

HIGHWAYS ADVISORY COMMITTEE

6 February 2018

Subject Heading:

Proposals for a Bus Gate in St. Clements Avenue, Harold Wood-outcome of public consultation.

SLT Lead:

**Dipti Patel
Assistant Director of Environment**

Report Author and contact details:

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Policy context:

**Havering Local Development Framework (2008).
Havering Local Implementation Plan 2017/18 Delivery Plan**

Financial summary:

The estimated cost of £0.094m for implementation would be met by the developer through a S106 contribution for the redevelopment of the former Harold Wood Hospital site, granted under P0702.08 (A2657)

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

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[]
Connections making Havering	[x]

SUMMARY

This report sets out the responses to a statutory consultation for a proposed Bus Gate in St. Clements Avenue, Kings Park Harold Wood between Elderberry Close and Scot Spine Lane where access will be limited to local buses, refuse vehicles, emergency vehicles and cycles only. It further seeks a recommendation that the proposals be implemented to satisfy the requirements of Condition 30 of the planning consent ref. P0702.08.

The scheme lies within **Harold Wood** ward.

RECOMMENDATIONS

1. That the Committee having considered the report and the representations made recommends the Cabinet Member for Environment and Community Safety that the bus gate be implemented on St Clements Avenue, located at a point approx. 19 metres south of the extended southern kerb line of Elderberry Close at its junction with St Clements Avenue, Harold Wood. The proposals are shown in drawing Nos. QF017/QK001/2016 and A082406/BUS/SK01 attached in appendix 1 of this report.
2. That it be noted that the estimated cost of £0.094m for implementation would be met by the developer through a S106 contribution for the redevelopment of the former Harold Wood Hospital site, granted under P0702.08 (A2657).

REPORT DETAIL

1.0 Background

- 1.1 The former Harold Wood Hospital site has been redeveloped as Kings Park Harold Wood. The development consists of building over 800 new homes. The site is over 30 acres and is located close to the Harold Wood station which will benefit from the Crossrail connection (Elizabeth Line between Shenfield to Heathrow) and a good public transport interchange.
- 1.2 The Harold Wood Polyclinic and London South Bank University campus are located within the Kings Park development. The polyclinic has NHS Walk-in facilities offering convenient access to a range of treatments and this attracts significant number of patients.

- 1.3 The development of Kings Park also includes the implementation of a new road network. Included in this network is St Clements Avenue which connects Gubbins Lane in the east and Nightingale Crescent on the west side of the development.
- 1.4 The original planning consent for the development was granted under planning reference **P0702.08** and Condition 30 of the consent requires the implementation of a bus gate to prevent the use of the new road by through traffic, but to allow a future bus route through the site to be provided by Transport for London. The Planning Condition is as follows;

Before the commencement of the development a scheme showing details of the design, location and operation of the bus lane and bus gate shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and fully available for use prior to the occupation of no more than 405 of the dwellings and permanently retained thereafter.

To ensure that appropriate infrastructure is provided to support a bus route through the site, to ensure that a through route for motor cars is prevented and to reduce reliance on the motor car for travel to the site and so that the development accords with Development Control Policies Development Plan Document Policy DC32.

2.0 Proposals for a Bus Gate

- 2.1 At present, there is no bus route serving the Kings Park development. The nearest designated stops are in Gubbins Lane, Tesco Extra (near Gallows Corner) and along the A12 Colchester Road. Transport for London has proposals to provide a new bus route in the future between Gubbins Lane and Tesco Extra via the Kings Park estate, but these proposals have not yet been confirmed.
- 2.2 It is proposed to provide a Bus Gate in St Clements Avenue, between Elderberry Close and Scot Spine Way. A Bus Gate is a traffic feature which is designed to restrict the through passage of vehicles between Gubbins Lane and Nightingale Crescent. Exemptions would apply to local buses, emergency vehicles, Council refuse collection vehicles and cycles.
- 2.3 Staff have been in consultation with the developer, on the form and layout of the bus gate which would be managed using a static camera and the local Council's powers to enforce moving traffic contraventions.
- 2.4 The bus gate is positioned between Elderberry Close and Scot Spine Lane and the physical works are largely complete. At present, the road at the bus gate is currently closed and it remains under the developer's control. The road will be adopted by the Council in due course and this is covered by S38/S278 (Highways Act) agreements.

- 2.5 A general location plan is attached, drawing No. QF017/QK001/2016 and a more detailed layout is shown on the developer's drawing No. A082406/BUS/SK01.
- 2.6 In order to ensure compliance of the bus gate, a static camera would be used. This would be in line with the Council's adoption of the civil enforcement of moving traffic contraventions.
- 2.7 When the bus gate comes into operation, the Council will provide a grace period whereby warning letters are sent to those contravening the restriction. This is to ensure that drivers are fully aware about the restrictions. Full enforcement will, however, commence after the lapse of the grace period.

3.0 Public Consultation

- 3.1 Over 700 letters were delivered by post in Kings Park Harold Wood and in the immediate vicinity. The consultation commenced on 8th December 2017 with a closing date of 29th December 2017. In addition, public notices were advertised in the London Gazette and Romford Recorder along with the display of site notices.
- 3.2 At the end of the consultation, 11 (1.6%) responses were received. The responses are summarised in Appendix 2 of this report, along with staff comments.
- 3.3 1 response was received from a councillor who enquired as to why the road could not remain closed to traffic, whether a bus service had been agreed and how would the gate operate.
- 3.4 7 residents objected to the proposal. Some did not want buses to run on their street and some stated that they were unaware of the proposed bus route.
- 3.5 2 residents were in favour of the scheme, although one wished for resident access through the bus gate.
- 3.6 1 resident did not particularly object but wanted a better system of enforcement than was currently the case.

4.0 Staff Comments

- 4.1 Staff note the opposition by some residents to the scheme, however it must be borne in mind that the proposal is directly linked to the planning consent and the Council should not be using highway powers to frustrate the implementation of planning consents. Staff are not aware of what level of information was provided to purchasers of units on the development site, although the bus route and associated works are clearly contained within documents which might reasonably be reviewed by conveyancers.
- 4.2 Aside from the implementation of the planning consent, the lack of control at this location would provide a traffic link between Gubbins Lane and Gallows

Corner via residential streets and Whitelands Way/ Bryant Avenue which will undoubtedly increase road safety risks in the area as well as impacting on residential amenity.

- 4.3 The provision of a bus route through the site does form part of the planning consent considerations which will serve the Harold Wood Polyclinic and residents more generally. The S106 for the development provides funding towards establishing a bus route, although the processes required to establish such route lies with Transport for London.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report is asking the Highways Advisory Committee to recommend to the Cabinet Member for Environment the implementation of the above scheme.

The estimated cost for implementation of the road closure is £0.094m. The funding for carrying out the works would be met by the developer through the section S106 Agreement.

The costs shown are an estimate of the full costs of the scheme, should all proposals be implemented. It should be noted that subject to the recommendations of the committee a final decision then would be made by the Lead Member – as regards to actual implementation and scheme detail. Therefore, final costs are subject to change.

This is a standard project for Street Management 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 over spend, the balance could be met from the same budget.

Legal implications and risks:

The Council's power to make an order regulating or controlling vehicular traffic on roads is set out in section 6 of Part I of the Road Traffic Regulation Act 1984 ("RTRA 1984"). Schedule 1 of the RTRA 1984 lists those matters as to which orders can be made under section 6. These include the following classes of vehicles:

'For prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times (Schedule 1, Section 2, RTRA 1984);

'The erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any street or likely to cause danger to passengers or vehicles (Schedule 1, Section 19, RTRA 1984).'

The installation of traffic feature restricting vehicular use of the road is compliant with the Councils' powers under the RTRA 1984.

Before an Order is made, the Council should ensure that the statutory procedures set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996 (SI 1996/2489) are complied with. The Traffic Signs Regulations and General Directions 2002 as amended by the Traffic Signs Regulations and General Directions 2016 govern road traffic signs and road markings.

Section 122 of RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, to 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. This statutory duty must be balanced with any concerns received over the implementation of the proposals.

In considering any responses received during the consultation, the Council must ensure that full consideration of all representations is given including those which do not accord with the officer's recommendation. The Council must be satisfied that any objections to the proposals were taken into account.

In considering any consultation responses, the Council must balance the concerns of any objectors with the statutory duty under section 122 RTRA 1984.

The Council is satisfied that the proposed works will be of benefit to the public in terms of preventing general through traffic using St Clements Avenue and the works are compliant with the Councils powers under the RTRA 1984.

Human Resources implications and risks:

None arising from the proposals.

Equalities implications and risks:

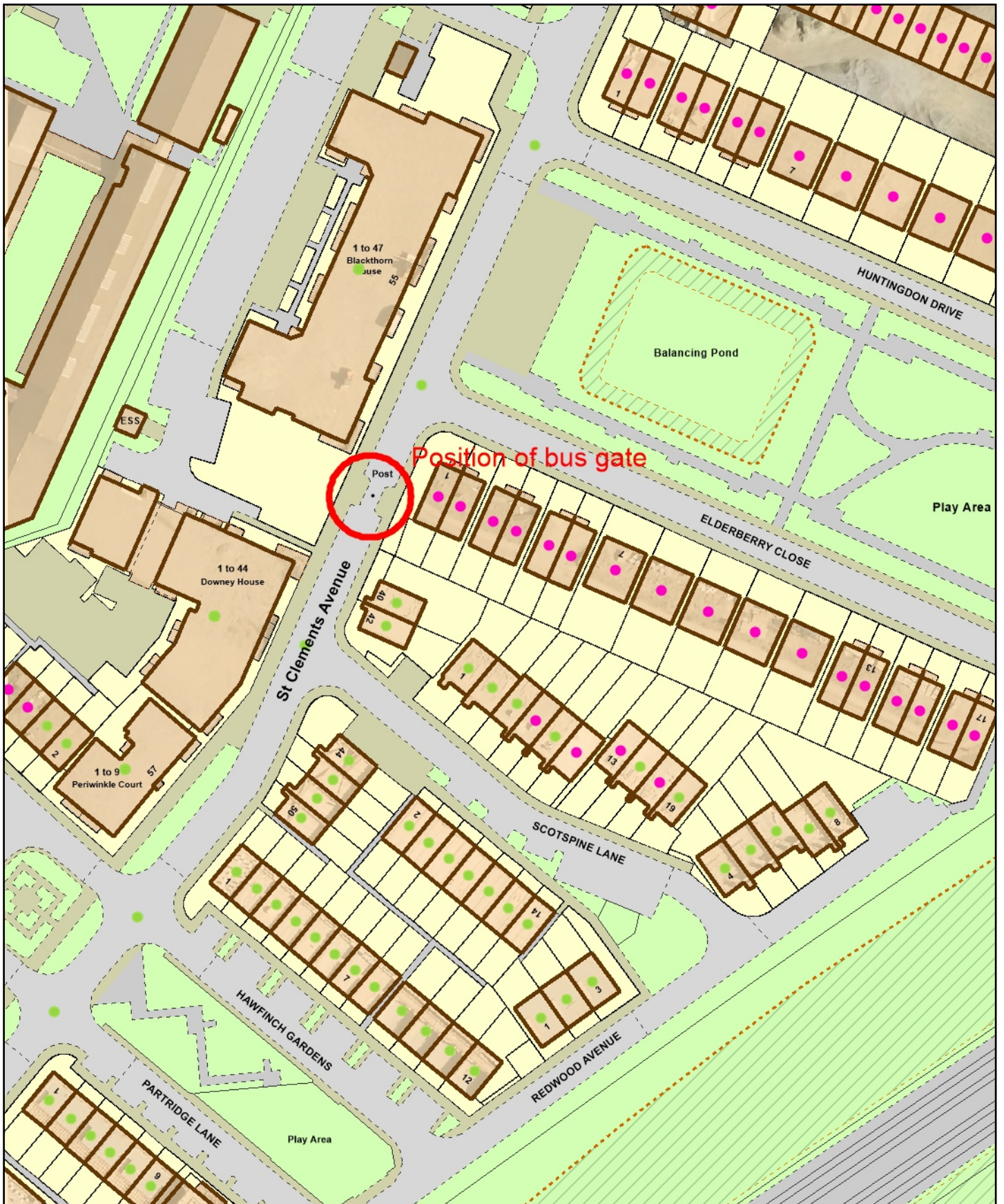
The Council has a general duty under the Equality Act 2010 to ensure that its highway network is accessible to all users. Where infrastructure is provided or substantially upgraded, reasonable adjustments should be made to improve access. In considering the impacts and making improvements for people 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.





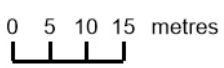

BACKGROUND PAPERS

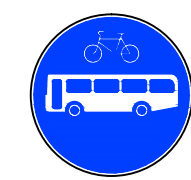
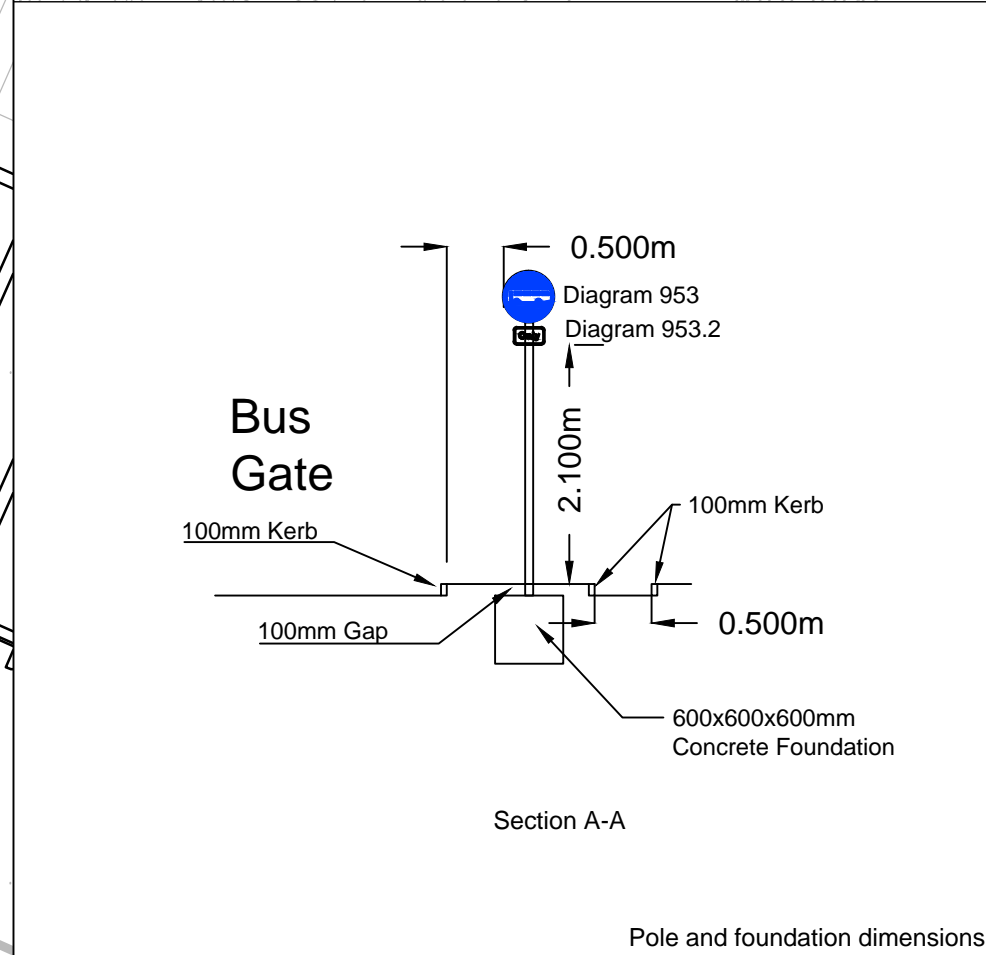
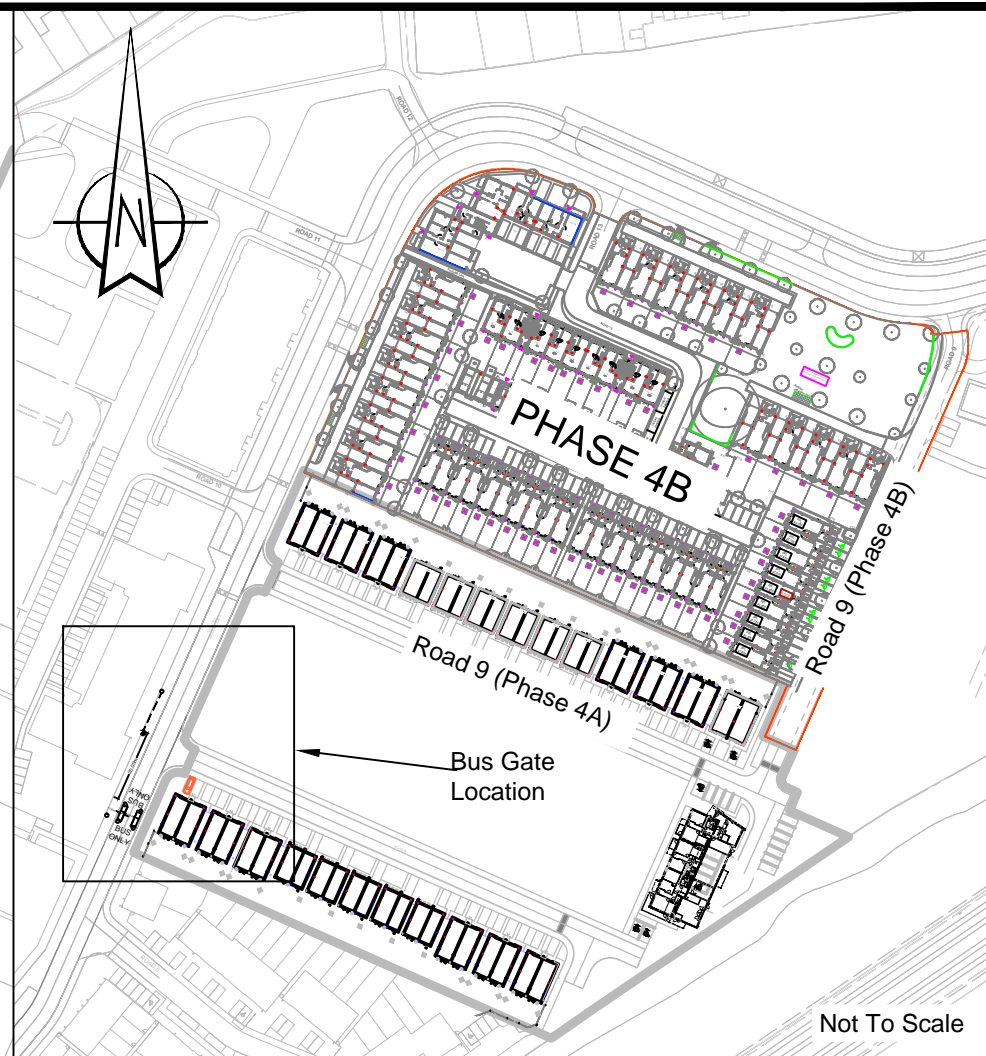
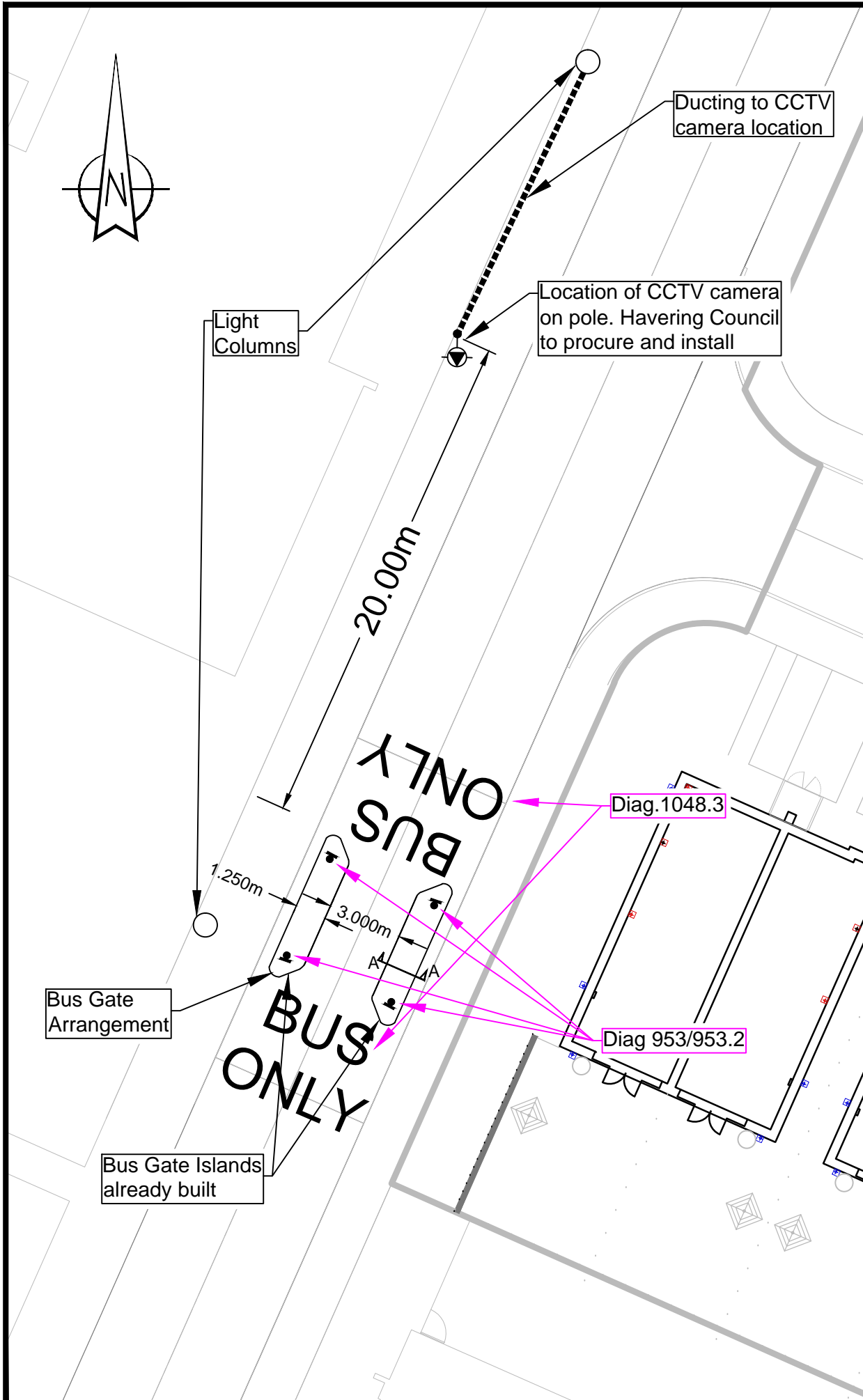
None.

Appendix 1

Plan showing details
of the Bus Gate



<p>St Clements Avenue, Proposed Bus Gate</p>	<p>QF017/SK001/2016</p> 
  	<p>Scale: 1:1000</p> <p>Date: 26 September 2016</p> 
 <p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2016 Ordnance Survey 100024327</p>



Diag.953: Route for use by buses and pedal cycles only. Diameter: 0.450m



Diag.953.2 Explanatory plate for the above sign.

A	Sign Diagram Number added to section A-A	JM	JN	25.05.16
REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT: Countryside Properties

PROJECT: Harold Wood Development

DRAWING TITLE: Bus Gate

SCALES:	1:200	SHEET SIZE:	A3
DRAWN:	JM	CHECKED:	JN
		DATE:	17.05.16

WYG Transport part of WYG group

100 St. John Street London EC1M 4EH
t: 0207 250 7500 f: 0207 250 7501 e: transport@wyg.com

DRAWING NUMBER:	A082406_BUS_SK01	REVISION:	A
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Appendix 2

Summary of Responses

Results of public consultation

Respondent 1: Councillor Damian White queried on the following issues:

- Reason why the road (ie St Clements Avenue) cannot be maintained as a closed road and the need for the bus gate to be agreed.
- Confirmation on if there has been a new bus service agreed to use the estate.
- How would the bus gate operate and the noise that would be caused by this system.

Staff comments: Cllr. White was informed that proposal is in support of condition 30 of the planning consent for the redevelopment of the former hospital site which was granted planning consent under **P0702.08** and is funded through the S106 (bus gate enforcement contribution) linked to the development. Condition 30 states the following;

Before the commencement of the development a scheme showing details of the design, location and operation of the bus lane and bus gate shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and fully available for use prior to the occupation of no more than 405 of the dwellings and permanently retained thereafter.

Reason:

To ensure that appropriate infrastructure is provided to support a bus route through the site, to ensure that a through route for motor cars is prevented and to reduce reliance on the motor car for travel to the site and so that the development accords with Development Control Policies Development Plan Document Policy DC32

The bus gate is defined in the S106 as below;

A traffic feature to restrict the through passage of vehicles from Gubbins Lane to Nightingale Crescent with the exceptions of those vehicles permitted by the Council to include the Bus Service.

The bus gate contribution is defined as below;

The sum of £85,000 or such lower sum as may be agreed by the Council in consultation with Transport for London to provide and thereafter maintain either a CCTV camera system or such other alternative system as the Council shall determine appropriate in consultation with Transport for London in order to enforce and manage the operation of the Bus Gate and use of the Bus Link.

There has been a long-standing desire to provide a bus route through the new development (which includes serving the Harold Wood Polyclinic) and another element of the S106 is some £514k to support the provision of a bus service.

Transport for London had carried out a bus route test in the estate for the new route, 497, as part of a wider service review, however the Council has not been made aware of the outcome.

Lastly, the bus gate would be regulated by traffic signs and enforced with CCTV as part of the Council's wider moving traffic contravention powers and therefore it would be a silent system.

Respondent 2: The respondent will attend the HAC meeting and '*will do everything in his power to prevent the bus gate from going ahead*'. The reason he chose to purchase the property at the time was that it was not overlooked by buses. The existing properties that have now been built will suffer from noise and pollution. His flat is located very close to the roadside and it will be impacted by visual intrusion by passengers on buses.

At present, there is a high level of traffic travelling through the estate during hospital and University opening times. The respondent regrets purchasing the property and was not aware that buses could potentially travel in the estate.

The proposals would devalue his property, part of which is owned by the Government and it is linked with Help to Buy scheme.

Staff comments: The respondent was advised that as a purchaser of his property in the estate, he must have been shown the plan of the whole development by the developer, Countryside properties and the ultimate decision to purchase the property was his and that the Council is not liable in this case.

Respondent 3: The respondent is opposed to the proposal as it will permit buses to travel in the estate. As the estate is a residential area the respondent considers that it is not appropriate for this area to give access to buses.

Staff comments: comments noted.

Respondent 4: The respondent has discussed the proposals about the bus gate with other residents and they are in agreement that buses should be strictly prohibited. The respondent has further stated that it is convenient to walk to the Tesco Extra or the Harold Wood station to use the public transport.

Staff comments: comments noted.

Respondent 5: The bus gate is not a brainer, if there is no restriction imposed, St Clements Avenue will become congested during morning and evening rush hour thus making it very unpleasant for local residents.

In addition the road will become a race track at night time especially for young drivers leaving McDonalds and seeing how fast they can drive through the development.

Staff comments: Enforcement will be carried out by static CCTV surveillance, under the Council's adoption of the civil enforcement of moving traffic contraventions which was transferred to the local authorities by the Metropolitan Police in July 2015.

Respondent 6: The respondent has stated that parking in the area is 'diabolical'. As a resident he has to park his car quite far away from his property which is very inconvenient. The existing parking facilities have been poorly designed.

Furthermore, the respondent thinks the bus gate is a poor concept. He is of the opinion that the residents will have to detour substantially to reach the other side of the barrier within the estate.

He has further stated that that recently the bollard at the bus gate was accidentally damaged and was not repaired which resulted in damage to the second vehicle. The car was physically lifted by the residents to release the vehicle from the barrier. [Sam]

Staff comments: The Council is currently designing parking restrictions in the estate as part of the adoption process. It is anticipated that the new proposals will include reasonable amount of measures which will accommodate the residents.

Respondent 7: The respondent along with other residents would like to challenge the proposals on the grounds that they were not made aware of it prior to the completion of the property. He further does not believe it is beneficial to the development. In addition, one of the bus stops has been located in front of their properties which will in turn result in a severely reduced valuation of the properties. Should the plans go ahead I will look to recoup any future loss of earnings against the necessary parties. [Stefan].

Staff comments: The respondent was advised that he must have been shown the plan of the whole development by the developer, Countryside properties and the decision to purchase the property was his and that the Council is not liable in this case.

Respondent 8: The respondents are fully in favour of the proposals but we would like to address further suggestions regarding this proposed plan.

Most of the residents purchased properties in this area due to the ease of access to the transport services, GP surgeries/ Polyclinic and the nearby Gallows Corner retail park. However, this is extremely difficult for us because the gate at St Clements is always closed for the residents to use. As a result of this, we always have to take the longer route on a daily basis to get to these destinations and this is not always ideal due to the excess time taken and excess money for fuel charges involved. Also, if we need to make an urgent visit to the GP it will once again take a lot of time due to the closed gate at St Clements Avenue.

The respondent has suggested that it would be very beneficial for the residents if some exemptions for made for the bus gate. A suggestion to this arrangement would be making an entry pass/scanning machines for the Kings Park residents' vehicles, so we can all benefit from it. [Mrs Celine Sebastian]

Staff response: The detour will apply to all the residents of the estate thus encouraging the use of public transport.

Respondent 9: The respondent does not object to the proposals of the bus gate, but has commented on that it should be more secure for its intended use.

The respondent has stated that a few local residents have obtained a key to the lockable bollard. They use this as a means of travelling from one side of St Clements Avenue to the other with a view to avoid having to use the A12 as a means of getting from one side of the development to the other.

The existing bollard does not stop motor bikes from passing through the gate, they do not have to slow down to pass through.

At the moment the bollard is damaged so the bus gate is no longer in operation and traffic uses it unhindered. The respondent considers that the “bus gate” should be more robust and secure from unauthorised use.

Staff comments: The respondent is not aware that the enforcement would be carried out CCTV and not any physical means to restrict unauthorised traffic.

Respondent 10: The residents of Blackthorn House overlooks the “bus gate” position, therefore, have particular concerns about these proposals.

- *The current gate position has never been secure with many residents on the Scots Pine Lane side of the barrier having obtained a key to the FB padlock and often leaving the space open for the benefit of fellow users.*
- *The above regular abuse has been invariably by drivers travelling from the Scots Pine Lane side towards Gubbins Lane. We have never witnessed abuse in the opposite direction, although admittedly it could have occurred.*
- *Currently, due to a recent overnight reckless motorist driving at high speed at and over the central iron bollard (the fire service, police and breakdown lorries subsequently attended to clear up the resultant trashed cars and spillage on the road) the barrier is now completely useless: although some local residents do occasionally replace the now unlockable bollard with extra traffic cones to deter continuing abuse.*
- *When we moved into our flat three years ago Countryside’s parking regulations were such that all parking in St Clements Avenue was completely prohibited and there were regular patrols issuing penalty notices to offenders. Countryside seem more recently to have unofficially relaxed these rules to suit their marketing purposes. When will Havering be taking over the parking administration and will they undertake to rigorously enforce penalties, and at what level, on unauthorised drivers/car owners passing through the “bus gate”? Double yellow lines are certainly necessary at dangerous points on the Kings Park Estate such as around corners at road junctions. Also they are needed to avoid blocking the areas on both sides of the “bus gate” where often, because of inconsiderate parking on both sides of the road, there is insufficient space for emergency vehicles, and no doubt buses, to pass through.*

- *Their main concern is the proposed CCTV installation will possibly **invade their privacy** and that of other residents within the viewing line of the camera(s). We have open balconies and full height picture windows and glazed doors. Where exactly will the camera(s) be located and at what height will they operate from? Can you give us residents **an unequivocal assurance that the camera(s) will at no time record any images that would invade our privacy?***
- *Have Havering given consideration to other forms of traffic flow control? From past, behaviour patterns of a very small minority of local residents we fear it will only be a matter of time before any cameras are disabled, which would then leave completely free passage along the entire length of St Clements Avenue as well as involving the Borough in considerable ongoing remedial costs.*

Staff response: On the first two issues about the misuse of the existing lockable bollard, the respondent was advised to contact the management of Countryside properties.

On the issue about the provision of parking restrictions, the respondent was advised that the Council is designing parking restrictions as part of the adoption process.

On the issue about the potential location of the CCTV, an exact location could not be confirmed as the final siting is subject to site constraints. The respondent was advised that consideration can be given to installing privacy filters to enforcement the camera to overcome the problem capturing the privacy of the local residents.

Respondent No. 11: The respondent has objected the proposals. In addition, when he had purchased the property, he was not aware that the bus route would continue beyond the bus gate ie end of route. He has further queried on the commencement of the CCTV.

Staff response: The respondent had provided his comments outside the consultation time. It is up the Committee to consider the comments or disregard them as they consider appropriate. The respondent was advised to this affect.

In response the respondent was informed that the Kings Park estate is a private development and the Council was not in charge of the sales of the properties in the estate. He was advised to discuss the location of the bus routes with the management of the estate. He was further advised that the Council is in the process of adopting the highway infrastructure within the estate and that CCTV will only commence after the approval of the bus gate and adoption of the highway network.
