

REQUEST TO ADOPT A NEW ROAD**PROPOSED SECTION 38 AGREEMENT (HIGHWAYS ACT 1980)****HILLBURY GARDENS, WARLINGHAM**

Planning Application Reference:	
Developer:	PERSIMMON HOMES (SOUTH EAST) LTD
Site Address:	HILLBURY GARDENS, WARLINGHAM
Brief Description of Works (including the number of units which are to be served):	ROAD SERVING 15 DWELLINGS
Total Length of Road to be adopted:	APPROXIMATELY 145 METRES
List of Attached Documents:	<ul style="list-style-type: none"> - Decision Notice (Not available on-line due to the document age) - Section 38 Layout (attached) - Site Location Plan (attached)

Other Comments:

Hillbury Gardens was constructed by Persimmon Homes in the 1990's as a cul-de-sac serving 15 dwellings. At the time of the planning application, Persimmon Homes intended to enter into a Section 38 adoption agreement; however, they failed to negotiate the purchase of the land across the frontage of no's 256 & 258 Hillbury Road, which was needed to provide the required 4.5m by 90m visibility splay to the northeast of the Hillbury Gardens/Hillbury Road junction. As a result, the Section 38 agreement was never completed and Hillbury Gardens remains in private ownership. A number of the residents of Hillbury Gardens are unhappy about the situation as they purchased their properties based on the knowledge that the road was to be adopted by the County Council.

Under current highway design guidance, visibility splays of 4.5m by 90m would no longer be required at the Hillbury Gardens/Hillbury Road junction and the Highway Authority would now be seeking visibility splays of 2.4m by 59m, which are achievable in both directions across land within the ownership and control of Permisson Homes.

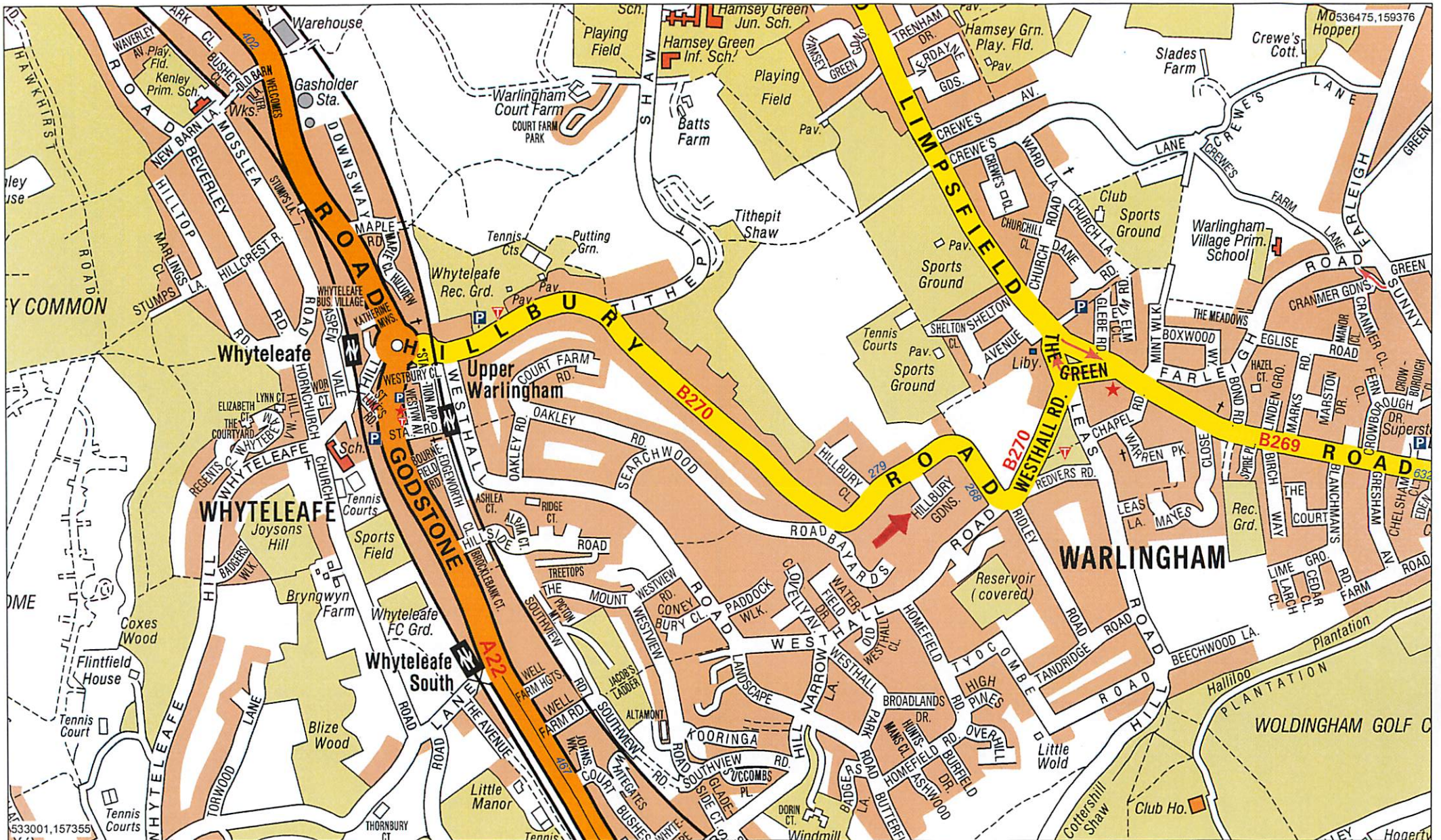
TDP's Development Engineer has recently carried out a site inspection of Hillbury Gardens and has identified a list of construction works that need to be undertaken in order to bring the road up to an adoptable standard. Persimmon Homes has agreed to carry out these works at their own expense.

Subject to the Developer carrying out these outstanding construction works and entering into an adoption agreement, it is recommended that the County Council adopt Hillbury Gardens.

Based on the information provided, as Cabinet Member, I *give consent/ I do not give* consent for the highway layout to be adopted in line with Surrey County Council's current Road Adoption Policy. Transportation Development Control *may/ may not* instruct Legal Services to prepare a Section 38 Agreement on behalf of Surrey County Council and the Developer.

Signed :

Date:



Date: 30/07/2012

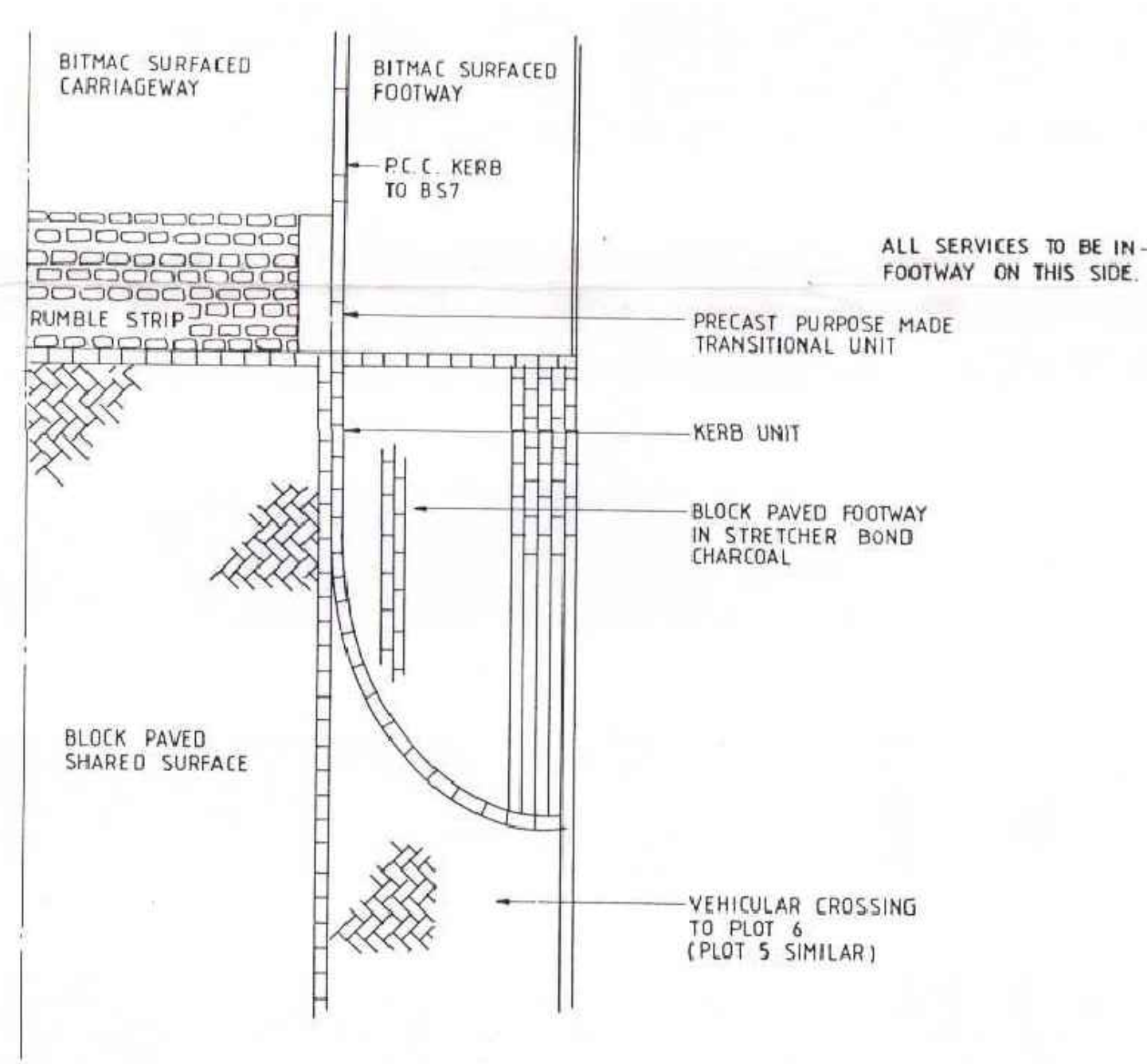
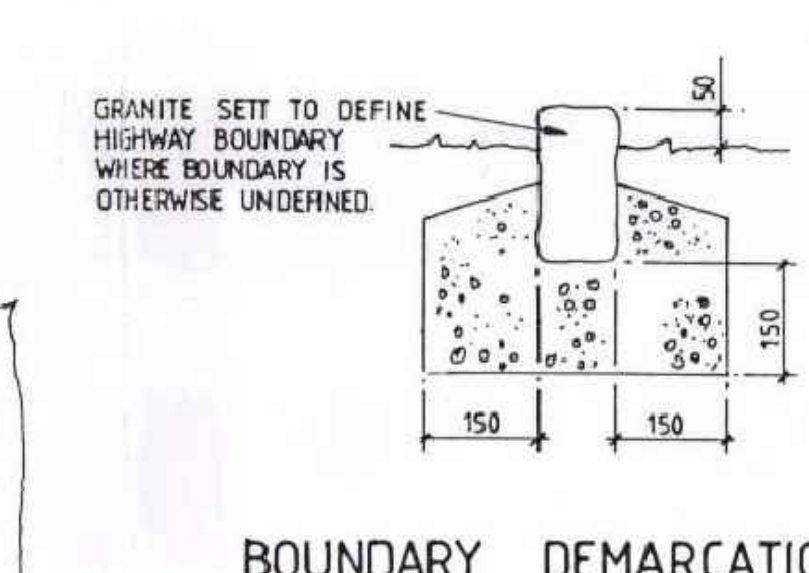
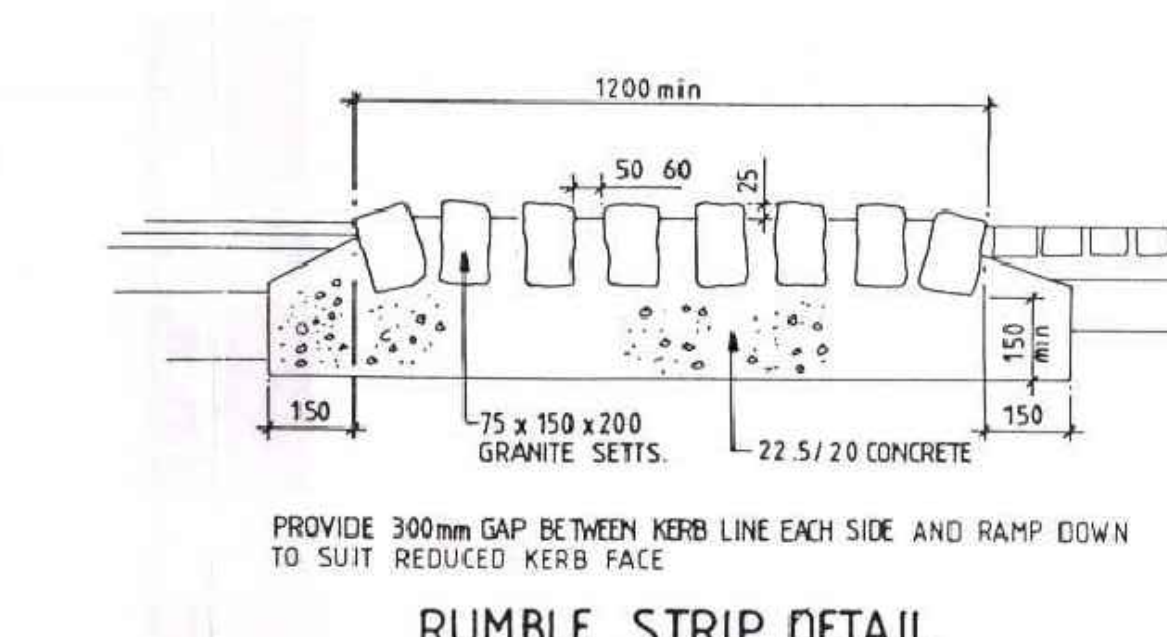
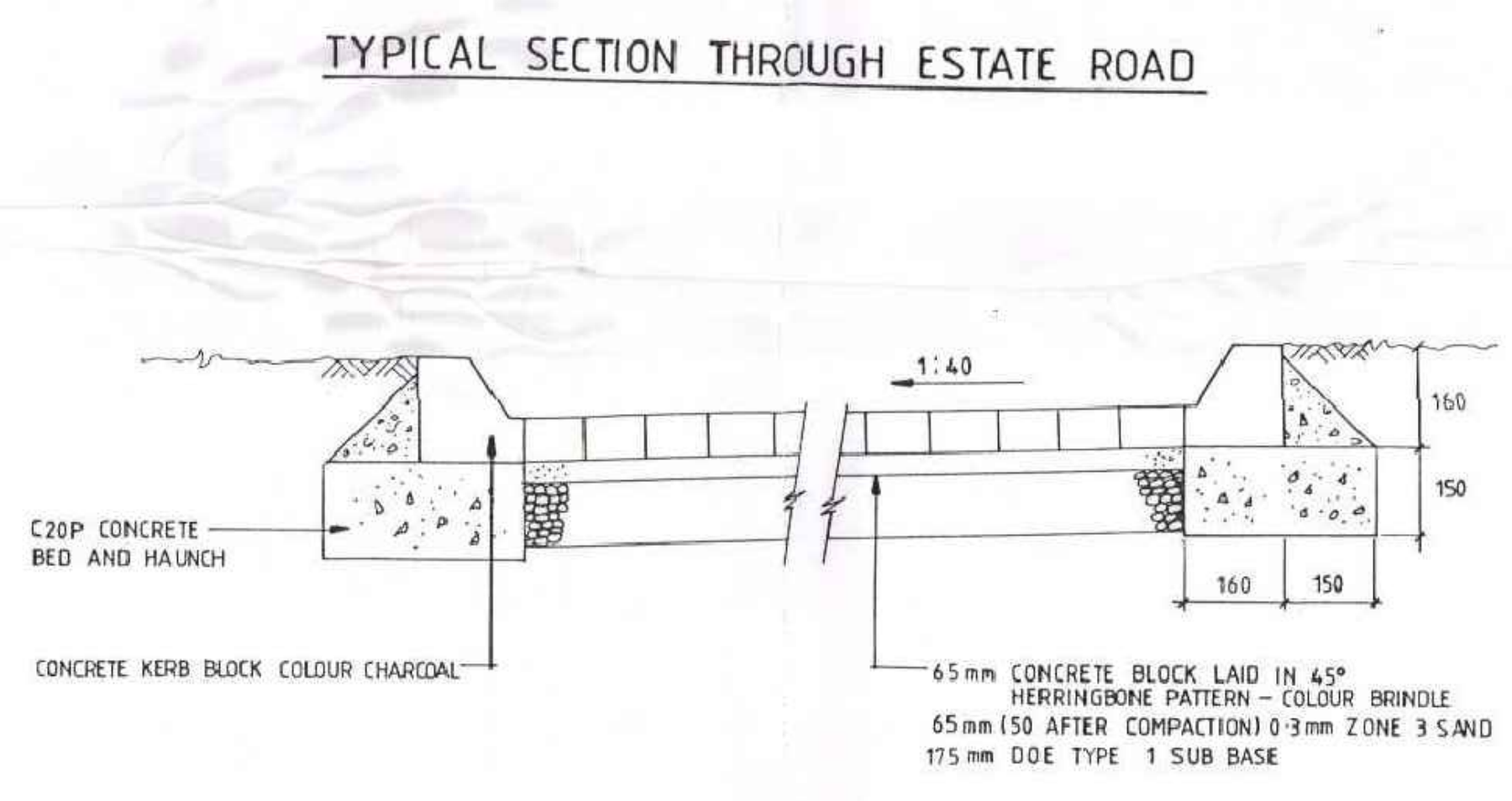
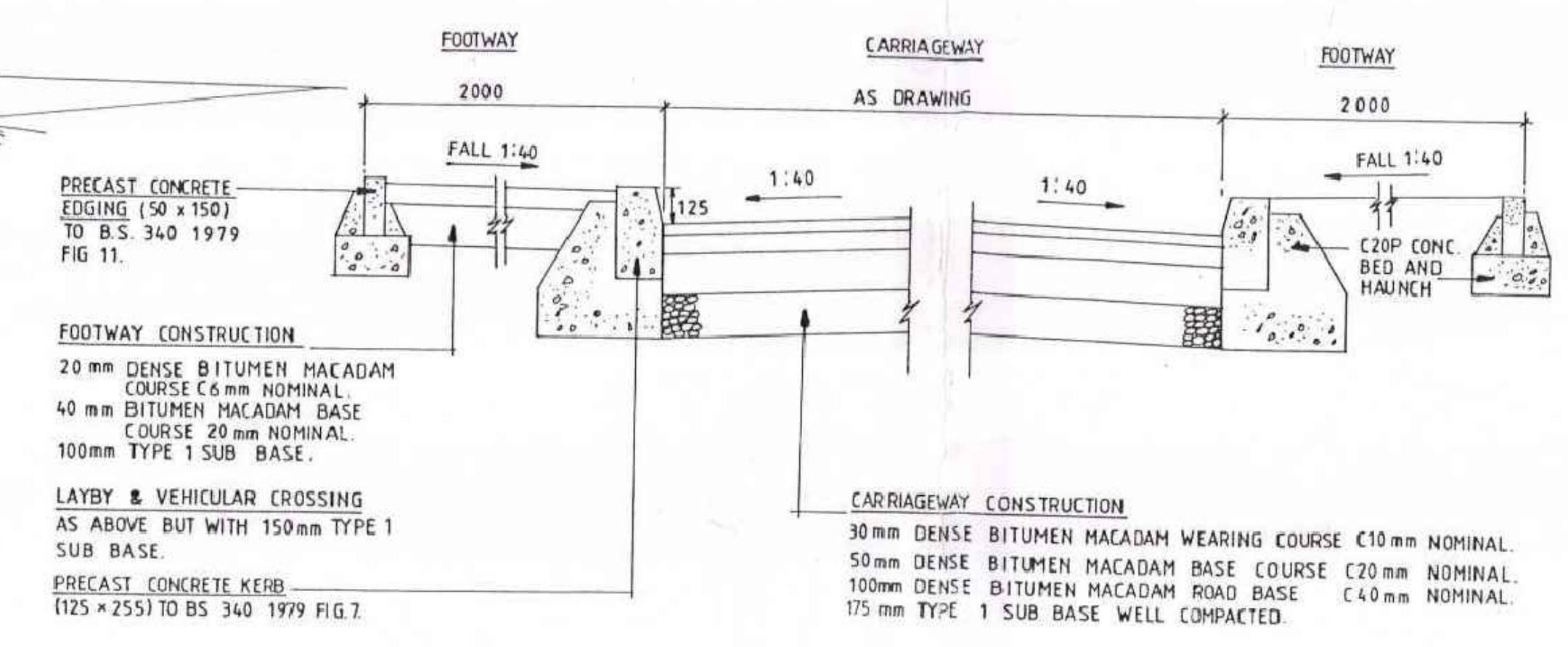
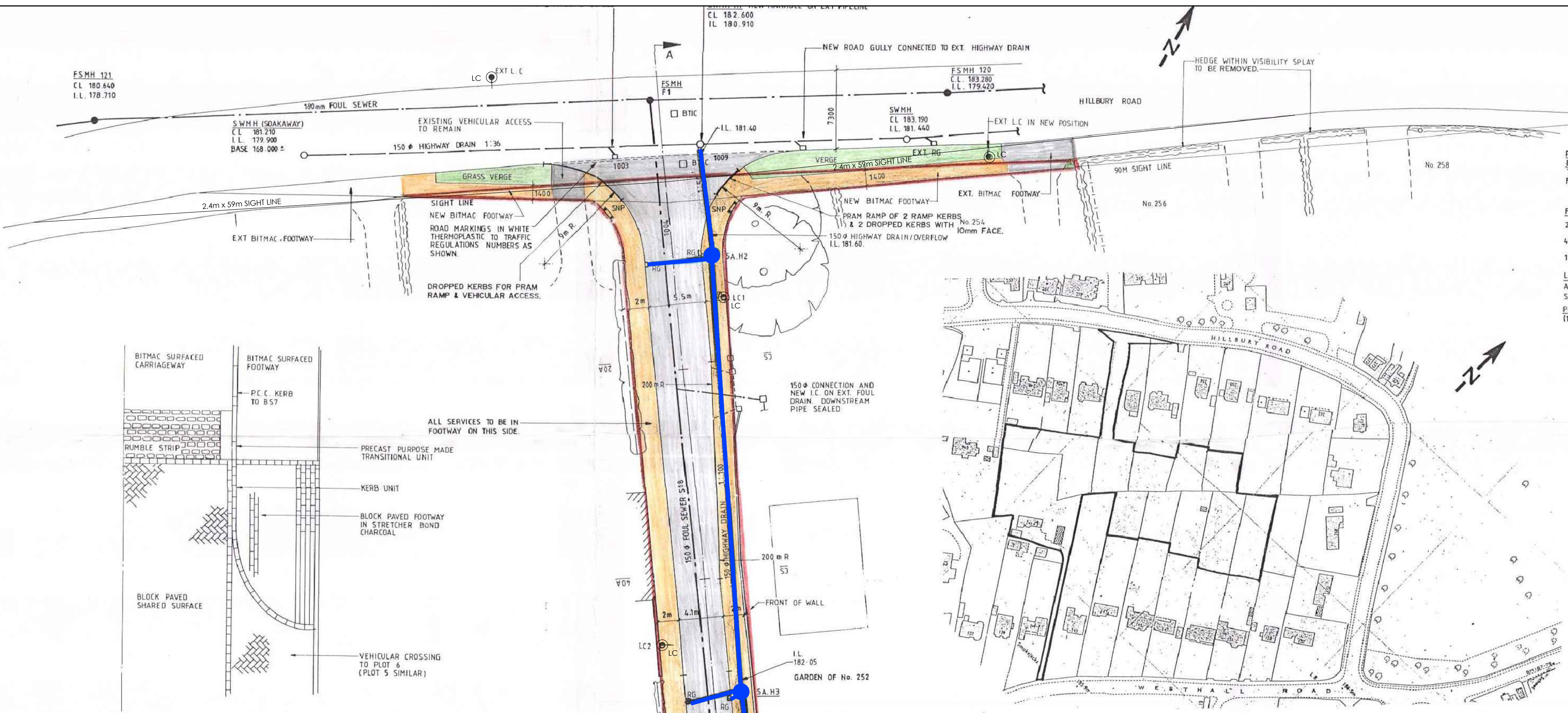
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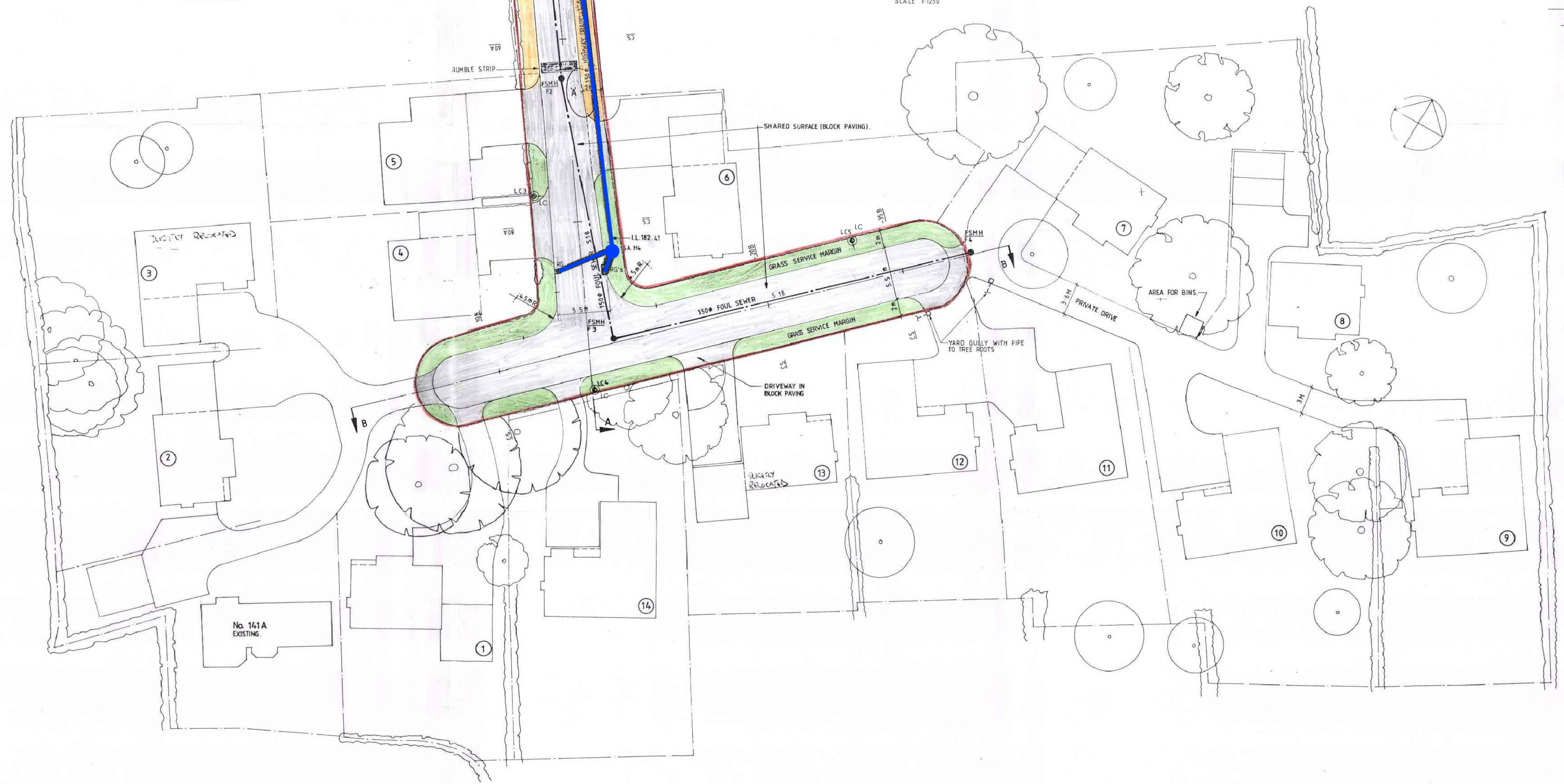
Scale 1:12500

Hillbury Gardens, Warmingham





LOCATION PLAN
SCALE 1:1250



- KEY**
- Carriageway
 - Service margin grass verge
 - Footway
 - Adoptable HW drainage
 - Boundary edge
 - Adoptable street lighting columns

B	6/8/12	Key Added	DAH	RSB
A	30/7/12	First Issue	DAH	RSB
Rev:	Drawn:	Description:	CRK:	APR:
DRAFT				
 Technical & Development Services (Southern) Ltd Knight House, Farnham Court, The Street Cowfold, West Sussex, RH11 3 8BP Tel: 01403 844 400 Fax: 01403 844 480				
PERSIMMON HOMES SOUTH EAST 				
DEVELOPMENT AT HILLBURY ROAD, WARLINGHAM				
ROAD LAYOUT				
Scale:	1:200	Rev:	AD	DAH
Drawn:	DAH	Approved:	RSB	Date:
July 2012				
Drawing Number:	PHSE/32/GA/001			B