

Runnymede Borough Council

PLANNING COMMITTEE

27 August 2008 at 7.30pm

Members of the

Committee present: Councillors G B Woodger (Chairman), D W Parr (Vice Chairman), J R Ashmore, Mrs F J Barden, R J Edis, J M Edwards, Mrs E Gill, C Knight, M T Kusneraitis, H W V Meares, Mrs M Roberts, N Stewert and P B Tuley

Members of the

Committee absent: Councillors Mrs F M Angell and Mrs Y P Lay

148. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

Group requesting Change	Remove from Membership	Appoint Instead
Conservative	Councillor J R Furey	Councillor R J Edis

The Chief Executive had given effect to those wishes in accordance with Section 16(2) of the Local Government and Housing Act 1989.

149. MINUTES

The Minutes of the meeting of the Committee held on 6 August 2008 were approved and signed as a correct record.

150. DECLARATIONS OF INTEREST

The following Councillor declared a personal interest under the Runnymede Code of Conduct for Members.

Councillor	Item	Nature of Interest
M T Kusneraitis	6. RU 08/0560 - Bishopsgate School Bishopsgate Road Englefield Green	Personal but not prejudicial – A School Governor was personally known to the Councillor

151. PLANNING APPLICATIONS

The planning applications listed below were considered by the Committee. All representations received on the applications were reported and copies were made available for inspection by Members before the meeting. An agent for an applicant and an objector addressed the Committee on the application identified below.

RESOLVED that –

the following applications be determined as indicated and any permission granted be subject to the Conditions authorised.

APP NO

LOCATION, PROPOSAL AND DECISION

RU 07/1153

Tasis England, Coldharbour Lane, Thorpe

Revised Masterplan for the expansion and rationalisation of facilities within the School Campus, including erection of new upper School building and business office and the expansion of the Campus to incorporate Renalds Herne and The White House, Coldharbour Lane; Anners, Village Road; Rydal and Pippins, Green Road; and new buildings and changes of use either implemented or with the benefit of planning permission.

DECISION: Consideration deferred until a later meeting of the Planning Committee.

RU 07/1165

**Tasis England, Coldharbour Lane, Thorpe
Erection of a two storey plus basement upper School building, a two storey plus basement Science Centre and single storey business centre, two extension and alterations to The Coach House and works to improve access into the site adjacent to Renalds Herne, Coldharbour Lane.**

DECISION: Consideration deferred until a later meeting of the Planning Committee.

RU 07/1176

**Tasis England, Coldharbour Lane, Thorpe
Listed Building Consent for the demolition of the detached buildings used as a classroom and office and garden wall at the rear of Renalds Herne, demolition of a single storey building adjacent to The Coach House and for the erection of a two storey extension and alterations to the Coach House.**

DECISION: Consideration deferred until a later meeting of the Planning Committee.

RU 08/0608

**Land at Hamm Moor Lane, Thorpe
Demolition of existing buildings and the erection of 14 no dwelling houses, and two and three storey office buildings (total 3,625 sqm floorspace) with access from Hamm Moor Lane, and associated parking.**

DECISION: REFUSE for the following reasons:

- 1. The proposed development, by reason of the siting, mass, bulk, height and scale of the buildings, lack of mix of dwelling sizes, lack of integration between elements of the scheme, areas of hardstanding, and inadequate green space around the buildings for amenity space and landscaping, would have a cramped, overbearing and over-dominating appearance, resulting in an over-development of the site. The scheme does not relate to or integrate with the surrounding area and fails to improve the character and quality of the area. The proposal is therefore contrary to saved Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001, saved Policy SE4 of the Surrey Structure Plan 2004, By Design and Surrey Design, and Planning Policy Statement (PPS1) : 'Delivering Sustainable Development' and Planning Policy Statement (PPS3): 'Housing'.**
- 2. The proposal, by reason of the height, mass, bulk, and scale of the buildings, and lack of adequate space between buildings and boundaries, would have an overbearing impact, particularly in relation to the Hamm Moor Lane frontage, detrimental to the character and appearance of the area. The design of the scheme is**

inappropriate in its context, and does not create a distinctive character that relates well to, or improves the character and quality of the area. The proposal is therefore contrary to saved Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001, saved Policy SE4 of the Surrey Structure Plan 2004, By Design and Surrey Design, and Planning Policy Statement (PPS1) : 'Delivering Sustainable Development' and Planning Policy Statement (PPS3) : 'Housing'.

3. The proposed development, by reason of the siting, continuous built form, scale and proximity of the buildings to the front boundary with lack of appropriate landscaped setting, will be visually harmful and will not enhance the open character and appearance of the Wey Navigation Conservation Area contrary to saved Policies BE4 and R9 of the Runnymede Borough Local Plan Second Alteration 2001, and saved Policies SE5 and SE10 of the Surrey Structure Plan 2004 and PPG15 : 'Planning and the Historic Environment'.
4. The application does not propose to make any payments for Infrastructure Contributions in accordance with the Council's Adopted Supplementary Planning Guidance (SPG) on Planning Obligations December 2007 which took effect for new proposals submitted on and after 1 April 2008. This SPG was prepared as a collaboration with Surrey County Council and other Surrey Districts after consultation in order to take account of the cumulative impact of development on infrastructure and was commended in the Panel Report on the South East Plan in August 2007. As a result the proposal is also contrary to Saved Policy DN1 of the Surrey Structure Plan 2004, Policies CC5 and LF5 of the Draft South East Plan (as amended by the Panel Report) and national advice in Circular 05/2005.
5. The applicant has failed to produce an adequate Flood Risk Assessment to show that the risk of flooding to people and property will not increase. In this respect, the applicant has failed to demonstrate that the proposed residential development would not be at risk from a 1 in 100 year plus climate change flood event on maps held by the Environment Agency, and that there would be adequate floodplain compensation for the site. On this basis, the proposal would not satisfy the exception test as set out in Annex D of Planning Policy Statement 25: Development and Flood Risk. The proposal is therefore contrary to saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001, Planning Policy Statement 25: Development and Flood Risk, and Practice Guide June 2008, and Planning Policy Statement 1: Delivering Sustainable Development.
6. The applicant has failed to demonstrate any acceptable mitigation measures to alleviate the existing land contamination and ground water contamination contrary to the advice contained within Planning Policy Statement 23 : 'Planning and Pollution Control'.

RU 06/0789

White Cottage, Coldharbour Lane, Thorpe
Change of use of White Cottage from single dwelling house
(Class C3) to residential accommodation for up to 5 students

and 2 members of teaching staff, including the use of the existing garage as an office and store and the erection of a two storey side extension.

DECISION: Consideration deferred until a later meeting of the Planning Committee.

RU 08/0560

Bishopsgate School, Bishopsgate Road, Englefield Green
Road improvements to include widening of access road to create additional parking spaces within the site, improvements to existing second entrance along Bishopsgate Road and creation of a drop off point and zebra crossing points within School grounds.

DECISION: GRANT subject to Conditions, Reason and Informatives as per Agenda.

RU 08/0605

St Cuthbert's RC Primary School, Corby Drive, Englefield Green
Creation of 5 additional parking bays and the repositioning of 4 bays.

DECISION: GRANT subject to Conditions, Reason and Informatives as per Agenda.

RU 08/0662

White Walls and adjoining Land to the rear of Firslea, Lanes End, Oakleigh and Styger House, Spratts Lane, Ottershaw
Erection of three dwellings following demolition of existing dwelling (comprising 1 no two storey dwelling at front and 2 semi-detached bungalows at rear), widening of existing access from Spratts Lane and two detached carports and two parking spaces.

DECISION: Following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- (i) A financial contribution of £2,000 for each new dwelling (being a net gain) towards the cost of facilitating upgrading and maintaining the SANGS; and
- (ii) A financial contribution of £9667.73 towards the infrastructure tariff.

The Director of Technical Services be authorised to GRANT permission subject to Conditions, Reasons and Informatives as per Agenda; the inclusion of a Condition regarding surface water drainage and the inclusion of an Informative concerning Fair Oaks Airport.

(Mr C Nicholas, an Objector, and Mr M Rankin, Agent for the Applicant, addressed the Committee on the above application).

RU 08/0689

Renalds Herne, Coldharbour Lane, Egham
Listed Building Consent for internal alterations to create a new lobby from the stairs to the drawing room and kitchen.

DECISION: Consideration deferred until a later meeting of the Planning Committee.

RU 08/0706

3 Firfield Road, Addlestone
Erection of a first floor side extension.

DECISION: GRANT subject to Conditions and Informatives as per Agenda.

152. PLANNING APPLICATION FEE INCOME

The planning application fee income position as at 31 July 2008 was noted.

153. ENFORCEMENT - 18-20 RIVERSIDE, LALEHAM REACH, CHERTSEY

Authority to issue Enforcement Notices was sought in respect of a change of use and operational development of the land for the siting of a mobile home, the storage of containers, and the erection of a conservatory and decking at Nos.18-20 Riverside, Laleham Reach, Chertsey. A site plan together with aerial and site photographs were appended to the report. The report gave a full description of the site together with its history.

In September 1997, the Council had received a complaint that a mobile home had been brought onto the site. The case officer, at that time, had noted that the previous use of the site had been abandoned and he was of the view that the mobile home had been there no longer than 3 months. However, enforcement action to remove the mobile home from the site was not pursued. It was also confirmed that no certificate of lawfulness had been granted on the site for siting this mobile home.

Members were advised that at the beginning of March 2007 a complaint was received that two mobile homes had been brought onto the site and joined together to make one residential unit and that a conservatory and area of decking had also been added to the mobile unit. This action had followed the demolition and removal of the previous mobile from the site. Members noted from aerial photographs taken in 2003 and 2008 that the new mobile was larger than the one it replaced. Thus, by his action the owner had consequently lost any claim to the smaller mobile being lawful.

A Planning Contravention Notice (PCN) had been served on the resident and land owner on 16 July 2007 but no response was received. The PCN was re-served on the land owner and resident on 19 March 2008 at which time it was noted that an additional 5 no. containers had also been brought onto the site.

A meeting with the resident of the mobile then had taken place on 11 April 2008 at which time it was confirmed, via the PCN, that the previous mobile had been removed and a new unit brought onto the site to replace it. The resident had stated that he lived on site full-time and that the 5 no. storage containers were a temporary measure to store equipment from an office which had recently been rented out. A further site visit took place, in the presence of the resident, on 9 June 2008 where the unauthorised development was measured and site photographs were taken.

The new larger mobile home and storage containers were considered by Officers to be unauthorised as no planning permission had been sought. Whilst there was some ambiguity, in planning law, as to whether a mobile home constituted a "change of use" or "operational development" the determining factor was based on the size and scale of the structure and its permanence. If the new mobile home and containers constituted a "change of use" they were not, therefore, immune to enforcement action as the change had occurred less than 10 years ago. Conversely, if the new mobile home constituted "operational development" then it was not immune from enforcement as it had occurred within the last 4 years.

The attached conservatory and decking were considered to be unauthorised as no planning permission had been sought. These "operational developments" had not been in place for more than 4 years and as such were therefore not immune from formal enforcement action.

The mobiles, on their own, could be classed as easily moveable structures and thus constitute a material change of use. However, with the conservatory and decking currently attached, the whole structure was obviously not easily moveable and therefore it constituted "operational development". Since the whole structure including the conservatory and decking had not been in place for more than 4 years it was not immune from enforcement action. The proposal was therefore to seek enforcement action, in the alternative, to cover both arguments (material change of use and operational development) at any subsequent appeal.

The report before the Committee drew particular attention to the advice contained within Planning Policy Guidance Note 2: Green Belts (PPG2) and also in saved policy GB1 in the adopted local plan.

The Environment Agency had been consulted about the unauthorised change of use and operational development and had objected to this type of development in this location as the development introduced additional residents into an area of functional floodplain consequently reducing floodplain storage with an adverse impact on floodwater flows. Their advice was noted.

Members' attention was also drawn to Planning Policy Guidance Note 18: 'Enforcing Planning Control' (PPG18) and the Committee was also reminded of the European Convention on Human Rights Article 8, the right to respect for private and family life and the home and Article 1 of the First Protocol, the right to peaceful enjoyment of possessions

Members were also cautioned that if the Committee decided to take enforcement action and the applicant exercised his right of appeal, this case was then likely to be determined by a Public Inquiry. An Inquiry would necessarily incur costs which might require a supplementary estimate if the budgetary provision for such Inquiries was overspent.

Finally, the Committee was advised in an Addendum tabled at the meeting that in a recent e-mail the occupier, inter alia, now intended to submit an application for a Certificate Of Lawfulness, and, consequently he had asked for this matter to be deferred.

In considering all the facts before them Members decided not to defer this matter and authorise enforcement action particularly as the occupier had been indicating since at least April 2007 that an application for a Certificate of Lawfulness would be submitted. The Committee, however, noted that the Enforcement Notice would not be issued until the Certificate of Lawfulness application was determined, provided it was submitted within an agreed timescale.

Accordingly, it was

RESOLVED that -

- i) the Director of Administration and Leisure be authorised to issue Enforcement Notice (s) under Section 172 of the Town and Country Planning Act 1990 (as amended) requiring:**
 - **the demolition of the mobile home, conservatory and decking and removal from the site;**
 - **that the use of the site for the siting of a mobile home in residential use and 5 no storage containers ceases;**
 - **the mobile home in residential use and 5 no storage containers be removed from the site;**
 - **the decking and conservatory be demolished and removed from the site;**
 - **the hardstanding created for the siting of the mobile home in residential use be dug up and removed from the site; and**
 - **the removal of any resultant debris, rubble and materials from the site as a result of the removal of the mobile home, storage containers, decking, conservatory and hardstanding.**
- ii) the Director of Administration and Leisure be authorised to take appropriate action in carrying out necessary works or prosecution under Sections 178 and 179 of the Town and Country Planning Act 1990 in the event that these notice (s) once effective are not complied with.**

Reason for Issuing Enforcement Notices

- 1. The mobile home in residential use, decking, conservatory and storage of 5 no x containers represents an inappropriate and harmful development in the Green Belt which would be prominent and**

detrimental to the openness and the visual amenities of the Green Belt, contrary to saved Policy LO4 of the Surrey Structure Plan 2004, saved Policy GB1 of the Runnymede Borough Local Plan Second Alteration April 2001 and the advice in Planning Policy Guidance Note 2 : 'Green Belts'.

- 2. The Planning Authority is not aware of any very special circumstances that exist to justify the granting of planning permission contrary to saved Policy LO4 of the Surrey Structure Plan 2004, saved Policy GB1 of the Runnymede Borough Local Plan Second Alteration April 2001 and advice contained in Planning Policy Guidance Note 2 : 'Green Belts'.**
- 3. The site falls entirely within the 1 in 20 year flood extent (functional floodplain) of the River Thames. The mobile home in residential use, storage of 5 no containers, erection of a conservatory and decking introduces a highly vulnerable development and additional residents into an area of functional floodplain, will reduce floodplain storage and have an adverse impact on floodwater flows contrary to saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration April 2001 and advice contained within Planning Policy Statement 25: Development & Flooding.**

154. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES

A list of planning applications recently determined by the Director of Technical Services under his delegated powers was noted.

Chairman

(The meeting ended at 8.39 pm)