

Runnymede Borough Council

ECONOMIC DEVELOPMENT COMMITTEE

17 September 2009 at 7.30pm

Members of the Committee present: Councillors P I Roberts (Chairman), D A Cotty (Vice-Chairman), A Alderson, J Broadhead, H A Butterfield, Mrs C E Gant, Mrs G M Kingerley, L C Pouyanne, A S T Ridge-Newman and P Taylor

Members of the Committee absent: None

Councillors Mrs P Broadhead, J R Furey, J Edwards, Mrs L M Gillham, Mrs Y P Lay, H W V Meares, P J Waddell, Mrs G Warner and J J Wilson also attended.

265. FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

266. MINUTES

The Minutes of the Special Meeting of the Committee held on 13 August 2009 were confirmed and signed as a correct record.

267. AIRTRACK – TRANSPORT AND WORKS ACT APPLICATION

Members' views were sought on a response to the proposed Transport & Works Act application which would facilitate the Airtrack proposals for new rail access to Heathrow Airport. Officers had prepared a detailed and most comprehensive report for which they were complimented.

It was reported that the consultation period for the application would expire on 18 September 2009. All representations received at that time would be considered by the Planning Inspectorate and a Public Inquiry to look into these comments was to take place in the early part of 2010.

The Transport & Works Act application was reported as being wide ranging in its scope encompassing the many facets of the construction process. It would give the necessary legal powers to: construct and maintain works; alter the layout of streets and for the execution of street works; issue stop notices in streets to create access to works; construct bridges or tunnels where appropriate; acquire land and also grant planning permission for the works.

The only construction works proposed within this Borough were some minor works to the railway just before it crossed the River Thames in close proximity to Riverside Drive and Coopers Close. These works were not considered to be significant but they did give RBC the rights of a "statutory objector" and appearance at any forthcoming Public Inquiry.

The main concern to Runnymede residents was level-crossing barrier down-times and whilst the application recognised that there would be significant effects at level crossings there were no specific proposals to deal with this. Indeed, the application stated that *"any solution will not be part of the Airtrack scheme"*. Members also noted that this important subject was dealt with in an entirely separate volume of the Environmental Statement.

Whilst recognising the potential economic and public transportation benefits associated with the development of Airtrack, the problems relating to level crossing barrier down-times in Egham had led to the Council's continuing support for Airtrack being conditional upon the improvements to the level crossing infrastructure.

This problem had been further exacerbated, over recent years, where half-barrier crossings had been replaced with manually operated full-barrier crossings causing an increase in barrier down-time.

There had been a number of consultations by Heathrow Airtrack over recent years, the last of which was late in 2008. Some 70% of the response to the consultation was just in relation to level crossings in Egham.

For some time Officers had been working closely with Heathrow Airtrack, Network Rail and Surrey County Council in order to provide accurate survey data with regard to barrier down-times as well as working on a range of infrastructure improvements involving both road and rail to alleviate the existing problems.

The Impact on Runnymede

i) Impact on Chertsey Station

The estimated increase in station usage from 2015 to 2030 was appended to the report. Increased passenger numbers at Chertsey, Woking and Guildford were predicted to rise by less than 5%. In relation to both Woking and Guildford, these numbers were quite significant but at Chertsey the number of extra passengers would be no greater than 15 passengers per day by 2030. Members challenged this prediction believing that numbers would be much greater as it appeared not to take into account passengers using the Heathrow Express or other services for other stations.

Despite the two short platforms at Chertsey, the predicted change in number of passengers at this station was unlikely to give rise to a significant effect in terms of station use. It was not considered that this increase would cause particular problems in terms of local parking facilities. Members were not convinced that this was true.

The South West Main Line Route Utilisation Strategy (2006) had indicated that a programme of platform lengthening to accommodate 10/12 car trains was scheduled to be completed by 2014. Clearly this would have implications for the number of passengers at stations, and a parking demand management plan would be needed as part of any such station improvements. However, this was something that was proposed by Network Rail, rather than Airtrack and was a matter for separate consideration when such proposals came forward.

Impact on Level Crossings

To inform this part of the Environmental Statement, additional survey work was carried out in the Spring of 2009 in relation to the four level crossings in Egham and the one in Addlestone. These were conducted over an entire 12 hour day (07.00 to 19.00).

In terms of the Runnymede level crossings, Airtrack would double the number of passenger trains in each direction every hour, from 4 to 8.

The impact on individual crossings was reported as follows:

- Thorpe Road, Egham Hythe would have 15 minutes more closure time per hour; (Average daytime closure per hour – 37 minutes)
- Vicarage Road, Egham, would have up to 12 minutes more closure time per hour; (Average daytime closure per hour – 38 minutes)
- Station Road, Egham, would have 13 minutes more closure time per hour; (Average daytime closure per hour – 34 minutes)
- Prune Hill, Rusham Road, would have 4¹/₂ minutes more closure time per hour; (Average daytime closure per hour – 15 minutes)
- At Addlestone there would be 7 minutes more closure time per hour; (Average daytime closure per hour – 21 minutes)
- At Chertsey, the impact would be negligible. (Average daytime closure per hour – 18 minutes)

The impacts on both Chertsey and Addlestone were considered to be less severe than Egham because alternative routes were available : the bridge over the railway line at Chertsey and the alternative route via Woburn Hill in Addlestone.

Some of these facts were questioned by Members as some felt that the barrier down-time calculations were based on minimum impact and thus these did not fully take into account rush-hour operations, unscheduled light engine and other freight train movements which took place during the day. It was felt that max/min barrier down-times rather than average should be used in the calculations in order to give a more accurate picture. Members also speculated that if this was done then barrier down-times would be shown to be longer in duration which they suspected would be the case. Furthermore, the notorious effects of weekend engineering work which disrupted local timetables appeared to be totally ignored. No draft rail timetable had yet been produced for the scheme. Improved signalling could also improve barrier down-times if there was a commitment to improve this part of the infrastructure. As regards traffic alleviation measures in the areas concerned there was an urgent need to establish traffic flows/ modelling at various times of the day and at week-ends as well as identifying "rat-runs".

The adequacy of the environmental statement was then discussed. Officers had carried out a partial review of the content of an Environmental Statement (ES) submitted in support of the Transport and Works Act 1992 Order application for Heathrow Airtrack for completeness. Whilst the Environmental Statement acknowledged that at Thorpe Road, Vicarage Road and Station Road, in Egham, the Airtrack proposals would have a severe adverse and significant effect on traffic and community in these locations Officers considered it to be incomplete due to the following omissions:

- The ES failed to provide the data required to assess the main effects the proposed development would have on the receiving environment; particularly as data was omitted for the assessment of cumulative effects such as effect on air quality due in part to modified barrier operation. Data was also required to support and justify assumptions made in the ES regarding significant NO₂ reductions;
- The ES also failed to provide a complete outline of the main alternatives studied and an indication of the main reasons for their choice, taking into account the environmental effects; particularly alternative barrier operations; and
- By virtue of the above omissions, it was impossible for this ES as submitted to pass the test of providing a description of measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects.

In order to address identified shortcomings within the ES, Members agreed that the Secretary of State should be urged to issue to the applicants a formal Regulation 19 request for the additional information prior to determining this application.

Possible Solutions

The Transport & Works Act application had identified the severe environmental impacts of Airtrack on level crossings in Runnymede, but proposed no works to alleviate this. Whilst it was recognised that this was an existing problem, Airtrack would further exacerbate this and to do nothing practical about it was completely unacceptable. Members fully endorsed this sentiment.

Officers had been working with the Heathrow Airtrack Consultants, Surrey County Council, and Network Rail to try and identify proposals that would provide some relief to the highway congestion that would be caused.

It was clear that the manually operated level crossing barriers in Egham were not managed on a consistent basis. The signaller was based in Feltham and was required to deal with a number of crossings and the barrier down time varied considerably depending on what other work the signaller was dealing with.

Consequently, a number of possible solutions were being discussed with Network Rail, including the use of a dedicated signaller at Feltham signal box, and the use of new

automated 'predictor' systems utilising CCTV and radar to scan crossings and close barriers automatically.

The second aspect that was being actively pursued was the possibility of a bridge or tunnel which would enable traffic to by-pass the level crossing entirely. This was something which for cost and practical reasons could only be provided at one of the level crossings, not all three.

The Vicarage Road crossing was by far the busiest in the area and also had the largest amount of land available in the immediate vicinity. Technical work had demonstrated that a bridge capable of taking HGVs was not possible because of the gradient needed to get over the railway line and then down under the M25 bridge. Whilst it might be possible to construct a bridge that would take cars only, the prospect of HGVs turning round in the road would simply replicate problems that already existed at the Byfleet Road bridge leading to Brooklands.

In terms of technical feasibility it was possible to provide an under-pass suitable for all types of vehicles under the railway line at this point, subject to it being a 20 mph speed limit. This would require the removal of one residential property and would also affect access arrangements to some other residential properties in the immediate area. However, there were no proposals, at present, to provide this by either Surrey County Council, the Department for Transport or Heathrow Airtrack.

The third aspect of work that was being carried out had looked at the wider highway network, because of existing constraints in the area, there was concern that even with an under-pass traffic would not move in an unrestricted fashion because of other bottlenecks nearby. For example, the Runnymede roundabout was a constraint on movements, as was the roundabout immediately adjacent to Staines Bridge.

Surrey County Council had already designed an improvement scheme for the Runnymede roundabout, which would increase capacity and also reduce the number of vehicles entering onto it from the M25. Other technical work was also under way, including looking at realignment of the mini roundabout in Egham, as well as the potential for widening Thorpe Road and signalisation of the Staines Bridge roundabout.

It was appreciated that looking at the highway network including Egham in its entirety, as well as feeder roads into Staines Town Centre, was very complicated and time consuming. Surrey County Council had dedicated substantial resources to this project and work continued. However, with the implementation of a possible under-pass, as well as improvements to Runnymede roundabout, there were technical solutions which, taken together, might provide a real impact on the existing and potential problems of delays at level crossings. The investigation of potential funding streams for these highway works continued. Members agreed that whilst Heathrow Airtrack were working with Officers in terms of looking at solutions and had funded survey work and continued to be supportive, the engineering solutions should benefit from at least partial funding by Heathrow Airtrack. Since this aspect was not part of the application, objection should also be made in respect to this particular issue.

Resource Implications

Members were advised that it was anticipated that the representations would be examined at a Public Inquiry, but the length of this could not be judged at this stage. Runnymede would present its evidence via an appropriate Officer and the employment of additional expert witnesses was not anticipated. Legal representation and advice by Counsel would, however, be needed to support the case. It was currently estimated that the costs to Runnymede would be in the order of £10,000. There was no budgetary provision for this and a supplementary estimate would be required in due course.

Members agreed that Officers should continue to work with Surrey County Council, Network Rail, and BAA Airtrack to further develop the technical justification and feasibility for road and rail infrastructure improvements, so that these might be presented at the Public Inquiry as

potential solutions to this issue and to continue to seek avenues for funding for the proposed infrastructure solutions.

RESOLVED that –

- i) Objections be raised to the Transport Works Act application for the following reasons:**
 - a) that impact on level crossings in Runnymede is identified to be severe, but that no alleviation measures are proposed (including funding of provision by others);**
 - b) alleviation should be provided in the form of an underpass at one level crossing in Egham and improved signalling at the other crossings in Egham and Addlestone;**
 - c) provision should be made for improvements at the Runnymede roundabout, the mini-roundabout at the junction of Vicarage Road and High Street, Egham, in Thorpe Road and other works as necessary to improve traffic flows away from level crossings;**
 - d) in terms of air quality, the applicants have failed to indicate whether they have taken into account the cumulative impact of existing Air Quality Management Areas (M25 motorway and Addlestone) as well as traffic generated pollution from other major proposed developments in the area including the 2,500 dwellings proposed at the former DERA site, Longcross, potential mineral extraction at Milton Park Farm, Egham and a proposed incinerator on land adjoining Trumps Farm, Longcross and any large scale development proposed in adjoining Boroughs;**
 - e) in terms of air quality, the applicants have failed to demonstrate the assumptions used to suggest that NO₂ concentrations close to level crossings in Egham will reduce in the period between 2009 and 2015;**
 - f) the business case for the scheme assumes that the new rail services can be added without detriment to existing rail services. However, the applicants have yet to provide a draft rail timetable for the scheme. The Council needs assurance that the new airport services can be accommodated on the existing network without reducing existing services or the capacity of the rail network to allow for future growth in rail travel;**
 - g) there are concerns that the Transport Assessment for Chertsey station may underestimate passenger numbers, as it appears to not include passengers using the Heathrow Express or services for other stations. If passenger numbers are greater than assessed, then no mitigation in terms of additional parking is allowed for this impact;**
- ii) the Secretary of State for Transport be urged to issue a Regulation 19 request under the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulation 1999 requiring that the information deficiencies identified in the objections above and elaborated in the Agenda report and the Appendix to this report be addressed by the applicants;**
- iii) Officers continue to work with Network Rail, Surrey County Council and Heathrow Airtrack Consultants, to identify infrastructure improvements to relieve level crossing barrier down-times, including funding arrangements; and**

iv) Officers prepare a detailed case in respect of the future Public Inquiry to elaborate on these issues.

268. REVIEW OF OFF-STREET CAR PARKING CHARGES

Under its annual remit to review charges, the Committee gave due consideration to an Officers' report noting the background information and recent history of parking charges in the Borough.

The current charges were presented in a table together with another showing a comparison of Runnymede parking charges with other Surrey and neighbouring Councils.

During the financial year 2004-2005, the car parks had run at a considerable deficit of £136,000. Following the increase in charges in January 2006, part-way through the financial year, the deficit was reduced to £15,000. Over the last three financial years, the service had operated at a surplus: 2006-2007 £83,000; 2007-2008 £126,000, and, 2008-2009 £71,000. The budget for the current year assumed a surplus of £26,000. The apparent reduction in income in 2008/09 was partially due to the application of Capital Charges of approximately £40,000. This was part of normal accounting procedures. Members noted that the surplus had reduced as a result of the need for a revaluation of car parks and increased staff costs.

The usage of car parks was dependant on their location across the Borough and varied between short-term parking to predominantly all-day commuter and business users parking. An analysis of the percentage of tickets sold in each car park for the various tariff periods was also noted. Information reported to Members indicated that between April and July 2009, as compared with the same period in 2008, sales had remained stable and, indeed, in the case of lower tariffs had increased. However, in the case of the long-term 'commuter' car parks, Waspe Farm, Egham and The Bourne, Virginia Water income had fallen off by some 20%. As these car parks tended to be used by commuters this might be attributable to the current economic situation and consequent job losses particularly in London. Other Surrey Councils were reporting similar trends.

However, the introduction of new lower 'out of town centre' tariffs, for Englefield Green and Pooley Green, seemed to have been well received with increases of usage. Verbal feedback from local businesses had been complimentary in response to the introduction of the lower tariffs.

Penalty Charge Notices issued for contraventions in car parks for the last financial year had resulted in a return of £74,462 (excluding vat) as compared with £94,465 in the previous year. The number of fully paid tickets was 2549 during the last year and 2275 in the previous year. Reduction in the income was also due to the fact that most Penalty Charge Notices issued in car parks were payable at the lower rate since the introduction of differential penalties under the Traffic Management Act at the beginning of the last financial year but a reduction in the issue of Penalty Charge Notices could also result from drivers realising that car parks were regularly policed.

The planned development of the Precinct Car Park in Egham was likely to start in the next financial year (2010/11). This would affect the amount of available parking in Egham during the development but the Borough would be compensated for lost income. Officers were currently discussing the possibility of the Borough's Parking Service managing the new car park within the development in future. This would only be done if it was financially viable for the Borough. Similarly, the Borough Valuer was currently negotiating with a developer over a proposal to construct a supermarket on the site of the Memorial and Bourne car parks in Virginia Water. This could result in the loss of income from these car parks but the Valuer would negotiate compensation for the Council for the loss of income.

As regards car park season tickets and contract parking, income from the sale of these permits was £61,077 in the last financial year (2008/09) as compared to the previous year of £47,238 (2007/08). The cost of the annual permits had been increased in January from £400 to £500. Some holders had not renewed expiring permits possibly as a result of this increase or for the fact that businesses had closed down. The full implications of the increase would not be known until next year. As regards contract parking in Bemonds Row and White Hart Row, Chertsey income was similarly down since a number of holders had vacated their bays in recent months. The economic climate was quoted as the main reason for this.

Arising from the recent Park Mark award scheme a customer survey had been carried out in June 2009: 24% of respondents found the charges to be very reasonable, 36% acceptable and 40% too expensive. (Return of 49 responses, 10% of the survey forms handed out). The question relating to 'Overall satisfaction with the parking facilities' had resulted in 76% respondents who were 'happy' with the facilities and 24% who were 'not happy'. As part of the On-Street Civil Enforcement Agreement with SCC, the Council had similarly consulted SCC. The Chairman of SCC's Local Committee for Runnymede had responded and whilst SCC supported measures to reduce on street car parking it had concerns with any increased charges which resulted in additional demand for parking on the public highway. They had requested that all charges were kept under review to ensure they were appropriate to the location

Officers presented the Committee with three options:

Option 1 which gave 'modest' increases;

Option 2 which gave more 'significant' increases; and

Option 3 which kept the existing charges 'unchanged' until a further interim review could be carried out, in January 2010, when more data would be available to assess whether increases in charges would achieve increased income.

Officers supported each of the above three Options with a detailed critique.

During the resulting discussion Members noted that there were now clear indications that the use by commuters of car parks and the renewal of season tickets by them were both reducing thus reflecting the current economic situation.

Members agreed that whilst some positive public response to the reductions in short stay charges in the out of town car parks had been reported it was likely that any increase in these charges could lead to resentment and a reluctance to use the facilities thus resulting in reduced usage and, therefore, income. This was a view clearly supported by traders.

In considering the level of car parking charges to be set, the Committee needed to carefully balance the Council's stated policy of fostering economic prosperity in the Borough, with strong, local businesses and vibrant town centres, against the need to increase income from parking.

After discussion, Members concluded that in view of the continuing downturn, the prudent course of action would be to adopt an *Option 3* approach which kept the existing charges unchanged until a further interim review could be carried out when more data would be available to assess whether increases in charges would achieve increased income.

On this latter point Officers had further recommended that, in future, Reviews of Off-Street Parking Charges should be considered in the January meeting cycle of each year with implementation of any changes being made in the following April. The following reasons were cited:-

- It would make reporting much easier with only one financial year to contend with. Not using the Council's year-end meant that, at present, several manual adjustments over two financial years were needed in order to attain the correct figures;
- It would bring Runnymede in line with most other Councils thus making inter- authority comparisons much easier;
- It would allow time for other authorities to establish their proposals before RBC finalised its proposals;
- The January meeting cycle would allow fee-setting and the budget setting process to take place at the same committee meeting.

Members also supported this recommendation and it was agreed that a review of car park usage and parking trends, with special attention to commuter car parking, should be carried out by Officers early in the New Year for report to the January 2010 meeting of the Committee.

RESOLVED that

- i) **no changes be made to the Council's car park tariffs before April 2010; and**
- (ii) **a further Car Parking Charge review report be made by Officers in January 2010.**

269. COUNTY-WIDE CAR PARK SEASON TICKETS FOR SCC SOCIAL CARE WORKERS

Members were asked to consider acceptance of the provision of a County wide parking permit for Surrey County Council (SCC) social care workers so they might use Borough Council car parks without having to buy a parking ticket at each visit. Currently Social Care staff were required to purchase individual tickets and to then reclaim re-imbusement

Surrey County Council's Business and Administration Manager for Children Schools and Families had asked members of the Surrey Chief Technical Officers Association (SCTOA), in May 2009, to consider the feasibility of introducing a County wide car park permit for use by the County Social care team. This would enable them to park in any of the local Borough operated car parks throughout the County. It was proposed that a charge per permit would be agreed and that the income from the permits would be shared amongst all the Boroughs and Districts participating.

A pass that was valid in all the car parks would dispense with the need for staff to carry significant amounts of change and the approval of such a scheme would also have the benefit of dispensing with the administrative process of reimbursing this number of staff with individual parking charges. SCC would need a total of about 500 permits.

After further investigation, SCTOA had suggested that the charge per permit should be half of the average charge of the permits offered by the participating Boroughs. This meant that the current permit charge would be £325 per permit if all the Boroughs and Districts agreed to participate. The cost of a season ticket for Runnymede's car parks was currently £500.

For five hundred County-wide season tickets SCC would pay a total of £162,500. Runnymede's reimbursement based on equal division between all eleven participating Borough and District Councils would be about £14,700. There would be no additional staffing resource implications for Runnymede.

Since SCC was unable to provide details of their Care Worker's actual usage of Runnymede's car parks, a direct comparison between the potential income from these season tickets with the potential income if Care Workers paid at each visit was not possible. However, as the Council's total income received from season ticket sales in 2008/09 was £72,300 the re-imbusement figure proposed seemed reasonable.

It was noted that the Council's Off Street Parking Places Order would need to be amended to allow SCC Social Care Workers to park free of charge in the Borough's pay and display car parks. It was emphasised that the necessary permit must be clearly displayed.

Members agreed that this policy could be seen as improving access and supervision by social care workers to those vulnerable members of the community living in the Borough. Whilst the provision of these car park passes could be argued as encouraging the use of cars, the use of alternative cross-County public transport was impractical.

RESOLVED that -

the Council agrees in principle to the sale of county-wide parking permits to SCC for use by their social care workers in Borough operated car parks and authority be delegated to the Director of Technical Services and the Director of Finance to agree the charge to be made for these permits and the mechanism for sharing the income amongst the participating Boroughs and Districts.

270. FINANCIAL MONITORING STATEMENT

The Committee noted the latest financial projections for the 2009/10 financial year for Economic Development services. Particular attention was drawn to the current year key budgets relating to Pay and Display income and Penalty Charge income both of which were above target. As regards

Yellow Bus Sponsorship and Donations, Members were advised that major sponsors paid in January each year and so the budget and forecast was yet to reflect this.

271. HAMM MOOR SITES MASTER PLAN FOR SALE AND DEVELOPMENT

By resolution of this Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

Members were advised of preliminary urban improvement initiatives currently under way at Hamm Moor. The Committee's agreement for Officers to continue investigation was also sought.

The Council - owned property involved in the initiatives comprised:

- i) the former Third Addlestone Scouts site (wound up in 2008);
- ii) the former Hamm Moor Allotments;
- iii) the Hamm Moor Recreation Ground and
- iv) two dwellings.

All the Council's land was either not in active use or was being used sub-optimally.

Hamm Moor Recreation Ground had been acquired by the Council from the adjoining owner, Dentsply Plc, under a planning agreement in conjunction with planning permission for a large warehouse. The site retained by Dentsply had recently been refused planning permission for redevelopment, and this decision was upheld by the Planning Inspector on appeal last June principally on design grounds.

A further dwelling was owned separately by a private landlord who had approached Officers with a view to a joint development of the landholdings.

Members agreed that as the land and property was either not being used, or was in use sub optimally it was appropriate for the Council to now begin to consider the best future use of assets in this location. An opportunity had now arisen, following the vacation of the adjoining premises by Dentsply, to masterplan and improve the Hamm Moor area. The earlier pattern of landownership was less fragmented than was currently the case, and the Council/ Dentsply ownerships could now create a more natural relationship with the Wey Navigation Conservation Area. Thus, there existed the potential for a capital receipt within three to five years plus benefits in kind arising from an enhanced Conservation Area with improved open space facilities.

Three initiatives were therefore being considered by Officers as follows:-

- a) the preparation of a masterplan over the three ownerships.
- b) the exploration of a partnership arrangement with Dentsply Plc. .
- c) an informal market testing exercise to establish the potential strength of interest from property developers of substance.

The legal, planning and technical considerations, together with the environmental implications were also noted.

After discussion it was

RESOLVED that -

- i) **Officers be instructed to consider further the development opportunities on these sites by examining all the material planning issues and, if appropriate, preparing planning/ development briefs to guide those who may wish to develop the sites;**

- ii) **the terms of the future land partnership be explored with Dentsply Plc further and reported back to Members; and**
- iii) **should the further investigation described above indicate the viability of a development including the housing properties referred to, the Housing and Community Services Committee be consulted on their possible release.**

272. LAND AT MARLEY CLOSE, HARE HILL, ADDLESTONE

By resolution of this Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

Members' approval, in principle, was sought to the release for sale and development of the former Ongar Hill brick field fronting Marley Close in Rowtown. The land was now laid to grass and comprised an area of just under one acre and was positioned within the urban core, outside the Green Belt and all flood zones.

Officers had previously explored the possibilities of selling and developing this land. The land was a remnant left over from the original housing scheme in the 1950's. It had been used as an open amenity area, although adjoining land originally part of the same space had been developed for community voluntary organisations such as the Hare Hill Social Club and Samaritans. After an initial dialogue in July 2009, the Council had received a proposal from Runnymede Homes (South East) Limited, a local housing developer, to acquire the site. The Developers had supplied a detailed financial appraisal. The financial and legal implications were noted and it was confirmed that none of the legal issues constituted a level of risk that would deter the authority from moving forward to the next level of investigation.

The Borough Valuer, however, remained to be satisfied on the question of achieving "best consideration reasonably obtainable" in the land disposal and consequently further negotiations were continuing with Runnymede Homes (South East) Limited. The site might need to be advertised for sale but the existing presence of an interested developer might assist in an assessment of ability and interest by other applicants from the property market if this proved necessary.

If the Committee was agreeable to disposing of the site, it would be necessary to first consider the development opportunities by examining and establishing all the material planning considerations. It was possible that the preferred option would be to prepare a planning/development brief for this site. This would examine the planning options and set out guidance for those who wished to develop the site including options arising from a reduction in public open spaces. Members were happy to agree this and wished the adjoining land, some of which had been leased, to be included in the investigation.

RESOLVED that

- i) **consideration be given to the development opportunities on this site and on the adjoining land in the Council's ownership by examining all the material planning issues and, if appropriate, preparing planning/development briefs to guide those who may wish to develop the sites;**
- ii) **following assessment of the planning options for the site, if appropriate, Runnymede Homes (South East) Limited be invited to submit a planning application informed by this assessment**

273. PALMER CRESENT, OTTERSHAW – POTENTIAL SALE AND REDEVELOPMENT

By resolution of this Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

This land had been acquired by the Council as amenity land on 19 June 1986, pursuant to a Section 52 Agreement in connection with planning permission for housing development.

This was an informal open space used for children's games. There was a small play area, consisting of swings and a double tower unit for 5-9 year olds. The play area was on the refurbishment list and the nearest other open spaces were approximately 400m away at Hare Hill and Timber Hill.

Members were advised that the Council had received a proposal from Runnymede Homes (South East) Limited for the provision of 14 new private houses, subject to planning permission. The prospects for a successful planning consent were not unreasonable as the site was (a) within the urban core, and (b) entirely outside the flood plain and Green Belt.

The terms of the offer to the Council were noted and also that the development scheme would provide for a resited play area fronting Palmer Crescent.

Members noted that the proposal conformed with existing policy H2 of the Sustainable Community Strategy regarding the delivery of general housing numbers consistent with local need. The proposal would, in essence, supply 14 additional family homes to the community without cost to the authority.

The Borough Valuer, however, remained to be satisfied on the question of achieving "best consideration reasonably obtainable" in the land disposal and consequently further negotiations were continuing with Runnymede Homes (South East) Limited. The site might need to be advertised for sale but the existing presence of an interested developer might assist in an assessment of ability and interest by other applicants from the property market if this proved necessary.

Officers advised that if the Committee wished to dispose of this site, it would be necessary to consider the development opportunities by examining and establishing all the material planning considerations. In this event, it was likely that the preferred option would be to prepare a planning/development brief. This would examine the planning options and set out guidance for those who wished to develop the site. Members particularly wished the adequacy of local play provision for children up to 12 to be considered.

RESOLVED that –

- i) consideration be given to the development opportunities on this site by examining all the material planning issues, including adequate play provision, and if appropriate preparing planning/development briefs to guide those who may wish to develop the site;**
- ii) following assessment of the planning options for the site, if appropriate, Runnymede Homes (South East) Limited be invited to submit a planning application informed by this assessment.**

274. 43/43A GUILDFORD STREET, CHERTSEY – PROPOSED DISPOSAL

By resolution of this Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

The Committee's authority was sought for the sale of these premises by public auction.

This property was one of many properties acquired as part of the land assembly exercise for the Chertsey revitalisation project. Part of its grounds were used to form the site for the Culverdon House office building on Eastworth Road. The building had been refurbished as part of the revitalisation project and it was decided at that time to retain it "to let" and thus be managed within the investment portfolio.

The letting history was noted including a previous Committee consent for the sale of the freehold interest in this building to the lessees and a new investor who wished to form a business partnership and make improvements to the building. This sale had not proceeded for many reasons and it had not been helped by the growing economic difficulties with the resulting "credit crunch".

Despite revising the sale figure downwards, there was continued unwillingness to complete the purchase and Officers had finally advised the investor that further negotiation would not be entertained and should this final figure prove unacceptable, then the Council would consider other options for the property, including the possibility of re-letting. A lower offer was then received but further negotiations were not progressed.

It was felt that a private treaty sale at a lower figure in uncertain economic conditions, without prior market exposure would make the demonstration of best value problematic and as the purchaser had reneged on previous agreements Officers had no confidence a sale would be achieved. Since then the options for this building had been re- considered and Officers now believed that a sale by auction should be pursued for the following reasons:

- i) It should guarantee the Council a capital receipt to a pre-determined timescale.
- ii) It would demonstrate market exposure.
- iii) It would satisfy the best value obligations.
- iv) It would dispose of an asset that provided no strategic benefit through ownership for the Council.
- v) Depending on the performance of this property at the sale, it was envisaged that the proceeds should, at worst, provide the bulk of the purchase sum required for the purchase of another property, of which the decision to purchase had been taken at the last meeting

Members were reminded that at a previous meeting they had expressed a wish to include a restrictive covenant or "claw back" clause in the disposal, that would allow the Council to benefit financially from any future grant of change of use of the building. If this position was maintained at auction Officers considered that it would have a detrimental effect, limiting the maximum value achievable and might cause developers/entrepreneurs not to bid therefore being detrimental to the Council's interest in seeking to achieve a sale and maximum receipt.

Alterations to the structure or changes of use of the building would be controlled by the planning system and as the building was situated in the Conservation Area and was listed by its association with the adjoining public house the Council would have sufficient influence over the future use or alteration of this property. Furthermore, a freehold sale by auction would conform with best value policy in the Sustainable Community Strategy and Corporate Plan.

The auctioneer's representative had inspected the building and considered the available comparable evidence, had recommended a maximum reserve figure of £205,000. This price was felt to reflect the present market uncertainty, the complex nature of this building, its merits and the existing planning consent to enlarge. However, the Borough Valuer considered that this valuation was cautious and he hoped that a significantly better figure could be achieved in the prevailing market conditions. Whilst the alternative option of delaying a sale until market conditions further improved was possible, there was limited prospect of re-letting the premises in the interim on a short term basis. Should the building remain empty, ceteris paribus, there would be liability to pay Empty Business Rates in the financial year 2010/2011. On balance, Officers considered that a capital receipt was of greater value to the Council at this time and the capital receipt would assist with the purchase of another property.

RESOLVED that –

the Director of Administration and Leisure be authorised to sell 43/43A Guildford Street at the Savills auction scheduled for 26 October 2009, at a reserve figure of £205,000, without a covenant or claw back clause being included in the contract and subject to such other terms as he sees fit.

275. YARD MEAD, WINDSOR ROAD, EGHAM – POSSIBLE SALE

By resolution of this Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

Members were asked to approve the freehold sale of land at Yard Mead. The Council had originally bought this paddock, comprising one third of an acre, in 1961 for a nominal sum. The land was a short haul from a major slipway on the River Thames situated inside the Green Belt and all Flood Zones, which severely curtailed its future development potential.

The Council had been approached by two individuals making separate but similar financial offers for its freehold interest.

The higher of these two offers was £41,000 and the prospective purchaser's intention was to store his boats plus ancillary equipment in the hut currently situated on the land.

The lower of these two offers was £40,000 and that prospective purchaser's intention was to use the land for grazing and the storage of electrical equipment.

It was reported that the grazing licence was worth £450 per annum which would terminate as a result of the proposed sale.

Members, whilst minded to sell to the purchaser offering the higher of the two offers, were mindful of the loss of direct control over the use of the land. If breaches of planning law were to occur in the future the Council would have to take expensive enforcement action to remedy the situation and the Committee therefore asked Officers to include in the transfer a time-limited covenant that would restrict the use of the land to the storage of boats and ancillary items.

RESOLVED that –

- i) the Director of Administration and Leisure be authorised to agree terms for the sale of this land for £41,000; and**
- ii) a covenant be included in the transfer restricting the land use to the storage of boats plus ancillary items, the covenant to have effect for a period of five years.**

Chairman

(The meeting ended at 9.14pm)