

Council – 27 March 2017

Member Questions (13)

1.	Question from Councillor Bickerton to the Leader, Councillor Steve Jordan
	<p>Could the Council please give an estimate on the difference to public infrastructure funding to Cheltenham as a direct result of the Tewkesbury Planning decision to grant planning permission on Farm Lane, Leckhampton ahead of any agreement on the JCS Community Infrastructure Levy? Would this simply be the difference between the agreed TBC/REDROW S106 payments and the Community Infrastructure Levy proposals for the 200 new homes to be delivered in the CBC local plan, could this please be explained.</p>
	Response from the Leader
	<p>There are too many variables to give a realistic estimate of this. The application at Farm Lane was made before a CIL regime was in place, but a CIL regime is not a requirement of JCS policy. S106 payments will vary when a CIL is put in place. Strategic allocations can be progressed through S106 funding on either the Cheltenham or Tewkesbury side of the boundary, and each Borough is a separate collection authority. Similarly, in relation to what monies could have been gained for Cheltenham, since the CIL examination has not yet taken place, and discussions on how CIL monies will be pooled between the authorities are ongoing, it isn't possible to quantify.</p>
2.	Question from Councillor Bickerton to the Leader, Councillor Steve Jordan
	<p>On Thursday the 2nd March, Leckhampton with Warden Hill Parish Council voted unanimously in support of LEGLAG in the revised legal challenge to the Court of Appeal on the Farm Lane planning permission and are an interested party in the case. In taking this decision the Parish Council sends a message to the Court of Appeal, that the Parish has an interest in the Local Green Space on White Cross and secondly seek a plan-led approach and masterplanning as advocated by CBC Planning in their objection letters. It was serious mistake for LEGLAG to go alone and unfortunately the High Court viewed LEGLAG as some NIMBY group with little consideration of the wider public interest or public support and the sympathy was clearly with TBC Planning Officers.</p> <p>The case is now re-focused on two grounds, Inspector Ord's Preliminary Report and the lack of Plan-Led Masterplanning. There would be no need for CBC Officers to attend court or engage separate legal advice and the general Bolton 'one set of costs' rule means that interested parties are not at risk of awarded costs. Could the Leader of the Council agree in principle to joining with the Parish Council, given the unanimous vote at full council on the NPCU call-in request on the 6th July 2015, to becoming an interested party, this will demonstrate to the court that CBC have an interest in the case, promote CBC's previous submissions and provide clarification that this site is indeed a urban extension of Cheltenham?</p>
	Response from Cabinet Member
	<p>While I do not support Tewkesbury's decision to approve the Farm Lane application, the Council has to take an objective approach in considering whether to become involved in any court proceedings.</p> <p>Through the JCS examination the JCS Authorities (including Cheltenham) have argued that development at Leckhampton amounts to an urban extension to Cheltenham, and have given detailed reasons. These issues have been thoroughly investigated through the JCS process. The JCS Inspector's Preliminary Findings and indeed, though subsequent to Tewkesbury Borough Council's decision on the planning application, the JCS's Inspector's Interim Report have been considered and commented upon in the High Court judgement; neither were</p>

	<p>considered to be matters that could have affected the decision made by Tewkesbury Borough Council at the time it was made.</p> <p>Given that Cllr Bickerton does not seek officer expertise and testimony, (which it is agreed would be inappropriate given how exhaustively these arguments have already been put and the potential for conflict with the officer's involvement in the JCS process) then Cheltenham Borough Council would not have anything new to add or offer in becoming an Interested Party in the court case. Furthermore, the Council would suffer the potential for conflict with, and reducing resources for, the work to progress the JCS which is at a crucial stage.</p> <p>This Council has not been a party to the original proceedings and it would be hard to see how the Court would be persuaded, on any application requesting it being added as an Interested Party, that it would be desirable to add the Council in order to resolve the issues, particularly if this would also be on a basis of the Council not taking any active part.</p> <p>It is far from clear the extent to which this Council being an Interested Party with no active part in the matter could add to LEGLAG's case in seeking permission to appeal the High Court's decision or even the Court of Appeal's considerations should that permission application be accepted and successful. Presumably the point of being added to the case would actually be to seek to support LEGLAG's case that the High Court judgement was wrong and this is not a situation where it can said with confidence that this Council would be able to resist any cost applications that may be made against it by any other parties to the case.</p>
3.	Question from Councillor Louis Savage to the Leader, Councillor Steve Jordan
	When does the Council plan to adopt the green spaces on the Battledown Park estate, including play facilities on Redmarley Road
	Response from the Leader
	<p>In these circumstances the general procedure leading up to adoption should be as follows:-</p> <ul style="list-style-type: none"> • The developer considers the landscape element public open spaces in the development to be complete and then makes contact with the council and a joint site visit is arranged to; <ul style="list-style-type: none"> ○ Check that the areas to be adopted as public open spaces correspond to those shown in the approved drawings and referred to in any section 106 agreements ○ Confirm that the hard and soft landscape elements are in accordance with the approved drawings and specification ○ Inspect the quality of the works to ensure they conform to relevant standards and/or good practice • There is usually a period of negotiation and rectification following this meeting. When any problems have been resolved and the council is satisfied that the site is to a standard acceptable for adoption, the site has reached practical completion • Following practical completion, the site usually remains with the developer and they will maintain it for twelve months. This allows any plant failures to become apparent and to be replaced by the developer and also allows 12 months for the legal aspects of the land transfer to take place • All being well, adoption/transfer will normally take place at twelve months from practical completion <p>With specific regards to the Battledown development; the developer has recently approached the council to arrange a joint site visit to start this process. Given the scale and diverse nature of the areas for adoption, a degree of negotiation and rectification may be required. Consequently; it is difficult to predict when practical completion will be achieved as this is dependent on the developer and the quality of their works or any rectification required.</p>

	<p>The Public Open Spaces and associated play areas on this development are currently maintained by the developer and are accessible by the public. Maintenance by the developer will normally continue up until the date of the land transfer to the council.</p>
4.	<p>Question from Councillor Tim Harman to the Cabinet Member Finance, Councillor Rowena Hay</p>
	<p>Will the Cabinet Member outline her plans to improve the condition of Public Toilets including those in the Bath Road Car Park. In the case of the men's facility in the Bath Road the walls are covered in graffiti and there is a seat missing from one pedestal?</p>
	<p>Response from Cabinet Member</p>
	<p>Repairs and maintenance to the public conveniences are currently undertaken on a reactive basis, the works to the Bath Road car park public convenience, are in hand and should be completed within the next seven days.</p> <p>These facilities as you know were taken on by the Bath Road Traders, although the Council actually pay the independent cleaner, he has recently been asked to let the council know when things are not working.</p> <p>An audit of all the public conveniences has been completed and identifies that the existing annual operational costs amounts to £140.5k and future refurbishments costs estimated at £380k. In the light of our ongoing budget constraints I am intending to ask the Asset Management panel to consider what options we may want to investigate, in particular speaking with the business community.</p> <p>Our continued support to public toilets is demonstrated by the successful securing of a grant of £136k towards the provision of 2 Changing Places facilities that caters for the more disabled. One facility will be provided in Pittville Park, the location of the second is yet to be determined and will be influenced by the feedback from the public consultation which is due by the end of April.</p>
5.	<p>Question from Councillor Tim Harman to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>In the financial year 2015-16 an additional £4,500 was added to the budget for Gulls specifically for the purpose of conducting a survey . It has now been confirmed that the survey was not carried out and that the balance was returned to the General Fund.</p> <p>The Gulls group is hoping to recommend a strategy for tackling the Gulls issue which may include a survey in order to better target resources on problem areas. Will the Cabinet Member consider supporting the work of the Group by looking at any agreed plan including possible funding for a survey?</p>
	<p>Response from Cabinet Member</p>
	<p>Following discussions at the Gull Focus Group in February 2016, it was decided and clearly minuted, that for a number of reasons, a gull survey was not considered to be the best use of funds.</p> <p>The principal reasons included:-</p>

	<p>1. The complexity and cost of producing a scientifically valid survey; and</p> <p>2. The fact that problem areas in Cheltenham had already been identified over the years from public reporting of gull issues.</p> <p>More recently, it has been suggested at the Gull Focus Group that a national survey would provide better intelligence than local surveys, as these are not linked and do not show the displacement of birds from one area to another.</p> <p>The merits of a gull survey can be explored again as part of a growth bid, but the business case for this will need to be clearly evidenced by the Gull Focus Group, so that it can be assessed against other spending priorities.</p>
6.	Question from Councillor Diggory Seacome to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>In view of the extra demand for egg replacement and subsequent 'gull proofing' of roofs this year, could the relevant cabinet member provide a breakdown of the types of property where this is being asked for, under headings such as, private, private (multi occupation/multi ownership) and commercial?</p>
	Response from Cabinet Member
	<p>Owners that have requested egg replacement in 2017 include:</p> <ul style="list-style-type: none"> • 37 multiple occupancy residential buildings; • 32 single household residential properties; • 14 commercial properties. <p>The multiple occupancy buildings tend to be large blocks of flats and access to these buildings is likely to be problematic and in some cases may prevent them from being included in the egg replacement programme.</p> <p>An officer is currently surveying these properties and if the Council is unable to include them in the programme, owners will be advised accordingly. A few more commercial properties may also join the programme, subject to confirmation by the owners.</p>
7.	Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>With regard to the planned new traffic lane creating contra-flow traffic on Clarence Parade in phase 3 of the CTP, is the main purpose to constrict the flow of traffic towards Boots Corner, if not, what is it?</p>
	Response from Cabinet Member
	<p>The changes to the highway network as part of Phase 3 of the Cheltenham Transport Plan (CTP) do not introduce a new lane as stated by Councillor Lillywhite.</p> <p>The Phase 3 works re-instate the previous two-way operation of Clarence Parade and Clarence Street. This achieves a number of the stated CTP objectives:</p> <ul style="list-style-type: none"> • It allows two-way movements on streets, thus reducing the need to follow the clockwise one-way system; • Two-way traffic reduces traffic speeds; a significant factor in collisions; <p>It provides additional permeability for vehicles and cyclists in the local area.</p>

8.	Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	The CTP TRO documentation indicates that the existing flow of traffic on Imperial Lane is away from the Promenade towards Rodney Rd, ('New Map' 12/09/2016). This appears to be a mistake and there are no Regulation Orders to change this. Can you please clarify if the flow of motorised traffic on Imperial Lane is to be towards or away from the Promenade?
	Response from Cabinet Member
	There is an error in relation to the arrow on the plan, so I thank you for alerting me to this fact, which colleagues at GCC are now addressing. The direction of motorised traffic on Imperial Lane is not changed by the CTP.
9.	Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Can you please confirm the date of completion of the Safety Audit for the CTP phase 1 Albion Street and Winchcombe Street Junction?
	Response from Cabinet Member
	In line with best practice, each phase of the CTP has so far been subject to two pre-construction Road Safety Audits (RSA) and one post-construction RSA. The Stage 3 RSA for all of Phase 1 was undertaken on 9th February 2017.
10.	Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Looking at the accidents stats for the town centre for the last 16 years, the greatest concentrations are on Fairview road at its junctions with St Johns Avenue, Winchcombe street and North Street, yet according to the consultation documentation parts of this road are due to see traffic increases of over 100%. Can you please justify the comment in the Statement of reason, that the proposal is to "create a safer environment for pedestrians and cyclists"?
	Response from Cabinet Member
	<p>It is difficult for me to comment on this, as I am unclear as to the source of the collision data being quoted.</p> <p>The future year traffic scenario Cllr Lillywhite is referring to within the PARAMICS model, includes assumptions on the configuration of the road network, future developments and traffic growth (pre and post recession), some of which have yet to be implemented or occur, e.g. the 2026 scenario flows includes the closure of Boots Corner, which has not yet been trialled.</p> <p>Simply put, the model was designed to test a future scenario to determine if the proposed CTP changes would impact upon traffic significantly.</p> <p>As we are now into delivery of the consented elements of the CTP, GCC are undertaking monitoring to measure and compare actual traffic data both before and after the implementation of each phase. So far, this data is not showing any significant increases in traffic.</p> <p>GCC will continue to monitor the flows and any collisions and will address any issues as they arise from the previously approved mitigation fund. However, we should always be mindful of the long term objective, which is to discourage unnecessary journeys by car, particularly short ones.</p>

11.	Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>While the recent Winchcombe street accident was being investigated, the traffic in Cheltenham was severely congested and I understand there were at least two further accidents in the area during the closure, Hewlett Rd and Eldon Rd and also Hewlett Rd and London Rd, is anything being done to try and reinstate the resilience of our road network so repeats of this can be avoided. How is this resilience being monitored in the trial of the new road configuration?</p>
	Response from Cabinet Member
	<p>I am unclear as to the point being made, as normally, congestion results in lower speeds and therefore, lower collision impacts. Is there any substantiated proof that the incident referred to on the Albion Street/Winchcombe Street junction resulted in the two alleged collisions?</p> <p>I look forward to receiving the collision investigation outcome, so that I can share it with colleagues at GCC, as they currently have no record of the additional alleged incidents.</p> <p>In terms of the resilience issue, Cheltenham has a complex albeit historic road network and consequently, has a level of in-built resilience, as it offers a choice of alternative routes.</p> <p>The CTP improves upon this resilience, by promoting alternative modes of travel, such as public transport, walking and cycling, which reduce the current demands on the highway network.</p>
12.	Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Can you please confirm if and when the Safety Audit for the Imperial Square North and the Promenade Junction has been signed off?
	Response from Cabinet Member
	The Stage 2 Road Safety Audit (RSA) for Phase 2 was undertaken on 12th July 2016. A Stage 3 RSA will be undertaken following scheme completion.
13.	Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>The pedestrian crossing at the junction of The Promenade and Imperial Sq Nth has had the island in the middle of the road removed, the traffic now approaches it from two directions instead of just one and an additional phase has currently reduced the time for pedestrians to cross to just 14 seconds out of 135. To what extent do these junction changes comply with the quoted RTRA 1984 which allows the Council to take measures under Section 1 and Section 23 for the following reasons 1(1)(a) Avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising; 1(1)(c) Facilitating the passage on the road or any other road of any class of traffic (including pedestrians)?</p>
	Response from Cabinet Member
	<p>It's unclear what the source of the signal times quoted by the Councillor is and I am guessing that they may be from the temporary signals installed during the construction period.</p> <p>The changes to the junction as part of the Cheltenham Transport Plan, include the installation of MOVA (Microprocessor Optimised Vehicle Actuation) equipment within the traffic signal controller. MOVA is the latest traffic signal technology, which monitors and adjusts the operation of the junction in real time to manage demands. It does this within a set of parameters – at</p>

present the junction is running on previous technology, as the MOVA loop installation works are currently on-going this week. MOVA validation will be undertaken in a week or so, once some real time traffic flow data has been collected. Once validated, the overall cycle time of the junction should be reduced.

Ensuring safe and inclusive design for all users is paramount. Consequently, the designers carefully considered the effects of removing the island on Imperial Square. As set out below, removal of the island does not change the standard of the pedestrian crossing.

The length of time given to the previous pedestrian phase across the junction enabled people to cross from one side of the road to the other, regardless of the island. The amended junction arrangement still allows suitable crossing time for pedestrians to cross the carriageway safely.

The island was only used by people who felt they were physically able to take opportunities in gaps in the traffic, during the 'red man' phase. The island was not specifically designed to be a safe waiting area for pedestrians. The island that was removed was of relatively limited width and unable to accommodate more than a few pedestrians.

As the new arrangement reflects the previous 'kerb to kerb' crossing scenario, it in no way compromises the safety of pedestrians. When crossing under the 'green man' phase, pedestrians have right of way, regardless of whether the approaching vehicle is an emergency vehicle, or otherwise.