

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC Non Standard Condition

Prior to the commencement of works on site, details of appropriate barrier(s) to restrict the use of the bridge and construction details of the bridge to include appropriate anti-vandalism devices shall be submitted to and approved in writing by the Local Planning Authority. The bridge shall be constructed and used in strict accordance with the approved details which shall be permanently retained.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime' and the Council's SPG on Community Safety By Design.

4 NONSC Non Standard Condition

Prior to commencement of works on site, details of a secure CCTV system covering the bridge and its barriers shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall thereafter be permanently retained and maintained in good working order.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime' and the Council's SPG on Community Safety By Design.

5 NONSC Non Standard Condition

The proposed bridge shall be constructed and designed in accordance with the information submitted as part of the formal planning application, including Drw. Nos. E/A3 2402/004 received 01/10/09 and E/A0 2402 1 Rev. B received 23/10/09.

REASON

To reduce floods risk and ensure biodiversity interests are protected, in accordance with policies OE7, EC1 and EC2 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 TL2 Trees to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

7 TL3 Protection of trees during site clearance and development

No site clearance works or development shall be commenced until the protective fencing, shown on Drw. No. has been erected in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works, to include appropriate replacement trees, such as common Alders and suitable marginal species such as yellow iris and pondsedge has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,

- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 TL6 Landscaping Scheme - implementation

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

10 NONSC Non Standard Condition

Development shall not commence until details of the ramped accesses to the bridge, including any barriers required as part of this permission, to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policies AM13 and R16 of the Hillingdon Unitary Development Plan

Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

11 NONSC Non Standard Condition

Prior to the commencement of works on site, full details of a lighting scheme for the bridge shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented prior to the bridge being brought into use and thereafter permanently retained.

REASON

To ensure the safety of pedestrians and cyclists, in accordance with policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance

OL11	Green Chains
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC2	Nature conservation considerations and ecological assessments
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE34	Proposals for development adjacent to or having a visual effect on rivers
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
AM7	Consideration of traffic generated by proposed developments.
R16	Accessibility for elderly people, people with disabilities, women and children
AM13	AM13 Increasing the ease of movement for frail and elderly people

and people with disabilities in development schemes through (where appropriate): -

- (i) Dial-a-ride and mobility bus services
- (ii) Shopmobility schemes
- (iii) Convenient parking spaces
- (iv) Design of road, footway, parking and pedestrian and street furniture schemes

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

5 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

6 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval

under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

7 I46 Renewable Resources

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO₂) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

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You are advised of the need to provide Approval in Principle and Design and Check Certificates to the Local Planning Authority prior to the commencement of works on site.

3. CONSIDERATIONS

3.1 Site and Locality

This proposal involves an area of public open space which occupies the north and south banks of the Yeading Brook, between Whitby Road and Torcross Road to the west of Queens Walk. This space mainly comprises an open grassed area with the tree lined water course running through the middle which links Queens Walk in the east with Victoria Road, some 770m to the west. Residential properties fronting Whitby and Torcross Roads abut the open space to the north and south respectively, typically separated by access roads running along their rear boundaries which are not fenced off from the public open space. In addition to the open eastern and western ends, access to the space can also be gained from various access roads sited between the adjoining properties from Whitby and Torcross Roads.

The proposed bridge would be sited to the north of Nos.147 and 149 Torcross Road.

The area forms a Green Link and a Nature Conservation Site of Borough Grade II Local Importance as designated in the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007). It is also within Flood Zones 2 and 3.

3.2 Proposed Scheme

The proposal is to install a shared use cycle/pedestrian bridge across the Yeading Brook (River Crane), to allow the creation of a footpath/cycle path which would link Queens Walk with Whitby Road. The path itself would not require planning permission. This route would form part of the Field End Greenway path. Greenways are essentially off-highway routes connecting people to facilities, parks and open spaces. The submitted plans show that the path would pass to the south of Yeading Brook, to the rear of properties fronting Torcross Road to the proposed siting of the bridge, to the north of Nos. 145 and 149 Torcross Road. The path would access Whitby Road along a service road between Nos.168 and 170 Whitby Road, linking with another access road which serves the rear gardens of properties on the opposite side of Whitby Road and Bessingby playing fields.

The bridge would have an internal width of 3.0m and be raised approximately 0.8m above the level of the river banks, with ramped accesses and 1.4m high handrails above the path surface.

3.3 Relevant Planning History

Comment on Relevant Planning History

Not applicable to this application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.4 To safeguard a network of Green Chains from built development to provide a visual amenity and physical break in the built up area and opportunities for recreation and corridors for wildlife.
- PT1.6 To safeguard the nature conservation value of Sites of Special Scientific Interest, Sites of Metropolitan Importance for Nature Conservation, designated local nature reserves or other nature reserves, or sites proposed by English Nature or the Local Authority for such designations.
- PT1.12 To avoid any unacceptable risk of flooding to new development in areas already liable to flood, or increased severity of flooding elsewhere.
- PT1.35 To accord priority to pedestrians in the design and implementation of road construction and traffic management schemes, and to seek to provide a network or cycle routes through the Borough to promote safer cycling and better conditions for cyclists.

Part 2 Policies:

- OL11 Green Chains
- EC1 Protection of sites of special scientific interest, nature conservation importance and nature reserves
- EC2 Nature conservation considerations and ecological assessments
- BE13 New development must harmonise with the existing street scene.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE34 Proposals for development adjacent to or having a visual effect on rivers
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- OE7 Development in areas likely to flooding - requirement for flood protection measures
- AM7 Consideration of traffic generated by proposed developments.
- R16 Accessibility for elderly people, people with disabilities, women and children
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with

disabilities in development schemes through (where appropriate): -

- (i) Dial-a-ride and mobility bus services
- (ii) Shopmobility schemes
- (iii) Convenient parking spaces
- (iv) Design of road, footway, parking and pedestrian and street furniture schemes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **6th November 2009**

5.2 Site Notice Expiry Date:- **6th November 2009**

6. Consultations

External Consultees

62 neighbouring properties have been consulted and 3 notices have been put up on site. 8 neighbouring properties have responded in total.

6 responses received oppose the proposal on the following grounds:

- (i) The bridge would increase unsociable behaviour and the quality of life for surrounding residents would deteriorate;
- (ii) Cycle track would cross attractive unspoilt land;
- (iii) Proposal would interfere with vista from upstairs window of property
- (iv) Proposal would be detrimental to wildlife;
- (v) No need for cycle track as apart from main roads, surrounding residential roads are quiet;
- (vi) Given downturn in the economy, money should be spent on schemes that are absolutely essential. This scheme should be abandoned;
- (vii) Proposal would reduce security at the rear of adjoining properties. Properties in Torcross Road have just recorded interest in having security barriers erected. Cycle path would negate any benefit;
- (viii) Safety of cyclists/pedestrians using path would be jeopardised due to heavy use of service road, including commercial deliveries and access to garages. Road improvements needed on Whitby Road to allow safe crossing to Bessingby Park;
- (ix) Proposal would increase litter;
- (x) When previously complained about fly-tipping on service road, Council said this was private land and my responsibility to arrange for its removal. If I am responsible for its upkeep, then my views can not be ignored;
- (xi) Proposal would contravene human rights.

A petition with 37 signatories has also been received from the residents of Torcross Road, objecting to the proposal on the following grounds:

- (i) Area experiencing many incidents of vandalism and anti-social behaviour at rear of properties in Torcross Road. Bridge will allow another means of access and escape;
- (ii) Seeking to have alley gates fitted in Torcross Road due to vandalism and proposal will weaken the case for these;
- (iii) Proposal is a road safety risk as cycle path would use the alley approach to the service road at the rear of properties on Whitby Road which is used and only just wide enough for a car;
- (iv) If cycle path is necessary, would be much more economical by avoiding need for bridge by running it along the north side of Yeading Brook to Queens Walk which would only require clearing of undergrowth that blocks existing footpath;
- (v) The local Community Officers on a recently started Neighbourhood Watch scheme have expressed their opposition to the erection of a bridge;

- (vi) Bridge would encourage motorbikes, both mini and track, to use both sides of the brook;
- (vii) This is a senseless waste of money and doubtful if surveys have been carried out to identify a need;

A second petition, with 40 signatories, mainly from the residents of Whitby Road has also been received, but no grounds of objection have been cited.

2 responses received are generally supportive of the proposal, but raise the following concerns/queries:

- (i) Support the proposal in principle, but the route of the path needs to be re-considered as path should follow the bank of the brook and not bisect the green space as a) path in centre of green space would pose a safety risk for children who often use green space for ball games, b) improve privacy and reduce noise etc. from adjoining rear gardens, c) routing path nearer brook would improve user enjoyment, and d) ease on-going management of the area.
- (ii) If proposal to erect security gates on access roads in Torcross Road (which we opposed) is followed in Whitby Road, where will path go?
- (iii) Existing access roads that will become part of cycle route should be adopted and maintained by local authority as more cost effective,
- (iv) There seems little advantage of this route as two routes already exist to get from Queens Walk to Whitby Road, ie. via the shops in Whitby Road or along the riverside path to the rear of the shops. The latter is not well maintained and this proposal may be used as an excuse to close existing footpath.
- (v) A better site for crossing point would be nearer to the mid-point of the existing road bridges.
- (vi) Existing footbridges across the Yeading Brook in this area need to be maintained and better approaches to them provided.
- (vii) Scheme should be to high standard to reduce cost of future maintenance.
- (viii) How much will scheme cost?

Environment Agency:

No objection, provided condition is attached to ensure bridge constructed in accordance with approved plans. The bridge has been regulated via the Flood Defence Consent process and therefore we have no concerns from a flood risk perspective and has been designed to have minimal impact upon the ecology of the river and its corridor. Sufficient clearance has been allowed along the bank to allow movement of wildlife along the bank and the necessity to fell any large trees has been avoided, though some lopping may be required. The orientation of the bridge means that light will be able to enter below the bridge. To mitigate the loss of some habitat along the banks, some planting of suitable marginal species (such as yellow iris or lesser pondweed) should be undertaken along the open bank on either side of the bridge once completed.

Thames Water:

There are public sewers crossing the site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building/structure or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings/structures, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss options available at this site.

Internal Consultees

Highway Engineer:

The planning application is for providing a shared use cycle/footbridge over Yeading Brook (River Crane). The actual cycle track between Whitby Road and Queens Walk is not considered to require planning permission.

The location of the footbridge is acceptable; however, Highway Structural Engineer and Cycle Officer should be consulted on the acceptability of the structure and layout of the bridge.

Adequate lighting should be provided on the bridge, which should be covered by means of a planning condition.

A condition requiring details of the surface material and layout is also recommended to be applied.

Trees and Landscape Officer:

The construction of the proposed cycle/footbridge will require access close to existing vegetation, (as described in the tree survey). Therefore, adequate fencing will be required to protect these trees and their root systems during construction. The protective fencing shown on the layout drawing is satisfactory.

The development also requires the removal of two trees, (T2 - Crack Willow and T3 - Sycamore, referring to the tree survey). Due to this, a group of three trees (positioned in a triangle 5m apart) should be planted on the large open space between the proposed cycle/footbridge and Torcross Road. The open space is situated on a flood plain, therefore a group of common Alders (*Alnus glutinosa*) is recommended.

The layout drawing should be revised to include details of this tree planting.

Therefore, subject to the revisions and conditions TL2, TL3 (modified to delete the first sentence of the paragraph which asks for detailed drawings of fencing) and TL6, the application is acceptable in terms of Saved Policy BE38 of the UDP.

Crime Prevention Officer:

No objections to this provided a) construction of the bridge itself uses nuts that should either be shear-nuts or spot welded to avoid the dismantling problems recently encountered on the Eastcote pedestrian bridge, and b) there should be a recorded CCTV system installed to cover the bridge and barriers across the path itself to slow all users (but most especially any illegal motorcyclist) so that relevant standard identification images of mis-users can be obtained. This should be conditioned with the standard of the CCTV system to be agreed.

Whilst mindful of the residents concerns over this bridge, as TFL, Green Spaces and others are very supportive of this cycle link I am sure that it can be made to work with minimal associated anti-social behaviour linked to it. Indeed, a CCTV system covering this choke-point could well help identify and deal with current motorbike mis-users in this area.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

An important strategic objective of the Council is to promote a network of cycle paths across the Borough (Pt1.34 of the saved UDP). The site forms part of a green chain,

where policy specifically encourages suitable recreational facilities to be provided and supports improved public access to and through these areas (Policy OL11 of the saved UDP). There is therefore no objection in principle to this scheme, subject to other policy objectives being met.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

This is dealt with at Section 7.14 below.

7.07 Impact on the character & appearance of the area

The proposed bridge, approximately 0.8m high above the banks of the river with 1.4m high handrails would appear as a modest structure over the river that would be afforded some degree of screening by bankside trees. Furthermore, the design of the bridge with handrails of a simple design would not be out of keeping with the surrounding area, in accordance with policy BE13 of the saved UDP.

7.08 Impact on neighbours

The bridge itself, given its modest size, would be sufficiently distant from the nearest residential occupiers so that their amenities would not be adversely affected through dominance, loss of sunlight or privacy.

Both sides of the river are publicly accessible at all hours, both from Queens Walk and Victoria Road ends and at numerous points along Whitby and Torcross Roads to the north and south. It is therefore unlikely that the use of the cycle/ footpath would give rise to additional noise and general disturbance over and above that resulting from the existing public use of the open space.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

This application is only for the bridge itself and the actual route of the foot/cycle path beyond the siting of the bridge does not fall within the remit of this application.

The Council's Highway Engineer advises that there are no objections to the siting of the bridge, but a structural engineer and cycle officer should be consulted on the bridge. Conditions requiring details of the lighting, surface material and layout should also be attached.

7.11 Urban design, access and security

This has been dealt with at Section 7.07 of the report.

7.12 Disabled access

The proposed bridge would have appropriate ramped accesses to allow use by the disabled. The barriers that are required by condition would also need to ensure that appropriate access arrangements for disabled persons are provided.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Green chains are important for wildlife as they provide a valuable corridor along which animals can move and plant species migrate, rather than any unique intrinsic value of the habitat itself. Given the existing recreational use made of the area adjoining this part of the Yeading Brook, any additional disturbance to wildlife likely to be generated as a result of the use of the bridge would not be significant. The proposal would involve the loss of two trees, a crack willow and a sycamore. The loss of these trees could be mitigated by replacement tree planting, which has been conditioned. The Environment Agency advise that the scheme would have minimal impact upon the ecology of the river and its corridor, subject to some planting of suitable marginal plants. This has been conditioned. As such, it is considered that the scheme complies with policies OL11, EC1, EC2, BE34 and BE38 of the saved UDP.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

By providing a more attractive route for pedestrians and cyclists, this proposal would improve the sustainability of the area.

7.17 Flooding or Drainage Issues

The proposed bridge, being raised above the banks of the river would not impede river flow. The Environment Agency does not object to the proposal. As such, the scheme complies with policy OE7 of the saved UDP.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

As regards the points raised by the individual responses, points (i) and (vii) is dealt with in the main report. As regards point (ii), if the access on Whitby Road were to be gated, as this is private land, it is likely that a new route would have to be found for the path. Points (iii), (iv), (v) and (vi) are noted. Point (viii) is not a material planning consideration.

As regards points raised by the petitioners, points (i), (iii) and (vi) are dealt with in the main report. As regards point (ii), this proposal will not weaken case for security gates in Torcross Road as public access is not restricted to the area at the rear of properties in Torcross Road. Points (iv), (v) and (vii) are noted.

The two responses of general support, plus their additional comments are also noted.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

The proposed bridge would allow for greater access to and from the area. One of the main concerns raised by local residents is the potential of the bridge to increase the incidence of anti-social behaviour in the area.

The provision of a pedestrian/cycle route through this area would encourage greater use of

the area, with the attendant benefit of increased natural surveillance. The Metropolitan Police Crime Prevention Officer advises that the bridge should be fitted with barriers across the path to slow all users, particularly any illegal motorbikes and that CCTV should be installed to monitor the use of the bridge. He also advises that the means of construction of the bridge should be adequate to prevent possible dismantling. With such measures in place, the Crime Prevention Officer supports the proposal and further advises that a CCTV system covering this bridging point could help to identify and deal with current motorbike misusers in the area. Details of the means of the bridge construction, barriers and a CCTV system have been conditioned.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

This scheme forms part of a wider initiative to improve pedestrian and cycle routes within the Borough. The proposed bridge is of an appropriate design and as both banks of the Yeading Brook provide public open space, the scheme affords little scope for additional noise and general disturbance over and above that currently associated with the public use

of the open space. The loss of two trees can be mitigated by the requirement for replacement planting. With appropriate mitigation measures, such as barriers and CCTV cameras, the bridge would also improve pedestrian and cycle access to and through the area without the likelihood of any significant increase in anti-social behaviour and these measures have been conditioned. The scheme is therefore recommended for approval.

11. Reference Documents


- (a) Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)
- (b) London Plan (February 2008)
- (c) HDAS: 'Accessible Hillingdon'
- (d) Consultation responses

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Yeading Brook between
Torcross Road and
Whitby Road, Ruislip**

Planning Application Ref:

66331/APP/2009/1968

Planning Committee

North

Scale

1:1,250

Date

November 2009

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

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