

Runnymede Borough Council

PLANNING COMMITTEE

14 July 2010 at 7.30pm

Members of the Committee present: Councillors G B Woodger (Chairman), D W Parr (Vice-Chairman), J R Ashmore, F J Barden, J Broadhead, D A Cotty, J M Edwards, J R Furey, Mrs E Gill, R N Jones, Mrs G M Kingerley, C Knight, H W V Meares, C J Norman and Mrs G Warner

Members of the Committee absent: None

Councillors R J Edis, Mrs C E Gant and P Sohi also attended.

158. FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

159. 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.

<u>Group</u>	<u>Remove from Membership</u>	<u>Appoint Instead</u>
Conservative	Councillor J J Wilson	Councillor C J Norman
Conservative	Councillor Mrs Y P Lay	Councillor Mrs G Warner
Conservative	Councillor M T Kusneraitis	Councillor R N Jones

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

160. MINUTES

The Minutes of the meeting of the Committee held on 23 June 2010 were approved and signed as a correct record.

161. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor C J Norman	Land r/o 83 London Street, Chertsey (10/0493)	Personal – lives near site.
Councillor H W V Meares	16 Northcroft Villas, Englefield Green (10/0451)	Prejudicial – friend of applicant.

162. 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 objector, and the agent for the applicant addressed the Committee on the application as shown below.

**RESOLVED that –**

**the following applications be determined as indicated:**

<u>APP NO</u>	<u>LOCATION, PROPOSAL AND DECISION</u>
<b>RU 10/0350</b>	<b>Land adjacent to Lime Lodge, Tite Hill, Englefield Green Residential development of 18 dwellings with garages, improvements to existing vehicular access off Tite Hill, internal access road and retention of Lime Lodge (amendments to designs of house types Plots 4, 6, 8, 10, 11 13, and 14 of approval RU 09/0418).</b>
	<b>DECISION: Following the completion of a Deed of Variation to the signed legal agreement under Section 106 of the Town and Country Planning Act 1990 under RU 09/0418 planning permission to secure:</b>
	<b>i) the provision of affordable housing;</b>
	<b>ii) a payment of £69,812 towards the infrastructure tariff</b>
	<b>the Director of Technical Services be authorised to GRANT permission, subject to Conditions, Reasons and Informatives listed on Agenda.</b>
<b>RU 10/0496</b>	<b>The Brow, Amberwood and Marlings, Ongar Hill, Addlestone Demolition of 3 detached properties and the erection of 9 dwellings (comprising 4 pairs of semi-detached, 3 bedroom dwellings with accommodation in the roof and 1 detached 4 bedroom dwelling) with parking, landscaping and associated works.</b>
	<b>DECISION: REFUSE for the following reason:</b>
	<b>The proposed development, by reason of its layout of buildings, density, extent of hardstanding, car parking and internal access road and proximity of buildings to trees to be retained, would result in a cramped form of development which is detrimental to the pattern and density of development on the western side of Ongar Hill, detrimental to the visual amenities of the streetscene and failing to take opportunities to improve and integrate with the pattern, the character and quality of the area, contrary to saved Policies HO9, BE2, NE12, NE13, and NE14 of the Runnymede Local Plan Second Alteration 2001, Planning Policy Statement 1 : 'Delivering Sustainable Development', Planning Policy Statement 3 : 'Housing' and Supplementary Planning Guidance 'Surrey Design', January 2002 (particularly Principle7.3).</b>

(Ms Alcock, an objector, and Mr Harper, agent for the applicant, addressed the Committee on the above application).

**RU 10/0451 16 Northcroft Villas, Englefield Green**  
**Erection of first floor side extension incorporating rear and side gable elements to allow habitable accommodation in roof space; solar/photovoltaic panels on rear roof slope, insertion of rear dormer window and creation of balcony area over existing single storey rear extension.**

**DECISION: GRANT, subject to Conditions, Reason and Informatives listed on Agenda.**

**RU 10/0493 Land r/o 83 London Street, Chertsey**  
**Erection of a pair of two storey dwellings with linked car ports.**

**DECISION: Subject to receipt of a satisfactory completed unilateral undertaking to secure payment of £16,720.70 towards the infrastructure tariff, in accordance with the Council's Adopted Supplementary Planning Guidance, the Director of Technical Services be authorised to GRANT permission, subject to Conditions, Reasons and Informatives listed on Agenda and amended Informative 3 and additional Informative 5 as per Addendum.**

163. SERVICE PLAN – OUTTURN PERFORMANCE 2008/10 AND REVISED SERVICE PLAN FOR 2010/2011

The Committee was advised on the outturn performance of the 2008/10 Service Plan and approval was sought to continue the Service Plan for the period up to 31 March 2011.

The current Service Plan was based on an eighteen month cycle rather than the previous yearly programme to give greater continuity and avoid the need to update what are often ongoing targets.

Members were aware of the Service Review programme that was commenced at the start of this year and which was due to be completed by the Autumn. It was anticipated that the collective outcome of this programme would lead to the creation of a new Sustainable Community Strategy and Corporate Plan in 2011.

The means by which targets in this new Corporate Plan would cascade to individual Committees would also be reviewed as part of this process and this might change the format of Service Plans, or indeed replace them altogether. It was therefore recommended that the Service Plan (as revised) for this Committee continued until 31 March 2011.

**RESOLVED that –**

**the Service Plan outturn report for 2008/10 be noted and this continue to be the Service Plan for this Committee in 2010/11.**

164. 8 STEPGATES, CHERTSEY – ENFORCEMENT

The Committee considered authorisation of Enforcement Notices in respect of breaches of planning control at No 8 Stepgates, Chertsey, related to the material change of use of the land to the rear of the property for the storage of building materials.

The planning history of the site was noted.

In April 2009, when a planning application (RU 09/0358) for a detached garage was submitted, the area of land to the rear of the proposed garage was open and part of the garden of No 8 Stepgates.

In November 2009, building materials had been brought onto the land and stored across the site. By January 2010, the area of land behind the garage was subdivided from the original dwelling and a separate planning unit created. Metal gates and a wooden shed had been erected. The gates were a physical barrier separating this area from the main house but the landowner maintained that the curtilage of the plot of the residential house known as 8 Stepgates had not changed and still included

the area to the rear of the garage. From site visits made by Officers, it was observed that No 8 Stepgates now had a small enclosed rear garden which extended up to the southern flank wall of the garage. This had been laid to grass and was well maintained and had no building materials. In contrast, the land behind the gates was being used to store building materials including steel lintels, concrete building blocks, scaffolding planks, cement bags, wheelbarrows and other equipment.

The site was within a residential and urban area of Chertsey, and the High Risk Flood Zone 3A. The use of the area for the storage of building materials had a harmful impact on the visual amenities of the area. The introduction of this use in a residential area was considered to be un-neighbourly and harmful to the residential amenities of the occupiers of the adjacent neighbouring properties due to noise and disturbance from users of the site. The use of the area for storage also impacted on the capacity of the flood plain and increased the risk of flooding to neighbouring properties.

Concern was also raised regarding the importation of topsoil and this matter would be drawn to the Inspector at any Inquiry into any subsequent appeal.

The Human Rights considerations associated with this case were noted.

**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:-**
  - a) the cessation of the use of the land as a builder's yard for storage of various building materials;**
  - b) the removal of the various building materials stored on the land including wheel barrows, skips, steel lintels/girders, scaffolding planks, cement bags and other associated items of building materials;**
  - c) the demolition of the two wooden sheds and the removal of all debris and materials from the site;**
  - d) restoration of the land to grass; and**
  - e) the reduction in height of the gates and supporting posts to a maximum height of 2 metres above ground level;**
- 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) are not complied with.**

**Reasons for Issuing Enforcement Notice(s)**

- 1. The use of the land as a builders yard, the storage of building materials at the site and associated vehicle movements would have a detrimental and harmful impact on the residential amenities of neighbouring residential properties, particularly No. 10 Stepgates and the flats at Horsell Court and would be contrary to saved Policies LE1 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001.**
- 2. The use of the land as a builders yard and the storage of building materials at the site would have a detrimental and harmful impact on the visual amenities of the area, and would fail to improve or enhance the quality of the area, contrary to saved Policies BE2 and LE1 of the Runnymede Borough Local Plan Second Alteration 2001, Planning Policy Statement 1 : 'Delivering Sustainable Development' and Planning Policy Statement 4 : Planning for Sustainable Economic Growth'.**

3. **The use of the land as a builders yard and the storage of building materials within Flood Zone 3a would have a harmful and detrimental impact on the capacity of the floodplain and would increase the risk of flooding elsewhere and would be contrary to saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001 and Planning Policy Statement 25 : 'Development and Flood Risk'.**

165. GOVERNMENT CHANGES AND THE IMPLICATIONS FOR THE RUNNYMEDE CORE STRATEGY

The Committee was informed of the various changes that the new coalition Government was intending to make which would have a direct impact on the planning process that the Council currently undertook, but in particular how this would impact on the development of the Local Development Framework (LDF) Core Strategy and its timetable.

The key change was that the Government had revoked the South East Plan (SEP) on 6 July 2010. In particular, this would abolish the housing figures and gypsy and traveller figures, which Councils responded to when preparing their Core Strategies. For Runnymede, this would also have the effect of deleting the allocation of the former DERA site for mixed use development including up to 2500 new homes. This meant that the South East Plan no longer formed part of the Development Plan used to inform Local Development Frameworks and in making decisions on planning applications.

It was becoming clearer that authorities should now determine their own housing figures and as such would need to do this considering housing need in the local area, environmental constraints and public opinion. These elements would need to be addressed in the evidence that underpinned the Council's Core Strategy and would inform the Council's decision-making regarding the potential need for the release of the former DERA site at Longcross.

The Government had announced that Councils would be incentivised to build new housing in their local area. The package of incentives would be launched later in the year but it was suggested that these would be related to giving Councils money for each new home built in their area.

Due to these changes and the unclear nature of the incentives that would be given to Councils, the Committee considered that the original decision to publicise the LDF Core Strategy this Summer should be reversed pending coalition Government clarification of the above-mentioned issues.

The Government had also made a number of other changes and statements of intent. The Government had re-published PPS3 which had removed the minimum residential density level (previously 30 dwellings per hectare), redefined previously developed land to remove garden land from this definition, announced their intention to enable Houses in Multiple Occupation (HMO's) to be dealt with under permitted development rights. However, for authorities where there was an issue of agglomerations of HMO's, Councils would have the powers to designate Article 4 Direction Areas. These would enable the authority to remove permitted development rights in order to control the number of HMO's in a given area but required extensive consultation. This would be a possible course of action in parts of Egham and Englefield Green.

The Examination into Gypsy and Traveller pitch provision (February 2010) would not now be taken forward and the Inspector's report into this issue would not be published. It would be down to Local Authorities to determine local needs and address these. This change had implications for current appeals and potential enforcement action and would be subject of a separate report to Planning Committee in August 2010.

With the removal of the SEP and no LDF in place there would be a period where there was a lack of formalised policy. However, planning applications would still need to be determined and appeals defended. To address this and highlight any uncertainties about the current policy context it was anticipated that when required an additional section would be added to the planning application Committee reports.

**RECOMMEND that –**

- i) **the decision to publish the LDF Core Strategy this Summer be reversed pending coalition Government clarification of the issues set out in this report; and**

- ii) **the changes made by the Government and the intention to bring these matters to Committee when considering relevant planning applications be noted.**

166. APPEAL DECISION

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

<u>Site/Development</u>	<u>Decision</u>
15 Gorse Hill Lane, Virginia Water – planning appeal against conditions 4 & 5 of RU 09/0221. The permission was for retrospective amendments to RU 08/0082 (side and rear extensions, new roof with habitable accommodation), including alterations to the width of the rooflight windows, insertion of 4 solar roof panels and replacement of rear ground floor windows with doors, insertion of basement and increase in size of dormer roofs (RU 09/0221)	ALLOWED

167. 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.

168. PLANNING ENFORCEMENT RESOURCES

The Chairman of the Committee had agreed to deal with this as an urgent item by virtue of the need to have staff in post to deal with a public inquiry scheduled for November 2010.

The Committee considered a request for recruitment of temporary staff to deal with planning enforcement issues on major sites.

The Committee noted the current enforcement caseload and staff changes in the Enforcement Section.

Whilst enforcement staff could cope with day to day complaints, Runnymede had a number of sites where there were multiple planning breaches that had been ongoing for some time. Some of these had a need for immediate resourcing to maintain momentum that had already built up.

To cope with the Walnut Tree Farm appeal public inquiry, to maintain progress on enforcement at Padd Farm and where possible, to instigate action on other complex sites such as Woburn Park Farm, Greenacres, Willow Farm and Aymer Drive, Officers recommended that a Chartered Principal Planner and an Assistant Solicitor be recruited for an eighteen month period. They would operate as a discrete team and be solely employed on planning enforcement.

There was not an existing resource in either planning or legal teams that could be dedicated to this without knock-on effects to other work. Agency staff would be considerably more expensive, as would be using external consultants. Staff from other local authorities might be used, but their employers would expect some recompense beyond just meeting their costs. Recruiting staff for a temporary period of time was the most cost-effective option and in the current market, suitable employees should be available.

Whilst this request had arisen at a time of severe financial constraint, the Committee considered that past experience had shown that not taking enforcement action led to breaches of planning control multiplying and when action was eventually instigated it was considerably more expensive than an earlier intervention. Certainly in the case of Padd Farm, not pursuing this further at this time would nullify some of the gains already made. The Committee, accordingly supported the recruitment of an additional Principal Planner and Assistant Solicitor and noted the financial implications of these appointments.

Officers would review the format of the Enforcement Progress Reports which were made periodically to Committee.

**RESOLVED that –**

- i) the Corporate Management Committee be recommended to approve the appointment of a Principal Planner and Assistant Solicitor, both at Grade MMB, for a period of eighteen months to be employed for planning enforcement;**
- ii) a supplementary estimate of £74,000 be approved to cover the cost that will be incurred in 2010/11; and**
- iii) budgetary provision of £92,000 be made in the 2011/12 estimates for the full year cost.**

Chairman

(The meeting ended at 9.11pm)