

## **Westbury on Trym Neighbourhood Partnership Open Forum**

### **Issues for next “You said-We did” report**

**To be delivered 23<sup>rd</sup> August 2012**

- 1. Residents in the area of 136 – 148 Westbury Road “taking” the pavements in front of their properties for formal parking causing inconvenience for pedestrians, as recorded in the notes of previous Forum**

#### ***Report for Information***

#### ***138-146 Westbury Road – Encroachment onto public highway***

#### ***Report of Street works & Licensing Manager***

#### **Background**

The following issues concerned the residents of the above properties.

- Vehicles driving on the footway causing a danger to pedestrians
- Responsibility for safety of pedestrians using the footway. The Council has denied responsibility saying that responsibility lies with the adjacent property owners.
- Vehicles parking on footway causing an obstruction

Because of these issues some of the residents started the process to enclose and control the footway outside their properties.

#### **Footway Status**

The line of the grass verge as indicated on ordnance survey plans is the limit of the adopted highway and is maintainable by the highway authority, in this case Bristol City Council.

The area between the verge and the properties is unregistered but is public highway as the public have used it as such. The definition of a public highway is a “way over which members of the public have a right to pass and repass”

It is not possible to “claim” land that forms part of the public highway. The only way that highway rights can be removed is by a formal legal procedure such as an extinguishment of highway rights.

#### **History**

Residents at 140, 144 and 146 have now enclosed parts of the footway in front of their properties. This process began in 2008 when one of the owners entered into correspondence with BCC. There was some confusion as BCC were led to believe that the area to be enclosed was privately owned by the residents and that they were dedicating part of it to the council for the purpose of establishing an adopted footway.

The actual line of the walls as built varies from 2.5metres from the kerb at the boundary of 146/148 to 3.3metres at the junction of 140/142.

Since the first of the walls was built, there were complaints from members of the public regarding the council's management of the obstruction of the public highway that resulted in a complaint to the Local Government Ombudsman. The LGO decided not to investigate as the complainant lives several minutes away from the obstruction and the reduced footway width would not cause any difficulties for him or any pedestrian.

BT also raised concerns as they have underground plant in the footway that they need to maintain.

In September 2009 the owners of 140 and 144 were asked to remove the walls they had built and to re-instate the footway.

Notices were served under Section 143 of the Highways Act 1980 on the owners of 140 and 144 Westbury Road on 30<sup>th</sup> May 2012 requiring removal of the walls and reinstatement of the footway surface. This has brought this matter to a head.

The owner of 146 has since constructed a similar wall, enclosing part of the footway.

## **Proposal**

A meeting was held with the residents who proposed that the walls remain where they have been built and have asked that the Council consider this from both a highways and planning perspective. They will then go through the correct procedures to achieve this, albeit retrospectively, and pay for all of the costs associated with this.

Measurements were taken on site and possible options were discussed. The favoured option is to remove the grass verge and resurface the entire footway so that there is a minimum footway width of 2.5 metres. The estimated cost of this work is £4,000 plus VAT.

The tree outside 138 will remain; the lamp column outside 144 may have to be relocated. The estimated cost for moving this is £780 plus VAT.

Bristol City Council has recently advised the residents on both the planning procedure and the procedure to extinguish highway rights.

The situation will be monitored and the council can still take enforcement action if the matter is not resolved.

Jim Creamer  
Streetworks & Licensing Manager

## **2. Access to Canford Cemetery via the Kissing Gate is difficult/impossible for mobility scooters.**

After a site meeting with the cemetery's manager Martin Tremeer to look at all the sites entranceways most of which were found to be compliant with current DDA regs and giving access to both scooters and wheel chairs.

Martin has concerns that if this entranceway were to be extended to enable mobility scooters to gain access it would also be large enough for motorbikes to also gain access to this cemetery, there is also no money within this year's budget to carry out this type of work.

## **3. Cycle racks in Canford Lane installed by GBBN to be relocated to overcome pedestrian obstruction problems.**

Steve pick, the cycle rack has being removed two months ago, Steve has being talking to Sue Boyd with regards to do the shop keepers wont it back in this location? Steve to supply an update once he has spoken to Sue

## **4. Redundant Bus stop outside "Classic Man" in the High Street to be removed.**

The Council, wherever possible, adhere to the Department for Transport guidance on Inclusive Mobility, '*A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*'. The guidance states that "in residential areas bus stops should be located ideally so that nobody in the neighbourhood is required to walk more than 400 metres from their home". On this basis the council considers that removing the bus stop would have a detrimental effect on local residents access to local bus services.

If this bus stop was removed then it would leave large gap of over 700m between the previous stop (Henbury Road) and the next stop (Canford Lane). We are aware that this stop is used by a number of older people as this location provides good access to local amenities, particularly the Post Office that is located on the opposite side of the road.

Finally, there is ample room for the stop and shelter in its current location. The kerb line has been 'built out' specifically to accommodate the bus shelter enabling bus passengers to wait at the stop without impeding pedestrian flow.

For the reasons outlined above I am afraid that we are unable to agree to this request.

Thanks

Ian Maggs

Public Transport Planner

**5. Scaffolding outside “Classic Man” in the High Street to be removed.**

To be updated by rich smith 23205 who has now reported back that the scaffolding has being removed 8/8/12

**6. Investigate if allegations of Speeding in Canford Lane are relevant and if so consider practical measures that might be implemented.**

Highways officers will report on the day

**7. Height of “Timetables” in bus shelters considered too high to be easily read by certain users.**

*Message from Ian Maggs*

I will get one of our inspectors to investigate and action as appropriate

**8. Provision of Notice Board in Stoke Lane to be undertaken by Andrew / Farhan, as discussed prior to last Forum**

Provider will provide the final quote Tuesday, installation 2-3 weeks after.