



**AYLESTONE, EYRES MONSELL AND FREEMEN
AREA COMMITTEE**

**A. QUESTIONS ASKED AT MEETINGS PRIOR TO 15 FEBRUARY 2007- FEEDBACK
& SUPPLEMENTARY QUESTIONS**

At the meeting of the Area Committee on 14 June responses were considered to questions asked at previous meetings. Some supplementary questions were asked and further discussions took place. These are set out below.

91) (Question at 15 February)

A resident requested that the priority for the traffic calming of the Milligan Road and surrounding areas be reconsidered and moved up the priority list. It was felt that this area would become a particular problem when the Pork Pie Island scheme was complete and Milligan Road would be used as a rat run.

Response by Officers from 15 February meeting:

The priority list for traffic calming has only recently been agreed by the Service Director – Regeneration, Highways and Transportation. This decision was ratified at the meeting of Highways & Transportation Scrutiny Committee in January 2007. Given that priorities for traffic calming are based upon the accident rate in the area there is no justification to review the priority of Milligan Road for traffic calming

Since 1993 the City Council has set priorities for traffic calming using accidents per kilometres. This has enabled the limited resources that have been available for traffic calming to be targeted at those areas where it will have the most benefit.

The priority list has been reviewed four times since 1993, in 1995, 1999, 2002 and 2006. The current priority list was approved by the Service Director - Highways & Transportation this month. All residential areas and distributor areas not already traffic calmed were prioritised using accident data for 2003, 2004 and 2005.

The Service Director agreed priority would be given to developing traffic calming schemes for the top 6 residential areas in the list to be funded from the traffic calming budget or where appropriate the Local Safety Scheme budget. The area that includes Milligan Road is not high enough in the priority list to be in the traffic calming programme.

(Follow Up at 11 December)

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A resident raised a concern over the postponement of the traffic calming measures on Milligan Road. She felt that she needed to readdress the issues raised at the previous meeting as residents had been promised that traffic calming for the Milligan Road area would be taking place in 2006/7 and would cost £250,000. She had been disappointed to learn that this would now be taking place in 2010/11 at a cost of £440,000. Councillor Ramsdale undertook to obtain a more detailed explanation.

(Response by Cabinet)

Councillor Mugglestone explained that the above work had been delayed because priority had been given to works on Saffron Lane in preparation for the opening of the City Academy. He added that there were also nineteen roads in the City with a higher priority than Milligan Road, because of their higher accident record.

(Follow Up at 12 October)

A resident raised a concern at the response to question 91. She felt that it had previously been promised that traffic calming for the Milligan Road area would be taking place in 2006/7 and would cost £250,000. She was disappointed to read in the response that this would now be taking place in 2010/11 at a cost of £440,000. She felt that this was too long to wait in view of previous promises and that there was a danger of a death on the roads in that area.

Councillor Porter shared the concerns of the resident and requested that the matter be forwarded to Cabinet as a matter of urgency querying why the work hadn't been undertaken before now. He also requested that this matter be raised up the list of priorities so that the work could be undertaken before 2010/11.

(Response from Officers to original question)

We currently propose to traffic calm Milligan Road and Aylestone Drive as part of an area wide scheme for the Aylestone Park area. We introduce traffic calming on an area wide basis to prevent traffic transferring onto adjacent roads. The Aylestone Park area is currently 9th in the priority list for traffic calming residential areas.

Our current plans are to carry out this work in 2010/2011. We estimate the cost of the scheme will be £440,000, but we can only carry out this traffic calming scheme if we get funding from Central Government through the Local Transport Plan 2.

The City Council currently have no plans to introduce any extra bans on heavy goods vehicles in residential areas. An area wide ban does not include HGV's who are visiting premises in the area. This makes it difficult for the police to carry out any enforcement in areas like Aylestone Park where there is a mix of residential and commercial premises.

(original question 14 June 2006)

Having lived on Milligan Road for the past 30 years, the traffic using both Milligan Road and Aylestone Drive has considerably

quadrupled, mainly due to the fact, that both roads area being used as rat runs at speeds well above the normal limits, also HGV's of 60ft are using not only both roads mentioned but also surrounding roads, this in itself is a danger and should be stopped dure to the fact that the road were never made to withstand the weight and secondly the area is classified as light industry.

Having taken time out and spoken to the majority of residents, their main concern is that there is an accident waiting to happen, for many children not only live on and around the roads mentioned, there are a great many elderly people also.

To that end the general consensus is that something should be done to stop traffic speeding ie. traffic calming measures and weight restriction on and around surrounding roads.

- 100 Further to the legal advice regarding the alleyway between Richmond Road and Richmond Avenue, It was felt that the alleyway had been in use as a public right of way for 20 years, therefore it was thought that it should be considered as a public right of way. It was requested that the security gates be moved to cover up the entrances to people's gardens to allow access through the alleyway as a right of way.

Response by Officers

I understand the alleyway is private and the request to fit the gates came from the Police, with the residents co-operation, due to the large number of domestic burglaries in the area, access to properties by criminals was from the rear gardens and the fitting of the gates prevented access.

(Original Question – 11 December 2006)

Clarification was sought with regard to the legal status of public rights of way. It was queried whether an alleyway, such as the one between Richmond Road and Richmond Avenue, if it had been used as a public right of way for 20 years, automatically turned into a public right of way?

(Original Response to question)

At the last meeting of the Aylestone, Eyres Monsell and Freeman Area Committee a question was raised: "Whether an alleyway, such as the one between Richmond Road and Richmond Avenue, if it had been used as a public right of way for 20 years, automatically turns into a public right of way?"

From the minutes of the meeting on 11th December it appears that the alleyway is a pathway that runs between Richmond Road and Richmond Close via the back of a number of residential properties. The alleyway has been gated at both ends to restrict the use of this route by the public due to complaints/concerns of local residents about community safety. The alleyway is only accessible to residents who have gates that back into the alleyway itself and each

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of these residents have a key to the gate. The gates can now only be unlocked from the inside, although previously residents living next to the alleyway were also issued with keys. There was also some suggestion that there were gates present on the alleyway prior to the steps taken by the Community Safety Team.

Legal position

There are two ways in which a public right of way can be created.

- 1) If the owner of the land dedicates that land for use by the public in some way, or
- 2) Is by deemed dedication under statute.

Deemed dedication arises where there has been uninterrupted public enjoyment, as of right, for a full 20 years. If this is so, the way is deemed to have been dedicated as a highway, unless there is sufficient evidence that there was no intention during that period to dedicate it. A notice erected and maintained by the landowner, visible to persons using the way as a highway, showing an intention inconsistent with the dedication of the way as a highway, is sufficient evidence. Alternatively where a notice erected is subsequently torn down or defaced, the owner of the land may give a notice to the appropriate Council, that the way is not to be dedicated as a highway. A person may also submit maps of their land, showing the ways that have been dedicated and subsequently make declarations that no further ways have been dedicated. In the absence of any proof to the contrary, these acts negative an intention to dedicate.

Generally, case law provides that enjoyment 'as of right' means openly, not secretly and not by force and not by permission from time to time. If the users hold an honest belief that there was a public right of passage and the land owner does nothing to correct this, it will be 'as of right' within the meaning of the statute.

Further action

Hopefully the above summary of the legal position is sufficient for the Committee. If the Regeneration & Culture Department wants to verify the status of this alleyway then Legal Services would be pleased to give a view based on the full facts known.

B. RESPONSES TO QUESTIONS RAISED AT THE MEETING ON 15 FEBRUARY 2007

At the last meeting of the Area Committee the following questions were raised. These were passed onto the relevant officers after the meeting and the responses are below. The right hand column shows who answered the question.

- 101) Clarification was sought with regard to the planning policies regarding public open space / play facilities in new developments. Of particular concern was the potential for 500-700 new houses in the Aylestone area and the fact that there was currently very little in

the way of play facilities in the area. It was felt that the proposed amount of play / open space in the proposed Bloor's development of Aylestone Road was far too small.

Response by Officers:

There are policies (GE13 and GE12) in the City of Leicester Local Plan requiring the provision of youth and adult outdoor playing space and children's play areas in association with new residential development. Aylestone also has access to the open space within the Riverside Park.

The planning approval (20030992) for the application submitted by Bloor Homes is for 56 houses and 136 apartments. There is a small open space with play facilities within the site area of the Bloor's approval, and a planning agreement requiring a contribution of £150,900 to the upgrading of recreation facilities within Aylestone Hall Gardens when the consent is implemented. There is also a requirement for a contribution of £50,000 in respect of riverside improvement works.

As and when further applications for residential development are submitted in the area, the need for further playing space and play areas within the proposed development or elsewhere in the area will be considered.

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- 102) Concern was expressed about elements of the planned Bloor's development off Aylestone Road. It was queried where the road exit onto the main road and any other access to the site would be? It was also requested that the Committee be provided with details of the transport assessment that took place as part of the application process.

A resident also thought that complications had arisen with regard to sewers on the site and clarification on any difficulties in this area was requested.

Response by Officers:

- Vehicular access to the site will be via Canal Street.
- There will be an emergency access onto Aylstone Road.
- There will be pedestrian access onto Disraeli Street.
- A Transport Assessment was submitted with the application. The application was determined by the planning authority on 9 May 2006.
- There are on-going negotiations regarding the highway change.
- Foul sewerage would be dealt with the Severn Trent Water Authority.

There is a map of the site attached to the rear of these responses.

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- 103) Residents expressed a range of concerns with regard to the Bargain Booze premises on Aylestone Road. The outside of the premises was generally strewn with litter and of particular concern was the

broken glass that was often on the pavement. Young people would often congregate outside the premises in an aggressive and intimidatory manner. The shop had also laid its own tarmac in an unsatisfactory way outside the shop and it had become cracked and unsafe. It was also thought that lorries were parking on the pavement and causing cracks in the pavement and they were damaging bollards. It was also thought that the lorries had caused a dip in the road where water gathered on the road. It was requested that the Council / Police look into these problems to see what can be done, residents had approached the shop and they were not willing to address these issues.

Response by Officers:

Bargain Booze is located on a section of Aylestone Road that is scheduled for cleaning once per week. In addition, the adjacent litter bins are emptied three times per week when the area outside Bargain Booze is spot cleaned if required.

The Cleansing Area Manager will monitor this location to ensure the cleaning frequency is adequate.

The area of tarmac outside the shop is a private forecourt and it is not part of the public highway. Therefore the property owners are responsible for it's condition and maintenance.

The area of public footway on Hampshire Road has been inspected and whilst some of the slabs are cracked they are not in a dangerous condition at present and do not warrant replacing. The bollards were installed to prevent damage to the footway by the delivery lorries and they have been effective. Repair works have not been required at this location for at least the last six months. Hampshire Road is routinely inspected every six months to ensure that any dangerous defects are repaired.

There is a minor problem in the carriageway at the junction of Hampshire Road and Aylestone Road that can result in water ponding there after steady rainfall. Details have been passed to the officer who deals with highway drainage issues in order that an assessment can be made to determine if remedial works are required.

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- 104) Concern was expressed about the junction of Richmond Road / Cavendish Road. There is a reasonably large area of pavement space at this junction outside the Church and people use this space to park on. They are disturbing church users during services to ask people who park on the road to move their cars so they can get out. Can anything be done to stop people from parking on the path?

Response by Officers:

Parking on a footway is not specifically an offence. Where a waiting restriction is applied to a road it applies to the whole of the road

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including the footway. The junction of Richmond Road / Cavendish Road is protected by double yellow lines but these do not extend as far as the sides of the church building itself. Officers have not witnessed any parking on the footways alongside that restriction. Any such contraventions could be dealt with by our parking attendants.

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On both Cavendish Road and Richmond Road, alongside the church, parking is permitted on both sides of the road on Sundays. Because of the narrow carriageway many vehicles are parked with two wheels on the footway. If the parking on the footway prevents the safe passage of pedestrians or wheelchair / pushchair users then the drivers are guilty of causing an obstruction and can be prosecuted by the police. The footways are 2.2 metres wide and the parking witnessed by officers only involves vehicles with two wheels on the footway, leaving plenty of room for pedestrians. In such circumstances it is unlikely that a prosecution would succeed.

A review of traffic restrictions in the Cavendish Road area is scheduled for 2008. It is likely that additional double yellow lines will be proposed and if ultimately introduced & enforced, would solve the problem.

The only other possible solution would be the introduction of bollards in the footway. Installing concrete bollards at 1.5 metre centres along Richmond Road and Cavendish Road alongside the Church is estimated would cost £8000 (51 bollards). Officers consider that there are no road safety implications to justify this expenditure and no evidence of significant damage to the footway to warrant the use of highway maintenance funds. Bollards could therefore only be installed if the Area Committee funded the full cost of the work.

- 105) Can the Council please put a series of bins and dog mess bins on both Aylestone Road and Saffron Lane. This would be useful in view of the increase in fast food establishments in recent years. These could perhaps be included at bus stops.

(It was suggested that they could be funded out of the area committee budget. An idea of the costs involved was requested .)

Response by Officers:

The Cleansing Area Manager has recently installed two additional litter bins on Aylestone Road on the section from Grace Road towards the city centre, and, is having a dog bin installed on Granby Avenue (with appropriate signage) as there is a demonstrable need in this location.

Cleansing would support additional litter bins within the area, but as their own funding is extremely limited they would be grateful for a contribution from the Area Committee budget. Indicative prices for a free standing litterbin are £200.

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The Area Cleansing Manager will be attending the next meeting of this Committee and would welcome suggestions for additional sites from both elected Members and residents. An area for priority consideration could perhaps be adjacent to the new School Academy.