

**THE REIGATE AND BANSTEAD BOROUGH COUNCIL (MARKETFIELD WAY) COMPULSORY
PURCHASE ORDER 2018**

**APPLICATION TO EXTINGUISH PUBLIC RIGHTS OF WAY OVER MARKETFIELD ROAD,
REDHILL, SURREY, RH1 1RH**

SECTION 251 TOWN AND COUNTRY PLANNING ACT 1990

SUPPORTING STATEMENT IN RELATION TO THIRD PARTY RIGHTS

1. INTRODUCTION AND BACKGROUND

- 1.1 This statement accompanies an application ("**the Application**") made by Reigate and Banstead Borough Council ("**the Council**") pursuant to section 251 of the Town and Country Planning Act 1990 ("**the 1990 Act**") to extinguish public rights of way over highway known as Marketfield Road ("**the Highway**"). Specifically, the Application seeks that public rights of way be extinguished over the part of the Highway located in Redhill Town Centre between Marketfield Way, Marketfield Road, Station Road, and High Street ("**the Site**"). The Application also relates to land currently used as Marketfield Way car park, and land to the rear of Marylebone House and 16-34 Station Road. The specific area of land to which the Application relates is shown shaded on the Stopping Up Plan (reference 2017/3700/001/Rev F) ("**the Stopping Up Plan**").
- 1.2 The Council is making the Reigate and Banstead Borough Council (Marketfield Way) Compulsory Purchase Order 2018 ("**the CPO**") in order to procure the development of the Site for a mixed-use retail led scheme. Planning permission was granted in respect of such proposals on 20 January 2017 (reference 16/01066/F) ("**the Permission**"). Specifically, the Permission granted approval for demolition of existing buildings at the Site and its redevelopment so as to provide "*a new multi-screen cinema and retail, restaurant and cafe units (use classes A1 and/or A3 and/ or D2) at ground and first floor level and residential apartments within buildings comprising part five, part six, part ten and part thirteen storeys together with basement car parking and access, cycle storage and associated facilities including new amenity space and public realm*" ("**the Development**").
- 1.3 As shown on the enclosed Existing and Proposed Boundary Plan (reference 2017/3700/002/Rev E) ("**the Boundary Plan**") the Development involves the erection of buildings over the Highway, and the public car park which it serves. The Council therefore proposes to close this car park and stop-up the Highway should the CPO be confirmed.
- 1.4 The Highway also serves properties located at 2-12 High Street (known as Marylebone House) and 16-34 Station Road, Redhill ("together referred to as "**the Properties**"). The Council is conscious of protecting these rights insofar as it is able to do so in delivering the Development, and all efforts will be taken to preserve vehicular and pedestrian access to the Properties during the construction phase.
- 1.5 This statement therefore provides further detail upon the access arrangements to and from the Properties during the construction of the Development, and thereafter once the construction is completed. It also provides further information in respect of parking arrangements for the Properties during these periods. The Council reserves the right to alter these arrangements in conjunction with the appointed contractors in due course on the understanding that they will consult affected parties and any alternative provided will seek to safeguard Third Party interests.

2. DURING CONSTRUCTION

- 2.1 The Development will provide a new vehicular access to the Site from Marketfield Way, and a private road to service the new retail and cinema buildings ("**the New Road**"). Vehicular access to the Properties via the Highway will be maintained until the New Road has been constructed to a standard which enables it to provide vehicular access to and from the Site. The specific route of the New Road and its point of access to Marketfield Way is identified on the enclosed plans (references AA3983-5001 Rev B, AA3983-5002 Rev B and AA3983-5003 Rev A) ("**the Servicing Arrangements Plans**").

Vehicular Rights of Way

- 2.2 The construction of the Development is currently estimated to take just over 100 weeks from commencement of works on-Site. The Properties will continue to be accessed by Marketfield Road until the New Road is of a standard which enables it to provide vehicular access to Marketfield Way. The New Road is intended to be constructed prior to works relating to the Development commencing on-site so as to maintain access from Marketfield Way to the Properties, and provide sufficient access for construction and delivery vehicles to the Site in undertaking the Development. Indeed, any periods where access to the Site from Marketfield Way would be restricted during the construction of the Development is not expected to exceed 12 weeks in total. Prior notice will be given of this restrictions to all affected owners and occupiers of adjoining properties. The Council would propose to grant vehicular access rights in favour of the occupiers of the Properties to pass over the New Road and access to the public highway network at Marketfield Way once this has been constructed.

Pedestrian Rights of Way

- 2.3 The Council proposes to grant a New Right pursuant to the CPO to create a pedestrian access for use by residents and commercial occupiers of the Properties to and from the High Street. The land over which this New Right would be created is shown shaded blue on the Order Map accompanying the CPO (reference PA-2620-CPO-DRAFT-R7) ("**the Order Map**"). Such rights will ensure that occupiers of the Properties have pedestrian access to and from these premises throughout the construction of the Development, and during any periods in which access to Marketfield Way is not possible.

Servicing of retail premises

- 2.4 The Council intends to secure amendments to The Borough of Reigate and Banstead (Redhill Pedestrianisation) Order 1991 so as to enable retail servicing at the front of the Properties during the construction period, and when it is not possible to service these premises from the rear. Such amendments will ensure that commercial units at the Properties are able to be serviced during any periods in which the New Road is unable to be utilised for such purposes.

Car parking

- 2.5 A number of parking spaces are currently located to the rear of Marylebone House, and that are currently used by the occupants of this property. The Servicing Arrangements Plans identifies how these parking bays will be repositioned following completion of the Development. The Council will offer parking permits to beneficiaries of existing parking bays at no cost for use at its car park at Gloucester Road during periods of the construction phase in which existing bays are unavailable, and before new bays are provided. Gloucester Road Car Park is located in close proximity to the Site, and is within 5-10 minutes' walk.

Fire Escapes

- 2.6 As discussed above, the Council proposes to grant a New Right through the CPO process so as to provide a pedestrian access for occupants of the Properties to and from the High Street. This New Right will ensure that residential and commercial occupants of the Properties have sufficient pedestrian rights from the Properties to the public highway, and are able to congregate from a sufficient distance from the Site in the event of fire. Fire engines will be able to access the Site using the New Road.

Waste Management

- 2.7 Existing refuse bins serving the Properties will be repositioned on the Site during the construction period, but will remain in close proximity to their current location. Refuse collection vehicles will be able to make collections of waste through use of the New Road.

3. AFTER COMPLETION

Vehicular and Pedestrian Rights of Way

- 3.1 As discussed above, the Council proposes to grant vehicular rights of access over the New Road to the occupants of the Properties so that they are able to access the public highway network at Marketfield Way. Pedestrian access will also be provided to and from the Properties to the High Street through the creation of New Right as part of the CPO process pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976, and possibly by grant of a pedestrian route to the south of Marylebone House. These arrangements would ensure that the Properties continue to enjoy vehicular and pedestrian access to and from their properties following completion of the Development.

Car Parking

- 3.2 The Servicing Arrangements Plans identifies how new parking arrangements will be secured as part of the Development in providing parking for residential and commercial occupants of Marylebone House. None of the parking bays currently servicing the residential flats and commercial premises at Marylebone House would be lost in undertaking the Development, and the total number of bays provided would not be reduced.

Servicing of retail premises

- 3.3 Commercial units within the Properties shall be serviced through the New Road to be delivered as part of the Development.

Fire Escapes

- 3.4 The New Right granted through the CPO process will continue to provide pedestrian access for occupants of the Properties to and from the High Street. The New Road will provide access for fire engines and emergency vehicles.

Waste Management

- 3.5 A purpose-built bin store serving the Properties will be provided as part of the Development, which shall be located in close proximity to their current location. Refuse vehicles will access the Site using the New Road.