

COMMITTEE: SOUTH EAST AREA REF NO: SEAC/18/07

DATE: 18 JULY 2018

**SUBJECT: PROPOSED BUS STOP CLEARWAYS –
CLIFF LANE**

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HEAD OF SERVICE: MARTYN FULCHER

Short description of report content and the decision requested:

This report is regarding a proposal to install a bus stop clearway restriction at a bus stop on Cliff Lane, to which there have been objections. An alternative proposal to relocate the bus stop and clearway has been made, to which there have also been objections. The SE Area Committee is asked to consider the matter, determine the objections and authorise any works accordingly.

List of Appendices included in this report:

- a) *Appendix A – Consultation letter – original proposal*
- b) *Appendix B – Consultation plan – original proposal*
- c) *Appendix C – Objections to original proposal*
- d) *Appendix D – Consultation letter – alternative proposal*
- e) *Appendix E – Consultation plan – alternative proposal*
- f) *Appendix F – Objections to alternative proposal*

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This report was prepared after consultation with:

Helen Pluck, Chief Operating Officer

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The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

Building A Better Ipswich

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information)

- 1.
- 2.
- 3.

OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

- 1.
- 2.
- 3.

1. Introduction & Background

- 1.1 The Council has a responsibility to provide bus stops in Ipswich, and discretionary powers to provide bus stop clearway restrictions which are important as they help to ensure that bus passengers can easily and safely board and alight from buses.
- 1.2 Ipswich Buses Ltd operate a number of bus services in Ipswich, including Service 2 which operates between the town centre and Heath Road Hospital and serves the Holywells area via Cliff Lane.
- 1.3 In May 2017, officers were made aware of an alleged issue relating to the ability of bus passengers to be able to safely use the outbound bus stop on Cliff Lane near the junction with Elmhurst Drive. The matter was raised with officers via Cllr Harsant.
- 1.4 It is apparent from informal site visits by officers that buses are often unable to pull up flush with the bus stop, due to the presence of parked motor vehicles. Buses need to be able to pull up flush with the kerb in order that bus passengers who are elderly or who have physical disabilities, as well as those with other mobility problems and persons with prams etc. can get on and off the bus safely.
- 1.5 As such, in September 2017 a consultation was carried out with affected residents on a proposal to install a bus stop clearway restriction of 23m in length, in force at all times, at the bus stop. This would make it an offence for vehicles (except buses and certain other vehicles allowed in law) to stop or park at the bus stop at any time. Bus stop clearway restrictions are shown by a thick yellow line on the carriageway and a small plate. At the same time, a consultation was also carried out on an identical proposal for the inbound bus stop on the opposite side of Cliff Lane near the junction with Lee Road. Copies of the consultation letters are attached to this report as Appendix A. A copy of the consultation plan showing the location of the proposed bus stop clearway restrictions is attached to this report as Appendix B.
- 1.6 The Council received an objection to the proposed bus stop clearway restriction at the outbound bus stop near the junction with Elmhurst Drive from the residents of 53 Cliff Lane, and a written request from the residents of 38 Cliff Lane for a site visit to discuss the matter and possible alternative options. This representation stated that it was also being submitted on behalf of the residents of 40 Cliff Lane. In telephone discussions with the residents of 38 Cliff Lane it is apparent that they object to the proposal as it stands. A copy of the objections/representations is attached to this report as Appendix C.
- 1.7 A site meeting with ward councillors and the objectors took place on Friday 27th October 2017. The outcome of this meeting was that ward councillors asked officers to undertake a separate consultation on an

alternative proposal to relocate the bus stop to a position outside the King George V Memorial Homes. As it was noted that this was also a location with a number of parked cars, the alternative proposal would also include the provision of a 23m bus stop clearway restriction, in force at all times.

- 1.8 The consultation on this alternative proposal was carried out in May 2018. A copy of the consultation letter is attached to this report as Appendix D. A copy of the consultation plan showing the location where the bus stop could be relocated to, together with the proposed bus stop clearway restriction is attached to this report as Appendix E.
- 1.9 The Council has received objections to this alternative proposal from the residents of 59, 67, 69 and 71 Cliff Lane and 2 King George V Memorial Homes and another member of the public. The Council has also received a petition against the alternative proposal from 13 petitioners, mostly residents of the King George V Memorial Homes, some of whom have also objected individually. A copy of the objections/representations and petition is attached to this report as Appendix F.
- 1.10 No objections were received to the proposed bus stop clearway restriction at the inbound bus stop near the junction with Lee Road. Accordingly, the purpose of this report is to consider the objections to the original and alternative proposals for the bus stop and bus stop clearway restriction at the outbound bus stop, then determine how to proceed and authorise any further steps.

2. Objections

- 2.1 The principal factors listed in the objections to the original proposal to install a bus stop clearway restriction at the existing outbound bus stop adjacent to the side of 74 Elmhurst Drive are as follows:
 - (i) No objection to the principle of a bus stop clearway restriction but an objection to the proposed positioning which should be closer to the junction with Elmhurst Drive in order to deal with the problem of several large vans being parked within the visibility splay of the junction, not outside 38 Cliff Lane.
- 2.2 Officers comments on the points made in paragraph 2.1 are as follows:
 - (i) At bus stops where there is no bus shelter, as is the case here, bus stop clearway restrictions are positioned in reference to the location of the bus stop flag (sign) as bus drivers should line up the door of the bus at this point. The positioning aims to ensure that a bus can be safely manoeuvred into and out of this point. As such, re-positioning the clearway restriction as requested by the objectors effectively means that the bus stop itself would also have to be moved.

The position of bus stops has to be approved on road safety grounds by Suffolk County Council (SCC) who are the Highway Authority. In this instance, officers have spoken to SCC to ask whether they would permit the bus stop to be moved closer to the junction with Elmhurst Drive, but they have refused on the grounds that this would result in buses stopping too close to the junction and so would obscure the visibility of oncoming traffic for anyone turning out of Elmhurst Drive.

- 2.3 Officers appreciate that the objectors have raised concerns about motor vehicles allegedly being parked within the visibility splay of the junction with Elmhurst Drive (i.e. beyond the bus stop) but this is a separate matter that is beyond the control of the Borough Council and should be referred to SCC to request consideration of the making of a Traffic Regulation Order (TRO) to prohibit parking in the immediate vicinity of the junction itself. The Borough Council does not have the power to make TROs of this type. A request has already been made to SCC, supported by the county councillor for the area (Cllr Clements) and at the time of writing this is under consideration.
- 2.4 The principal factors listed in the objections to the alternative proposal to relocate the bus stop to a position outside the King George V Memorial Homes and install a bus stop clearway restriction there are as follows:
- (i) Loss of on-street parking space for local residents, especially those of the King George V Memorial Homes who have no off-street parking and whose visitors can include carers making regular visits. It is unfair to move the bus stop and reduce on-street parking by installing a bus stop clearway restriction in order to allow on-street parking to remain at the location of the existing bus stop.
 - (ii) The bus stop is currently closer to the previous bus stop adjacent to the Margaret Catchpole PH and further away from the next bus stop on Clapgate Lane and moving it as proposed only increases this disproportion. Residents who live further along Cliff Lane (towards Clapgate Lane) and in surrounding roads would have further to walk to the bus stop.
 - (iii) Vehicles should not be parking within the visibility splay of the junction with Elmhurst Drive.
 - (iv) Loss of privacy and increase in noise as a result of buses stopping.
 - (v) Increased risk of anti-social behaviour and vandalism (to parked cars).

- (vi) Residents who live opposite the proposed site of the bus stop will be delayed when driving out of their properties on occasions when there is a bus stopped at the bus stop.

2.5 Officers comments on the points made in paragraph 2.4 are as follows:

- (i) There is no right to park on the highway, although it is a common concession and it is accepted that the provision of a bus stop clearway restriction will reduce the amount of on-street parking. In this specific case, it is noted that the residents of the King George V Memorial Homes have no off-street parking available and this supports an argument that it is more appropriate for the bus stop clearway restriction to be placed at the site of the existing bus stop at the side of 74 Elmhurst Drive. Additionally, the point regarding fairness is also accepted as the bus stop is already located at the site of the original proposal and moving it will simply move the problem of a loss of on-street parking space.
- (ii) This point is accepted. The Council tries where possible to keep bus stops approximately equidistant from each other. The gap between the previous bus stop adjacent to the Margaret Catchpole PH and the current bus stop is approximately 275 metres. The gap between the current bus stop and the next bus stop on Clapgate Lane near the junction with Cliff Lane is approximately 325 metres. Moving the bus stop to the alternative position outside King George V Memorial Homes will change these distances to 215 metres and 385 metres respectively and this is not considered appropriate.
- (iii) This point is accepted. As stated in paragraph 2.3, the Borough Council does not have the power to make a TRO of this type in this location. It should also be noted that even without a TRO, it is unlawful for someone to cause or permit a vehicle to be left on a road in a dangerous position or to cause or permit a vehicle to stand on a road so as to cause any unnecessary obstruction. Parking a vehicle close to a junction could be considered to constitute either of these offences, which can only be enforced by the police. The Highway Code states that vehicles should not be parked within 10 metres of a junction.
- (iv) Buses already go past this location and so there is already some noise and loss of privacy caused by buses. However, it is accepted that there would be a slight increase in these factors as a result of the provision of a bus stop on those occasions when a bus had to stop to pick up or drop off passengers.
- (v) Vandalism is an offence and the Council cannot be held responsible for the actions of those people who choose to act in this way. The Council receives very few complaints of criminal

damage to private property thought to be linked to the existence of a bus stop and as such it is not considered that this is likely to be a problem in this location.

- (vi) Any impact on access to properties will be minimal as if it occurs at all, it will only be when the bus driver has to stop the bus at the bus stop which will not be on every occasion. Service 2 only operates with a 30 minute frequency during the day, Monday to Saturday, and an hourly frequency in the evenings and on Sundays and Bank Holidays.

3. Relevant Policies AND Area Action considerations

- 3.1 The 'A High Sustainability Environment' priority within the 'Building A Better Ipswich' Corporate Plan includes the aim to 'Work with partners to reduce pollution and ensure there is a high quality public transport network'. The provision of bus stop clearway restrictions helps to meet this aim by trying to ensure that bus passengers are able to safely get on and off buses.
- 3.2 It should be noted that the Area Committee is not being asked to provide any funds for these proposed works.

4. Options Considered / Under Consideration

- 4.1 Considering the above, there are three options presented to the Committee to consider, which will result in either upholding or overruling some or all of the objections.

Option 1 – to install the bus stop clearway restriction as originally proposed at the location of the existing outbound bus stop adjacent to the side of 74 Elmhurst Drive.

Option 2 – to relocate the outbound bus stop to the alternative position outside King George V Memorial Homes and install a bus stop clearway restriction there.

Option 3 – to uphold all of the objections and leave the bus stop where it is without installing a bus stop clearway restriction.

- 4.2 Officers recommendation is to proceed with Option 1 for the following reasons:
 - The bus stop is already in this location and has been for a number of years and so it would be unfair to the residents affected by the proposal to re-locate it in Option 2 to do so solely to avoid the loss of on-street parking to the residents affected by the proposal in Option 1.

- There have been fewer objections to this proposal than to that contained in Option 2.
- It will keep the bus stop more equidistant with the previous and next bus stops.

4.3 Officers strongly recommend against Option 3, as this would result in the bus stop continuing to be blocked by parked motor vehicles, meaning that bus passengers, especially those with mobility problems, would find it difficult or in some cases impossible to safely board and alight buses. Passengers may be forced to attempt to board or alight buses in the carriageway, which is not safe.

5. Consultations

- 5.1 Affected residents and IBC ward councillors have been consulted on the proposals, as have Ipswich Buses Ltd. Copies of the consultation letters, plans and objections/representations are attached as appendices to this report.
- 5.2 As the alternative proposal involves relocating the outbound bus stop, a public notice providing details of this proposal was placed on the bus stop in order to consult with affected bus passengers.
- 5.3 Ipswich Buses Ltd replied to the consultation to state that they had no objections to either the original or alternative proposal for the outbound bus stop and bus stop clearway restriction.

6. Risk Management

Risk Description	Consequence of risk	Risk Controls	Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high	Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)	Actions to mitigate risk
Affected residents would complain that they had not been properly consulted on the proposals.	The Council could be seen to be introducing changes without having carried out a proper consultation.	A consultation letter with plan was hand delivered or posted to all affected residents giving them 21 days to make any objections in writing.	2	2	As per risk controls.

7. Environmental Impact Assessment

7.1 There are no environmental impacts as a result of this report.

8. Equalities and Diversity Implications

8.1 The provision of a bus stop clearway restriction helps to keep the bus stop free from parked vehicles and so helps bus drivers pull the bus up flush with the kerb. This helps those people with mobility difficulties get on and off buses more easily and safely.

8.2 Other than these points, there are not considered to be any equality or diversity implications as a result of this report.

9. Financial Considerations

9.1 The cost of providing a bus stop clearway restriction is less than £1,000 and can be met from the Council's existing public transport budgets.

10. Legal Considerations

10.1 The Council has the power to provide bus stops and bus stop clearway restrictions by virtue of an agency agreement with SCC that permits the Council to exercise SCC's powers contained in the Road Traffic Regulation Act 1984 and the Traffic Signs Regulations and General Directions 2016 with their consent. SCC's consent has been obtained.

10.2 Proper consultations have taken place with those affected and responses have been received and considered in this report.

11. Performance Monitoring

11.1 To ensure that, if approved, the installation of the bus stop clearway restriction is completed by 18th October 2018.

11.2 To ensure that the Committee's decision is communicated to the objectors by 17th August 2018.

12. Conclusions

12.1 The provision of bus stop clearway restrictions is important to ensure that bus passengers, especially those with mobility impairments, can easily and safely board and alight from buses.

12.2 The objections received to the proposals in this report have been given proper consideration. This report provides officers comments on the

objections and why, in respect of the proposal contained in Option 1, the reasons for accepting them are considered to be outweighed by the reasons for implementing the proposal as drafted. The Committee is asked to determine the objections accordingly.

- 12.3 There were no objections to the proposal to install a bus stop clearway restriction, in force at all times, at the inbound bus stop on Cliff Lane adjacent to the side of 2 Lee Road and so the Committee is simply asked to approve this.

13. Recommendations

- 13.1 That a bus stop clearway restriction, in force at all times, be installed at the bus stop on Cliff Lane adjacent to the side of 74 Elmhurst Drive and the objections received against this proposal be overruled accordingly.**

Reason: To ensure that bus passengers can easily and safely board and alight from buses, and to determine the objections received against this proposal.

- 13.2 That a bus stop clearway restriction, in force at all times, be installed at the bus stop on Cliff Lane adjacent to the side of 2 Lee Road.**

Reason: To ensure that bus passengers can easily and safely board and alight from buses.