



MARKETFIELD WAY CAR PARK, REDHILL

Reigate & Banstead Borough Council (Marketfield Way) Compulsory Purchase Order 2018.

Section 226(1)(a) Town and Country Planning Act 1990

Acquisition of Land Act 1981

Section 13 Local Government (Miscellaneous Provisions) Act 1976

and

Associated Application for the Stopping Up of Existing Public Rights of Way

Section 251 of the Town and Country Planning Act 1990

**PINS Appeal Reference:
APP/PCU/CPOP/L3625/3198457**

Proof of Evidence of Neil Rowe on behalf of Reigate & Banstead Borough Council

COPL/16/3700/AS01

September 2018

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CONTENTS

1	INTRODUCTION.....	1
1.1	Neil Rowe – Professional Experience.....	1
1.2	Background.....	1
1.3	Involvement in the Project.....	3
1.4	Scope of Evidence.....	4
2	RELEVANT PLANNING HISTORY.....	6
2.1	Planning Application 16/01066/F.....	6
2.2	Non-Material Amendment (“NMA”) Application (Ref: 16/01066/NMAMD1).....	8
2.3	Section 278/38 Agreement.....	9
3	THE STOPPING UP ORDER (SUO) APPLICATION PROCESS.....	12
3.1	Overview.....	12
3.2	Stopping Up Process.....	13
4	DESIGN RATIONALE FOR ACCESS & SERVICING ARRANGEMENTS.....	14
4.1	Proposed Access & Servicing Requirements.....	14
4.2	Delivery & Servicing Management Plan (DSMP).....	15
4.3	Pedestrian/Cycle Provisions.....	15
4.4	Access for Refuse Collection.....	16
4.5	Access for Emergency Vehicles.....	16
5	THE SUO OBJECTIONS AND THE COUNCIL’S RESPONSE TO THE SAME.....	18
5.1	Overview.....	18
5.2	UK Power Networks (on behalf of South Eastern Power Networks Plc) (UKPN).....	18
5.3	Residential Freeholds Limited.....	19
5.4	Ekomp Build and Design.....	20
5.5	Thomas Cook Retail Limited.....	21
5.6	Mr Frankie Lau.....	22
5.7	Mr Jose Antonio Silva (Objecting to the SUO only).....	24
5.8	Mr Steve Luxford (Objecting to the CPO only).....	25
6	SUMMARY AND CONCLUSIONS.....	27

LIST OF ANNEXES

Annex A	SCC Consultation Response dated 26 th August 2016
Annex B	Approved Servicing Arrangement Drawing 2016/3441/002 (06/01066/F)
Annex C	SCC consultation response on NMA Application 16/01066/NMAMD1 – 03/09/18
Annex D	Objection by Mrs Lau – 06/01066/F
Annex E	SCC email dated 11 th June 2018
Annex F	Letter to SCC dated 25 th July 2018 Serving Notice of NMA application
Annex G	Section 278 Package of drawings
Annex H	Department for Transport email dated 14 th February 2018
Annex I	RGP Technical Note COPL/17/3441/TN01
Annex J	Delivery & Servicing Management Plan CPOL/17/3441/DSMP
Annex K	Package of referenced RGP drawings
Annex L	The Borough of Reigate and Banstead (Redhill Pedestrianisation) Order 1991
Annex M	Design & Access Statement – 26-28 Station Road (14/00763/CU)
Annex N	Photographs of existing footway on southern side of Marylebone House
Annex O	Extracts from ‘Inclusive Mobility’ and ‘Parking for Disabled People’

1 INTRODUCTION

1.1 Neil Rowe – Professional Experience

- 1.1.1 I am a Director of Russell Giles Partnership Limited, known as RGP, a specialist Transport Planning consultancy, with extensive experience of advising developers on a range of land uses and proposals across the UK. I have over 16 years' experience within the Highways and Transport Planning industry. I hold a BSc (Hons) degree in Geography and I am a Member of the Chartered Institution of Highways and Transportation.
- 1.1.2 RGP's core area of expertise is the scoping and preparation of highway related reports to support planning applications; namely Transport Assessments/Statements, Travel Plans and Delivery and Servicing Management Plans. As part of the preparation of such documents our advice includes the accessibility to non-car modes of travel, design input in relation to car parking (quantum, layout and allocation), deliveries and servicing (swept path analysis), trip generation, highway safety and preliminary highway designs.
- 1.1.3 I have extensive experience of negotiations in relation to relevant highway matters such as Section 106/278 legal Agreements, Stopping Up Orders and Traffic Regulation Orders. In many cases these are usually required to support planning permissions in relation to development schemes.
- 1.1.4 During my work with RGP over the last 13 years, I have worked on many complex strategic and non-strategic infrastructure and development schemes in the UK. I have particular experience in supporting mixed-use schemes within town centres, including developments at Bedford town centre, Woking Gateway, Gosport bus station redevelopment, Muswell Hill public realm works, 68-86 Farringdon Road London, Berkeley Street Holiday Inn, London, Bognor Regis Regeneration, 67-69 Croydon Road, Caterham, High Street, Walton-on-Thames, 124 Station Road, Sidcup, Aldershot Bus Station, Evesham Retail Park, Surrey Street, Croydon, Barnet Market, Barnet, 1A Brighton Road, South Croydon. I have also supported a number of hotel developments throughout the UK, including input to a stopping up order Inquiry for hotel use at Firgrove Parade, Farnborough.
- 1.1.5 I confirm that my evidence is given in accordance with the guidance of my professional body and that it represents my true professional opinion.

1.2 Background

- 1.2.1 The proposed redevelopment of the site, granted through planning consent 16/01066/F, comprises the following:

...“Demolition of existing buildings and redevelopment to provide new multi-screen cinema and flexible 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”...

- 1.2.2 I am instructed by Coplan Estates Limited on behalf of Reigate and Banstead Borough Council to provide advice in relation to the proposed redevelopment of the Marketfield Way Car Park and adjacent land within Redhill town centre, Surrey.
- 1.2.3 Neither I nor RGP, were involved in the preparation of the preceding supportive transport-related documents associated with the original planning application submission (e.g. the Transport Assessment). RGP was first instructed in November 2016, following the submission of the planning application, to be involved as part of the development team and continue discussions with SCC to agree suitable arrangements for the access and servicing of the site.
- 1.2.4 This work largely related to the appropriate vehicular inter-visibility requirements for vehicles entering the service yard. Discussions took place with SCC, including the presentation of drawings, which resulted in SCC's supportive consultation response dated 26th August 2016 (**Annex A**), confirming that the proposed arrangements are acceptable in highways terms.
- 1.2.5 Following the granting of the planning consent, the Reigate and Banstead Borough Council (“the Council”) has made a Compulsory Purchase Order (the Reigate and Banstead Borough Council (Marketfield Way) Compulsory Purchase Order 2018) (“the CPO”) under Section 226(1)(a) of the Town and Country Planning Act 1990 and described in paragraph 2(1) of this Order for the purpose of:

Development, redevelopment and improvement of a significant part of Redhill Town Centre through the provision of a new mixed-use site including an anchor cinema, retail and residential development;

- 1.2.6 Under section 13 of the Local Government (Miscellaneous Provisions) Act 1976, the Order involves the creation of new rights which are described in paragraph 2(2) of this Order as:

For the purpose of providing a pedestrian access to and from the High Street to the rear of Marylebone House and the rear of properties on the south side of Station Road which is required to facilitate the carrying out of development, redevelopment, or improvement relating to the land in accordance with Section 226(1)(a) of the Town and Country Planning Act 1990.

- 1.2.7 A copy of the CPO can be seen at **CD1**. A copy of the land subject to the CPO (“the Order Land”) map is attached within the Core Document Bundle as Document 2 (**CD2**) with full details of the of the CPO application submitted is set out in the proof of evidence of Mr John Reed.

- 1.2.8 In parallel with the CPO process, RGP, under my instruction, progressed a Stopping-Up Order ("SUO") to 'stop-up' the existing public highway and other areas with potential rights of access within the Order Land. The SUO application is made under Section 251 of the Town and Country Planning Act 1990. A fully copy of the SUO application documents are contained within **CD45**.
- 1.2.9 A small number of unresolved objections from third parties within or adjacent to the Order Land have been received to both the CPO and the SUO. This Public Inquiry has been arranged to consider the confirmation of the CPO and making of the SUO within this context and I have been instructed to represent the Council at that inquiry in respect of highway matters.
- 1.2.10 At the time of drafting this Proof of Evidence, 6 objections remain outstanding to the SUO. All but one of those objections have come from parties who have also objected to the CPO on identical grounds. The only party who has objected solely to the SUO is Mr Jose Antonio De-Silva of Flat 6, Marylebone House, Marketfield Road, Redhill, RH1 1RP. This is a property outside the CPO boundary that lies adjacent to a section of highway to be closed under the SUO.
- 1.2.11 A single party has also objected solely to the CPO, Mr Steve Luxford of flat 2, 16-18 Station Road, Redhill. This property is outside but immediately adjacent to the land subject to CPO.
- 1.2.12 My Proof of Evidence principally addresses the highway related objections raised in connection with the SUO. All objections relating to the CPO are addressed in detail within the proof of Mr Nigel Riley. However, for completeness my Proof of Evidence also addresses any transport-related objections to the CPO objection of Mr Luxford.

1.3 Involvement in the Project

- 1.3.1 My involvement in the project has been to provide technical advice with respect to the detailed layout, design and management of the proposed access and servicing arrangements of the development.
- 1.3.2 As set out in Section 1.2, my Proof of Evidence responds to objections to the SUO, specifically relating to matters of vehicular and pedestrian access including the reinstatement of rights of access to existing premises (commercial and residential). In addition, my proof provides details relating to the design evolution of the service yard area and the incorporation of the existing 12 allocated car parking spaces associated with Marylebone House, previously omitted from the originally approved site layout shown on drawing **2016/3441/002. (Annex B)**.

- 1.3.3 The originally approved site layout included the provision of 6 Light Goods Vehicles (LGVs) and 3 Heavy Goods Vehicles (HGVs) parking and servicing on site, including allowance for articulated vehicles. However, following the granting of planning permission and through discussions with proposed tenants of the new commercial units it was evident that the need for articulated HGV access was not required. Furthermore, it became apparent for the need to re-provide 12 allocated car parking spaces for the continued use of the tenants of Marylebone House currently allocated a space in this location.
- 1.3.4 Through continued liaison with Surrey County Council the revised layout of the service yard is agreed, which incorporates the 12 car parking spaces and the removal of HGV access in place of 6 dedicated LGV parking/loading spaces. This process has been informed through the submission of further technical details, including an updated Delivery & Servicing Management Plan, which sets out the anticipated service vehicle type, size and servicing demands for the development proposals.
- 1.3.5 A Non-material Amendment application (Reference: 16/01066/NMAMD1) is currently under determination by the Council, which seeks to incorporate the above changes.
- 1.3.6 At the time of writing, although the NMA application has not been formally approved by the Council, SCC has submitted its consultation response raising no objections. A copy of the comments of SCC dated 3rd September 2018 are appended to **Annex C**.
- 1.3.7 A copy of the Delivery and Servicing Management Plan submitted and approved by SCC as part of the Non-Material Amendment application can be seen at **Annex J**.
- 1.3.8 In parallel, RGP has led the detailed design of the highway works associated with the permitted development to ensure that safe and convenient access is provided for all users of the development. These works will be secured through an agreement under Section 278/38 Agreement of the Highways Act 1980. The highway works include the formation of a new vehicular access on Marketfield Way to serve the delivery/service yard which in turn requires the relocation of the signal-controlled pedestrian crossing to the south of the new vehicular access on Marketfield Way. In addition, works are proposed to Marketfield Road to form a new vehicular crossover in order to provide vehicular access to the basement car park and service access points. Footways around the perimeter of the site will be improved and resurfaced, including the provision of an off- road shared cycle/footway on the western side of Marketfield Way.
- 1.3.9 The development proposals and associated highway works have been developed to mitigate any adverse impacts of the development and to provide wider benefits to the public realm and users of the town centre as a whole.

1.4 Scope of Evidence

- 1.4.1 The remainder of this Proof of Evidence consists of the following sections:

- (i) Section 2: Relevant Planning History – Details of the planning processes involved in reaching agreement on the proposed access and servicing arrangements;
- (ii) Section 3: The Stopping Up Order application – This presents the details of the SUO application submitted to the Department for Transport (DfT), an explanation of the process that has taken place and the timeline of communications leading up to this Inquiry;
- (iii) Section 4: Design Rationale for Access and Servicing Arrangements – this section outlines the approved access and servicing arrangement to be implemented by the development proposals;
- (iv) Section 5: The SUO Objections and the Council's response to the same – A review of the transport-related objections received on the SUO application and the Council's response;
- (v) Section 6: Summary and Conclusions.

1.4.2 In this Proof of Evidence, I will refer to documents contained within the Core Document Bundle (**CD**) which should be referenced in conjunction with this document. Any documents referred to that are not included as Core Documents are attached as appendices to this proof.

2 RELEVANT PLANNING HISTORY

2.1 Planning Application 16/01066/F

2.1.1 A planning application for the redevelopment of the site was submitted in 2016 (Planning Reference: 16/01066/F) for the mixed-use scheme.

2.1.2 The planning application submission was supported by Transport Assessment (**CD23**) and Travel Plan (**CD25**) prepared by David Tucker Associates in April 2016.

2.1.3 SCC, in its capacity as Highway Authority reviewed the above documents submitted in support of the original planning application and considered its conclusions with respect to the impact of the development to be acceptable in highways terms.

2.1.4 As part of the statutory consultation process to the planning application a number of objections were received. Only one of those persons who has objected to the CPO/SUO and submitted an objection to the planning application. That person is Mrs Lau (an occupier of 20 Station Road) and a copy of her objection letter is included at **Annex D**.

2.1.5 The comments from Mrs Lau raised two points with respect to highway matters:

(i) There is a road to the back of 20 Station Road, to which we have communal access and right of way. This is very important to maintain as it is required for goods delivery, for many of the restaurants on Station Road. This private road is not owned by the Council and it is stated in our deed that this land is stated as shared ownership. The development cannot take this land for development as they do not own it and it is and has been in continuous use by Station Road properties;

(ii) There is a lack of parking provision in the development plans. The plan details 47 parking spaces but does not state whether they are for public use or for the restaurant owners of the development. In either case, 47 parking spaces is completely inadequate for the requirements of the town centre visitors to visit restaurants and shops in the town centre. We anticipate a reduced visitor number to the restaurant at 20 Station Road affecting business.

2.1.6 The above objection was fully considered by the Council during the application process. In respect to Item i), the Council was satisfied that the retained Station Road and High Street commercial units could continue to operate unaffected by the development.

2.1.7 In respect to item ii), owing to the town centre location, parking policy, and the Redhill Parking Needs Study (**CD12**), the loss of the Marketfield Way public car park and the proposed parking provision to support the development was considered acceptable.

- 2.1.8 The adequacies of town centre car parking and current oversupply were also clearly set out in the Committee Report (**CD34**). Paragraph 6.19 confirms that:

...“The existing car park provides 97 spaces and is a public town centre car park for shoppers use. Whilst it is popular due to its central location and surface arrangement, this is not reflective of the general over-supply of car parking spaces within Redhill town centre more widely, such as at Gloucester Road. The loss of the car park and other spaces is considered acceptable within the wider context of the town centre and was considered as part of the Hyder Parking Review 2011, undertaken to inform the Council's Core Strategy. The review found there to be an over-supply of parking within the town, stating: “there will be ample spare capacity to accommodate the lost parking as a result of the Marketfield Way redevelopment”...

- 2.1.9 Paragraph 6.21 of the Committee Report further confirms that:

...“Furthermore, significant new parking opportunities are being created by Sainsbury's redevelopment where the existing basement car park is being changed to town centre parking from its existing use as a Sainsbury's customer car park, with a new customer car park being provided at upper levels. This change arising from the Sainsburys development benefits town centre parking to the order of 357 so more than outweighing the loss of 97 spaces on Marketfield Way”...

- 2.1.10 It is noteworthy that since the published planning decision, the Sainsburys' car park proposals have now been implemented with the basement car parking available to the general public.

- 2.1.11 Furthermore, Surrey County Council (SCC) is the Highway Authority for Redhill and any public highway falls within its jurisdiction. SCC was consulted as a statutory consultee to the planning application and its response dated 24th November 2016 (**Annex A**) accepted the principle of stopping up the public highway in order to facilitate the development as follows:

“... SCC has confirmed that principle of allowing the affected access roads within the site to be stopped up. However, the question of the freehold ownership of these areas will need to be addressed...”

- 2.1.12 SCC has a duty to consider the safety aspects of any planning application upon which they are consulted, regardless of whether stopping-up is required. All areas of highway adjoining and affected by all development proposals are assessed by the Local Highway Authority Officer during the consultation process.

- 2.1.13 SCC has concluded that both the proposed development and the SUO are acceptable in terms of its transport impacts and transport-related planning considerations, including the safe and convenient operation of the highway network, trip generation, parking and layout.

- 2.1.14 The need for a CPO was also recognised by the Council in its capacity as Local Planning Authority and is referred to in the Officer's report to the planning committee considering the application on 16th January 2017 (**CD34.1**). The Summary paragraph of the Officer's Report relating to 'Parking and Access' confirms that:

...“The existing legal rights of owners/occupiers of land and premises within the application site would need to be considered through negotiated compensation agreements or use of compulsory purchase orders. Given the clear and significant economic and social benefits that would result from the regeneration of this site it is considered that the use of CPO powers would be appropriate, if required”...

- 2.1.15 SCC, in its capacity as Highway Authority also reviewed the Transport Assessment submitted in support of the original planning application and considered its conclusions with respect to the impact of the development to be acceptable in highways terms.

2.2 Non-Material Amendment (“NMA”) Application (Ref: 16/01066/NMAMD1)

- 2.2.1 Following the grant of planning permission on 20th January 2017 the Council engaged in consultation with those who were likely to be affected by the CPO/SUO.
- 2.2.2 As part of the original planning application determination, and in the absence of a Delivery and Servicing Management Plan, SCC requested that the design of the service yard should accommodate all service vehicle sizes, including articulated vehicles. This was accepted by the developer in order to satisfy the SCC's requirements and ensure the planning committee date was achieved.
- 2.2.3 Following the determination of the application, RGP undertook a more detailed investigation of the existing servicing needs of retailers and proposed future occupiers of the new development. This further assessment demonstrated an improved understanding of the vehicles required to access the service yard (accessed from Marketfield Way) and showed that articulated vehicle access was not required for existing commercial users or for future occupiers of the development. This therefore enabled the 12 parking spaces for Marylebone House to be reinstated, thereby also addressing the CPO objections of Residential Freeholds Limited (owners of Marylebone House).
- 2.2.4 On 27th July 2018 a further application was submitted for a Non-Material Amendment (NMA) to the planning permission pursuant to section 96A of the Town and Country Planning Act 1990. The amendments concerned the layout of the main service yard and the incorporation of 12 parking spaces.
- 2.2.5 Prior to the application for the NMA, the proposed changes to the service yard layout were discussed at length with SCC who agreed that the changes were acceptable. The email dated 11th June 2018 from SCC confirming acceptance of the principle of proposed servicing layout is attached at **Annex E**.

2.2.6 The scope of the NMA includes the following minor changes to the scheme:

- (i) Redesign of the service yard layout for the re-provision of the 12 car parking spaces for tenants of Marylebone House entitled to these allocated parking spaces;
- (ii) A restriction on access to the service yard by articulated vehicles, in favour of the provision of 6 LGV parking spaces (loading bays) for use by existing retained commercial premises fronting Station Road and High Street, as well as for use by the proposed development;
- (iii) Incorporation of improvements to existing pedestrian routes to the surrounding buildings, commercial and residential, including a new bin store for existing Station Road commercial uses;
- (iv) The provision of further details (namely the Delivery and Service Management Plan, ("the DSMP") (**Annex J**) to control and manage the use, operation, parking and types of vehicle permitted to use the service yard. Importantly, these details do not permit the use by articulated vehicles to service the development.

2.2.7 As part of the application process, SCC were served notice of the NMA. A copy of the letter serving notice to SCC is appended at **Annex F**. SCC has subsequently provided its consultation response to the NMA (**Annex E**), confirming no objection to the revised servicing arrangement subject to conditions, including the implementation of DSMP Ref: COPL/16/3441/DSMP (**Annex J**).

2.2.8 At the time of writing the NMA has not yet been determined and an update shall be provided in advance of the Inquiry.

2.3 Section 278/38 Agreement

2.3.1 A Section 278/38 application has been submitted to facilitate the highway works associated with the development. The Section 278/38 application was submitted to SCC on the 9th July 2018. Copies of the latest Section 278/38 drawings being considered are attached at **Annex G**. The details submitted in support of the S278/38 application to SCC, comprised the following information and drawing numbers:

- (i) 2018/D1247/100 (Topographical Survey with Contours);
- (ii) 2018/D1247/101 (General Arrangement);
- (iii) 2018/D1247/102 (Horizontal Alignment & Visibility Splays);

- (iv) 2018/D1247/103 (Levels & Drainage);
- (v) 2018/D1247/104 (Vertical Alignment 1);
- (vi) 2018/D1247/104.1 (Vertical Alignment 2);
- (vii) 2018/D1247/105 (Signage & Road Markings);
- (viii) 2018/D1247/106 (Surface Finishes);

2.3.2 The highway works secured through the Section 278/38 Agreement are an important aspect in facilitating the early construction of the Marketfield Way access. The works ensure that temporary parking and servicing provision is made for all retained commercial and retail units during construction and demolition, and that the 12 parking spaces for Marylebone House tenants are delivered. In the event there are short periods of time when access to the 12 parking spaces is not possible, the Council will provide permits for parking within the Gloucester Road public car park (located approximately 460 metres from the Marketfield Way car park) for the tenants of Marylebone House. Servicing arrangement plans showing how access rights will be secured both during and after the construction phase can be seen at **CD42**.

2.3.3 During such periods, alternative provision would also be made for servicing the commercial units fronting Station Road/High Street by allowing direct vehicular access to those streets. Replacement rights of access will also be granted over the Order Land in favour of those properties currently benefitting from such rights which otherwise might be affected by implementation of the CPO through a Deed of Easement granted by the Council to the relevant parties to secure continues access for the commercial/retail and residential tenants and the provision of the 12 parking spaces for Marylebone House.

2.3.4 In summary, the highway works subject to the Section 278/38 Agreement, as shown within the above drawings referenced (and at **Annex G**) comprise the following:

- (i) Relocation of existing signalised pedestrian crossing over Marketfield Way to facilitate construction of the main service yard access;
- (ii) Formation of the new principal service yard access off Marketfield Way;
- (iii) Formation of secondary service yard access (in the form of a vehicle Crossover) off Marketfield Road;
- (iv) Alterations to Marketfield Road to improve the pedestrian environment;

- (v) Formation of new off-road shared pedestrian and cycle route along the western side of Marketfield Way;
- (vi) Dedication of small triangular shaped parcel of private land on corner of Marketfield Way and Marketfield Road as public highway to relocate directional signage.

2.3.5 The completion of the Section 278/38 Agreement prior to the implementation of the CPO and SUO allows the highways works to be progressed with immediate effect to ensure that the new access and service road is built to a standard able to accommodate vehicles before public rights over Marketfield Road are physically stopped up. This will ensure that any disruption to existing tenants is minimised. As explained above, at times when access is not permissible during the demolition and construction phases, alternative arrangements will be made available.

3 THE STOPPING UP ORDER (SUO) APPLICATION PROCESS

3.1 Overview

- 3.1.1 RGP was instructed by the Council to make an application to the Secretary of State for Transport for the stopping up of part of the adopted public highway pursuant to Section 251 of the Town and Country Planning Act 1990. The SUO is required in order to deliver the scheme. The stopping up plan is attached at **CD46**; a full description of the areas included within the stopping up order is provided within Section 3.2 below.
- 3.1.2 The purpose of the SUO is to extinguish the existing adopted public highway, including areas that may be deemed public highway, from the development site. This is required to enable the construction of the permitted development (under planning reference: 16/01066/F, as amended by NMA application 16/01066/NMAMD1). The development includes the construction of buildings over the existing line of the highway which would not be possible without the SUO. The loss of vehicular access is acceptable given that Marketfield Road currently provides access to the public car park which will no longer be necessary when the scheme comes forward and the car park is replaced by the proposed development.
- 3.1.3 Pursuant to Section 251 of the Town and Country Planning Act 1990, the Secretary of State can only extinguish a public right of way if he is satisfied that:
- (i) an alternative right of way has been or will be provided; or
 - (ii) the provision of an alternative right of way is not required.
- 3.1.4 Through discussions with the National Transport Casework Team (NTCT) at the Department for Transport, it was agreed that in order to ensure that the SUO application was robust it should include those parts of the Marketfield Way public car park that are not maintained at the public expense and private access roads adjacent to the adopted highway but which, in either case, may have attracted highway rights.
- 3.1.5 It was further agreed with the NTCT that, whilst the Section 251 Order does not cover new highways or highways to be retained, the application should include a separate plan for the benefit of all consultees, showing the areas of 'highway' and pedestrian routes that will be retained. (see the Existing & Proposed Boundary Plan (reference 2017-3700-002 Rev F) at **CD46**).
- 3.1.6 In addition, there is not normally a requirement under a Section 251 application to notify any neighbours with respect to an extinguishment. However, since the SUO was linked with a CPO, the adjacent neighbours were notified as a matter of courtesy. A copy of the Departments for Transport's email dated 14th February 2018 in this regard is attached at **Annex G**, whilst site notices were available for public viewing at Reigate Town Hall for the full 28-day consultation period.

3.2 Stopping Up Process

- 3.2.1 The SUO submission was made to the DfT under cover of a letter dated 6th February 2018 and followed up with subsequent information. A full copy of the submitted application and accompanying enclosures can be seen at **CD45**. The extent of public highway to which the SUO relates is identified on the Draft Stopping Up Order Plan (NATTRAN/SE/S251/3220) at **CD46**.
- 3.2.2 The proposed areas of the public highway to be stopped up include the part of Marketfield Road which extends into the Order Land from its southern boundary and traverses the site in a northerly direction. This includes those areas of the public highway which surround the electricity substation located on the Order Land and which extend eastwards to the High Street.
- 3.2.3 The SUO includes a strip of land along the eastern boundary of the Order Land where it meets the High Street, as well as land along the southern boundary of the site with Marketfield Road to Marketfield Way car park, and land to the rear of Marylebone House and to the rear of 16-34 Station Road so as to encompass any highway rights which may exist over those areas. The application is for the SUO to take effect upon the earlier of (i) the applicant notifying the Department for Transport that it has acquired all of the interests in the subsoil under the highway to which it applies by agreement, or (ii) on the date that those interests vest in the Council following implementation of the CPO.
- 3.2.4 The DfT processed this application and issued the draft SUO notice and related plans (**CD46 & CD47**) on 5th March 2018.
- 3.2.5 Notice of the proposed SUO was published in the Surrey Mirror on 15th March 2018 and notice was served on all persons affected by the proposed SUO. Notices were also posted on-site and in local newspapers, with copies of the draft SUO and its supporting documentation placed on deposit for public inspection at Reigate Town Hall, Castlefield Road, Reigate, Surrey RH2 0SH for 28 days commencing on 15th March 2018. Copies the relevant press and site notices can be seen at **CD48**.
- 3.2.6 The Council has followed the procedural requirements of the stopping up process, as confirmed by the DfT NTCT.

4 DESIGN RATIONALE FOR ACCESS & SERVICING ARRANGEMENTS

4.1 Proposed Access & Servicing Requirements

4.1.1 There is a need for both the CPO and SUO to implement the proposed development.

4.1.2 The proposed access and servicing arrangements to be delivered by the Council as part of the development proposals are shown on the package of approved drawings at **Annex K**, including drawing **2016/3441/004, Revision H**. The proposed arrangements would replace all existing access rights for premises that currently benefit from access rights over the Order Land, well as providing adequate access to serve the development.

4.1.3 Following the planning application process, ongoing discussions have taken place with SCC to determine the detailed servicing requirements of each retail unit. Further discussions between Mr Nigel Riley and interested landowners have taken place with respect to their servicing and parking requirements, such as those required for existing tenants of Marylebone House. It is in response to these discussions that the amendments to the parking and servicing arrangements have been made, to ensure that the previous concerns of interested parties have been fully addressed.

4.1.4 A Technical Note was prepared by RGP (COPL/17/3441/TN01) in July 2018 to inform SCC of the servicing demands of all existing and proposed retail units that would be affected by the scheme, specifically the main service yard off Marketfield Way. A copy of Technical Note is attached to my Proof of Evidence at **Annex I**. In summary, the technical detail provided within the report and conclusions are as follows:

- (i) Existing servicing demands for the retained Station Road/High Street commercial units (approximately 30 vehicles per day);
- (ii) Existing delivery vehicle sizes for the retained units (vans and small rigid vehicles);
- (iii) Proposed servicing demands for the new development with reference to the TRICS database (6-7 additional vehicles per day);
- (iv) Proposed delivery vehicle sizes for the new commercial units with unlimited access to vehicles up to 8 metres long;
- (v) Peak demand of 6 LGVs within the new delivery yard at any one time;
- (vi) Commitment to adhering to the Delivery and Service Management Plan in perpetuity for the lifetime of the development site, including the retained commercial units currently located at Marylebone House and at 16-34 Station Road through the Deed of Easement.

4.2 Delivery & Servicing Management Plan (DSMP)

- 4.2.1 The delivery and management of the proposed servicing arrangements would be controlled through the implementation of a Delivery & Servicing Management Plan (DSMP). A copy of this document (Ref: COPL/16/3441/DSMP) is attached at **Annex J**.
- 4.2.2 Through the NMA process the DSMP has been approved by SCC and a new condition to secure its implementation shall be included with the permission.
- 4.2.3 The DSMP sets out a package of measures designed to ensure adequate servicing and access arrangements for all existing and future users of the service yard. The proposed service yard would be managed by a private management company, employed by the Council, to ensure that the service yard is maintained as a safe and controlled environment with access to car parking and loading areas retained at all times. The DSMP would relate to the whole development, however, due to the number of interested parties that require the use of the principal service area (accessed from Marketfield Way and to the rear of Marylebone House/Station Road) specific focus within the DSMP is given to the management of this space.
- 4.2.4 The DSMP would apply to the new development, as secured through the planning permission, as well as the existing commercial/retail units from Station Road and High Street that require servicing to the rear. This would be adhered to by the existing commercial/retail units through new Deeds of Easement.

4.3 Pedestrian/Cycle Provisions

- 4.3.1 The proposed service yard layout has been designed to discourage general town centre and 'shopper' access by pedestrians through the service yard since alternative routes are available through and around the site. The proposed pedestrian routes between the new service yard and the High Street would ensure that suitable pedestrian access is available for the tenants of Marylebone House as well as improving pedestrian access to the rear of the commercial units fronting Station Road.
- 4.3.2 The current pedestrian routes at the rear of Marylebone House would be retained in their entirety and enhanced where possible. Currently, pedestrian provision to the rear of the Station Road commercial units is poor with no formal provision available. The proposed scheme would provide specific pedestrian walkways from the rear of those properties to the High Street through the existing walkway to the south of Marylebone House, and the creation of new rights over the land north of Marylebone House through the CPO process. In addition, the pedestrian footway to the rear of the Station Road commercial units would provide access to a new bin store (currently bins are positioned in an unsightly and ad-hoc manner within the existing rear car park).

4.4 Access for Refuse Collection

- 4.4.1 New rights of access for all commercial, retail and residential units fronting Station Road and High Street (e.g. Marylebone House) will be granted in order to ensure that refuse/recycling vehicle access is retained for users who currently rely on access through the car park. This will apply to Council and private waste collection contractors in perpetuity.
- 4.4.2 A new bin store is being proposed in order to re-accommodate the refuse requirements of the existing occupants of the adjoining properties on Station Road and High Street.
- 4.4.3 The bin store has been designed to accommodate 6 x 1100ltr bins and is positioned within appropriate carry distances for existing occupiers (Manual for Streets requires bin stores to be within 25 metres of a commercial premise) as well as being within a 10m carry distance of refuse collection operatives. The proposed bin store satisfies these requirements such that they are available and easily accessible for all future users of the bin store.
- 4.4.4 The refuse collection process would be closely managed through the DSMP to ensure the adequate frequency of collection. The requirements for bins would be continuously monitored through the DSMP, with opportunities to provide further bins within the service yard if required, as indicated on the approved site layout plans.

4.5 Access for Emergency Vehicles

- 4.5.1 The attached drawing RGP **2016/3441/015 (Annex K)** demonstrates the swept path assessment of a fire appliance (the largest emergency vehicle) accessing, turning and exiting the proposed service yard. It shows that this can be achieved without obstruction.
- 4.5.2 In accordance with requirements of The Building Regulations (2010) Approved Document B5 'Access and Facilities for the Fire Service' access should be available for a fire appliance within 45 metres of a dwelling entrance. Drawing **2016/3441/015** demonstrates 45 metre fire access 'zones' from an appliance positioned at the extents of the service yard, that allow access to all parts of Marylebone House. It is noteworthy that should it be necessary for a fire tender to access from Station Road or High Street in an emergency, suitable access is retained to all sides of the building.
- 4.5.3 The 'Borough of Reigate and Banstead (Redhill Pedestrianisation) Order 1991', a copy of the which is provide at **Annex L**, confirms in Clause 4(e) and Clause 5(c) that emergency vehicles are exempt from any restrictions to access Station Road and High Street at any time.

- 4.5.4 It is noteworthy that the Pedestrian Order was amended in 2014 in association with the proposals by SCC to implement the Redhill Balancing Network in the town centre. These amendments included the withdrawal of Clause 4(f) of the 1991 Pedestrian Order, relating to use of Station Road for loading and unloading of commercial vehicles. The 2014 amendment to the Pedestrian Order retains all rights of access for emergency vehicles set out in the original version of the Order.

5 THE SUO OBJECTIONS AND THE COUNCIL'S RESPONSE TO THE SAME

5.1 Overview

- 5.1.1 A total of 5 objections have been received which relate to both the CPO and SUO applications, with 1 additional objection received solely to the SUO. The CPO objections and the Council's response to them are set out within the Proof of Evidence of Nigel Riley.
- 5.1.2 Full details of the objections to the SUO are attached within **CD49**. A number of the objections are matters which relate to the development that has secured planning permission rather than to the CPO/SUO specifically (see Proof of Nigel Riley). Andrew Benson's proof of evidence to this inquiry also provides further context to planning matters assessed as part of the determination process for the planning application). Nonetheless, the Council has sought to address all concerns that have been raised through the process and seeks to respond to all objections.
- 5.1.3 This section of my Proof of Evidence summarises the highway-related objections to the SUO and confirm that all aspects have been addressed. For completeness, any transport-related objections to the CPO have also been considered in this section.
- 5.1.4 The Council continues to proactively engage with objectors in both cases with a view to resolving outstanding concerns and negotiating private agreements, wherever possible.
- 5.1.5 The highway-related objections considered in further detail below.

5.2 UK Power Networks (on behalf of South Eastern Power Networks Plc) (UKPN)

- 5.2.1 South Eastern Power Networks Plc is the owner of the substation located within the Order Land (Plot 17), with apparatus and cables traversing the site. A holding objection to the Order has been submitted by UKPN pending ongoing discussions with the Council.
- 5.2.2 The objection from UKPN does not relate specifically to highway-related matters but the legalities of the re-provision of apparatus and the rights of access to such. This objection is therefore not covered by my Proof of Evidence.
- 5.2.3 I am advised that the Council is in negotiation with UKPN with the intention of reaching an agreement to relocate and/or re-provide its apparatus to enable the objection to be withdrawn. It is understood that the formal agreement is in its closing stages and an update will be provided in advance of the Inquiry.

5.3 Residential Freeholds Limited

5.3.1 Residential Freeholds Limited is the freehold owner of the premises known as Marylebone House, which is located outside but adjacent to the Order Land. Its objection to the SUO is set out in a letter submitted by Moreland Estate Management, acting on behalf of Residential Freeholds Limited, dated 13th March 2018 (**CD49**).

5.3.2 It should be noted that Residential Freeholds Limited did not raise any objection to the proposed development during the planning application consultation process.

5.3.3 In respect of highway-related matters, the Moreland Estates letter says as follows:

...“our client objects to the proposed extinguishment on the grounds that it will leave our clients retained property interest with inadequate rights of access”...

5.3.4 Furthermore, the following highway related objection have been made with respect to the CPO, as detailed in Moreland Estates letter dated 13th March 2018 (**CD44**):

...“the development will further remove areas of private parking owned by my client and occupied by my client’s leaseholders; having a further detrimental effect on the amenity and enjoyment of their leasehold interests and my clients retained property”...

5.3.5 In direct response to Residential Freeholds objection to the CPO, as detailed in Section 4 of my Proof of Evidence, the Council proposes to replace the existing 12 car parking spaces for Residential Freeholds Limited. The 12 replacement spaces would be provided as shown on approved drawing **2016/3441/004**, revision H, attached at **Annex K**. I consider that the replacement spaces should therefore address this objection to the satisfaction of Residential Freeholds Ltd.

5.3.6 The use of the proposed spaces by residents of Marylebone House would be continuously monitored by a management company employed through the DSMP to ensure that no unpermitted use of the spaces occurred. All tenants of Marylebone House entitled to park in these 12 spaces would be provided with permits to do so.

5.3.7 The proposed spaces would be located in a similar position to the existing spaces but sited perpendicular to the footway to improve manoeuvrability. Drawing **2016/3441/006**, Revision E (**Annex K**) indicates that suitable space can be provided for cars to manoeuvre in and out of all spaces.

5.3.8 The further drawings prepared by PRP Architects at **CD42** also confirm the temporary measures to be put in place to retain 12 spaces to the rear of Marylebone House during construction, which would be retained as far as reasonably practical.

- 5.3.9 During the construction phase but prior to the formation of the service yard, the 12 spaces for Marylebone House would be retained on a temporary basis in the configuration shown on the PRP drawings (**CD42**). During periods of the construction phase when these spaces would need to be temporarily closed (such as during the construction of the new spaces and installation of first floor cladding, for example), the Council will provide parking permits for use of its car park at Gloucester Road to those entitled to park in these bays.
- 5.3.10 Following the submitted comments as part of the SUO application, the Council has continued to engage with Residential Freeholds Limited to accommodate their parking and servicing requirements and has sought to address any concerns with respect to the locations of service vehicle bays.
- 5.3.11 The Council also continues to negotiate with Residential Freeholds Limited with the intention of reaching an agreement on the re-provision of access rights through a Deed of Easement to enable the objection from Residential Freeholds Limited to be withdrawn.
- 5.3.12 A timeline of communications between the Council and Residential Freeholds Limited is provided within the Proof of Evidence of Mr Nigel Riley. An update of the position will be provided at the Inquiry.

5.4 Ekom Build and Design

- 5.4.1 Ekom Build and Design is the freehold owner of 26-28 Station Road, Redhill. This property includes an area within the Order Land (Plot 20) and also comprises 2 commercial tenants (fronting Station Road) with 14 flats above.
- 5.4.2 No objection to the proposed development was raised by Ekom Build and Design during the planning application consultation process.
- 5.4.3 A copy of the objections received to the SUO are attached within **CD49**. As set out in the company's original emails dated 13th March 2018 and 22nd March 2018 the following highway-related statements were made:

...“There is a big parking issue at Redhill High Street and surrounding and would cause more misery”

There is not sufficient parking for any commercial or residential tenants. We have been unable to sell flats above purely because of lack of parking. Even though we provide residents and commercial tenants currently with limited parking across the back of No.30 to 20 Station Road which is owned by us” ...

- 5.4.4 With respect to the first statement, the closure of the Marketfield Way Car Park and redistribution of car parking across the town centre has been subject to detailed consideration by the Council in recent years, and it has been concluded that significant spare parking capacity within Redhill Town Centre is available. This matter was expressly considered by the Council in deciding to grant planning permission for the scheme.
- 5.4.5 As to the provision of parking spaces for Ekom's residential flats, the tenants do not currently benefit from any rights to park to the rear of the property, other than the rights of the general public to park in the Marketfield Way Car Park. This is apparent from the planning consent for the change of use and extension of 26-28 Station Road (Planning Reference: 14/00763/CU) from its existing B1 office use to 14 flats. The planning application included a Design & Access Statement (See **Annex M Paragraph 3.06**) promoting the site as a car-free development in line with the aims of the Council's Core Strategy. The Council considered this to be acceptable (see Committee Report at **Annex M**). All uses of 26-28 Station Road has no right of access to the site by private vehicle other than for servicing and deliveries.
- 5.4.6 The Council does not propose to provide any new spaces for the commercial or residential tenants of the Ekom property as part of the scheme. The existing users of 26-28 Station Road would continue to benefit from pedestrian access (including access to cycle stores and access for refuse collection) as existing.

5.5 Thomas Cook Retail Limited

- 5.5.1 Thomas Cook Retail Limited is the leasehold occupier of unit 2a, High Street, Redhill. The premises are outside of the Order Land, although the property benefits from rights of access and servicing over the Order Land. The company's objection to the Order dated 23rd March 2018 (**CD49**) is made on the basis that it would result in the extinguishment of its access and servicing rights without providing any alternative rights to enable access and servicing to its premises.
- 5.5.2 The Council proposes to grant replacement access and servicing rights where properties currently benefit from such rights over the Order Land. The proposed service road will be built to a standard able to accommodate vehicular access prior to the existing access at Marketfield Road being closed. Pedestrian access rights will be granted over the Order Land secured through the deed of easement, with new rights also granted as part of the CPO process.
- 5.5.3 The Council continues to negotiate with Thomas Cook Retail Limited with the intention of reaching an agreement on the re-provision of access rights through a Deed of Easement to enable the objection to be withdrawn. Any update of the position will be provided at the Inquiry.

5.6 Mr Frankie Lau

- 5.6.1 Mr Lau is the freehold owner of 20 Station Road, Redhill. The property is immediately adjacent to Order Land, and benefits from access rights over land within the Order Land. As set out in Mr Lau's original email dated 17th March 2018 and subsequent emails including the 6th June 2018, the following highway-related concerns have been raised:
- (i) The approved vehicle access to the service yard would be higher than the existing area to the rear of Plot 20, which would cause flood water to drain into the property;
 - (ii) The approved plan will affect delivery access to the property;
 - (iii) The level of car parking for customers would be reduced;
 - (iv) The distance of disabled parking from Mr Lau's shop frontage should be no more than 100 metres.
- 5.6.2 With respect to item i) and the drainage of the proposed service yard, the planning application was supported by a Site-Specific Flood Risk Assessment prepared by Richard Jackson Engineering Consultants (**CD24**), in consultation and subsequent approval by Surrey County Council in its role as Lead Local Flood Authority. A further summary with respect to this aspect is provided in the further evidence of Mr Mike Geddes of Richard Jackson Engineering Consultants, appended to the Proof of Evidence of Mr Andrew Benson.
- 5.6.3 As detailed by the service yard layout plans at **Annex K**, the proposals would provide service vehicle access to Mr Lau's retail unit. The management company would liaise with Mr Lau as part of the DSMP to ensure that he would have adequate space to load and unload when his deliveries are scheduled. A Deed of Easement will also be entered to grant vehicular rights over the service yard to ensure that Mr Lau's unit can be serviced.
- 5.6.4 With respect to car parking, Mr Lau has raised a concern regarding the loss of parking, however this has been considered within the Redhill Parking Study and considered by the Council in its determination of the planning application, as per Paragraphs 2.1.7 to 2.1.10 of my Proof of Evidence.
- 5.6.5 Mr Lau has also raised concerns with respect to access for disabled customers to his retail unit, stating that they would require a space within 100 metres of his retail unit, albeit no technical basis is provided to justify this distance.

5.6.6 With reference to the Department for Transport's (DfT) best practice guidance entitled 'Inclusive Mobility' (December 2005), the table referred to in section 2.4 provides guidance on the recommended walk distances without a rest for various levels of impairment. These walking distances are also replicated in the DfT's subsequent Traffic Advisory Leaflet 5/95 entitled "Parking for Disabled People" (April 1995), which recommends that disabled parking bays should be located within same distances to "major destinations". These distances are replicated in the table below. Extracts of both documents are at **Annex O**.

Impaired Group	Recommended Distance limit without rest
Wheelchair users	150m
Visually impaired	150m
Mobility impaired using stick	50m
Mobility impaired without walking aid	100m

5.6.7 It is noted that Mr Lau raises concerns with the loss of the existing disabled bays in the Marketfield Way car park, which as shown on drawing **2016/3441/016 (Annex K)** are outside of the above recommended maximum walk distances for disabled drivers.

5.6.8 Drawing **2016/3441/016 (Annex K)** however provides further clarification on the levels of car parking and specifically disabled car parking spaces available in the locality, including 8 spaces within the thresholds of the DfT guidance and closer than those currently in the Marketfield Way car park. The drawing confirms the following distances from disabled car parking spaces to the front pedestrian access of Mr Lau's retail unit.

- (i) Marketfield Way car park (3 disabled spaces to be removed) – 166 metres;
- (ii) Harlequin car park stair access (6 disabled spaces) – 90 metres;
Harlequin car park lift access (6 disabled spaces) – 118 metres;
- (iii) Redhill train station car park (2 disabled spaces) – 117 metres;
- (iv) Sainsburys basement car park (13 disabled spaces) – 155 metres;
- (v) A25 spaces (5 spaces retained) – 230 metres.

5.6.9 As illustrated by drawing **2016/3441/016**, Mr Lau's retail unit has not historically benefitted from disabled car parking spaces within 100 metres, although the recently completed regeneration of Sainsbury's supermarket (completed in 2017) and Harlequin theatre and car park (completed in 2016) now provide disabled spaces for the town centre as close as 90 metres (via stairs) from the front of Mr Lau's premises.

- 5.6.10 As illustrated by drawing **2016/3441/016**, the available town centre car parking includes 21 disabled car parking spaces in closer and more convenient locations to the front of Mr Lau's premises than the 3 disabled spaces within the Marketfield Way car park that would be removed by the development. All disabled car parking spaces within Redhill town centre are free to disabled Blue Badge holders at all times. Mr Lau's customers would therefore continue to benefit from the closest available disabled spaces.
- 5.6.11 Notwithstanding the above, existing double yellow line restrictions on Marketfield Road are situated approximately 5 metres from the position of the existing disabled parking spaces, that permit disabled car parking for blue badge holders for 3 hours at any time. This is equally the case for other areas of yellow line restrictions in the town centre (if safe to do so and away from a junction).
- 5.6.12 The Council has carefully considered its public sector equality duties, as addressed in the Proof of Evidence of Mr John Reed. It is satisfied that the loss of the car park at Marketfield Way and the delivery of the proposed Scheme are justified and in the public interest.

5.7 Mr Jose Antonio Silva (Objecting to the SUO only)

- 5.7.1 Mr Silva is the leasehold occupier of Flat 6 of Marylebone House. A copy of all relevant correspondence with Mr Silva are contained in **CD49**. Mr Silva did not object to the planning application during the consultation process. Mr Silva does not benefit from a permit to park in the Marketfield Way car park.
- 5.7.2 Mr Silva's objection dated 5th April 2018 raised concerns with the SUO only, primarily in relation to the loss of a parking space allocated to his flat, and access issues should the SUO be implemented.
- 5.7.3 Full details of the communications between Mr Silva and Mr Nigel Riley are set out in the schedule appended to Mr Riley's Proof of Evidence.
- 5.7.4 Following his original objection, a response was provided to Mr Silva on 8th June 2018 confirming the proposed parking arrangements for Marylebone House including the proposed retention of car parking spaces for residential occupants who currently benefit from such rights. The scheme would not reduce the number of parking bays currently servicing the residential flats at Marylebone House.
- 5.7.5 The subsequent response from Mr Silva dated 22nd June 2018 confirms his acceptance that the existing car parking spaces and his rights of access would be retained. However, the email highlighted a number of further concerns not raised during the SUO consultation process, relating to pedestrian rights of access and access for a fire appliance.

- 5.7.6 The Council proposes to grant pedestrian access rights over the Order Land in favour of those properties which currently benefit from such rights. Pedestrian rights will be secured over the land to the south and rear of Marylebone House to provide access to the High Street. A new right is proposed to be created over the land immediately to the north of Marylebone House to provide further access and egress.
- 5.7.7 The rear of Marylebone House currently benefits from footway access, which would be retained in its entirety. This current footway provides a constructed width at the entrance to Marylebone House of 1.5 metres, but currently reduced to a practical width of 1.1 metres due to the presence of bollards (see photographs at **Annex N**). As illustrated on drawing **2016/3441/004, Revision H**, the proposals include the removal of these bollards to ensure that the existing constructed 1.5 metre width can be fully utilised.
- 5.7.8 Mr Silva specifically raised concerns over the current width of 1.2 metres proposed to access the southern end of the service yard from High Street and the Council has sought to maximise this. Whilst a width of 1.2 metres would conform with the minimal requirements for pedestrian access (whilst access is required for pedestrians to Marylebone House, general pedestrian movements through the service yard do need to be discouraged) the layout has been altered including the repositioning of refuse bin stores, to provide a wider area of pedestrian refuge.
- 5.7.9 In addition, an increased footway width has been proposed at the northern end of Marylebone House through the minor relocation of the service bays. This arrangement would retain the existing footway in this location and provide a 1.2 metre wide connection.
- 5.7.10 With respect to fire access, the attached drawing **2016/3441/015 (Annex K)** illustrates the swept path assessment of a fire appliance accessing, turning and exiting the existing service yard, which can be achieved easily without obstruction.
- 5.7.11 In accordance with requirements of The Building Regulations (2010) Approved Document B5 'Access and Facilities for the Fire Service' access should be available for a fire appliance within 45 metres of a dwelling entrance. Drawing **2016/3441/015** illustrates various 45 metre fire access 'zones' from an appliance positioned at the extents of the service yard, that allow access to all parts of Marylebone House. It is noteworthy that should it be necessary a fire tender would access Station Road and High Street in an emergency and is therefore able to gain access to all sides of the building. All emergency services benefit from unrestricted rights of access over Station Road and High Street (permitted through the 1991 Pedestrian Order) and have access codes for any retractable bollards at the entrance to Station Road from Marketfield Way.

5.8 Mr Steve Luxford (Objecting to the CPO only)

- 5.8.1 Mr Luxford has a leasehold interest in flat 2, 16-18 Station Road, Redhill. This property is outside but immediately adjacent to the Order land and currently enjoys rights over the same.

- 5.8.2 Mr Luxford has objected to the CPO only and has made no objections to the SUO. However, for completeness the highway-related conditions within Mr Luxford's objections have been considered. A copy of Mr Luxford's objection to the CPO are contained within **CD44**.
- 5.8.3 Mr Luxford has highlighted the following highway-related items within his objection dated 14th March 2018:
- (i) The inclusion of plot 21 in the Order will result in the fire exit from his property opening onto the Order Land and therefore puts at risk the occupants who would have no control over access/egress from that location. Likewise, by including plot 21 in the Order Land, the right of way would be removed, and this would potentially mean there was no escape in the event of fire;
 - (ii) The proposed acquisition of plot 21 would mean that the occupants of the 9 flats comprised within 16-18 Station Road would have nowhere to put refuse bins other than on land owned by another.
- 5.8.4 The Order only seeks to acquire land that is required to deliver the scheme and the permitted development. Plot 21 is required to deliver the main service yard areas and provide a location for bin stores, access to loading bays, and turning areas for goods vehicles servicing both the new and existing buildings and also access for fire crews and egress from the building.
- 5.8.5 As detailed on drawing **2016/3441/004, Revision H** the existing fire door would be retained, as would the existing bins with a new store located immediately adjacent to the rear entrance of 16-18 Station Road. Pedestrian rights will be secured to Marketfield Way and the High Street through the Deed of Easement and new rights proposed as part of the CPO process.

6 SUMMARY AND CONCLUSIONS

- 6.1.1 My Proof of Evidence has considered the effect of the proposed Stopping-up of the public highway across land which is to be redeveloped to provide the mixed-use development under planning application reference number 16/01066/F.
- 6.1.2 The planning application for the proposals was accompanied by a Transport Assessment and Travel Plan which, through subsequent discussions and amendments, were accepted by Highways Officers at Surrey County Council (SCC), who considered matters of safety and convenience for all road users, relevant to the proposed Stopping-up Order, as part of their deliberations.
- 6.1.3 The Compulsory Purchase Order will include the re-provision of rights of access to existing premises currently served by the land to be Stopped-up for the purposes of car parking and servicing (including refuse collection and deliveries). Within my Proof of Evidence, I have detailed the proposed service yard arrangements that would be implemented, and the suitability of the proposed arrangement as agreed with SCC. The service yard would be fully managed through the implementation of a comprehensive Delivery & Servicing Management Plan, which has also been agreed with Surrey County Council
- 6.1.4 In addition, the development would deliver a package of highway improvements, secured through a Section 278/38 Agreement, that would not only facilitate access to the proposed development but also provide enhancements to pedestrian and cycle infrastructure surrounding and connecting to the site. The Section 278/38 Agreement has been progressed in advance of the determination of this Inquiry to ensure the development is deliverable and there are no impediments to access for all users of the development and surrounding properties.
- 6.1.5 Also within my Proof of Evidence, I have reviewed the relevant background to the site and the Marketfield Way car park redevelopment, the Stopping-Up process that has been followed, and any objections to the proposed Stopping-up Order.
- 6.1.6 I have also considered the tests which will be applied by the Inspector at this Inquiry. Firstly, I have identified that the Stopping-Up Order is necessary to allow the development which has been granted planning permission to be carried out.
- 6.1.7 The second test relates to whether the disadvantages outweigh the benefits. No disadvantages were identified by SCC, the Highway Authority, however some disadvantages have been suggested by third parties. Having considered these disadvantages in detail I have formed the view that there will be no illegal removal of rights of way across the site, no loss of allocated car parking, no loss in the ability of the retained commercial and residential uses to be serviced and no loss to pedestrian access to all premises. In my opinion, the replacement provisions would in fact result in a significant improvement to these aspects.

6.1.8 Therefore, there are no disadvantages of the proposed stopping-up order that outweigh the advantages of allowing the approved development to take place, hence the proposed stopping-up order meets the tests required for the order to be made.

6.1.9 The principle of the Stopping Up Order was accepted through the granting of the planning permission and the planning decision makes specific reference to, and supports, the Stopping Up Order.

6.1.10 My summary response to the particular highways objections that have been raised is set out below.

UKPN

6.1.11 With respect to the objections by UKPN, negotiations with UKPN are at an advanced stage with respect to the relocation and re-provision of its apparatus. It is anticipated that this objection will be withdrawn prior to the inquiry.

Residential Freeholds Limited

6.1.12 With respect to Residential Freeholds Limited, the freehold owners of Marylebone House;

(i) The Council continues to negotiate with the intention of reaching an agreement on the re-provision of access rights through a Deed of Easement to enable the objection from Residential Freeholds Limited to be withdrawn;

(ii) The Council has sought permission for a NMA to the original planning permission to enable the re-provision of the 12 car parking spaces that are currently available for the tenants of Residential Freeholds Limited.

Ekom Build & Design

6.1.13 With respect to the objections from Mr Walia of Ekom Build & Design:

(i) The development at Marketfield Way has been a long-established policy aspiration by the Council and it is well evidenced that the loss in parking provision could be absorbed within other car parks within the town centre;

(ii) The Ekom development at 26-28 Station Road was permitted and developed as a car-free scheme, in accordance with local policy, and hence its tenants and occupants do not have rights to park within the Order land. The scheme will not result in any loss of permitted car parking rights to the occupiers of that development.

Thomas Cook Retail Limited

6.1.14 With respect to the objections of Thomas Cook Retail Limited:

- (i) The Council continues to negotiate with the intention of reaching an agreement on the re-provision of access rights through a Deed of Easement to enable the objection from Thomas Cook Limited to be withdrawn. This is the only matter raised by Thomas Cook;

Mr F Lau

6.1.15 With respect to the objections of Mr Lau:

- (i) Matters of flood risk were considered at length as part of the planning application process and it has been long-established that the proposals would not lead to any increased risk of flooding to Mr Lau's property;
- (ii) The Council continues to negotiate with the intention of reaching an agreement on the re-provision of access rights through a Deed of Easement;
- (iii) The re-development of the Marketfield Way site has been a long-established policy aspiration by the Council and it is well evidenced that the loss in parking provision could be absorbed within other car parks within the town centre;
- (iv) The loss of the 3 disabled car parking spaces in the Marketfield Way car park will have no impact on the ability of disabled customers to access Mr Lau's commercial premises. It has been demonstrated that sufficient disabled car parking provision exists within Redhill town centre, some of which is closer to Mr Lau's commercial premises than those currently in Marketfield Way.

Mr Jose Antonio Silva

6.1.16 With respect to the objections of Mr Silva:

- (i) 12 car parking spaces would be re-provided for the sole use of Residential Freeholds Limited and its tenants;
- (ii) Pedestrian access would be enhanced around the periphery of Marylebone House, to the benefit of Mr Silva;

- (iii) Fire access to Marylebone House would be safe-guarded without obstruction and with ease of access and turning.

Mr Luxford

6.1.17 With respect to the objections of Mr Luxford:

- (i) Replacement bin stores would be provided and well-managed and capacities and collections monitored through the implementation and enforcement of the Delivery & Servicing Management Plan;
- (ii) The proposals provide improved fire access through the provision of new dedicated and segregated footway connections serving the properties to the rear of Station Road.

6.1.18 In light of the conclusion of my Proof of Evidence, the Inspector is respectfully asked to allow the Stopping-up Order.