

Runnymede Borough CouncilPLANNING COMMITTEE28 November 2007 at 7.30 pm

Members of the

Committee present: Councillors G.B. Woodger (Chairman), J.R. Ashmore, Mrs F.J. Barden, J. Broadhead, Mrs P Broadhead, J.M. Edwards, J.R. Furey, Mrs E. Gill, C Knight, M.T. Kusneraitis, Mrs. Y.P. Lay, Mrs J. Norman, Mrs M. Roberts, N Stewert and P.B. Tuley.

Members of the

Committee absent: None

Councillor R.J. Edis also attended

399. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

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

<b>Group requesting Change</b>	<b>Remove from Membership</b>	<b>Appoint Instead</b>
Conservative	Councillor D W Parr	Councillor Mrs P Broadhead
Conservative	Councillor Mrs F M Angell	Councillor N Stewert

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

400. MINUTES

The Minutes of the meeting of the Committee held on 7 November 2007 were approved and signed as a correct record.

401. DECLARATIONS OF INTEREST

The following Councillors declared personal and prejudicial interests under the Runnymede Code of Conduct for Members.

<b>Councillor</b>	<b>Item</b>	<b>Nature of Interest</b>
Mrs F J Barden	6. RU./07/0933 – Willows Nursery, Lyne Crossing Road, Lyne	Councillor pursued original complaint Personal and Prejudicial
N Stewert	6. RU./07/1128 – Sayes House, Sayes Court Farm Drive, Addlestone	Predetermination of application Prejudicial

402. 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. Agents/applicants and members of the public spoke on the applications identified below.

**RESOLVED that –**

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

<b>APP. NO.</b>	<b>LOCATION, PROPOSAL AND DECISION</b>
<b>RU 07/1034</b>	<b>Hamilton House and Land to the Rear of Beechwood and Marlings, Bakeham Lane, Englefield Green Erection of 10 no. 2 and 2.5 storey detached houses with garages, access and parking following demolition of Hamilton House.</b>

**DECISION: REFUSE for the following reasons:**

- 1. The proposal, by reason of the scale, height and bulk of the buildings, their siting, layout and form, small plot sizes, distances to boundaries and the limited spaces between the buildings, constitutes a cramped overdevelopment of the site which would be out of character with the pattern and form of development in the area, detrimental to the visual amenities of the streetscene which is recognised to be of high quality and would fail to respect or improve the character and quality of the area, contrary to advice in Planning Policy Statement (PPS1) : ‘Delivering Sustainable Development’, saved Policy SE4 of the Surrey Structure Plan 2004, saved Policies HO9 and BE2 of the Runnymede Borough Local Plan Second Alteration 2001 and advice in Supplementary Planning Guidance ‘ Surrey Design’ 2002.**
- 2. The proposal, by reason of the limited spaces to the site boundaries and between the existing and proposed buildings would unacceptably erode the residential amenities of the adjoining dwellings in Simons Walk and Bakeham Lane causing overlooking and loss of privacy, loss of light and a development which would be over dominant in relation to its neighbours, contrary to advice in Planning Policy Statement (PPS1) : ‘Delivering Sustainable Development’, saved Policy SE4 of the Surrey Structure Plan 2004, saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration 2001.**
- 3. The applicant has failed to provide evidence to show whether the existing buildings and mature trees on the site contain bats. In the absence of this information the Local**

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**Planning Authority are unable to conclude that the development would not be likely to result in harm to this protected species or its habitat. As such the proposal is unacceptable and contrary to Government Guidance in Circular 06/2005 and Planning Policy Statement 9 : 'Biodiversity and Geological Conservation', saved Surrey Structure Plan 2004 Policy SE6 and saved Runnymede Borough Local Plan Second Alteration 2001 Policy NE20.**

- 4. The proposed development by reason of the scale, height and bulk of buildings, their siting, layout and form with small plot sizes, limited distances between proposed buildings and distance to the Green Belt boundary, provides an abrupt settlement edge in this transitional area between the urban area and Green Belt and would be detrimental to the visual amenities of the Green Belt and the area, contrary to saved Surrey Structure Plan 2004 Policy LO4, advice contained in Planning Policy Guidance Note 2 : 'Green Belts' and the Supplementary Planning Guidance 'Surrey Design' 2002.**

(Mrs S Colville, an Objector, addressed the Committee on the application)

**RU 07/1040**

**Central Veterinary Laboratory, Woodham Lane, New Haw, Addlestone  
Erection of new two-storey stores building (near to the M25 boundary) including four roof-mounted wind turbines.**

**DECISION: GRANT subject to Conditions and Informatives as per Agenda and to additional Condition requiring construction traffic to use main entrance/exit and not secondary means of access/egress from the site.**

**RU 07/1044**

**Walnut Tree Cottage, Church Walk, Chertsey  
Erection of 10 no. one-bedroom houses following demolition of existing dwelling and outbuildings.**

**DECISION: REFUSE for the following reasons:**

- 1. The proposal, by reason of the siting and layout of the buildings, the lack of on-site car parking, and the lack of suitable amenity space and outlook for future occupiers of units 8-10, would result in a cramped and contrived form of development, representing a piecemeal and backland form of development which would not integrate with or relate to the character and appearance of the surrounding area, and would not preserve or enhance the character or appearance of the**

**Chertsey Town Centre Conservation Area and fails to respect or improve the appearance and character of the area, contrary to saved Policies HO9, BE2, and BE5 of the Runnymede Borough Local Plan Second Alteration 2001, saved Policies SE4 and SE5 of the Surrey Structure Plan 2004, Planning Policy Statement (PPS1): Delivering Sustainable Development, Planning Policy Statement (PPS3) : Housing, Planning Policy Guidance Note 15 (PPG15) : Planning and the Historic Environment, By Design and Surrey Design.**

2. **The proposal, by reason of the lack of provision of on-site parking to serve the size of the proposed development and its location within an area with existing on-street parking difficulties, is likely to exacerbate the existing on-street parking situation and be detrimental to the visual amenities of the streetscene, contrary to saved Policy MV4 of the Runnymede Borough Local Plan, Second Alteration April 2001 and Adopted Supplementary Planning Guidance : Parking Standards 2001.**
3. **The proposal, by reason of the siting of the frontage building in close proximity to the existing Beech trees protected by Tree Preservation Order, and the internal layout of the buildings, is likely to lead to nuisance and loss of light to the future occupiers of the proposed dwellings particularly Units 1 and 2, which in turn is likely to lead to pressure to remove or significantly reduce the protected Beech trees to the detriment of the visual amenities of the surrounding area and the character and appearance of the Conservation Area, contrary to saved Policies BE5, HO9 and NE14 of the Runnymede Borough Local Plan Second Alteration April 2001, and saved Policy SE9 of the Surrey Structure Plan 2004.**
4. **The proposal, by reason of inadequate provision for the servicing of the development due to the lack of parking and turning space for refuse vehicles is likely to lead to a large number of refuse and recycling bins being left on nearby kerbsides for long periods causing inconvenience and hazards for pedestrians particularly blind or partially sighted people, wheelchair and pushchair users and be visually detrimental, contrary to saved Policies MV4 and MV12 of the Runnymede Borough Local Plan Second Alteration April 2001 and the Department of Transport's Manual for Streets 2007.**

5. **The applicant has failed to demonstrate that the development would incorporate energy efficiency measures and would provide a minimum of 10% of the energy demand through on-site renewable energy resources, contrary to saved Policy SE2 of the Surrey Structure Plan 2004 and PPS22 : 'Renewable Energy'.**

It was agreed that Informative 2 should be amended to read as follows:

*The applicant is advised that there are no surface water sewers in the immediate vicinity of the development. Please also note that the site is within the inner zone for the ground water source protection zone as defined by the Environment Agency. Only roof water is allowed to be discharged directly into the ground.*

RU 07/1128

Sayes House, Sayes Court Farm Drive, Addlestone  
Demolition of existing dwelling and erection of a 2½ storey building comprising 8 flats with associated access, parking for eleven cars and landscaping.

**DECISION: REFUSE for the following reasons:**

1. **The proposed single building, by reason of its height, scale, mass, bulk, layout and proximity to common boundaries would be out of character and would fail to integrate with the pattern and form of the surrounding properties in Sayes Court Farm Drive, constitutes an overdevelopment of the site and fails to respect or improve the character and quality of the area, contrary to saved Policy SE4 of the Surrey Structure Plan 2004, saved Policies HO9 and BE2 of the Runnymede Borough Local Plan Second Alteration 2001, the 'Surrey Design Guide', January 2002, Planning Policy Statement (PPS1) : 'Delivering Sustainable Development' , Planning Policy Statement (PPS3) : 'Housing' and 'By Design'.**
2. **The proposed development, by reason of its close proximity to the watercourse to the north of the site and the lack of a flood risk assessment to assess the impact of the development on any flooding issues in the area, having regard to the watercourse, is contrary to saved Policies SV1 and SV2 of the Runnymede Borough Local Plan Second Alteration 2001, and Planning Policy Statement 25 'Development and Flood Risk'.**
3. **The applicant has failed to provide a tree survey, arboricultural Method Statement and a tree protection plan in accordance with British Standard 5837 : 2005 'Trees in**

**Relation to Development' and as such the Local Planning Authority is unable to assess the impact of the development on the trees within and on the edge of the site, contrary to saved Policy NE14 of the Runnymede Borough Local Plan Second Alteration 2001 and saved Policy SE9 of the Surrey Structure Plan 2004.**

(Professor D Sines, an Objector, addressed the Committee on the application).

**RU 07/0665**

**12 Riverside, Egham  
Modification of Condition 2 and deletion of Condition 18 of planning permission RU 05/1047 regarding treatment of windows (to remove the obscure glazing screen from some of the flank windows and to use restricted opening mechanism).**

**DECISION: GRANT subject to Conditions, Reasons and Informatives as per Agenda and additional Condition and Reason as per Addendum.**

**RU 07/0924**

**1 Connolly Court, Virginia Park, Virginia Water  
Erection of a conservatory to rear of property.**

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

**(The Chairman used his second and casting vote in favour of the Resolution to grant permission).**

(Mr V Bramhall, an Objector, and Mr K Turner, Agent for the Applicant, addressed the Committee)

**RU 07/0933**

**Willows Nursery, Lyne Crossing Road, Lyne  
Retention of two areas of hardstanding in association with use of the land as a nursery.**

**DECISION: REFUSE for the following reasons**

- 1. The development, by reason of the construction and extent of the hardsurfacing in association with the parking of vehicles and the open storage of machinery and materials, is inappropriate development in the Green Belt, which is harmful by definition, and which is harmful to the openness and visual amenities of the Green Belt, contrary to saved Policy GB1 of the Runnymede Borough Local Plan Second Alteration 2001, saved Policy LO4 of the Surrey Structure Plan 2004, and Planning Policy Guidance Note 2: Green Belts. The development fails to improve the quality of the area contrary to Planning Policy Statement 1: Delivering Sustainable Development.**

2. **The Planning Authority do not consider that very special circumstances have been put forward in support of this application to justify the granting of permission contrary to Saved Policy GB1 of the Runnymede Borough Local Plan Second Alteration April 2001, Policy LO4 of the Surrey Structure Plan 2004 and advice contained within Planning Policy Guidance Note 2 (PPG2): 'Green Belts'.**

(Mr R Lester, Agent for the Applicant, addressed the Committee).

**RU 07/1074**

**Lyne Lane Civic Amenity Site, Lyne, Chertsey Consultation by Surrey County Council for amended details pursuant to Condition 2 of planning permission RU 06/0716 for the layout of the approved community recycling centre.**

**DECISION: NO OBJECTION to the proposal subject to the Recommendations as per Agenda and 2 additional Recommendations as below:**

- (i) The perimeter fencing must be improved to reduce the incidence of wind-blown litter onto neighbouring properties.**
- (ii) Prior to the implementation of the improvement works, publicity be given as to the duration of works and arrangements for waste disposal during construction period and to the sites situated at Martyrs Lane, Woking and Charlton Lane, Shepperton.**

**RU 07/1076**

**Merrywood Farm, 180A Almnors Road, Lyne Erection of two single-storey buildings with ancillary car parking to be used as a screening centre for search dogs following the demolition of part of the existing farm building.**

**DECISION: By reason of special circumstances, namely the personal circumstances of the applicant, the Committee determined to grant permission subject to the following Conditions :**

- (i) Planning permission should be personal to the applicant.**
- (ii) Permission restricted to maximum of 5 dogs.**
- (iii) Deliveries of noxious air samples restricted to between the hours of 8am to 5pm Monday to Saturday.**
- (iv) Landscaping of site in accordance with scheme to be submitted.**

**(v) No external lighting except as approved.**

**(vi) No external storage.**

(The Applicant, Mr S Ruby, addressed the Committee on the above application).

**RU 07/1160**

**Guards Polo Club, Smiths Lawn, Windsor Great Park, Egham**

**Erection of single storey Polo Club Pavilion building following the demolition of the existing pavilion and detached wooden horse building.**

**DECISION: GRANT subject to Conditions, Reasons and Informatives as per Agenda and additional Informative as per Addendum.**

**RU 07/1159**

**Guards Polo Club, Smiths Lawn, Windsor Great Park, Egham**

**Adjoining Authority consultation for replacement of existing Polo Club Pavilion building.**

**DECISION: Raise no objection.**

403. HARROW BOTTOM ROAD, LYNE – ENFORCEMENT

Authority was sought to serve planning enforcement notices requiring the above site be returned to its original “undeveloped” state which had existed prior to the taking place of the unauthorised development as detailed below.

The unauthorised development on this site comprised : the construction of a vehicular access onto Harrow Bottom Road, a new internal vehicular access from Harrow Bottom Road into the site, hardstandings within the site, a raised earth bund, retaining walls, unauthorised metal gates with attached solid screen, and, fencing along the northern boundary of the site.

The recent site history showed a number of planning applications and refusals in 2003 and 2005 relating to the erection of stables, an internal vehicular access and hardstandings within the site. These applications had been submitted by the previous owner of the site. The current owner had submitted one application, in December 2006, for the erection of stables on the site. This application had not been registered by the Council as it was considered to be invalid. It had been subsequently withdrawn by the applicant.

The initial enforcement complaint, in respect of the site, had been received on 12 February 2004. The previous owner of the land had constructed a new vehicular access, internal access road, hardstanding areas, an entrance gate, and an earth bund within the site without the benefit of prior planning permission. The current owner of the land had since constructed additional hardstandings within the site and a metal fence along the northern boundary extending to a height of 1.88 metres. In addition, he had attached a solid screen extending to a maximum height of 2.35metres to the entrance gate which had been erected by his predecessor. In order for such engineering operations to be considered lawful they would need to have existed on the site for a period of 4 years. Since the works in question had commenced in 2004, the engineering operations were thus considered to be unlawful and, therefore, subject to formal enforcement action.

Members noted the detailed Planning Considerations as set out in the report. Planning Policy Guidance Note 2 : ‘Green Belts’ (PPG2), in particular, advised that the statutory definition of development included engineering and other operations as well as the making of any material change in the use of land. The carrying out of such operations and the making of any material changes in the use of land were thus considered to be “inappropriate development” unless they maintained openness and did not conflict with the purposes of including land in the Green Belt. The proposed new vehicular access, internal access road, hardstanding areas, gates, fencing, bund and

wall were considered to be “extensive” within a sensitive Green Belt location. The site, prior to the construction of the above unauthorised developments, had comprised extensive areas of grassland. Furthermore, the internal access and hardstanding areas were not linked to any genuine agricultural or forestry uses.

By parity of reasoning, paragraph 3.8(b) of PPG2, which related to the re-use of buildings within a Green Belt, advised strict control over any associated uses of land which might conflict with the openness and purposes of the Green Belt. Extensive hardstanding and bunding, walling or fencing were examples of development which could affect the openness and purposes of the Green Belt. There was also concern that the development also detrimentally affected the visual amenities of the Green Belt.

The ownership of the site had changed in 2006, and, Runnymede was currently considering further unauthorised developments within the site relating to the siting of a caravan, storage containers, the erection of stables and the provision of a raised planter within the site. These unauthorised developments and uses would be the subject of a further report to the Committee, at a later date, should enforcement action be considered necessary.

The current owner of the land had been given the opportunity to submit a valid application for the erection of a maximum of 4 stables within the site and the erection of a hay barn with a total volume not exceeding 130 cubic metres, and not exceeding 4 metres in height. Officers had given some pre-application written advice suggesting support for such a proposal providing that the existing unauthorised stables, caravan, mobile storage containers and earth bund were permanently removed from the site. In addition, the applicant was requested to reduce the current level of hardstanding in order to reduce the visual impact upon the Green Belt. Unfortunately, the Council had not received a valid application from the owner within the prescribed time scales.

Members were reminded of the applicant’s rights in particular under Articles 1 and 8 of the Human Rights Act 1998 and that any action authorised must be a proportionate remedy in the circumstances of the case and be balanced against the identified harm to the Green Belt.

It was noted that Runnymede Council had given advice and provided the applicant with the opportunity to submit a valid planning application, in order to obtain a satisfactory form of development within this sensitive Green Belt location, which, if it had been acted upon, would avoid the need for formal enforcement action. The owner, however, had failed to submit a valid application within the prescribed timescale.

From the perspective of protecting the Green Belt Members agreed that it was important to ensure that the unauthorised vehicular access, internal access and hardstandings and gate did not become lawful. Since these had been commenced, initially, at the beginning of February 2004 they would become lawful development by February 2008 if no enforcement notice was issued to remove them.

The owner had been given sufficient opportunity to submit a revised application but this had not been received by the Council and, therefore, it remained unclear as to whether the applicant did intend to submit a full planning application in line with Officer’s written advice.

In deciding the course of action now to be taken, Members agreed that it was essential that enforcement notices should now be served on this site before the unauthorised developments became lawful, but, the owner should be given an adequate compliance period of six months in view of the current uncertainties. This, it was felt, would allow the owner sufficient time to provide solutions to his inherited dilemma.

The Committee was also advised that should the landowner decide to exercise his right of appeal, this case was likely to be determined by a Public Inquiry. Such an Inquiry would incur costs which might require a supplementary estimate if the current year’s budgetary provision was overspent.

**RESOLVED that –**

- (1) the Director of Administration and Leisure be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) requiring:**

- i) **the removal of the unauthorised widened vehicular access onto Harrow Bottom Road, the internal vehicular access and hardstanding areas, and the removal of all the resultant materials, debris and rubble from the site;**
  - ii) **the removal of the raised bund and retaining wall, and the removal of all the resultant materials, debris and rubble from the site; and**
  - iii) **the removal of the metal gate and metal fencing along the northern boundary of the site, adjacent to Harrow Bottom Road, and the removal of all the resultant material from the site;**
- (2) **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 this Notice once effective is not complied with.**

**Reasons for Issuing Enforcement Notice**

1. **The unauthorised metal gates, attached solid screen and metal fencing would by reason of their height, positioning, length and design represent a hard, intrusive and urbanising feature which is detrimental to the openness and visual amenities of the Green Belt and contrary to the purposes of the Green Belt, contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policy LO4 of the Surrey Structure Plan 2004 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001.**
2. **The unauthorised widened vehicular access onto Harrow Bottom Road, the internal vehicular access and hardstanding are inappropriate and harmful developments in the Green Belt which are hard and intrusive developments which spread across the site and are detrimental to the openness and visual amenities of the Green Belt, contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policy LO4 of the Surrey Structure Plan 2004 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001.**
3. **The unauthorised raised bund and retaining wall are inappropriate and harmful developments within the Green Belt and given the height, width and length of the bunding and retaining wall would have a detrimental impact upon the openness and visual amenities of the Green Belt, contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policy LO4 of the Surrey Structure Plan 2004 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001.**
4. **The Planning Authority do not consider that very special circumstances have been put forward in order to justify the granting of planning permission, contrary to saved Policy LO4 of the Surrey Structure Plan 2004, and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001, and advice contained within Planning Policy Guidance Note 2 : 'Green Belts'.**

404. **FINANCIAL MONITORING STATEMENT**

The Committee noted the latest financial projections for the 2007/08 financial year for Planning and Development services.

405. APPEAL DECISION

The Committee noted that the Planning Inspectorate had recently determined the appeal mentioned below.

<u>Site/Development</u>	<u>Decision</u>
28 Meadow Way, Addlestone – Planning appeal regarding erection of two semi-detached bungalows with two semi-detached garages (07/0420)	DISMISSED

406. 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 10.02 pm)