

Runnymede Borough Council

PLANNING COMMITTEE

31 March 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, D A Cotty, R J Edis, J M Edwards, Mrs E Gill, Mrs G M Kingerley, C Knight, P Taylor, Mrs G Warner and J J Wilson

Members of the Committee absent: Councillors M T Kusneraitis and Mrs Y P Lay

679. FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

680. 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 therefore the Councillors removed would be reappointed.

<u>Group</u>	<u>Remove from Membership</u>	<u>Appoint Instead</u>
Conservative	Councillor J R Furey	Councillor Mrs G Warner
Conservative	Councillor J Broadhead	Councillor Mrs G Kingerley
Conservative	Councillor H W V Meares	Councillor P Taylor

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

681. MINUTES

The Minutes of the meeting of the Committee held on 10 March 2010 were approved and signed as a correct record.

682. 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 applicant addressed the Committee on the application shown 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 09/0742

**Former Reservoir Site, Lovett Road, Staines
Erection of 4 storey Class B1 office building (5,853 sq m) with associated access and car parking for 160 vehicles including a 2 storey multi-storey car park.**

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

- a) a financial contribution of £15,000 towards crime and disorder for the enhancement of CCTV coverage for The Causeway;
- b) a financial contribution to SCC for
 - Transport contribution of £100,000 for the provision of a Shuttle Bus Service between the development and Staines railway station;
 - Highway contribution of £100,000 for highway improvement works;
 - A Travel Plan Auditing fee of £6,150;
- c) 5% Administration and Monitoring fee

the Director of Technical Services be authorised to GRANT permission, subject to Conditions, Reasons and Informatives listed on Agenda.

RU 09/1028

**The Laurels, Barley Mow Road, Englefield Green
Alterations and extension of existing stable block to provide 2 no x two bed flats utilising vehicular access off Barnway and Harvest Road.**

DECISION: Following completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990, to secure a financial contribution of £10,289.66 towards the Infrastructure Tariff, the Director of Technical Services be authorised to GRANT permission, subject to Conditions 1-10 on Agenda and Conditions 11-13 as per Addendum and Informatives on Agenda and Addendum.

RU 10/0136

**16 Malus Drive, Addlestone
Erection of part two storey, part single storey side extension.**

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

(Mrs Lowe, an objector and Mrs Pucci, the applicant, addressed the Committee on the above application).

RU 10/0144

**1-17 King Johns Place (Formerly 12 & 14 Egham Hill), Egham
Discharge of Condition 28 (renewable energy) of planning permission reference RU 07/0411 granted for erection of 17 residential properties.**

DECISION: GRANT, subject to Informatives listed on Agenda.

683. KENWOLDE COURT, CALLOW HILL, VIRGINIA WATER – COASTAL REDWOOD TREE

The Committee considered a request to place a Tree Preservation Order on a Coastal Redwood tree located within the rear garden of Kenwolde Court, Callow Hill.

Planning permission had recently been granted for a two-storey rear extension (RU 09/0857) at Kenwolde Court following demolition of an existing conservatory.

A letter and petition had subsequently been received from the occupier of the adjacent dwelling requesting a Tree Preservation Order to be placed on the tree on the grounds that the tree was of public amenity value and under threat from the permitted extension. The neighbour also referred to the root structure of the tree, the potential damage resulting from the two-storey extension and questioned liability in the event of the tree falling.

No work was proposed to the tree as a result of the application. The effect of the proposed development on the adjacent Redwood tree was taken into account in the consideration of the planning application but it was concluded that the extension could be constructed without detriment to the Redwood tree and appropriate conditions were attached to safeguard the health of the tree during the course of construction.

Whilst the tree was in a healthy condition, it was not under threat. Furthermore the Redwood tree did not stand out as an exceptional tree of high public amenity value when viewed in context with other neighbouring trees in the immediate landscape. The areas from which the Redwood tree could be viewed from public places was limited by existing tree coverage.

Officers confirmed that the liability for the tree rested with the owner, whether or not it was covered by a TPO.

RESOLVED that –

a Tree Preservation Order be not made on a Coastal Redwood tree in the rear garden of Kenwolde Court, Callow Hill, Virginia Water.

684. TRANSITIONAL ARRANGEMENTS FOR GYPSY/TRAVELLER SITE PROVISION AND ENFORCEMENT ON LAND AT WALNUT TREE FARM AND LITTLE ALMNERS, ALMNERS ROAD, LYNE

The Committee was informed that to meet the requirement of the Partial Review of the South East Plan on accommodation needs of Gypsies, Travellers and Travelling Showpeople, the Council needed to provisionally provide an additional 4 gypsy/traveller pitches by 2016. This figure was subject to review by the Examination in Public and if the partial review of the South East Plan and policy on allocations was agreed it was anticipated that a further 23 pitches would need to be provided between 2016 and 2026.

As the DPD identifying permanent gypsy sites was unlikely to be adopted until 2013, Runnymede consequently had no adopted policies on travellers to meet unmet need and comply with Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites). Officers, therefore, advised the Committee of the need to consider an interim approach to the provision of sites. Circular 01/2006 addressed in particular a situation where a Council was in the process of preparing a DPD for site allocations but during this process there remained an unmet need. In this instance, the Circular provided that the Council should consider temporary permissions for sites and that any temporary permission granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.

This approach would help to reduce the unmet demand for gypsy/traveller pitches in the Borough and comply with the spirit of the Government guidance contained within Circular 01/2006, which would assist in assessing any planning applications or enforcement action and appeals relating to gypsy sites until the DPD was formally adopted. Failure to act would leave the Council open to criticism and possible costs applications.

Officers suggested that a lawful hardstanding area at Walnut Tree Farm could be used for up to 20 gypsy pitches on a temporary basis. In recent years, lean-to buildings to the rear of the barn on Walnut Tree Farm had been demolished and were now used for siting of caravans. This area fell

within the site boundaries of the authorised gypsy site at Walnut Tree Farm. An additional 2 gypsy pitches could be accommodated in this area to the rear of the barn on a temporary basis. This would increase the capacity of the authorised gypsy site at Walnut Tree Farm from 20 to 22 on a temporary basis. The Committee agreed to invite the landowner(s) to submit temporary planning applications for the use which it would be likely to grant until the DPD on permanent gypsy sites was adopted.

The Committee was also informed that the occupants on both the Council managed sites at Elm Farm and The Paddocks wished to increase the number of pitches at these two sites. A total of 5 additional pitches could be provided at these two sites (two pitches at Elm Farm and 3 pitches at The Paddocks) within the existing site boundaries of both sites. The Committee again agreed to invite planning applications for 2 and 3 additional pitches at Elm Farm and The Paddocks respectively. These sites combined would provide 27 additional pitches (20 + 2 + 2 +3) on a temporary basis and therefore meet the current minimum allocation of gypsy sites in the Borough up to 2026. The transitional strategy would result in 67 authorised pitches in the Borough, 27 pitches authorised with, or likely to be granted, temporary planning permission and 7 unauthorised pitches. This would reduce the percentage of unauthorised pitches in the Borough to 7%.

This approach would at least demonstrate to all concerned that this Council was seeking to comply with the spirit of Government guidance and would hopefully put the local planning authority in a far stronger position in assessing any planning applications or in taking enforcement action and defending itself at appeal for the next four years until the current policy vacuum was removed.

The Committee acknowledged that all these sites were in and around Lyne and Circular 01/2006 required an assessment on the impact of a cluster of gypsy sites in one area and the impact that this may have on the local settled community and its infrastructure. This would be addressed through the LDF process (the Core Strategy and the DPD on permanent site allocations for gypsy/traveller sites).

Walnut Tree Farm, Elm Farm and The Paddocks all were within 5km of the SPA. However, it was considered appropriate not to request a financial contribution for SANGS when inviting these temporary planning applications. This would reinforce the premise that these were temporary permissions for a transitional arrangement and not a permanent solution. This approach would be discussed with Natural England.

A request from the agent for the landowner for deferral of the report until after Easter was refused.

A period of 4 months would be given for submission of the applications. Thereafter a further report would be brought back to the Planning Committee to review the transitional arrangements, receive an update on what temporary applications had been submitted, an update on the Partial Review of the South East Plan and reconsider the way forward to ensure that the local planning authority complied with the spirit of Circular 01/2006.

Finally, it was also agreed that the Enforcement Progress Report which currently was submitted to Overview & Scrutiny Select Committee would also be reported to Planning Committee.

Having considered the transitional arrangements, the Committee addressed various breaches of planning control at Walnut Tree Farm and Little Almnors Caravan Site.

Walnut Tree Farm extended to some 6.5 hectares and included an authorised gypsy site of approximately 1 hectare, open fields and paddocks in agricultural use with a large barn, including a lawful two bedroom residential unit, sited adjacent to the access road. Little Almnors Caravan Site covered an area of some 0.4 hectares. The site was within the Green Belt and Landscape Problem Area, and within 5km of Chobham Common and Thames Basin Heaths SPA.

The extensive planning histories for Walnut Tree Farm and Little Almnors were noted.

A number of unauthorised operational developments had been carried out on Walnut Tree Farm, namely

- i) Construction of Hardstandings/Hard Surfaces (A, B and M on plan at Appendix 'A')
- ii) Erection of Detached Dwelling and Permanent Fixed Mobile Homes (C, D and E on Appendix 'A')

- iii) Earth Bunds (H on Appendix 'A')
- iv) Fences, gates and walls erected on the site including around the chalet bungalow and permanent fixed mobile home (marked C and D on Appendix 'A'), around the permanent fixed mobile home 'E' on Appendix 'A' and two adjoining mobile homes around the storage yards 'F' on Appendix 'A' and at the northern end of the site.
- v) Sheds and Outbuildings on southern part of site.

The following material changes of use had been carried out at Walnut Tree Farm, as detailed below:

- i) Use of hardstanding (A on Appendix 'A') for siting of mobile home/caravan pitches
- ii) Storage Yards enclosed by a fence some 1.8m in height at the southern end of the unauthorised hardstanding (marked A on the plan attached as Appendix 'A'). There was also an enclosed storage yard marked F and open storage yard (marked G on the plan attached as Appendix 'A').
- iii) Site Offices. Two portacabins (I) had been brought onto the site and sited adjacent to the front boundary wall enclosing the chalet bungalow/fixed mobile home (C and D on Appendix 'A').
- iv) Use of the field marked K on the plan attached to Appendix 'A' for storage of touring caravans, trailers and containers.

The Committee was also informed of breach of conditions attached to previous planning permissions granted on appeal for Little Almnerns and Walnut Tree Farm which restricted the occupation of the land and caravans and mobile homes to persons defined as gypsies.

From evidence collected, both Walnut Tree Farm and Little Almnerns sites were now occupied by non gypsies and had been advertised as a holiday park or caravan site, contrary to the conditions attached to planning permissions granted on appeal in 2004 for Walnut Tree Farm and the planning permissions granted on appeal in 1981 and 2000 on Little Almnerns.

Condition 1 of the planning permission (RU 98/0942) granted on appeal in July 2000 for Little Almnerns made the permission personal to Mary Nolan. The current ownership and management of the site by J Murphy/E Cash/ M Murphy was in breach of this condition. The use/management of the site by persons other than Mary Nolan resulted in there being no valid planning permission for Little Almnerns.

With regard to Little Almnerns, the Committee considered it prudent to seek an application for the variation of condition 1 to allow its continued use by the current landowners as a gypsy site. This would avoid the loss of 10 gypsy pitches which could occur if enforcement action was taken. If the landowner(s) failed to submit an application, then enforcement action could be considered by the Planning Committee. Once a valid permission was granted for Little Almnerns site it would be possible to seek to ensure that other conditions were complied with including its use as a gypsy caravan site.

Conditions 1 and 2 of the planning permission granted on appeal in 2004 restricted the occupation of the caravans/mobile homes on Walnut Tree Farm to defined gypsies (Condition 1). From evidence obtained, Condition 1 of the planning permission granted on appeal in 2004 was not being complied with in that not all the caravans were occupied by gypsies/travellers.

In view of these circumstances, the Committee considered that a breach of condition notice was appropriate on Walnut Tree Farm to ensure that the authorised gypsy site for up to 20 pitches was only available for occupation by people complying with the definition of a gypsy. Condition 4 (submission of layout plan of gypsy pitches), Condition 6 (submission of landscaping scheme) and Condition 8 (a scheme for boundary treatment) had also not been complied with by the landowner. The Committee authorised Breach of Condition Notices for these breaches.

The unauthorised operational developments and uses had resulted in a spread of development across the site which was previously open Green Belt land. The unauthorised developments were inappropriate and harmful development within the Green Belt. This had a detrimental and harmful

impact on the openness of the Green Belt and conflicted with the purposes of the Green Belt. The development was contrary to the PPG2: 'Green Belts' and saved Local Plan Policy GB1 and Policies SP5, LF1 and LF9 of the South East Plan 2009. The landscape had deteriorated as a result of the encroachment contrary to saved policy NE10.

The majority of the occupants on the unauthorised parts of Walnut Tree Farm were believed to be non-gypsies and from information obtained no very special circumstances existed that would outweigh the harm caused by the inappropriateness of the unauthorised developments or any other harm.

The Human Rights considerations and potential financial implications associated with enforcement action were taken into account.

RESOLVED that –

- 1) The Director of Administration and Leisure be authorised to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended) requiring:**
 - a) the removal of the hardstandings/hard surfaces to the south and west of Walnut Tree Farm Gypsy Caravan Park (marked A, B and M on Appendix 'A') and the land restored to open grassland;**
 - b) the demolition of detached dwelling erected on the site (marked C on Appendix 'A') and removal of all debris;**
 - c) the removal of 2 fixed/permanent mobile homes with brick bases on the site (marked D and E on Appendix 'A');**
 - d) the removal of the earth bunds constructed on the site (marked H on Appendix 'A');**
 - e) the removal of fences, gates and walls erected on the site, as per paragraph 11.13 and 11.16 of the agenda report;**
 - f) the demolition and removal of the sheds and outbuildings as per paragraph 11.17 and 11.18 of agenda report;**
 - g) removal from the site of two site offices (marked I on Appendix 'A');**
 - h) the cessation of the use of the area of hardstanding (marked A on Appendix 'A') for the stationing of mobile homes and caravans and removal of mobile homes and caravans from the land;**
 - i) the cessation of the use of the two storage yards (marked B, F and G on Appendix 'A') and removal of all associated items such as skips, containers, vehicles, machinery, trailers, hardcore, soil and various building materials;**
 - j) the cessation of the use of Walnut Tree Farm and Little Almnors as a holiday camping and caravan park;**
 - k) the cessation of the storage of caravans, trailers and containers on Walnut Tree Farm (on field marked K on Appendix 'A') and removal of all caravans, trailers and containers from land;**
- 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 these notice(s) once effective are not complied with.**

Reasons for Issuing Enforcement Notices

- 1. The unauthorised construction of hardstandings, erection of a detached dwelling, siting of two fixed/permanent mobile homes with brick bases, construction of earth bunds and erection of fences, gates, walls, sheds and outbuildings are inappropriate and harmful developments in the Green Belt which given the size, scale, design, layout, spread and intensification of development and associated uses within the site would have a detrimental impact upon the openness and visual amenities which would conflict with the purposes of the Green Belt, and be contrary to the advice contained in Planning Policy Guidance Note 2 : 'Green Belts' and with Policies SP5, LF1 and LF9 of the South East Plan 2009 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001.**
 - 2. The unauthorised material changes of use of the land including the use of the hardstanding for the stationing of mobile homes and caravans, site offices, the two storage yards, the use of the site as a holiday caravan/camping park and for the storage of caravans and a trailer are inappropriate and harmful in the Green Belt resulting in an undesirable spread of development and intensification of uses on the site which have a detrimental impact upon the openness and visual amenities which would conflict with the purposes of the Green Belt, contrary to advice contained in Planning Policy Guidance Note 2 : 'Green Belts' and the unauthorised developments conflict with Policies SP5, LF1 and LF9 of the South East Plan and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001.**
 - 3. 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 Policies SP5, LF1 and LF9 of the South East Plan 2009, 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'.**
- 3) The Director of Administration and Leisure be authorised to issue Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended) in connection with:**
- i) the hardstanding which has not been removed at the northern end of the site (marked M on Appendix 'A) contrary to Condition 9 of the deemed planning permission granted on appeal in January 2004;**
 - ii) the use of mobile homes/caravans on Walnut Tree Farm by non-gypsies in breach of Condition 1 attached to the deemed planning permission granted in January 2004 following an appeal against the Enforcement Notice relating to the use of the site as a gypsy/traveller site;**
 - iii) a layout plan showing the details of each pitch has not been submitted to the Local Planning Authority and has therefore not been carried out contrary to the requirements of Condition 4 of the deemed planning application granted on appeal in 2004;**
 - iv) a hard and soft landscaping scheme has not been submitted to the Local Planning Authority contrary to the requirements of Condition 6 of the deemed planning application granted on appeal in 2004;**

- v) **boundary treatment details have not been submitted and therefore not implemented contrary to the requirements of Condition 8 of the deemed planning application granted on appeal in 2004.**

- 4) **The Director of Technical Services be authorised to invite a planning application to be submitted from the landowner(s) of Little Almnors for the variation of Condition 1 of planning permission RU 98/0942 for the continued use of Little Almnors Caravan Site by the current owner/owners of the site.**

- 5) **If a valid planning application identified in (4) above is not forthcoming by 31 July 2010 to promote the submission of this planning application, then the Planning Committee will reconsider the outstanding enforcement issues at Little Almnors with a view to taking enforcement action to solve any outstanding matters.**

- 6) **The Director of Technical Services be authorised to invite temporary planning applications to be submitted from the landowner(s) for:**
 - i) **the temporary use of the lawful area of the hardstanding (marked J on Appendix 'A') at Walnut Tree Farm for up to 20 gypsy/traveller pitches until permanent gypsy/traveller sites are allocated and adopted in the Borough.**
 - ii) **the temporary use of the area to the rear (east) of the main barn for two additional gypsy/traveller pitches on the authorised part of the gypsy site at Walnut Tree Farm until permanent gypsy/traveller sites are allocated and adopted in the Borough.**
 - iii) **Two additional pitches on the authorised part of the gypsy site at Elm Farm until permanent gypsy/traveller sites are allocated and adopted in the Borough and**
 - iv) **Three additional pitches on the authorised part of the gypsy site at The Paddocks until the permanent gypsy/traveller sites are allocated and adopted in the Borough.**

- 7) **If valid temporary planning applications are not forthcoming by 31 July 2010 to promote these temporary applications, then the Planning Committee will reconsider the transitional arrangements along with an update on emerging policy from the Partial Review of the South East Plan.**

- 8) **Officers shall provide a report to update the Planning Committee on all the outstanding enforcement cases (Enforcement Notices, Temporary Stop Notices, Breach of Condition Notices, etc) which have been authorised by the Local Planning Authority but not formally resolved. These outstanding enforcement cases are currently reported to the Overview and Scrutiny Select Committee, but should be reported to the Planning Committee as an information item after each Overview and Scrutiny Select Committee.**

(Councillor Mrs Barden voted against 6(i) and (ii) above and requested her vote to be recorded).

685. 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.

686. STANDING ORDER 42 – URGENT ACTION

The Committee noted that the following action had been taken after consultation with the Chairman of the Committee under Standing Order 42.

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Technical Services	Land south of Green Lane, Staines adjacent to land at 4 Aymer Close, Staines – service of Enforcement and Stop Notices regarding a caravan/mobile home and handstandings.	717

Chairman

(The meeting ended at 9.11pm)