



## **OFFICER REPORT TO LOCAL COMMITTEE (RUNNYMEDE)**

### **APPLICATION TO INSTALL A GATE IN COOPERS HILL LANE, ENGLEFIELD GREEN, EGHAM**

**18 JUNE 2012**

#### **KEY ISSUE**

To decide whether a gate should be installed in Coopers Hill Lane to prevent unauthorised vehicular traffic from entering the unmade section beyond the Kingswood Hall of Residence.

#### **SUMMARY**

The owner of Grand View, the last property on the section of Coopers Hill Lane that is accessible to vehicles from the west, has asked for permission to install a gate that would stop unauthorised vehicles from gaining access to the part of the lane between the Kingswood Hall of Residence (Royal Holloway College) and his property. The reason given is that he wishes to prevent fly tipping in this section.

#### **OFFICER RECOMMENDATIONS**

**The Local Committee (Runnymede) is asked to agree that:**

- (i) One of the viable options identified in the report be adopted, the options being:
  - Option 1 – Refuse permission for a gate to be installed.
  - Option 2 – Approve the installation of a highway gate that would remain in the control of the County Council, subject to: the full cost being met by the applicant, a commuted

sum to cover the cost of future maintenance being paid to the County Council by the applicant, and the section of Coopers Hill Lane affected by the installation of the gas main being restored to a satisfactory condition.

- (ii) If, at some time in the future, it is apparent that it would be in the best interests of the public for any gate that is installed to be removed, altered and/or relocated, this will be done and in the case of the gate being removed, any unused maintenance monies that have been paid to the County Council will be refunded to the owner of Grand View.

## 1 INTRODUCTION AND BACKGROUND

- 1.1 Coopers Hill Lane runs from A328 St Jude's Road to A30 Egham bypass. It is publicly maintainable from St Jude's Road to a point just beyond the northern boundary of the Air Forces Memorial site (close to its junction with public footpath number 3). From this point to the bypass it is a privately maintained road that is subject to full highway rights. The owners of the adjoining land are deemed to be responsible for the maintenance of this section of the lane.
- 1.2 A traffic regulation order (TRO) made in 1955 prohibits vehicular traffic from using the section between the car park adjacent to the sports ground and the By Pass, except in order to gain access to the adjoining premises. A further TRO, made in 1992, prohibits all use with vehicles between Grand View and Langham Farm. This order is enforced by way of posts across the carriageway.
- 1.3 The owner of Grand View, Mr Shourie, has requested permission to install a gate in Coopers Hill Lane at his own expense. The location of the proposed gate is shown on the plan at **ANNEXE 1** and a picture showing the proposed gate can be found at **ANNEXE 2**. It is proposed that the gate would have an automatic opening system that could be controlled from Grand View, as well as a keypad. The proposed gate would not prevent access for pedestrians, cyclists and equestrians.
- 1.4 Mr Shourie's reason for seeking permission to install a gate is that he wishes to prevent fly tipping from taking place in the section of Coopers Hill Lane that unauthorised vehicles would be prevented from entering.
- 1.5 Runnymede Borough Council have confirmed that their records show that in the last year (May 2011 to May 2012) there were 11 recorded incidents of fly tipping along the length of Coopers Hill Lane. Only one was recorded outside the gates of Grand View and one "just past the Royal Holloway". The others were in other parts of Coopers Hill Lane that would not be enclosed by the proposed gate. There have been no recorded fly tips in Coopers Hill Lane since January 2012.
- 1.6 Concerns have been raised about the damage to the surface of Coopers Hill Lane that was caused by recent works to lay a new gas main to Grand View. Mr Shourie has given assurances that the land will be reinstated to its former condition once the work to complete the redevelopment of his property is complete, which is scheduled for the end of July.

## 2 ANALYSIS

- 2.1 The TRO made in 1955 provides a legal basis for the installation of a gate and no further order would be required. However, as the gating of the road was not included in the original scheme that was approved

nearly 60 years ago, specific approval is required for this to happen now.

- 2.2 There is no highway reason to install a gate and it would not be to the benefit of the general public. A gate would reduce the width of the highway available to legitimate users and would create a delay in emergency services attending any incidents along the lane beyond it.
- 2.3 Whilst a gate would prevent fly tipping in the section of Coopers Hill Lane concerned it is highly likely that this activity would be displaced elsewhere on the highway network. There is, therefore, unlikely to be any benefit from a street cleansing point of view.
- 2.4 An automatic opening system could pose a threat to the safety of highway users, particularly if it is controlled remotely. A gate that opens and closes automatically may well strike an unwary pedestrian, cyclist or equestrian.
- 2.5 The gate, as proposed, does not incorporate any reflective markers, which would be required to make it visible to vehicular traffic at night.

### **3 OPTIONS**

- 3.1 The options that have been identified are:

#### **3.2 Option 1 – Do not install a gate**

There is no highway justification or benefit for the general public in a gate being installed; the only possible benefit would be to the adjoining landowners. A gate is not required to enforce the TRO and Runnymede Borough Council have confirmed that it is not needed to control fly tipping. Although access would be maintained for pedestrians, cyclists and equestrians, the width of the lane available to them would be significantly reduced by a gate. A gate would also impede access for the emergency services.

#### **3.3 Option 2 - Install a gate at the applicant's expense**

The County Council could arrange for a gate to be installed to highway standards and be maintained thereafter as part of the highway. Mr Shourie could bear the cost of installing the gate and provide a commuted sum to offset the cost of future maintenance.

This is the only legal way of installing a gate and the only viable option for doing so from an operational point of view. There is, however, the ongoing liability for maintaining the gate that does not currently exist and will ultimately become a burden upon the highway authority.

### 3.4 Option 3 – Approve the application

The proposals contained in the application could not be approved as they are, due to the highway safety issues that have been identified. There is also no legal mechanism for licensing a private gate on a public highway. Therefore this option is not feasible or recommended.

## 4 CONSULTATIONS

4.1 The adjoining landowners, emergency services, local County Member and Borough Members and other interested parties were consulted on the proposals. They were asked to comment on:

- Whether it is appropriate for a gate to be installed.
- The proposed location of the gate.
- The locking mechanism for the gate.

4.2 The responses are summarised in the table below:

Responder	Appropriateness of Gate	Location of Gate	Locking Mechanism
Runnymede Borough Council	A report on this subject from the Runnymede Community Safety Partnership (CSP) has been sent separately to SCC*. In summary, the CSP found there was not enough evidence of activity, which would be eased if gates were erected, so therefore did not support the application. RBC's view is that there seems little need for the gate for the purpose that it is proposed. From RBC's records there are low levels of fly tipping in the affected length of Coopers Hill Lane and the gate would not prevent fly tipping and would merely displace it to another location.	RBC provides a curtilage refuse and recycling collection service. The installation of the gate in the proposed location would mean that Grand View's curtilage is effectively moved to the gate. The occupants of Grand View would be expected to place their refuse and recycling bins outside the gate.	It seems inappropriate for a private residence to control a gate on a public right of way unless the occupants can guarantee 24 hour access.

ITEM 8

Responder	Appropriateness of Gate	Location of Gate	Locking Mechanism
Police		If a gate was to be installed it would need some sort of reflective markers on it as the road is unlit and there could be a danger of it being hit by vehicles at night.	Cannot agree to the gate being remotely controlled from the Grand View property. Do not see how vehicles such as refuge collection/ emergency services would gain access in such a format. If a gate was installed it would have to be locked by a padlock or combination lock that all relevant parties could open.
National Trust (owner of adjoining land)	The gate will prevent unwanted access down the slope at Coopers Hill Lane and prevent the fly tipping that affects all neighbours. This decision is based on the proviso and subject to the deed of ownership to be drawn up by Mr Shourie which grants National Trust unimpeded access over the access gate and to National Trust land as per the conditions discussed and agreed.**	The position and style of the gate and associated bollards are appropriate for the area. A 3 way wooden green oak fingerpost to direct pedestrians, visitors and other users of the lane to the CWGC memorial, National Trust/memorials & land and Egham Town/ Railway is to be located near to the National Trust access point.	In discussion with Mr Shourie that National Trust have unimpeded access all year and that staff are provided with master code to the gate as required under the deed.

Responder	Appropriateness of Gate	Location of Gate	Locking Mechanism
Royal Holloway University of London (owner of adjoining land)	We believe it is very appropriate for the gate to be installed and are supportive of the proposal.	We are happy with the proposed location for the gate.	We are happy with this subject to there being a mechanism for the College to access the lane as needed, which we understand is a part of the proposals.
Commonwealth War Graves Commission (owner of adjoining land)	The CWGC has no objection to the proposed gate as the position indicated on the attached plans shows that it is not necessary to gain access through the new gate in order to gain access to our own gateway to the memorial.		
Sustrans	Sustrans are happy with the proposals as outlined.		
Local County Member	Is supportive of Mr Shourie's application to install a gate, providing all of the County Council's costs are met.		
Surrey Fire and Rescue Ambulance Service	No response received at the time of writing the report. Any comments that are received will be reported at the meeting.		

- \* The report to the Community Safety Partnership referred to by Runnymede Borough Council related to an application by Mr Shourie for a gating order to be made under section 129 of the Highways Act 1980. This was before the existence of the 1955 TRO came to light, which negates the requirement for a gating order.
- \*\* The purpose of the deed between the National Trust and Mr Shourie is not clear. If a gate is installed access for all adjoining landowners will have to be maintained.

## 5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 5.1 It is recommended that all costs associated with the installation and future maintenance of any gate that is approved should be borne by the owner of Grand View. However, it is inevitable that the cost of maintaining a gate will ultimately fall to the County Council and the only option that does not have a cost associated with it is to maintain the status quo and not install a gate.

## 6 EQUALITIES AND DIVERSITY IMPLICATIONS

- 6.1 There are no specific equality and diversity implications within this report.

## **7 CRIME AND DISORDER IMPLICATIONS**

- 7.1 There has been only one reported instance of fly tipping along the section of Coopers Hill Lane that would be closed to unauthorised vehicles by the gate in the last 12 months, with another in the vicinity of the proposed location of the gate. There have been no reported instances of fly tipping in the past 6 months.
- 7.2 Whilst the installation of a gate would prevent fly tipping in the closed section of the lane, it is highly likely that it would still take place elsewhere, probably on the highway network.
- 7.3 There are no other crime and disorder implications arising from this report.

## **8 CONCLUSION AND RECOMMENDATIONS**

- 8.1 The owners of the land adjoining the section of Coopers Hill Lane that would be affected by the gate are all supportive of the proposal, as is the local member. There are no strong objections from those who responded to the consultation to the principle of a gate being installed, although concerns have been raised about the proposal that it could be controlled remotely.
- 8.2 There is no highway justification for installing a gate and no public benefit to be gained. The only possible justification would be to address the limited fly tipping problem at this location. However, this would most probably only be of benefit to the adjoining landowners, as the fly tipping is likely to be displaced elsewhere on the highway network. If it is decided that a gate should be installed all costs would therefore have to be borne by the applicant.
- 8.3 The only viable option for installing a gate is for it to be commissioned and maintained by the County Council to highway standards. There is no legal method whereby a private gate can be installed on a public highway to enforce a traffic regulation order.
- 8.4 If it is decided that a gate can be installed it is recommended that it should be subject to all associated costs incurred by the County Council being paid by the applicant and the section of Coopers Hill Lane affected by the installation of the gas main being restored to its former condition, or better.
- 8.5 It is recommended that if, at some time in the future it would be to the benefit of the public for any gate that is installed to be removed, altered and/or relocated, this would be done and in the case of the gate being removed, any unused maintenance monies that have been paid to the County Council being refunded to the owner of Grand View.



## 9 REASONS FOR RECOMMENDATIONS

- 9.1 To ask the Local Committee to decide whether to approve the installation of a gate in Coopers Hill Lane.

## 10 WHAT HAPPENS NEXT

- 10.1 If it is decided that a gate should be installed officers will approach the applicant and other landowners with a view to agreeing the specification and location of the gate, subject to the County Council's costs being met and the lane being restored to a satisfactory condition.
- 10.2 If it is decided that a gate should not be installed, the applicant and other adjoining landowners will be informed of the decision.

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### BACKGROUND PAPERS:

Version No.      Date:                      Time:                      Initials:                      No of annexes: