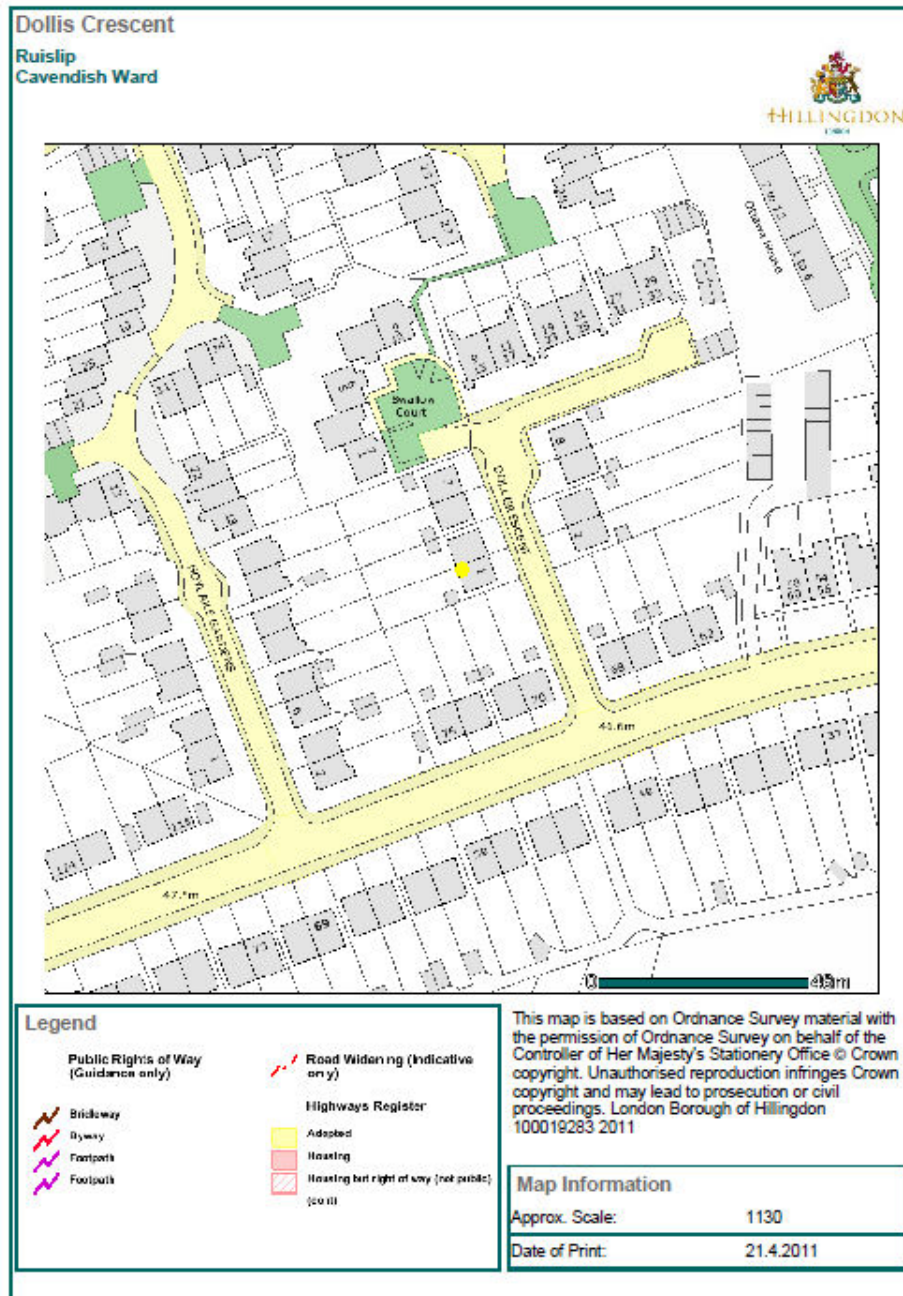
BACKGROUND PAPERS

A petition received 12th January 2011.

APPENDIX 'A' – LOCATION PLAN

Map Print Layout

Page 1 of 1



http://cit-gisim.hillingdon.gov.uk/Highways/templates/print_A4Portrait.htm

21/04/2011

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

APPENDIX 'B' – PHOTOGRAPHS OF EXISTING CARRIAGEWAY SURFACE – APRIL 2011



Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

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