



**Performance Scrutiny Committee
Thursday, 4 February 2016**

ADDENDA

- 4. Call in of a decision by the Cabinet Member for Environment (Councillor Hudspeth substituting): Proposed Bus Lane & Parking/Waiting Restrictions - Orchard Centre (Phase 2), Didcot (Pages 1 - 10)**

Attached is the extract of the minutes of the delegated decision session (**PSC5(b)**) and additional information provided in response to the call in (**PSC5(c)**).

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DELEGATED DECISIONS BY CABINET MEMBER FOR ENVIRONMENT (INCLUDING TRANSPORT)

Extract of the MINUTES of the meeting held on Thursday, 14 January 2016 commencing at 10.00 am and finishing at 11.52 am

Present:

Voting Members: Councillor Ian Hudspeth (In place of Councillor David Nimmo Smith) – in the Chair

Other Members in Attendance: Councillor Nick Hards (for Agenda Items 2 and 4)
Councillor Anne Purse (for Agenda Item 3)
Councillor Patrick Greene (for Agenda Item 4 and 5)
Councillor Rodney Rose (for Agenda Item 7)
Councillor Steve Curran

Officers:

Whole of meeting G. Warrington (Law & Governance); M. Kemp and D. Tole (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
5 & 6	J. Sherwood (Environment & Economy)
6.	P. Mulvihill (Environment & Economy)

The Leader of the Council (deputising for the Cabinet Member for Environment) considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

Councillor Hudspeth advised that he was deputising for the Cabinet Member for Environment Councillor David Nimmo-Smith and wished him a speedy recovery following recent hospital treatment.

45/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 3)

Petition

Councillor Purse presented a petition (220 signatures) organised by residents of Horton-cum-Studley regarding withdrawal of subsidies to the 118/108 bus services. She advised that a second on-line petition, which also called for the protection of these services would obviously include signatures from outside the relevant area.

The submitted petition highlighted that “the service was an essential part of the community for the following reasons:

- They were an isolated rural community without any amenities such as a shop, post office or pub.
- Many residents were elderly without cars and were dependent on the bus to access Headington or Oxford for shopping and other such facilities.
- Many in the village used the bus in order not to drive into Oxford where cars were discouraged and parking difficult and expensive. That also helped reduce ‘carbon footprints’.
- Many used the bus to get to work and children who attended school in Oxford also made very good use of the bus which was full in the early morning. Loss of bus service would inevitably increase car usage at rush hour times which was highly undesirable.”

The Leader of the Council referred the petition to the Director for Environment & Economy to respond.

Public address

<i>Speaker</i>	<i>Item</i>
Tim Foxhall – Consultant David Bird – Consultant County Councillor Patrick Greene (Didcot East & Hagbourne) County Councillor Nick Hards (Didcot West)))) Item 5 – Orchard Centre (Phase 2))Didcot))
Jane Imbush Dr Janice Bridger Frank Dumbleton County Councillor Patrick Greene (Didcot East & Hagbourne)))) Item 6 – Traffic Improvements –)Hagbourne & Chilton Areas)
Ben Arrowsmith (on behalf of a local resident) Colin Alderman – Minster Lovell Parish Council Warwick Robinson – West Oxfordshire District Council County Councillor Rodney Rose (Charlbury & Wychwood)))) <i>Item 7 – Amendment of One-way</i>) <i>Traffic restriction – Old Minster Lovell</i>))))

**47/15 PROPOSED BUS LANE & PARKING/WAITING RESTRICTIONS -
ORCHARD CENTRE (PHASE 2), DIDCOT**

(Agenda No. 5)

The Leader of the Council considered (CMDE5) comments and objections received in the course of a statutory consultation on proposals to introduce and amend various traffic restrictions in Station Road and The Broadway, Didcot as part of the Orchard Centre (Phase 2) development.

Tim Foxhall (Glanvilles) explained that his company had provided support to both District Council and county highway officers and that the orders currently before the Leader of the Council were fundamental to the success of the scheme. Having reviewed the findings of Vectos the other consultants involved he agreed that objections lodged could be met.

David Bird (Vectos) advised that his company had worked closely with both County and District Councils and he was satisfied that all issues had been fully considered and addressed. Thames Travel and Oxford Bus Company were now content with the road width proposed for Station Road and that there would be sufficient emergency procedures should there be any failures of the rising bollards. As all servicing would take place off-street there would be no interruption to bus flow. He confirmed one resident parking place would be lost but advised that Hammersons had agreed a provision of £10,000 towards the cost of a controlled parking zone. The scheme had been fully assessed with full safety audits carried out and there were no technical reasons why the scheme should not be approved.

Councillor Patrick Greene opposed the recommendation. He referred to a petition of over 1,500 signatures against the Station Road bus route proposals which had been presented to the County Council in April 2015 but not mentioned in the report currently before the Leader of the Council. Comparisons between this scheme and Queen Street in Oxford were misleading as the situation in Didcot was very different. He felt that opponents to this scheme had been denied a fair opportunity to present their views particularly at meetings at South Oxfordshire District Council and he asked that those concerns be conveyed to the District Council. He urged the Leader not to approve the scheme or at the very least defer to enable all necessary information to be considered including the petition previously presented to Council.

Mr Kemp confirmed that he had not been aware of the petition referred to by Councillor Greene.

Councillor Nick Hards also opposed the proposals and referred to a pre-planning public exhibition for the Orchard Centre Phase 2 proposals held in November 2013 which had been the first time that a large number of the public had first been alerted to the proposed arrangements for buses including closure of the bus link along High Street. He also referred to congestion at the Jubilee Way roundabout and asked if consideration had been given to the recent award of Garden Town status and how that might affect what was now being proposed. The proposals also needed to be considered in the light of a statement from the Leader of South Oxfordshire District Council who had referred to the need to reduce traffic into the town and that the Northern Perimeter Road remained a first priority. The current road layout worked

well with the large open space outside the Cornerstone well used. Some of that would relocate but not all and he mentioned the cinema, which had large numbers of children attending the Saturday morning show as a potential area of conflict. He was not convinced that the proposal had been looked at properly and whether consultants had in fact looked at the situation to see what happened on the ground and advised that only yesterday a large lorry had been unloading which would have inevitably held up any buses. He referred to a letter from Jenny Wilson (also submitted on behalf of 1500 local residents) objecting to the proposal.

Mr Tole advised that the report dealt with how traffic and safety implications of a planning permission issued by another authority could be best managed. It was not the function of the report to consider the rights or wrongs of that decision. Although the number of buses involved would not be great the use of Station Road for buses had been the main focus of objection. He accepted that the situation could change as Didcot grew but the road would only be used by buses with no other through traffic. The question had been asked if this was a suitable route for buses with comparisons made to Queen Street and, whilst the two routes were not exactly the same, buses used Queen Street without significant problems and, as similarly trained and experienced drivers would be using Station Road it was reasonable to expect that would be the case here and that vehicles would be present in a controlled way. County officers considered that would be the case and although the introduction of buses into the street would require pedestrians to learn and adapt but measures would be introduced to assist with that. It was inevitable that the area would change but he did not accept that all sitting areas would be affected and whilst the offer of funding for a CPZ had been welcome it was unlikely that that could be taken up due to lack of adequate enforcement. The one parking space to be lost was not one of long standing having only been in situ for 3 or 4 years. Regarding the letter from Jenny Wilson that had referred to a number of detailed design issues which would be addressed as the scheme developed. Bus shelters would be provided on Station Road with issues of loading accommodated through a combination of careful design and planned delivery by local businesses. The road would be widened with the number of buses adapting to local needs. There would not be a constant stream of buses. The issue of further investment in the strategic network was not a matter for consideration now and the County Council needed to focus on its response to the proposals put forward by the developer and agreed by the District Council. He had not been aware of the earlier petition presented to the County Council but confirmed that this consultation had been free standing and had focussed around the recent planning process.

Responding to questions from the Leader of the Council:

Mr Tole confirmed a £10,000 offer of funding towards a CPZ but as that was a brand new offer it had not been included in any S106 agreement but that it could be used towards funding a much wider scheme in the future.

Mr Sherwood confirmed that the whole length of Station Road would be resurfaced to a suitable standard. The only difference between the northern and southern sections being the need to introduce traffic restrictions on one.

Mr Tole confirmed that the main part would be widened on the east side of the southern section with the whole width resurfaced.

Mr Tole confirmed that it was not possible to impose a legal limit below 20 mph. Oxford's Queen Street had an advisory limit of 5 mph and that would be applied in this instance. Bus operation was now very controlled and these measures would to a large extent be self-enforcing by bus operators.

Mr Sherwood confirmed that detailed design would be carried out as part of the planning process and not in consultation with local businesses and residents.

The Leader of the Council recognised that the status of the northern perimeter road had been ongoing for the past 20 years and that the recent award of Garden Town status for Didcot was no guarantee that that situation would change. The County Council needed to deal with the detail of the issued planning permission and he could see no reason why the situation, which existed in Queen Street, which was not bus dominated, could not be successfully transposed to Didcot. He also hoped that proposals for a suitably enforced CPZ could be pursued and that developers would take on board local views as part of the detailed design work. Therefore having regard to the arguments and options set out in the documentation before him, the representations made to him and the further considerations set out above he confirmed his decision as follows:

to approve implementation of the proposals for bus lane and waiting restrictions as advertised.

Signed.....
Leader of the Council

Dated.....

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PERFORMANCE SCRUTINY – 4 FEBRUARY 2016

PROPOSED BUS LANE & PARKING/WAITING RESTRICTIONS – ORCHARD CENTRE (PHASE 2), DIDCOT

Report by the Deputy Director of Environment and Economy (Commercial)

Introduction

In accordance with of the Scrutiny Procedure Rules, the Proper Officer has agreed to a request from the following Councillors for a Call In of the Cabinet Member for Environment's decision made on 14 January 2016 (Councillor Hudspeth substituting for Councillor Nimmo Smith) in relation to 'Proposed Bus Lane & Parking/Waiting Restrictions – Orchard Centre (Phase 2), Didcot by the following Members:

- Councillor Greene
- Councillor Hards
- Councillor Christie
- Councillor Tanner
- Councillor Beal
- Councillor Curran
- Councillor Pressel
- Councillor Price
- Councillor Webber
- Councillor Smith

The Cabinet Member decision was to approve the implementation of proposals for bus lane, loading and waiting restrictions (as advertised) to restrict access along a planned new stretch of highway to the south of Station Rd.

The proposed changes were brought to Cabinet Members Decisions following South Oxfordshire District Council considering a planning application for redevelopment of Phase 2 Didcot Orchard Centre at their Planning Committee on 29th April 2015. A resolution to grant planning permission subject to prior completion of Section 106 Agreement was given.

The proposed development includes the stopping up of High Street. An application for Stopping up Order has been made by the developer (pursuant to S247 Town and Country Planning Act 1980) to the Secretary of State.

A traffic regulation order limiting traffic use of highway must be for one or more of the reasons set out in Section 1 of the Road Traffic Regulation Act 1984 (in this case the Statement of Reasons referred to Sections 1 (1)(a) "for avoiding danger to persons or other traffic using the road or any other road or for preventing the

likelihood of any such danger arising” and 1 (1)(c) “for facilitating the passage on the road or any other road of any class of traffic”) and in considering the making of the Traffic Regulation Orders the highway authority must, so far as practicable having regard to various identified matters including all other matters appearing to the local authority to be relevant, 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. A matter which must be considered is the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of passengers.

In addition, through the s278/38 approval process the County Council, as Highway Authority, will ensure that design and construction meets the required specification including completion and approval of relevant safety audits.

Reasons for the Call In Request and Responses

1. That the officers dealing with the matter had not been made aware of the fact that a 1500+ signature petition had been presented to Council opposing the proposal;

A petition was received by Cabinet on 14th April 2015 with a response sent on 18th April confirming that we would reflect, as appropriate, on concerns raised when preparing our response to the planning application.

The County Council’s response to the planning application, which was considered by the Planning Committee, was submitted on 22nd May 2015 with an update submitted on 9th July 2015 following an amendment to the original application and receipt of further information.

In composing that submission the County Council considered the overall transport needs to mitigate the development and the petition that they had responded to. As the petition was effectively part of the planning application process, it was not relevant to the consideration of the Traffic Regulation Order as this is a legal vehicle that is being used to address the impact of the decision of the Planning Authority.

2. Ian Hudspeth, in giving his decision, was wrong to say that routing buses along Station Road had been around before November 2013. Previous work to extend the Orchard Centre had made no mention of closing High Street and sending buses along Station Road instead;

Whilst Cllr Hudspeth’s recollection may have been incorrect, it had no bearing on the decision regarding the Traffic Regulation Order which is looking to address the impact of the decision of the Planning Authority.

3. Whilst it is true that the final section of the A4130 Northern Perimeter Road has been planned for about 30+ years, Garden Town status clearly makes

the prospect of completion of it a realistic proposition. Paragraph 8(a) of item 11 on the Cabinet Agenda for 26 January refers. Also John Cotton is on record as saying that that road would both relieve the congestion at the Jubilee Way Roundabout, and that its completion would be his number one priority should money become available through the Garden Town designation. Therefore if Mr. Cotton is right on both counts a new bus link would not be required.

Whilst a clear aspiration for the County Council, the funding required to deliver the Northern Perimeter Road has not yet been secured and so it is not possible to put a timeframe on the delivery of this scheme.

A bus link through the Orchard Centre not only avoids congestion at Jubilee Way roundabout, but also provides good permeability and access to the Orchard Centre by bus.

Prior to the submission of the development proposals to expand the Orchard Centre the County Council had expressed the need to retain a bus route with associated stops through the Orchard Centre, but was not explicit about how this should be achieved. The specific proposal submitted by the developers, as part of their planning application, was assessed by the County Council and considered by the planning Committee as part of the planning process.

Clearly, as Didcot develops the transport network will evolve and change accordingly. The response by the County Council, as Highway Authority, to South Oxfordshire District Council regarding the mitigations needed for the Orchard Centre development were made based on our current understanding of the network and its performance.

4. New information about funding of £10,000 for a controlled parking zone was provided at the meeting by the Consultants and that offer needs to be properly evaluated before any irrevocable steps to open up Station Road are taken.”

Any offer to contribute to the provision of a Controlled parking Zone will have no impact on the bus movements required around Didcot and so is not relevant to the consideration of the Traffic Regulation Order.

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