

## Notice of Meeting

# Cabinet Member for Highways, Transport and Flooding Recovery



**SURREY**  
COUNTY COUNCIL

**Date & time**

Thursday, 17 July  
2014 at 9.30 am

**Place**

Room 109, County  
Hall, Kingston-upon-  
Thames, KT1 2DN

**Contact**

Anne Gowing  
Room 122, County Hall  
Tel 020 8541 9122  
[anne.gowing@surreycc.gov.uk](mailto:anne.gowing@surreycc.gov.uk)

**Chief Executive**

David McNulty

If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 020 8541 9122, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email [anne.gowing@surreycc.gov.uk](mailto:anne.gowing@surreycc.gov.uk).

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Anne Gowing on 020 8541 9122.

**Elected Members**

Mr John Furey

## AGENDA

### 1 DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

### 2 PROCEDURAL ITEMS

#### 2a Member's Questions

The deadline for Member's questions is 12pm four working days before the meeting (11 July 2014).

#### 2b Public Questions

The deadline for public questions is seven days before the meeting (10 July 2014).

#### 2c Petitions

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

### 3 REQUEST TO ADOPT A NEW ROAD AT PURBECK CLOSE, MERSTHAM

(Pages 1  
- 18)

Transport Development Planning wishes to enter into a Section 38 Agreement with Raven Housing Trust to provide new highway as replacement for the stopping up of the existing highway at Purbeck Close in order to enable development of 40 mixed tenure residential dwellings.

In line with Surrey County Council's current policy on adoption, the Cabinet Member, under the Scheme of Delegation, is asked to give authority to adopt a new road between Purbeck Close and Fieldoaks Way with a pedestrian / cycle link to Portland Drive as set out in Annex 1.

### 4 POUND FARM, OLD LANE, MARTYRS GREEN

(Pages  
19 - 24)

The owner of Pound Farm, Old Lane, Martyrs Green has requested the County Council apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property. Their reason for wishing this to be done is to take responsibility for the land in question.

The Cabinet Member is asked to decide whether an application for a stopping up order should be made.

### 5 MINNICKFOLD COTTAGE, ANSTIE LANE, COLDHARBOUR

(Pages  
25 - 30)

The owner of Minnickfold Cottage, Anstie Lane, Coldharbour has requested the County Council apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property. Their reason for wishing this to be done is to take responsibility for the land in question.

The Cabinet Member is asked to decide whether an application for a stopping up order should be made.

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*Thank you for your co-operation*

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**SURREY COUNTY COUNCIL****CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING RECOVERY****DATE:** 17 JULY 2014**LEAD OFFICER:** TREVOR PUGH – STRATEGIC DIRECTOR, ENVIRONMENT AND INFRASTRUCTURE**SUBJECT:** REQUEST TO ADOPT A NEW ROAD AT PURBECK CLOSE, MERSTHAM**SUMMARY OF ISSUE:**

Transport Development Planning wishes to enter into a Section 38 Agreement with Raven Housing Trust to provide new highway as replacement for the stopping up of the existing highway at Purbeck Close in order to enable development of 40 mixed tenure residential dwellings.

In line with Surrey County Council's current policy on adoption, the Cabinet Member, under the Scheme of Delegation, is asked to give authority to adopt a new road between Purbeck Close and Fieldoaks Way with a pedestrian / cycle link to Portland Drive as set out in Annex 1.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member, under the Scheme of Delegation and in line with Surrey County Council's current policy, authorise the adoption of new highway between Fieldoaks Way and Purbeck Close as replacement for the stopping up of the existing highway at Purbeck Close in order to enable development of 40 mixed tenure residential dwellings as set out in Annex 1 of the submitted.

**REASON FOR RECOMMENDATIONS:**

The request set out in Annex 1 meets Surrey County Council's current policy on road adoption.

**DETAILS:**

1. The highway authority has considerable discretion in exercising its powers to adopt through a section 38 Agreement under the Highways Act 1980, but there are other mechanisms contained in the Act which help to define the legal tests for adoption.

**What is adoptable?**

2. The key adoption tests for roads and streets are that they:
  - must be of sufficient public utility;
  - be constructed (made-up) satisfactorily;
  - be kept in repair for a period of 12 months;
  - be used as a highway during that period.

### Current Road Adoption Policy

3. On the 21 December 2010 a new policy was adopted for all of those development sites whereby the planning application has been registered following this date. Surrey County Council's natural presumption is to not adopt roads, streets, footpaths and cycleways unless they are constructed to a satisfactory standard, connect to an existing public maintainable highway, pay commuted sums to provide for ongoing maintenance and provided they meet the tests set out below. This will include roads that:
  - have a wider use than simply providing access to residential or commercial properties
  - provide through route(s) (not cul-de-sacs) and that exceed 50 residential units (or mixed use equivalent in traffic generation terms)
  - are cul-de-sacs (no through roads) that lead to a county school
  - are bus routes
  - otherwise have a wider public utility
4. A road with public utility is defined as a road that demonstrates a wider benefit to the general public and/or access to public services.
5. The County Council will not adopt roads, streets, footpaths and cycleways that have no wider highway benefit and that:
  - are cul-de-sacs (no-through roads) serving only private dwellings, commercial or industrial premises
  - are entrances and drives to flats or apartments, garages or parking courts
  - otherwise have no public utility
6. Attached as **Annex 1** is a request for road adoption between Fieldoaks Way, Purbeck Close and Portland Drive, Merstham. This relates to an existing planning permission, pertaining to a planning application registered after 21 December 2010 and meets the current tests of the Council's policy on road adoptions, in that it has a wider use than simply providing access to residential or commercial properties, as it provides a through route for pedestrians and cyclists between two current adopted highways, and in total will service over 50 dwellings.
7. It should also be noted that part of the adoption is effectively 'replacement' highway as a result of a stopping up order to enable the associated development referred to above.

<b>CONSULTATION:</b>
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8. Full consultation has taken place as part of the planning process carried out by Reigate & Banstead Borough Council. Local residents were notified in writing of the planning application, details of which were available to view on-line and at the Borough Office.
9. The stopping up order and proposed new highway has also been subject to consultation as part of the National Transport Casework Team, Department for Transport process. Copies of the draft order and relevant plan were made available for viewing at South Merstham Post Office for 28 days from 01 May 2014.

**RISK MANAGEMENT AND IMPLICATIONS:**

10. There are no risks attached as a result of the proposal within this report.

**FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:**

11. The costs associated with the proposed adoption and future maintenance will be fully met by the developer involved. This includes all construction costs, commuted sums (which provide for future maintenance costs over a 30 year period) where necessary and all Surrey County Council fees.

**SECTION 151 OFFICER COMMENTARY:**

12. The Section 151 Officer confirms that all material financial and business issues and risks have been considered in this report. The financial implications are explained in paragraph 11.

**LEGAL IMPLICATIONS – MONITORING OFFICER:**

13. A refusal to adopt could be challenged and would have to be defended at a Magistrates' Court hearing.

**EQUALITIES AND DIVERSITY**

14. There are no equalities implications associated with this adoption.

**CLIMATE CHANGE/CARBON EMISSIONS IMPLICATIONS**

15. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change. The proposal within this report will have no impact on carbon emissions.

**WHAT HAPPENS NEXT:**

16. Legal Services will be instructed to enter into a Section 38 Agreement with Raven Housing Trust. It is anticipated the road will be completed by August 2015 and become adopted highway in August 2016.

**Contact Officer:**

Kerry James, Principal Transport Development Planning Officer - 020 8541 9816

**Consulted:**

Wide consultation as part of the planning process and stopping up process.

**Annexes:**

Annex 1 – Location Plan, Agreement Plan, Stopping Up Plan.

**Sources/background papers:**

Highways Act 1980 – Section 38.

Town and Country Planning Act 1990





**REQUEST TO ADOPT A NEW ROAD**

**PROPOSED SECTION 38 AGREEMENT (HIGHWAYS ACT 1980)**

**PURBECK CLOSE MERSTHAM**

<b>Planning Application Reference:</b>	13/01500/F
<b>Developer</b>	RAVEN HOUSING TRUST
<b>Site Address:</b>	LAND PARCEL 1 PURBECK CLOSE MERSTHAM SURREY
<b>Brief Description of Works (including the number of units which are to be served):</b>	ERECTION OF 40 MIXED TENURE RESIDENTIAL DWELLINGS WITH ASSOCIATED PARKING, WITH STOPPING UP ORDER AND PROPOSED REPLACEMENT HIGHWAY
<b>Total Length of Road to be adopted:</b>	APPROX 300M
<b>List of Attached Documents:</b>	- Decision Notice - Section 38 Layout - Site Location Plan - Stopping up plan

**Other Comments:**

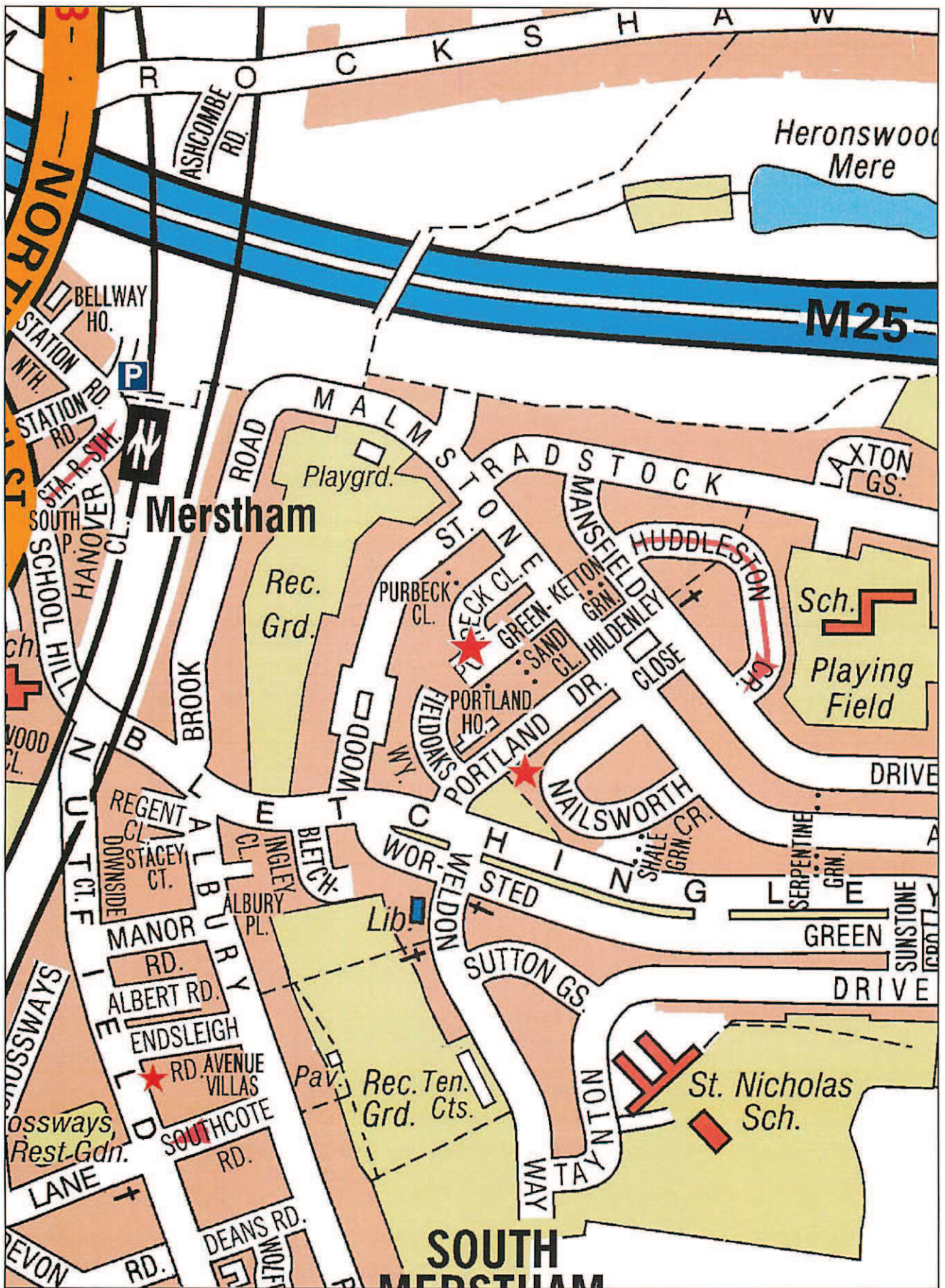
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Based on the information provided, as Cabinet Member, I *give consent/ I do not give consent* for the highway layout to be adopted in line with Surrey County Council’s current Road Adoption Policy. Transportation Development Planning *may/ may not*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

Signed :

Date:





 <p>GRID NORTH</p>	Date Printed: 17/06/2014	Scale (approx): 1:6010	 <p><b>SURREY</b> COUNTY COUNCIL</p>
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TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAY

(SOUTH EAST) (NO. ) ORDER 201

The Secretary of State makes this Order in exercise of powers under section 247 of the Town and Country Planning Act 1990 ("the Act").

1. The Secretary of State authorises the stopping up of the highway described in the Schedule to this Order and shown zebra hatched black on Site Plan 1, in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act by Reigate & Banstead Borough Council under reference 13/01500/F.

2. No part of the said highways shall be stopped up pursuant to this Order until the Council certify to the developer that the provisions of article 3 (1) of this Order have been complied with.

3. (1) The developer shall to the reasonable satisfaction of the Council provide:-

- (a) new highways which shall be a roads along the routes shown by stipple on site plan 2; and
- ~~(b) a new highway which shall be a Cycle Track along the route shown by stipple on site plan 2 and marked A; and~~
- (c) new highways which shall be Cycle Tracks (with rights of way on Foot) along the routes shown by vertical hatching on site plan 2 and marked B and C; and
- (d) new highways which shall be Footpaths along the routes shown by vertical hatching on site plan 2 and marked ~~D, E, F, G, H, I, J and K.~~ and L.

(2) The new highways shall be highways which for the purposes of the Highways Act 1980 are highways maintainable at the public expense and the Council shall be the highway authority for them.

4. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

5. In this Order -

"the Council" means Surrey County Council

"the developer" means Raven Housing Trust Limited

"the plan" means the plan numbered NATTRAN/SE/S247/1340 , marked "Highway at Merstham in the Borough of Reigate & Banstead", signed by authority of the Secretary of State and deposited at the Department for Transport, Deposit Document Service, F Floor, Ashdown House, St Leonards on Sea, Hastings, East Sussex, TN37 7GA.

6. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Stopping Up of Highway (South East) (No. ) Order 201.

Signed by authority of  
the Secretary of State  
201

VICTORIA POINTER  
An Official in the  
National Transport Casework Team  
Department for Transport

### THE SCHEDULE

#### Description of highway to be stopped up

The highway to be stopped up is at Merstham in the Borough of Reigate & Banstead, shown zebra hatched black on site plan 1 as:

1. A length of Purbeck Close commencing 4.5 metres south west of the northern boundary of no 17 Purbeck Close extending in a south westerly direction then a south easterly direction for a distance of 62.5 metres when measured along its centre line (marked 1 on Site Plan 1)
2. The whole of the south eastern cul-de-sac arm of Purbeck Close (marked 2 on Site Plan 1)
3. The whole of the unnamed Footpath leading to Portland Drive, which runs along the south western boundaries of nos 25-41 Purbeck Close (marked 3 on Site Plan 1)
4. The whole of the unnamed Footpath leading to Portland Drive, which runs along the south eastern boundaries of nos 66-80 Purbeck Close (marked 4 on Site Plan 1)
5. The whole of the unnamed Footpath leading to Portland Drive commencing from its junction with the unnamed footpath described at stopping up no 3 above extending in a south westerly direction to its junction with the unnamed Footpath described at 4 above (marked 5 on Site Plan 1)
6. The whole of the unnamed Footpath connecting Purbeck Close and Portland Drive (marked 6 on Site Plan 1)
7. A length of the unnamed Footpath commencing from its junction with the south eastern cul-de-sac arm of Purbeck Close extending in a north westerly direction then a north easterly direction for a distance of 87.5 metres (marked 7 on Site Plan 1)
- ~~8. The whole of the unnamed Footpath commencing from its junction with Purbeck Close~~  
carriageway extending in a south westerly direction to its junction with the unnamed Footpath described at 7 above (marked 8 on Site Plan 1)

**DEPARTMENT FOR TRANSPORT**

**TOWN AND COUNTRY PLANNING ACT 1990**

THE SECRETARY OF STATE hereby gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of a length of Purbeck Close, the whole of the south eastern cul-de-sac arm of Purbeck Close, the network of Footpaths connecting Purbeck Close and Portland Drive adjacent to no's 17 to 80 Purbeck Close at Merstham, in the Borough of Reigate & Banstead.

IF THE ORDER IS MADE, the stopping up will be authorised only in order to enable development as permitted by Reigate & Banstead Borough Council, under reference 13/01500/F.

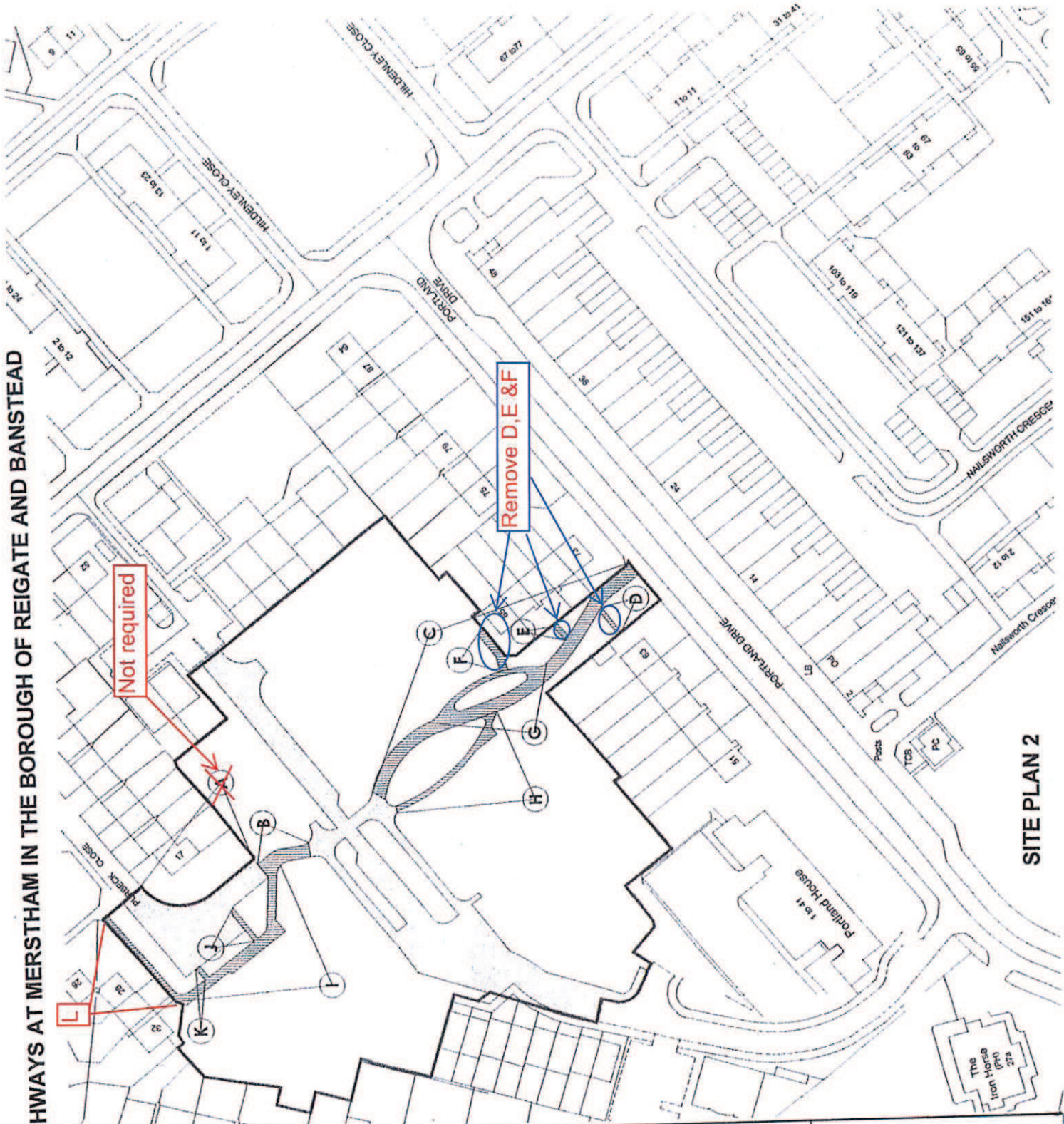
COPIES OF THE DRAFT ORDER AND RELEVANT PLAN will be available for inspection during normal opening hours at South Merstham Post Office, 55 Nutfield Road, Redhill, Surrey, RH1 3ER in the 28 days commencing on 01 May 2014, and may be obtained, free of charge, from the Secretary of State (quoting NATTRAN/SE/S247/1340) at the address stated below.

ANY PERSON MAY OBJECT to the making of the proposed order within the above period by writing to the Secretary of State, National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR or [nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk), quoting the above reference. In submitting an objection it should be noted that your personal data and correspondence will be passed to the applicant to enable your objection to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your objection.








S. Zamenzadeh, Department for Transport

HIGHWAYS AT MERSTHAM IN THE BOROUGH OF REIGATE AND BANSTEAD



SITE PLAN 2

Key	Scale 1:1250
	New highways to be provided
	New Cycle Track to be provided (marked A)
	New Cycle Tracks (with rights of way on Foot) (marked B and C)
	New footpaths to be provided (marked D-K)
	Marked G - L
National Transport Casework Team	
Department for Transport	
Plan No: NATTRAN/SE/S247/1340 Site Plan 2	
OS Grid Ref: E:529525, N: 153081	
Post Code: RH1 3PQ	
Signed by Authority of the Secretary of State	
on.....2014	
Signature.....	
VICTORIA POINTER An Official in the National Transport Casework Team Department for Transport	

# Development Management

KATHY O'LEARY  
Head of Service

Reigate & Banstead  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

Mr Paul Harrison  
MH Architects Ltd  
Ground Floor  
Bicentennial Building  
Southern Gate  
Chichester  
West Sussex  
PO19 8EZ

Ref: 13/01500/F



## TOWN AND COUNTRY PLANNING ACT, 1990 AND LOCAL GOVERNMENT ACT, 1972 THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

The Council of the Borough of Reigate and Banstead, as District Planning Authority under the provisions of Part III of the Town and Country Planning Act, 1990, and Part IX of the Local Government Act, 1972 **DO HEREBY GRANT** permission for the development specified in the First Schedule hereto subject to the conditions (if any) specified in the Second Schedule for the reason specified in the Third Schedule hereto.

### FIRST SCHEDULE

The development specified in the application for planning permission dated 23rd August 2013

Land Parcel One Purbeck Close Merstham Surrey

Erection of 40 no mixed tenure residential dwellings including 16 no flats and 24 no houses. Associated parking, hard and soft landscaping. As amended by letters dated 18/09/2013 and 4/10/2013

### SECOND SCHEDULE

1. The development hereby permitted shall be carried out in accordance with the following approved plans.

Reason: In accordance with "Greater Flexibility for Planning Permissions Guidance" (DCLG) 2010

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.



<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	13-062-04	A	23.09.2013
Detailed Technical Plan	2010/2049986/TG		19.08.2013
Proposed Plans	13-062-15	D	19.08.2013
Elevation Plan	13-062-16	B	19.08.2013
Floor Plan	13-062-08		19.08.2013
Elevation Plan	13-062-09	B	19.08.2013
Proposed Plans	13-062-10	D	19.08.2013
Survey Plan	13-062-02	A	19.08.2013
Survey Plan	13-062-03		19.08.2013
Elevation Plan	13-062-18	C	09.10.2013
Street Scene	13-062-19	A	09.10.2013
Floor Plan	13-062-17	C	09.10.2013
Combined Plan	13/062-14	C	09.10.2013
Combined Plan	13-062-13	C	09.10.2013
Combined Plan	13/062-12	C	09.10.2013
Combined Plan	13-062-11	C	09.10.2013
Block Plan	13-062-07	D	09.10.2013
Site Layout Plan	13-062-05	D	09.10.2013

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004

3. No development of a phase shall take place until samples of the materials to be used in the construction of the external surfaces for that phase, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and on development shall be carried out in accordance with the approved details.

Reason:

To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Borough Local Plan 2005 policy Ho9.

4. No development shall start until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) a communications plan

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo7 and Mo13.

5. Prior to the commencement of any development works, including ground preparation and demolition a detailed AMS (arboricultural method statement) and scaled TPP (tree protection plan) shall be submitted to and approved in writing by the local planning authority. The AMS shall contain details of the specification and location of tree protection (barriers and/or ground protection) and any construction activity that may take place within the protected root areas of trees both on and off site shown on the TPP and the supervision and monitoring of these activities along with a reporting process to the Local Planning Authority. The tree protection measures shall be installed prior to any development works and will remain in place for the duration of all construction works and activities. Tree Protection Measures shall only be removed on the completion of all construction activity. All works shall be carried out in strict accord with the approved details.

Reason:

To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with policy Pc4 of the Reigate and Banstead Borough Local Plan and the recommendations within British Standard 5837.

6. No development of a phase shall commence on site until a scheme for the landscaping and replacement tree planting of that phase has been submitted and approved in writing by the local planning authority. Landscaping schemes shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to completion of the development hereby approved, or in accordance with a programme agreed with the local planning authority.

All trees shrubs, hedges and plants supplied shall comply with the requirements of British Standard 3936, specification for nursery stock and British Standard 4043:1989 Transplanting root-balled trees. All pre planting site preparation, planting and post-planting maintenance work shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for general landscape operations (excluding hard surfaces).

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species and in the same locations.

Reason:

To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with policy Pc4 of the Reigate and Banstead Borough Local Plan 2005 and policy NRM7 of the South East Plan 2009 and the recommendations within British Standard 5837.

7. Before the development of each phase is commenced, the developer shall obtain the Local Planning Authority's written approval of a plan indicating the positions, design, materials and type of boundary treatment to be erected for that phase. The boundary treatment shall be completed before the building(s) for that phase are occupied. The development shall be carried out in accordance with the approved details and thereafter shall be permanently retained to the satisfaction of the Local Planning Authority.

Reason:

In the interests of the visual amenity of the vicinity and with regard to policies Ho9 and Ho13 of the Reigate and Banstead Borough Local Plan 2005.

8. Prior to the commencement of the development hereby permitted, details of the drainage works of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and retained as such.  
Reason:  
To ensure that the site can be adequately drained with regard to policy Ut4 of the Borough Local Plan 2005.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no first floor windows, dormer windows or roof lights other than those expressly authorised by this permission shall be constructed in the flank elevations of the houses hereby permitted  
Reason:  
To ensure that the development does not affect the amenity of the neighbouring property by overlooking and to protect the visual amenities of the area in accordance with Reigate and Banstead Borough Local Plan 2005 policy Ho9.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) no extensions or outbuildings, shall be erected (other than those expressly authorised by this permission).  
Reason:  
To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Ho13.
11. No development of Phase 2 or any subsequent phases shall commence until a plan showing the existing areas of highway to be stopped up ,under S247 of the Town and Country Planning Act (1990), has been submitted and approved in writing by the Local Planning Authority.  
Reason:  
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo7 and Mo13.
12. The new access road, including its junction with Fieldoaks Way shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local planning authority.  
Reason:  
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo7 and Mo13.
13. No new development of a phase shall be occupied until space has been laid out within that phase in accordance with the approved plans for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.  
Reason:  
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, with regard to Planning Policy Guidance Note 13 - Transport with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo7 and Mo13.

14. No development within the Purbeck Close phase shall be occupied until space has been laid out within Purbeck Close for vehicles to turn in accordance with the approved plans. The turning area shall be used exclusively for its designated purpose.  
Reason:  
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo7 and Mo13.
15. No new development of a phase shall be occupied until space has been laid out within that phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to provide secure cycle parking and safe pedestrian & cycle routes to the satisfaction of the Local Planning Authority and shall thereafter be permanently maintained.  
Reason:  
The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, with regard to Planning Policy Guidance Note 13 - Transport with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo7 and Mo13.
16. No development shall be occupied until a permanently maintained physical barrier is erected at the end of Purbeck Close and adjacent to the new access road shared area in accordance with the approved plans to prevent the formation of a through route between Portland Drive and Purbeck Close.  
Reason:  
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo7 and Mo13

### **THIRD SCHEDULE**

The development hereby permitted has been assessed against development plan policies Pc4, Pc6, Ho3, Ho9, Ho9a, Ho13, Ho16, Mo7 and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.

### **INFORMATIVES**

1. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at [www.firesprinklers.info](http://www.firesprinklers.info).
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
3. The use of landscape/arboricultural consultant is considered essential to provide acceptable submissions in respect of the above relevant conditions. Replacement trees, particularly the identified landmark and structural landscape trees shown on the indicative landscape scheme shall be in keeping with the species, character and

appearance of this and the surrounding locality. It is expected that landmark/structural trees will be on native species or suitable cultivars of native species, or species indigenous to this locality. The opportunity exists to incorporate substantial sized trees into the scheme to provide for future amenity and long term continued tree cover in this area. It is expected that the replacement structural/landmark trees will be of semi-mature size with initial planting heights of not less than 6 metres, with girth measurements at 1 metre above ground level in excess of 30/35 centimetres.

4. The applicant is advised that the Borough Council is the street naming and numbering Authority and you are requested to contact the NPLG Officer, Chief Executive's Department, Town Hall, Reigate, Surrey, RH2 0SH, when construction is about to commence enclosing a site layout plan, in order that official street naming and numbering can be allocated as appropriate.
5. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
  - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or Bank Holidays;
  - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
  - (c) Deliveries should only be received within the hours detailed in (a) above;
  - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
  - (e) There should be no burning on site;
  - (f) Only minimal security lighting should be used outside the hours stated above; and
  - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit.

In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - [www.ccscheme.org.uk/index.php/site-registration](http://www.ccscheme.org.uk/index.php/site-registration).

6. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.
7. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
8. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Transportation Service.
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any

- expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
10. The essential requirements for an acceptable communication plan, as required by Condition 04 above, are viewed as:
- (i) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
  - (ii) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
  - (iii) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
  - (iv) the name and contact details of the site manager who will be able to deal with complaints; and
  - (v) how those who are interested in or affected will be routinely advised regarding the progress of the work.
- Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
11. The applicant is encouraged to explore and utilise renewable technologies within the development.

Please remove any site notice that was displayed on the site pursuant to the application.

Dated this 21st January 2014

**Kathy O'Leary**

Head of Policy, Development & Property (duly authorised in this behalf)

Any approval given herein relates only to development under the Town and Country Planning Act, 1990. Consent under the Building Regulations may also be necessary

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING RECOVERY****DATE: 17 JULY 2014****LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE****SUBJECT: PROPOSED POUND FARM, OLD LANE, MARTYRS GREEN****SUMMARY OF ISSUE:**

The owner of Pound Farm, Old Lane, Martyrs Green has requested the County Council apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property. Their reason for wishing this to be done is to take responsibility for the land in question.

The Cabinet Member is asked to decide whether an application for a stopping up order should be made.

**RECOMMENDATIONS:**

It is recommended that an application be made to the Magistrates' Court for an order stopping up the land identified on the plan at Annex 1 as highway, in accordance with the provisions of Section 116 and 117 of the Highways Act 1980 and subject to the conditions of the County Council's approved policy on stopping up applications.

**REASON FOR RECOMMENDATIONS:**

The land in question is deemed surplus to highway requirements and on completion of a successful application the County Council would be relinquished from any future maintenance liability.

**DETAILS:**

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Highways, Transport and Flooding Recovery considers that it is no longer necessary for the land to be part of the highway, the County Council will, subject to the conditions contained in the policy approved by the Cabinet on 21 December 2010, apply to the Magistrate's Court for an order stopping up the land as a highway.
2. The land subject of the proposed application is a grass verge and parking area associated with the adjoining property. It was once the route of Old Lane which was realigned some time in the 1950s. Although it continues to be part of the publicly maintainable highway it has not been required for highway purposes since that time.
3. The land is currently unregistered and the owners of Pound Farm will seek to register a title to the land on the completion of a successful stopping up application.

## **CONSULTATION:**

4. Before making an application to the Magistrate's Court for a stopping up order the highway authority must serve notice of their intention to do so on the district/borough council and the parish council if there is one. If either council objects to the making of the application within two months of the date of service of the notice it may not be made.
5. At least 28 days before the making of an application for a stopping up order the highway authority must serve notice of their intention to apply for the order on:
  - the owners and occupiers of all lands adjoining the highway;
  - any utility company having apparatus under, in, upon, over, along or across the highway;
  - if the highway is a classified road, the Minister for Transport, district/borough council and parish council if there is one.

Notices must also be displayed on site and published in the London Gazette and at least one local paper 28 days prior to the making of the application.

## **RISK MANAGEMENT AND IMPLICATIONS:**

6. The County Council's policy regarding applying for stopping up orders on behalf of a third party has been drafted to ensure that the Council is indemnified against all risks associated with the making of an application for a stopping up order. Providing the policies are adhered to and correct procedures are followed any risks will lie with those requesting the stopping up.

## **Financial and Value for Money Implications**

7. The applicant is to pay all costs associated with the application for a stopping up order. There is no financial cost to the County Council.

## **Section 151 Officer Commentary**

8. The S151 Officer confirms that all material financial and business issues and risks have been considered in this report.

## **Legal Implications – Monitoring Officer**

9. The County Council's policy on applying for stopping up orders was drafted to meet the requirements of the Highways Act 1980 ("the Act"). Section 116 of the Act provides the power for a highway authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. Section 117 enables a highway authority to apply for a stopping up order on behalf of a third party. Schedule 12 of the Act determines the form of notices that must be given in connection with an application for a stopping up order.



## **Equalities and Diversity**

10. The equalities impact assessment that was carried out when the County Council's policy on stopping up was approved by the Cabinet in December 2010 identified potential positive and negative impacts on the age, disability, gender and belief/faith strands, as well as potential social exclusion issues. As the process for applying for a stopping up order includes opportunities for anyone who feels they may be disadvantaged to object and, if they wish, be heard in court, the assessment did not identify any actions necessary to address the potential negative impacts.
11. It is not anticipated that the stopping up of the land in question will disadvantage any group with protected characteristics.

## **WHAT HAPPENS NEXT:**

12. When the applicant has deposited sufficient monies with the County Council to cover the cost of making an application for a stopping up order, the process of making the application will commence.
13. Before making an application to the Magistrates' Court for a stopping up order to be made the highway authority must serve notice of their intention to do so on the district/borough council and the parish council if there is one. If either council objects to the making of the application within two months of the date of service of the notice it may not be made.
14. At least 28 days before the making of an application for a stopping up order the highway authority must serve notice of their intention to apply for the order on:
  - the owners and occupiers of all lands adjoining the highway;
  - any utility company having apparatus under, in, upon, over, along or across the highway;
  - the Minister for Transport, district/borough council and parish council if there is one, if the highway is a classified road.
15. Notices must also be displayed on site and published in the London Gazette and at least one local paper 28 days prior to the making of the application.
16. In accordance with clause 3 of the County Council's policy regarding requests for the removal of public rights over roads, any unresolved objections will be reported to the Guildford Local Committee for a decision on whether to continue with the making of an application to the Magistrates' Court for a stopping up order to be made.

---

### **Contact Officer:**

George Emmett, Highway Boundary Team Leader, Tel: 020 8541 7446

### **Consulted:**

Trevor Pugh, Strategic Director of Environment and Infrastructure  
John Furey, Cabinet Member for Highways, Transport and Flooding Recovery  
Jason Russell, Assistant Director, Highways

Bill Barker, County Councillor  
Robin Brind, Parish Councillor  
John Hilder, Area Highways Manager  
Nancy El-Shatoury, Legal Services  
Tony Orzieri, Financial Services  
Satish Mistry, Legal Dept, Guildford Borough Council

**Annexes:**

Annex 1 – Plan: Land subject of proposed application – Pound Farm

**Sources/background papers:**

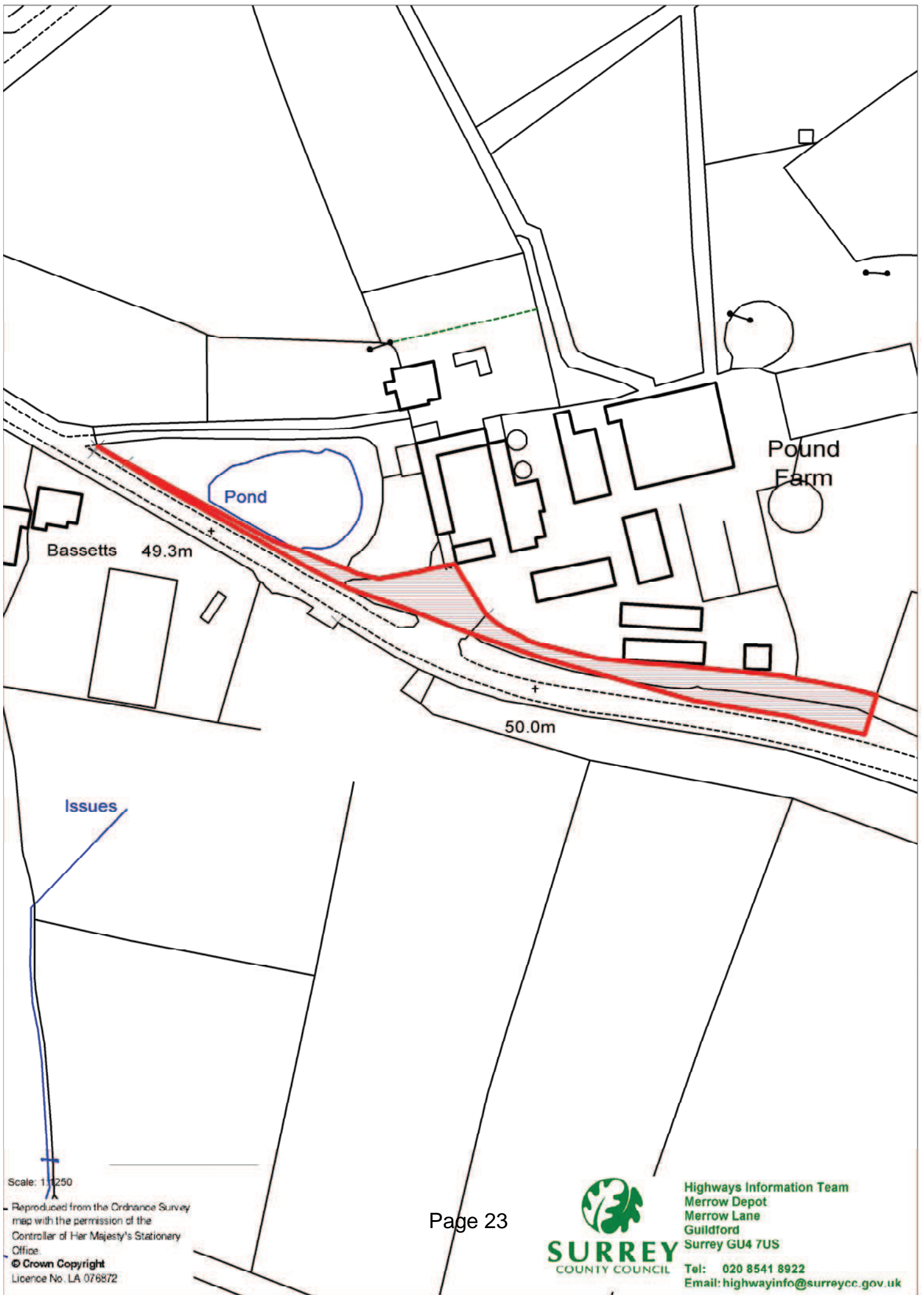
Sections 116 & 117 and Schedule 12, Highways Act 1980:

<http://www.legislation.gov.uk/ukpga/1980/66>

Report to the Cabinet on 21 December 2010 titled “Policy Regarding the Removal of Public Rights Over Roads and Highway Land” (item 12).

[http://mycouncil.surreycc.gov.uk/celistdocuments.aspx?MID=466&DF=21%2f12%2f2010&A=1&R=0&F=embed\\$Item%2012%20-%20Policy%20regarding%20the%20removal%20of%20Public%20Rights%20over%20Roads%20and%20Highway%20Land.htm](http://mycouncil.surreycc.gov.uk/celistdocuments.aspx?MID=466&DF=21%2f12%2f2010&A=1&R=0&F=embed$Item%2012%20-%20Policy%20regarding%20the%20removal%20of%20Public%20Rights%20over%20Roads%20and%20Highway%20Land.htm)

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Scale: 1:1250

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**SURREY COUNTY COUNCIL****CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING RECOVERY****DATE: 17 JULY 2014****LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE****SUBJECT: PROPOSED STOPPING UP OF LAND AT MINNICKFOLD COTTAGE, ANSTIE LANE, COLDHARBOUR****SUMMARY OF ISSUE:**

The owner of Minnickfold Cottage, Anstie Lane, Coldharbour has requested the County Council apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property. Their reason for wishing this to be done is to take responsibility for the land in question.

The Cabinet Member is asked to decide whether an application for a stopping up order should be made.

**RECOMMENDATIONS:**

It is recommended that an application be made to the Magistrates' Court for an order stopping up the land identified on the plan at Annex 1 as highway, in accordance with the provisions of Section 116 and 117 of the Highways Act 1980 and subject to the conditions of the County Council's approved policy on stopping up applications.

**REASON FOR RECOMMENDATIONS:**

The land in question is deemed surplus to highway requirements and on completion of a successful application the County Council would be relinquished from any future maintenance liability.

**DETAILS:**

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Highways, Transport and Flooding Recovery considers that it is no longer necessary for the land to be part of the highway, the County Council will, subject to the conditions contained in the policy approved by the Cabinet on 21 December 2010, apply to the Magistrate's Court for an order stopping up the land as a highway.
2. The land subject of the proposed application forms part of the publicly maintainable highway consistent with historic mapping including the Tithe sheet for the area meaning that it is ancient highway (was in existence prior to 1835).
3. The land is currently unregistered and the owners of Minnickfold Cottage will seek to register a title to the land on the completion of a successful stopping up application.

## **CONSULTATION:**

4. Before making an application to the Magistrate's Court for a stopping up order the highway authority must serve notice of their intention to do so on the district/borough council and the parish council if there is one. If either council objects to the making of the application within two months of the date of service of the notice it may not be made.
5. At least 28 days before the making of an application for a stopping up order the highway authority must serve notice of their intention to apply for the order on:
  - the owners and occupiers of all lands adjoining the highway;
  - any utility company having apparatus under, in, upon, over, along or across the highway;
  - if the highway is a classified road, the Minister for Transport, district/borough council and parish council if there is one.

Notices must also be displayed on site and published in the London Gazette and at least one local paper 28 days prior to the making of the application.

## **RISK MANAGEMENT AND IMPLICATIONS:**

6. The County Council's policy regarding applying for stopping up orders on behalf of a third party has been drafted to ensure that the Council is indemnified against all risks associated with the making of an application for a stopping up order. Providing the policies are adhered to and correct procedures are followed any risks will lie with those requesting the stopping up.

## **Financial and Value for Money Implications**

7. The applicant is to pay all costs associated with the application for a stopping up order. There is no financial cost to the County Council.

## **Section 151 Officer Commentary**

8. The S151 Officer confirms that all material financial and business issues and risks have been considered in this report.

## **Legal Implications – Monitoring Officer**

9. The County Council's policy on applying for stopping up orders was drafted to meet the requirements of the Highways Act 1980 ("the Act"). Section 116 of the Act provides the power for a highway authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. Section 117 enables a highway authority to apply for a stopping up order on behalf of a third party. Schedule 12 of the Act determines the form of notices that must be given in connection with an application for a stopping up order.

## **Equalities and Diversity**

10. The equalities impact assessment that was carried out when the County Council's policy on stopping up was approved by the Cabinet in December 2010 identified potential positive and negative impacts on the age, disability, gender and belief/faith strands, as well as potential social exclusion issues. As the process for applying for a stopping up order includes opportunities for anyone who feels they may be disadvantaged to object and, if they wish, be heard in court, the assessment did not identify any actions necessary to address the potential negative impacts.
11. It is not anticipated that the stopping up of the land in question will disadvantage any group with protected characteristics.

## **WHAT HAPPENS NEXT:**

12. When the applicant has deposited sufficient monies with the County Council to cover the cost of making an application for a stopping up order, the process of making the application will commence.
13. Before making an application to the Magistrates' Court for a stopping up order to be made the highway authority must serve notice of their intention to do so on the district/borough council and the parish council if there is one. If either council objects to the making of the application within two months of the date of service of the notice it may not be made.
14. At least 28 days before the making of an application for a stopping up order the highway authority must serve notice of their intention to apply for the order on:
  - the owners and occupiers of all lands adjoining the highway;
  - any utility company having apparatus under, in, upon, over, along or across the highway;
  - the Minister for Transport, district/borough council and parish council if there is one, if the highway is a classified road.
15. Notices must also be displayed on site and published in the London Gazette and at least one local paper 28 days prior to the making of the application.
16. In accordance with clause 3 of the County Council's policy regarding requests for the removal of public rights over roads, any unresolved objections will be reported to the Mole Valley Local Committee for a decision on whether to continue with the making of an application to the Magistrates' Court for a stopping up order to be made.

---

### **Contact Officer:**

George Emmett, Highway Boundary Team Leader, Tel: 020 8541 7446

### **Consulted:**

Trevor Pugh, Strategic Director of Environment and Infrastructure  
John Furey, Cabinet Member for Highways, Transport and Flooding Recovery  
Jason Russell, Assistant Director, Highways

Helyn Clack, County Councillor  
Capel Parish Council c/o Jackie Coke (Clerk)  
Anita Guy, Acting Area Highways Manager  
Nancy El-Shatoury, Legal Services  
Tony Orzieri, Financial Services  
Chris Harris, Legal Services, Mole Valley District Council

**Annexes:**

Annex 1 – Plan: Land subject of proposed application - Minnickfold

**Sources/background papers:**

Sections 116 & 117 and Schedule 12, Highways Act 1980:

<http://www.legislation.gov.uk/ukpga/1980/66>

Report to the Cabinet on 21 December 2010 titled “Policy Regarding the Removal of Public Rights Over Roads and Highway Land” (item 12).

[http://mycouncil.surreycc.gov.uk/ceclistdocuments.aspx?MID=466&DF=21%2f12%2f2010&A=1&R=0&F=embed\\$Item%2012%20-%20Policy%20regarding%20the%20removal%20of%20Public%20Rights%20over%20Roads%20and%20Highway%20Land.htm](http://mycouncil.surreycc.gov.uk/ceclistdocuments.aspx?MID=466&DF=21%2f12%2f2010&A=1&R=0&F=embed$Item%2012%20-%20Policy%20regarding%20the%20removal%20of%20Public%20Rights%20over%20Roads%20and%20Highway%20Land.htm)

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Minnickfold  
Minor

140.8m

ANSTIE LANE

Minnickfold  
Cottage

Scale: 1:500

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