

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.

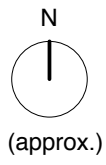
Relevant Service Groups

None at this stage

6. BACKGROUND PAPERS

Petition received – 7th June 2011

Appendix A. Site Plan



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



B Photograph looking west (nts)



C Photograph looking east (nts)

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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 drawing use figured dimensions only.
3. Any discrepancies between site and drawings to be reported to the architect immediately.
4. Read in conjunction 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 PL14, 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 multimap
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