



# HIGHWAYS ADVISORY COMMITTEE

16 September 2014

# REPORT

**Subject Heading:**

**77-79 BUTTS GREEN ROAD  
PROPOSED REMOVAL OF BUS STOP  
FOOTWAY BUILD-OUT  
Outcome of public consultation  
(Resubmission)**

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**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report sets out the comments received in response to a public consultation on a proposal to remove the footway build-out from the bus stop outside 77/79 Butts Green Road and seeks a recommendation to the Cabinet Member for Environment that the build-out be retained to ensure the bus stop remains accessible to all.

A Recommendation on this matter was deferred for a period of 6-months by the Committee at its meeting of 18<sup>th</sup> March 2014.

This scheme is within **Emerson Park** ward.

## RECOMMENDATIONS

1. That the Committee having considered the representations made recommends to the Cabinet Member for Environment that the current road layout be retained, complete with footway built-out.
2. That it be noted that in the event a decision is taken to remove the footway build-out, the estimated cost of £4,000 for implementation will be met by Council's 2014/15 revenue budget for minor highway schemes.
3. That it be noted that the removal of the footway build-out will mean that the bus stop is no fully accessible to all and that there are potential Equality Act implications as set out in the report.

## REPORT DETAIL

### 1.0 Background

- 1.1 Tesco Stores Ltd gained planning consent for the erection of a single storey rear extension to the retail unit at 77/79 Butts Green Road, with planning consent being on appeal (P1495.11).
- 1.2 In allowing the appeal, the Planning Inspector imposed a number of conditions, including one to deal with the section of Butts Green Road fronting the site;

#### **Condition 7**

*Prior to the occupation of the development hereby permitted an area within the highway to the front of the site for the loading and unloading of delivery and service vehicles, shall be provided in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. This approved area shall be permanently retained thereafter. There shall be no loading or unloading of goods from vehicles other than from within this approved area.*

- 1.3 A sum of £20k was provided by Tesco Stores Ltd, so that the Council can review the parking arrangements on the highway outside the site and then agree and implement a scheme.

- 1.4 A layout attached to application P1495.11 showed the bus stop being relocated outside 69/75 with a clearway restriction and a single yellow line restriction in front of 77/79 which would permit loading. After discussion with staff, the layout was revised to replace the single yellow line restriction with a multi-use bay for loading and parking. This layout is shown on Drawing F9D08-135A(00)22 (Factor 9 Design).
- 1.5 This arrangement was subject to public consultation and the outcome was considered by the Highways Advisory Committee at its meeting on 15<sup>th</sup> January 2013, where it was rejected.
- 1.6 An alternative idea was tabled by Staff which left the bus stop in its current position outside 77 to 79 Butts Green Road, but set into the carriageway with a footway build-out; and with the area outside 69 to 75 Butts Green Road being left available for loading between 10am and 2pm, daily. The area opposite was also recommended to be controlled with at any time waiting restrictions (double yellow lines). This layout is shown on Drawing QH051-OF-101A.
- 1.7 This arrangement was subject to public consultation and the outcome was considered by the Committee at its meeting on 14<sup>th</sup> May 2013. The Committee made a recommendation to the Cabinet Member for Community Empowerment that the loading bay and waiting restriction elements be implemented, but with the footway build-out omitted.
- 1.8 Staff prepared an Executive Decision reflecting the recommendations of the Committee, which was submitted for signing to the Cabinet Member.
- 1.9 The Cabinet Member reviewed the recommendations and did not consider the omission of the footway build-out appropriate from a highway safety and bus stop accessibility point of view.
- 1.10 A revised Executive Decision was prepared in line with the Cabinet Member's views and this was signed (ED 61/13). The Executive Decision was published in the normal way and was not called in. Staff proceeded with the implementation of the scheme which was completed during mid to late September 2013.
- 1.11 Immediately on implementation, Staff received complaints from councillors, the local MP and residents that the corner of the footway build-out had been struck. A review was undertaken and the reflective post at this corner was replaced with a larger reflective bollard, complete with a "pass right" traffic sign.
- 1.12 In addition, further complaints and comments were received by the Head of Streetcare from a local resident group expressing concerns about the build out and the impact on local residents. The layout was also the subject of a Council question on 29<sup>th</sup> January 2014 which was further debated.
- 1.13 At its meeting of 14<sup>th</sup> November 2013, the Committee considered a request made by the Cabinet Member for Community Empowerment that the

footway build-out be removed (Item H4 on the Highway Schemes Applications Schedule). The committee agreed to proceed to public consultation.

- 1.14 Approximately 30 letters were hand-delivered to local residents and businesses in the area around the site along with Drawing QH051-501-A on 18<sup>th</sup> December 2013. A closing date of 24<sup>th</sup> January 2014 was given as a closing date for comments.
- 1.15 In addition, ward councillors, HAC members and standard consultees were provided with the consultation information.
- 1.16 The outcome of the public consultation was reported to the Committee on 18<sup>th</sup> March 2014, where it was decided that the road layout be retained for a period of 6-months and then be reviewed (Minute 72).
- 1.17 The outcome of the previous consultation is set out below and the Staff comments have been updated following the site being in operation for a period 6-months.

## **2.0 Outcome of Public Consultation**

- 2.1 By the close of public consultation, 7 responses had been received and the details are set out in Appendix II. Of the responses, there was one in support of removing the footway build-out, one making observations about how the layout operated and five in favour of retaining the footway built-out (or objecting to its removal).
- 2.2 A resident of Wykeham Avenue supported the removal of the footway build-out.
- 2.3 Cllr Thompson supported leaving the build-out alone.
- 2.4 Hornchurch Hire & Sales (75 Butts Green Road) made various observations on the installation of the scheme and the current situation.
- 2.5 London Buses Operations, London Buses Infrastructure, the Metropolitan Police Traffic Unit and London Travel Watch all objected to the removal of the footway build-out.

## **3.0 Original Staff Comments**

- 3.1 Staff are sensitive that an Executive Decision was made which did not accord with the recommendations of the Highways Advisory Committee and that there have been complaints from councillors and residents in connection with the implementation of the works.

- 3.2 Since the reflective post was changed to a reflective “keep right” bollard, the level of complaint has reduced, although there are some residents who still disagree with the scheme.
- 3.3 Staff have visited the site on a regular basis since scheme implementation and would observe that the layout operates satisfactorily and safely.
- 3.4 The bus stop is 400 metres from the previous one in North Street and the next stops are at 300 metres and 430 metres in Slewins Lane and Ardleigh Green Road respectively. The stop is therefore in an optimal location. South of the site and as far as Emerson Park Station, there are shops where the street outside is heavily used for parking in most locations. North of the site, there are many vehicle crossings to residential dwellings other than outside the flats approaching the junction with Slewins Lane.
- 3.5 Taking account of the Council’s duties under the Equality Act 2010 Staff recommend that the current road layout including footway built-out be retained.

#### **4.0 Additional Staff Comments**

- 4.1 Staff have visited the site on several occasions since March 2014 and have continued to observe that the layout operates satisfactorily in terms of drivers being able to negotiate the footway buildout, overtaking stationary buses when it is safe to do so and serving bus passengers with an apparent range of mobility.
- 4.2 Staff remain of the view that the layout is reasonable given the circumstances and background set out in this and previous reports to the Committee.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

This report is asking HAC to recommend to the Cabinet Member the implementation of the above scheme

In the event a decision is taken to remove the footway build-out, the estimated cost of £4,000 for implementation will be met by Council’s 2014/15 revenue budget for minor highway schemes.

The costs shown are an estimate of the full costs should the footway build-out be removed. A final decision would be made by the Cabinet Member – as regards actual implementation and scheme detail. Therefore, final costs are subject to change

This is a standard project for the Council and there is no expectation that the works cannot be contained within the cost estimate. There is an element of contingency built into the financial estimate. In the unlikely event of an overspend, the balance would need to be contained within the overall Council Streetcare budget.

**Legal implications and risks:**

The bus stop is currently fully accessible. Should the footway build-out be removed, the stop will no longer be accessible and this puts the Council at risk of a challenge under the Equality Act 2010, including a potential failure of its general equality duty.

**Human Resources implications and risks:**

The proposal can be delivered within the standard resourcing within Streetcare, and has no specific impact on staffing/HR issues.

**Equalities Implications and Risks:**

The Council has a general duty under the Equality Act 2010 to ensure that its highway network is accessible to all. Where infrastructure is provided or substantially upgraded, reasonable adjustments should be made to improve access. In considering the impacts and making improvements for people with protected characteristics (mainly, but not limited to disabled people, the young and older people), this will assist the Council in meeting its duty under the Act.

The provision of fully accessible bus stops assists with making public transport more inclusive to all sectors of the community, but most especially disabled people and people using pushchairs. Accessible bus stops will be of benefit to people using wheelchairs, but also people who have walking, balance and dexterity difficulties; and blind and partially-sighted people.

The removal of fully accessible infrastructure will affect access to the network for some people and potentially deny access completely to others.

**BACKGROUND PAPERS**

Project Scheme File Ref: QH051 77-79 Butts Green Road

Planning applications and subsequent appeals (P1649.09 and P1495.11)

**APPENDIX I  
SITE PHOTOGRAPHS**



Before



Before





Before



After





After



After

**APPENDIX II  
CONSULTATION RESPONSES**

Respondent	Comments
Resident of Wykeham Avenue	<p>The changes as shown on you Drawing has been causing considerable problems to the Motorists and the Residents of Wykeham Avenue and I did warn about the situation arising to this but as is usual the Council with it seldom take any notice of it. Tesco Express as is well know fully exploit the situation regardless of any inconvenience to anyone and just could not care less about the Residents close or around them.</p> <p>I agree fully with your proposal to remove the footway and move the Bus Stop on its place giving Motorists a wider space and thus easing the congestion.</p> <p>I note that you are proposing to allow the Loading Bay to remain the use of which is extended well beyond it also blocking access from Wykeham Avenue. It is obvious that you have not visited the Site to check this and I suggest that you kindly do so.. In order to assist you as to the extent by which the Loading area should be reduced I have shown it on your plan which I return herewith.</p> <p>I will with some of Residents of Wykeham Avenue will keep watch on the work you carry out to reduced the present area.</p>
Cllr Frederick Thompson	I have seen it in operation and the dwell times for buses seem to be improved with no significant change in the impediment to traffic so I would support leaving the build-out alone/
Hornchurch Hire & Sales Ltd	<p>We would like to make the following observations.</p> <ol style="list-style-type: none"> <li>1. When the Build-out was first built there were a couple of incidents, this was caused by the inadequate bollard placed at the front. Since this has been replaced no further incidents have occurred as far as we can tell.</li> <li>2. You would have received a number of complaints at the start, this was caused by the ill feeling towards Tesco and not the bus stop.</li> </ol>

	<p>3. If you remove the build out passengers will have to walk into the road to hail the bus, if a lorry is parked in the loading bay, as some lorries are arriving at 8.15 and parking in the bay until 10.00 when Tesco deal with them.</p>
<p>Alan Ford London Buses (Operations)</p>	<p>London Buses would not support this scheme. The removal of the build out will completely remove the accessibility that our passengers have enjoyed recently with the new build out in place at this location.</p> <p>This is a popular bus stop with moderate daily use and would bring some hardship to those passengers with less mobility than others if the bus could not access the kerb edge. It's removal would also have an adverse affect to those who find it difficult to step down from the bus or to step up to it. In addition, if the build out was removed and with the loading bay located directly prior to the bus stop cage, any bus required to serve the bus stop would not be able to do so in an accessible way as the bus could not get close into the kerb edge when this loading bay is in use.</p> <p>Without the build out, if a bus was to pull around a vehicle using the loading bay then it would leave the tail of the bus protruding into the road, which would cause an obstruction for a short time and possibly allow a vehicle to get past in an unsafe manner. If the loading bay was in use and there was also a vehicle parked on the depart side of the bus stop, then the bus would be forced to stop in the carriageway as it would not be able to get to the kerb edge between them.</p> <p>With the build out in place, a safe boarding and alighting area is created for passengers. In addition a safe loading area is also created.</p>
<p>Matthew Moore London Buses (Infrastructure)</p>	<p>It is most disappointing that the removal of the build out is being considered.</p> <p>This will leave London Buses with an inaccessible stop, going against everything that both London Buses and Havering Council are working towards.</p>

<p>PC Martin Young Metropolitan Police Traffic Unit</p>	<p>I am puzzled at the rationale of removing a Disability Discrimination Act (DDA) compliant bus stop and replacing it with one that is not.</p> <p>With the current arrangement buses can pull up squarely and in the correct position for passengers to board and alight in safety, including deployment of the bus ramps for wheelchair users.</p> <p>If the build-out is removed, due to the position of the loading bay, buses would find it almost impossible to pull up to the kerb in the correct position, meaning to do so would reduce safety for bus users.</p> <p>It could also mean the rear of the bus would hang out into the path of passing traffic, again reducing safety. If the clearway is to be removed then other vehicles will park at the bus stop, forcing the bus to stop in the running lane and passengers will have to negotiate between the parked vehicles to board or alight from the bus, again causing increased danger. The Authority should be looking at schemes to improve the safety of road users, whereas this proposal appears to achieve the opposite.</p>
<p>Vincent Stops London TravelWatch</p>	<p>London TravelWatch supports the introduction of bus stop clearways, especially 'at-any-time' provision. It is vital that buses should always be able to pull alongside the kerb without being impeded by parked vehicles, so as to make boarding and alighting easier for passengers, especially those with restricted mobility. This is particularly important with the near universal use of low-floor buses, which require close 'docking' at bus stops if their accessible design is to be useful. The clearway should be of LBI standard length. Where kerbside space is in great demand it is possible to introduce a buildout to the footway, also known as a bus boarder.</p> <p>It is therefore disappointing that Havering intends to take out this buildout without an appropriate layout to enable disabled access. As proposed, buses will not be able to easily access the kerb, which in turn means the disabled ramp cannot be deployed and the step height from the carriageway to the floor of the bus will be higher than it needs to be. Havering will be in breach of its duty to promote equality of access to bus services. Particularly, those using wheelchairs will not be able to access the bus.</p> <p>London TravelWatch therefore objects to this proposal and will only withdraw its objection if an appropriately located, alternative accessible stop is provided.</p>