

Cabinet Member Decision Note

Proposed amendment to Cycle Track Order - Walcot Pumping Station South View Avenue, Swindon

To: Cabinet Member for Leisure and Strategic Transport

Date: 9 July 2012

Author: Head of Highways and Transport

Wards: Walcot & Park North

Locality Affected: East

Parishes Affected: None

1. Purpose and Reasons

1.1 Consideration of objections and a petition received in relation to proposed amendments to the Cycle Track Order for the footpath/cycle track from South View Avenue to Queens Drive, that would enable unrestricted vehicular access to the former Walcot Pumping Station site once re-developed for residential use.

1.2 The Cabinet Member must consider any unresolved objections to proposed Traffic Regulation Orders.

2. Recommended Action to be Authorised by a Cabinet Member Under Delegated Powers

Recommended that:

2.1 Subject to the owner obtaining planning permission and complying with any associated conditions for the re-development of the former Walcot Pumping Station site, the Swindon Borough Council (Borough of Thamesdown (Restriction of use of Cycle Track (Consolidation) Order 1979) Amendment No.1 2012, be approved.

2.2 To note the objections and responses received in respect of the advertised public notice.

3. Detail

3.1 The existing Cycle Track Order for the footpath/cycle track from South View Avenue to Queens Drive, Swindon, was originally implemented by the former Wiltshire County Council in 1979. The Order prohibits vehicular access through the creation of the footpath cycle track and the route is widely used by the local community as well as being part of Swindon's strategic cycle network.

3.2 A disused Pumping Station is located adjacent the cycle track approximately 60m from the junction with South View Avenue as shown on the plan in Appendix 1. The former Pumping Station is now in private ownership and the owner wishes to redevelop the site for residential use.

Further information on the subject of this report can be obtained from Tim Price, Direct Dial Telephone Number 01793 466254, tprice@swindon.gov.uk.

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- 3.3 The existing Order does not prohibit the right of vehicles to access the Pumping Station for maintenance and operational purposes, however this is no longer necessary as the Pumping Station is no longer in use. The existing Order also does not specifically restrict the owner of the site from having vehicular access to the site. Therefore under the Road Traffic Regulations Act 1984 the owner currently has right of vehicular access to the site. However, this use is limited given the current nature and permitted use of the site. Redeveloping the site for residential purposes would inevitably intensify the use of the section of highway leading to the site and would necessitate the re-modelling of the highway to accommodate both vehicles and pedestrians safely. As yet the owner has not submitted highway proposals considered appropriate for any such redevelopment.
- 3.4 The owner is proposing to submit a further planning application for a single dwelling and has expressed concerns over whether the existing Cycle Track Order would be amended to enable unrestricted vehicular movements to the site. As a result the then Director for Planning and Transport agreed to consult on the amendments to the Order to gauge local concerns and present these to the Cabinet Member for consideration.
- 3.5 The intention would be that any subsequent actions to amend the Order would be suspended until such time a planning permission is granted and any associated conditions are complied with.

Public Consultation

- 3.6 The proposed amendment order was advertised on 19 January 2012. Officers consulted with local residents, Lainesmead School, Shining Stars Nursery, the then Ward Councillors, emergency services and bus companies. Public Notices were also posted on site.
- 3.7 No responses were received from either the emergency services or the bus companies. Former Ward Councillor, Councillor Childs expressed an objection to the proposed amendments on general safety grounds.
- 3.8 By the end of the 21 day consultation period the Council had received 165 objections to the proposed amendments from members of the public, together with a petition objecting to the proposals containing 291 signatures from Lainsmead School. The key objections identified are listed below:
- Increased car usage
 - Increased pollution

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- Increased noise
 - Loss of privacy in adjacent houses
 - Vehicular access not required
 - Insufficient highway width to operate safely
 - Limited visibility at junction with South View Avenue due to bend
 - Construction traffic
 - Refuse collection for existing properties
 - Increased congestion
 - Loss of safe through route
 - General health and safety for all users in the vicinity.
 - Reduced safety for children, pedestrians and cyclists.
 - Will encourage vehicle access to Queens Drive
 - Parking on access road
 - Reversing vehicles from access way
 - Pedestrians and cyclists required to divert via Woodside Avenue
 - Overnight parking in access road
 - Access road would become a private road.
 - Increased anti-social behaviour
- 3.9 Copies of all the objections will be made available in the Members' Room.
- 3.10 Although the number of responses to the consultation clearly demonstrate a significant strength of feeling in the community, in the event that a proposal comes forward for a single dwelling, it is likely that the relevant highway objections listed in paragraph 3.8 could be sufficiently mitigated by a package of highway improvements based on a shared surface arrangement consistent with the Council's standards for development of this type. It should be stressed however that to date the owner has not put forward highway proposals that are deemed to be acceptable.
- 3.11 It is suggested therefore that the relevant highway issues identified in paragraph 3.8 are shared with the owner in order to inform mitigation proposals for any future development proposals for this site.
- 3.12 In the event that planning permission is granted for residential use and associated conditions deemed necessary by the Highway Authority are complied with, it is recommended that the amendment to the Cycle Track Order allowing unrestricted vehicular access to the site from South View Avenue is approved.
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4. Consultation

- 4.1 The following Opposition Spokespersons / Ward Members have been consulted on the recommendations of the report and their responses are also summarised below:

Councillors Steve Allsopp, Abdul Amin and Mark Dempsey share the concerns identified by the residents and do not support the proposed amendments to the Cycle Track Order.

No Comments were received from Councillor Stan Pajak.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Any mitigation works required as a result if amendments to the Cycle Track Order will be carried out directly by the developer or paid for by the developer.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 No other relevant implications have been identified in the preparation of this report.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.4 Local Transport Plan

Diversity Impact Assessment

- 5.5 A specific Diversity Impact Assessment (DIA) has not been prepared. The diversity impacts of this proposal are consistent with the impacts identified within the Local Transport Plan DIA.

Risk Management

- 5.6 In the event that the proposed amendments to the cycle Track Order are not approved, the developer may seek to contest the decision through judicial review.
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6. Consultees

- 6.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Individual objects and the petition from Lainsmead School

8. Appendices

- 8.1 Appendix 1 Site Plan.

9. Declarations of Interest

- 9.1 Cabinet Members are reminded to consider whether they have any known interests in any of the matters referred to in this Decision Note. If such an interest exists this should be declared to the Monitoring Officer (or Committee and Member Services Manager), and they should take no part in the consideration of the Decision Note and should refer the Decision Note to the Leader of the Council instead for consideration.

10. Sign-off

- 10.1 The Cabinet Member is requested to respond with 5 days of the date of this report (by 13 July 2012).
- 10.2 The Cabinet Member is requested to indicate one of the following responses to the Recommendations set out in Section 2 of this report:

Note and support the proposed action to be taken under delegated authority –

Yes / No

Note and request the proposed action be reconsidered – Yes / No

Reasons for Reconsideration:

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Request Report be Referred to Cabinet - Yes / No

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SignedCabinet Member

Date

- 10.3 Decisions of Cabinet Members will be published in the Members' Bulletin. The Decision must not be implemented until such time that a five-day "Call-in" period has expired. This date will be specified in the Members Bulletin. If a Decision is "called-in" it will be referred to the Scrutiny Committee for consideration. It must only be implemented if the Scrutiny Committee has raised no objection. If an objection is forthcoming the matter will be referred back to the Decision-Maker.