



**SCC LOCAL COMMITTEE IN
SPELTHORNE**

**ELMSLEIGH CENTRE / BUS
STATION, STAINES - STOPPING UP
THE HIGHWAY**

25 SEPTEMBER 2006

KEY ISSUE AND SUMMARY:

To discuss a proposal to stop up as public highway a section of Staines Bus Station to enable Stage 2 of the redevelopment of the Elmsleigh Centre to be implemented.

OFFICER RECOMMENDATION:

The Committee is asked to agree that should Spelthorne Borough Council make a formal application to the Government Office for the South East to have the land stopped up as public highway through Section 247 of the Town & Country Planning Act 1990, the land is confirmed by the Head of Transportation as surplus to requirements.

1. INTRODUCTION & BACKGROUND

- 1.1 It is a long term aspiration of Spelthorne Borough Council to redevelop the Elmsleigh Centre in Staines in the vicinity of the Bus Station. The proposed redevelopment requires part of the public highway to be stopped up as shown at Annex A.
- 1.2 A planning application for the development of Phase 2 of the Elmsleigh Centre was approved by Spelthorne Borough Council in July 2006, Ref No 06/00133.
- 1.3 The process is that the applicant would pursue the stopping up under S247 of the Town & Country Planning Act 1990 by applying directly to the Secretary of State. The County Council would be consulted, officers would confirm whether the land is surplus to requirements and the Secretary of State would decide the outcome. However, the current system under Surrey County Council's Standing Orders is not watertight with regard to the complete process so the matter has been brought to this Committee for consideration to ensure the stopping up will not delay the redevelopment.

2. ANALYSIS AND COMMENTARY

- 2.1 In normal circumstances it is not Surrey County Council's policy to agree to the stopping up of the public highway where there is no general public benefit but in this case I believe it would be appropriate due to the public benefit that the development may bring. The Head of Transportation would be willing to declare the land surplus to highway requirement in accordance with the scheme of delegation to officers approved by the Executive on 6th June.
- 2.2 The County Council's Transportation Development Control Officer had considered and raised no objection to the planning application for Stage 2 of the redevelopment of the Elmsleigh Centre. In the opinion of the officer considering the application the land in question is surplus to highway requirements but recommended that the stopping up order is not granted until the new footway is constructed and dedicated as highway maintainable at the public expense. The reason for this is to maintain the public right of way at all times. The stopping up remains to be ratified by Members of this Committee to ensure the redevelopment is not caused undue delay.

3. CONSULTATIONS

- 3.1 S247 of the Town & Country Planning Act 1990 requires the Secretary of State to consult the Highway Authority together with all affected adjoining land owners and statutory authorities but the Secretary of State will ultimately decide, having heard the County Council and any objectors, whether the land is unnecessary as highway.

4. FINANCIAL IMPLICATIONS

- 4.1 There would be no cost to the County Council.

5. SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 5.1 The promotion of public transport will not be prejudiced by the proposal. The County Council's Passenger Transport Team has been consulted and advised on the planning application.

6. CRIME & DISORDER IMPLICATIONS

- 6.1 There are no implications.

7. EQUALITIES IMPLICATIONS

- 7.1 There are no implications

8. CONCLUSION & REASON FOR RECOMMENDATION

- 8.1 The land in question currently forms part of Staines Bus Station that will be redeveloped to the requirements of the County Council. The view of officers is that it is not necessary as highway. It is considered that in this instance a stopping up application is appropriate because it is felt that this development may bring public benefit. If the Committee is mindful to support the report recommendations the Head of Transportation would be willing to confirm to GOSE that the land surplus to highways requirement.

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BACKGROUND PAPERS: Planning Permission 06/00133/FUL