

RUNNYMEDE BOROUGH COUNCIL**PLANNING COMMITTEE****25 May 2005**

Members of the Committee Present: Councillors J. M. Edwards (Chairman), D.W. Parr (Vice Chairman), A. Alderson, J. Broadhead, J.B.Dean, Mrs. C.E. Gant, C. Knight, Mrs J. Norman, R. Ray, B.J. Relph, Mrs M. Roberts, A.P. Tollett, J.R. Whiteley and G.B. Woodger

Members of the Committee Absent: Councillor H.W.V. Meares

37. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Groups mentioned below had notified the Chief Executive Officer 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.

Group requesting Change	Remove from Membership	Appoint Instead
Conservative	Councillor Mrs F.M. Angell	Councillor Mrs C.E. Gant
Conservative	Councillor J.R. Furey	Councillor C. Knight
Runnymede Independent	Councillor J.R. Ashmore	Councillor A. Alderson
Labour	Councillor R. Pate	Councillor R.J. Ray

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

38. MINUTES

The Minutes of the meeting of the Committee held on 27 April 2005 were approved and signed as a correct record.

39. DECLARATIONS OF INTEREST

The following interests were made under the Runnymede Code of Conduct for Members by the Councillors shown.

Councillor	Item	Nature of Interest
J.M. Edwards	3 Spinney Hill, Addlestone - (RU 05/0374)	Personal - friends of neighbours.
Mrs J. Norman	The Brooks, Lyne Lane, Lyne - Enforcement	Personal and prejudicial - long term client of owner.
J.R. Whiteley	Christchurch School, Virginia Water (RU 05/0200)	Personal and prejudicial - Governor of School.

40. 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. Members of the public and applicants or agents 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.

APP. NO.

RU 04/1297

LOCATION, PROPOSAL AND DECISION

Former DERA Site (Chertsey South), Chobham Lane,
Chertsey

Certificate of Existing Lawfulness for:

- 1) **The Testing & Evaluation of Tracked and Wheeled Military Vehicles;**
- 2) **Driver Training Courses Using Military and/or Civilian Vehicles;**
- 3) **Film & Media Work including the filming of television shows;**
- 4) **Between the hours of 8 am to 6 pm Monday to Friday;**
 - a) **Civilian commercial automotive vehicle testing and other specialist tasks relating to the testing of new and used motor vehicles, heavy goods vehicles, emergency service vehicles and motorcycles;**
 - b) **Automotive club events including associated static exhibitions and shows and trial events of all makes and models of vehicles;**
 - c) **Corporate driving events including recreation, entertainment and corporate hospitality events; and**
- 5) **Between the hours of 8 am to 6 p.m. for a maximum of ten motor rally events per annum to be held no more frequently than one event every four weeks and each event to last no longer than two days, subject at all times to:**
 - a) **The noise emissions from any vehicle not exceeding 100db(A) measured at 0.5m from the source of the noise, and**
 - b) **Save for the testing and evaluation of wheeled and tracked military vehicles, any use of motor vehicles between the hours of 6 p.m. and 8 a.m. not to amount to a common law or statutory nuisance and any noise, vibration, light, smoke or fumes caused by any of the above events and the use of any motor vehicle to be limited to such emissions as are reasonably associated with the traffic of a normal urban carriageway between such hours.**

DECISION: GRANT a Certificate of Lawful Use or Development for the use of land and buildings identified on the plan submitted for the purposes and subject to the restrictions set out below:

- (1) The testing and evaluation of tracked and wheeled military vehicles:**
- (2) Driver training courses using military vehicles.**
- (3) Subject to (i) and (ii) below and between the hours of 8 a.m. to midnight and for a maximum of four occasions between the hours of midnight to 8 a.m. Monday to Friday for film and media work including the filming of television shows.**
- (4) Subject to (i) below and between the hours of 8 a.m. to 6 p.m. Monday to Friday for:**
 - a) Civilian commercial automotive vehicle testing and other specialist tasks relating to the testing of new and used motor vehicles, heavy goods vehicles, emergency service vehicles and motorcycles;**
 - b) Automotive club events including associated static exhibitions and shows of all makes and models of vehicle;**
 - c) Corporate driving events including recreation, entertainment and corporate hospitality events; and**
 - d) Driver training courses using civilian vehicles.**
- 5. Subject to (i) below and between the hours of 8 a.m. to 6 p.m. for a maximum of ten motor rally events (such events to include Sprints and Trials) per annum to be held no more frequently than one event every four weeks and each event to last no longer than two days including setting up and testing the facilities.**
 - i) The qualifying level for vehicles not exceeding 100dB, measured in accordance with the standard RAC method of Stage Rallies, i.e.0.5m and at 45° from the exhaust of a static vehicle with the engine running at 5,000 rpm; and**

- ii) **Any use of motor vehicles between the hours of 6 p.m. and 8 a.m. not to amount to a common law or statutory nuisance and any noise, vibration, light, smoke or fumes caused by any of the above events and the use of any motor vehicle to be limited to such emissions as are reasonably associated with the traffic of a normal urban carriageway between such hours.**

RU 05/0133

**5 & 7 Spinney Hill and land to the rear of 3 Spinney Hill, Addlestone.
Demolition of existing residential properties and erection of 2 - 3 storey residential development comprising 1 no. 5-bed, 3 no. 4-bed, 6 no. 3-bed and 4 no. 2-bed houses with associated parking, garaging and landscaping with access from Spinney Hill.**

DECISION: APPLICATION WITHDRAWN PRIOR TO MEETING.

RU 05/0374

**3 Spinney Hill, Addlestone
Demolition of existing property and erection of two no. two-storey buildings to provide two no. two-bed semi-detached houses and 4 no. one-bed flats with parking and access from Spinney Hill.**

DECISION: Following receipt and consideration of the views of the Principal Environmental Health Officer, the Director of Technical Services be authorised to REFUSE for the following reason:-

1. **The proposed development by reason of its piecemeal nature, its layout, design and height, coupled with distances to boundaries would result in a cramped form of development, which would be damaging and incompatible with the character of the surrounding area and detrimental to the visual amenities of the streetscene, contrary to Policy SE4 of the Surrey Structure Plan 2004, Policies HO9 and BE2 of the Runnymede Borough Local Plan Second Alteration April 2001, the Surrey Design Guide January 2002 (particularly principle 7.3), Planning Policy Guidance Note 3: "Housing" and "By Design".**

(Mr Phillips, agent for the applicant, addressed the Committee on the above application).

RU 05/0193

**37 - 43 Marsh Lane, Addlestone
Demolition of existing properties and erection of
2/3 storey residential development to provide 6 no.
three-bed, 2 no. two-bed and 4 no. one-bed houses
and 6 no. two-bed and 4 no. one-bed flats with
parking, landscaping and access.**

DECISION: REFUSE for the following reasons:-

- 1. The proposal constitutes a cramped and prominent form of development by reason of its layout, height, mass, bulk, siting, proximity to common boundaries and design, resulting in an incongruous and overbearing development incompatible with its surroundings and detrimental to the character of the surrounding area and the visual amenities of the streetscene, contrary to Policy SE4 of the Surrey Structure Plan 2004 and Policies H09 and BE2 of the Runnymede Borough Local Plan Second Alteration April 2001, advice contained in Surrey Design Guide 2002, By Design and Planning Policy Guidance Note 8 : Telecommunications.**
- 2. The two-storey building in the south-western corner of the site would be in close proximity to the common boundaries of the site which would have a dominating and overbearing impact by reason of its height, width, depth, forward projection and design, detrimental to the residential amenities of no. 45 Marsh Lane, contrary to Policy H09 of the Runnymede Borough Local Plan Second Alteration April 2001).**

(Miss Catchpole, an objector, addressed the Committee on the above application).

RU 04/1422

**TASIS England, Coldharbour Lane, Thorpe
Change of use of land from grazing land to school
playing field creating three pitches, a practice area
and long jump pit for TASIS school.**

DECISION: GRANT subject to conditions.

RU 05/0200

**Christchurch School, Christchurch Road, Virginia
Water
Erection of single-storey conservatory to provide an
extension to the office/reception area, library and
lobby and a ramp to provide access for disabled
people.**

DECISION: GRANT subject to conditions.

RU 05/0260

**Land rear of 24 - 28 Simplemarsh Road, Addlestone
Erection of 6 no. x two-storey semi-detached houses
and associated parking spaces.**

DECISION: REFUSE for the following reasons:

- 1. The proposal constitutes a cramped and piecemeal form of development unrelated to the pattern of the surrounding development by reason of its layout, design, plot widths, proximity to boundaries and significantly reducing the amenity space for the adjoining flatted developments and would be incompatible with and detrimental to the visual amenities and established character of the area, contrary to Policy SE4 of the Surrey Structure Plan 2004 and Policies H09 and BE2 of the Runnymede Borough Local Plan Second Alteration April 2001.**
- 2. The vehicular access passing close to nos. 24, 26 and 28 Simplemarsh Road and along its flank boundary would be detrimental to the residential amenities of the existing and proposed occupiers of these flats due to noise and disturbance by vehicles using the proposed access, contrary to Policy H09 of the Runnymede Borough Local Plan Second Alteration April 2001.**
- 3. The proposed dwellings would be in close proximity to the rear boundaries of nos. 18 and 20 Simplemarsh Road and given their height, design and juxtaposition would cause serious overlooking and loss of privacy to the rear gardens of nos. 18 and 20 Simplemarsh Road detrimental to the residential amenities of these properties contrary to Policy H09 of the Runnymede Borough Local Plan Second Alteration April 2001.**

(Mr. Fanning, an objector, addressed the Committee on the above application).

RU 05/0298

**49 Ferndale Avenue, Chertsey
Conversion of a single-storey bungalow to two-storey house including a part single-storey, part two-storey rear and two-storey side extension providing a garage following the demolition of an existing detached garage.**

DECISION: GRANT subject to conditions.

RU 05/0329

**32 Whitehall Lane, Egham
Replacement of shed at the rear of the property.**

DECISION: GRANT subject to conditions.

RU 05/0381**11 Riverside Egham
Erection of metal railings around the property.****DECISION: GRANT subject to conditions.****41. PADD FARM, HURST LANE, EGHAM - ENFORCEMENT**

The Committee considered authorisation of further enforcement action in respect of new breaches of planning control at Padd Farm, and also considered the institution of injunctive proceedings and the possibility of compulsory acquisition of all or part of the land.

The site had an extensive and complex planning and enforcement history. The site was currently subject to effective enforcement notices applying to a variety of uses and development on all or parts of the site.

Since the previous enforcement action in 1999 a number of new unauthorised uses had again taken up occupation of various parts of the site in addition to certain operational development taking place.

The breaches of planning control as at 13th April 2005 comprised the following:

1. Use of part of the site (eastern) for:
 - (i) recycling of waste materials, siting of portacabins, skip hire businesses (currently numbering 3), parking and storage of vehicle bodies and a variety of motor vehicles, JCBs, excavators, plant and containers, storage of redundant building materials, containers, skips, gas bottles and general waste materials, machinery, spare parts and equipment;
 - (ii) the formation of bunds not connected with agriculture (used to both enclose and conceal the uses in (i) above); and
 - (iii) the erection of fencing (both metal and wooden), gates and telegraph poles within the area above.
2. Use of part of the site (western) for:
 - (i) a variety of storage uses not connected to agriculture, namely:

the storage of caravans, building materials, motor vehicles, containers, lorry bodies and buses;
 - (ii) the parking of motor vehicles, including heavy goods and commercial vehicles, not connected with agriculture;
 - (iii) the siting of caravans in residential use and
 - (iv) the formation of hardstandings to accommodate the above uses.
3. Use of buildings situated upon part of the site (western):
 - (i) as a storage facility and depot for a snack food delivery business (including the parking of delivery vehicles)
 - (ii) as an office in connection with the snack food delivery business
 - (iii) as an office for interior design/conservatory company
 - (iv) for the repair and reconditioning of equipment for the disabled including related storage and parking

- (v) for plastic injection moulding, tool making, precision engineering and related storage and parking
 - (vi) for motor vehicle repairs and related storage and parking (currently numbering three businesses)
 - (vii) for motor vehicle repairs and welding and related storage and parking
 - (viii) as a kitchen for food production/preparation/distribution (including takeaway) and related storage and parking
 - (ix) for storage of builders' materials, including window frames, doors and related equipment;
 - (x) for manufacturing, storage and office uses not connected with agriculture and
4. the erection upon the part of the site containing the residential curtilage (western side) of a steel-framed building (currently under construction).

The unauthorised uses of the site and several existing buildings were considered to seriously conflict with both local and national planning objectives for such development.

The open storage uses had a significant impact on the character of this site and represented an inappropriate form of development in the Green Belt and no very special circumstances had been put forward which would allow such harm to the Green Belt to continue. The uses and operational developments both individually and cumulatively were causing demonstrable harm to the openness of the Green Belt in this area and were detrimental to the residential amenities of occupiers of dwellings in Hurst Lane.

The owner of the site was fully aware of the need for planning permission and of the unauthorised nature of activities on the land. The Council had granted planning permission previously for certain activities at Padd Farm on the basis that some of these low key activities could be accommodated in the Green Belt and could help to financially underpin the former limited agricultural enterprise. However, the owner had abused this policy concession and as there appeared to be no agricultural activities occurring on the land (with the exception of the keeping of chickens within the amenity land forming part of the residential curtilage) further concessions for diversification could not be allowed.

In the light of the previous enforcement action undertaken and the current breaches of planning control, the Committee supported the initiation of injunction proceedings to secure an injunction in very wide terms requiring the landowner to comply with planning legislation in respect of any future development on the site. A report on the financial implications of initiation of injunction proceedings would be made to a future meeting.

The Committee requested that consideration be given to compulsory acquisition of the whole, or part of, the site in the light of the previous enforcement history, the apparent intention of the owner to continue to flout the planning legislation, the derelict and neglected state of the site the majority of which was unlikely to be used for agriculture by the owner in the future even if the land was still able to support any kind of agriculture in view of its varied use over 20 years, and its potential for future public leisure related uses in conjunction with other land. A number of valuation, legal, planning and leisure issues required detailed consideration before a comprehensive report, covering the options available, was brought to the relevant Committees.

In reaching its decision, the Committee took into account the Human Rights considerations associated with this case, and the planning, financial and legal considerations. In view of the owner's continued refusal to comply with planning legislation and continued breaches thereof, the Committee considered that further action was necessary to secure a cessation of the current breaches of planning control and prevention of any further breaches of planning control in the future. Accordingly it was -

RESOLVED that -

- a) **the Director of Administration and Leisure be authorised to issue Enforcement Notices pursuant to Section 172 of the Town and Country Planning Act 1990 in respect of the breaches of planning control identified in the preamble of this resolution for the following reasons:**

The development comprises an undesirable introduction of further commercial development in this predominantly rural area to the detriment of the character and amenities of the area both visually and by reason of the additional activities including traffic movements generated on the site, contrary to policies for the preservation of the Green Belt and protection of the natural environment contained in Policy Planning Guidance Note 2 : 'Green Belts', Policies LO5 and LO6 of the Surrey Structure Plan 2004, and Policies GB1, GB7, GB13, NE1 and NE3 of the Runnymede Borough Local Plan Second Alteration April 2001;

- b) **the Director of Administration and Leisure in conjunction with the Director of Technical Services and after consultation with Counsel, be authorised to seek an Injunction under the provision of Section 187B of the Town and Country Planning Act 1990 to restrain the existing breaches of planning control identified in the preamble to this resolution, the breach of any effective Enforcement Notices and future breaches of planning control on the site known as Padd Farm, Hurst Lane, Egham;**
- c) **the Director of Administration and Leisure, in consultation with the relevant Chief Officers, professional advisors and Counsel, be instructed to investigate the compulsory acquisition of all or part of Padd Farm, Hurst Lane, Egham and a detailed and comprehensive report be brought to the relevant Committees of the Council for their consideration; and**
- d) **the financial implications of such action be noted.**

42. THE BROOKS, LYNE LANE, LYNE - ENFORCEMENT

The Committee considered authorisation of enforcement action in respect of the unauthorised use of land and buildings on the above-mentioned land for the storage of cars and the repair and maintenance of motor vehicles and the erection of an unauthorised outbuilding used for vehicle repair and maintenance adjacent to The Brooks Riding Stables, Lyne Lane, Lyne.

Vehicle repairs were being undertaken from three barns to the north of the stable block. Two of the buildings had been erected for over four years and had been converted for business use. However, the third barn appeared to be a relatively new building, erected some time between September 2000 and June 2002, and created an enclosed courtyard between the other two barns.

The current occupier claimed that he rented the premises between 1990 and 1998 for car maintenance purposes. He purchased the property in April 2004. No evidence had been produced to date to support his claims and no Certificate of Existing Lawfulness application had been submitted.

From aerial photographs of the site and without any other evidence to the contrary, the substantial new outbuilding was not considered to have been erected for the relevant four year period and was, therefore, unlawful and unauthorised. The erection of the new outbuilding was an inappropriate development which conflicted with the purposes of the Green Belt and its openness, and was detrimental to the visual amenities of the Green Belt.

From the evidence and information presently available it appeared that the current vehicle repair business had not been operating from these buildings or land for the past ten years and therefore it was considered to be an unlawful use. The use of the lawful buildings for car repairs was unacceptable as it involved the extensive parking of vehicles outside the buildings and within the courtyard. The vehicle repair business with the general activity and intensity of vehicle movements it was generating or could generate would also have a materially greater impact on the openness of the Green Belt than its former use and was therefore an inappropriate development. No very special circumstances had been put forward to outweigh the harm to the Green Belt in this case.

The County Highways Authority objects to the business use of the site as a vehicle repair centre. The Authority is concerned about the intensification in use of a sub-standard access with poor visibility and a narrow access way.

The Committee took into account the Human Rights considerations associated with this case, but considered that enforcement action was necessary to bring about the cessation of the continuing breaches of planning control which were causing demonstrable harm to the Green Belt and the general amenities of the area.

RESOLVED that -

- (1) the Director of Administration and Leisure be authorised to issue and serve an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring :-**
- i) the demolition of the new building to the north and north-west of the existing barns and the removal of all resulting debris and materials from the site;**
 - ii) the cessation of the unauthorised use of land and buildings for the commercial repair, servicing and maintenance of motor vehicles; and**
 - iii) the removal of all vehicles stored or parked, awaiting repair, servicing or maintenance and all associated equipment, plant, machinery and tools from the land and buildings.**
- (2) the Director of Administration and Leisure be authorised to take appropriate action, namely prosecution under Section 179 of the Town and Country Planning Act 1990 in the event that the Notice is not complied with.**

Reasons for Issuing the Enforcement Notice

- 1. The developments are inappropriate within the Metropolitan Green Belt which cause harm by definition and actual harm by virtue of the undesirable intrusion of development and associated uses which are detrimental to the openness and visual amenities of the Green Belt and undermining the purposes of including land within the Green Belt contrary to Policy LO4 of the Surrey Structure Plan 2004 and Policies GB1 and GB7 of the adopted Runnymede Borough Local Plan Second Alteration April 2001 and Planning Policy Guidance Note 2: 'Green Belts'.**
- 2. The Planning Authority do not consider that there are very special circumstances to justify the granting of planning permission contrary to Policy LO4 of the Surrey Structure Plan 2004, Policies GB1 and GB7 of the adopted Runnymede Borough Local Plan Second Alteration April 2001 and the advice contained within Planning Policy Guidance Note 2: 'Green Belts'.**

- 3. The use results in the intensification in use of a sub-standard access where visibility is severely restricted by road alignment and over-grown hedges. The access road is also sub-standard and will not allow simultaneous exit and entry. The restriction in visibility and the poor access road results in danger and inconvenience to other highway users.**

43. 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 received and noted.

44. WILLOW FARM, CHOBHAM ROAD, OTTERSHAW - HIGH COURT INJUNCTION PROCEEDINGS

By resolution of the committee the press and public were excluded from the meeting during the consideration of this report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in paras. 12 and 13 of Part I of Schedule 12A of the Act.

By reason of special circumstances, namely the need to secure authority to continue proceedings in the High Court, the Chairman considered that this item should be considered as a matter of urgency.

The Committee considered the current legal proceedings in the High Court for Injunctive relief to bring about a cessation of the unauthorised use and development, namely siting of caravans and construction of hardstandings, on Willow Farm, Chobham Road, Ottershaw and to secure compliance with effective Enforcement Notices.

The details of previous High Court and enforcement action in respect of this site were reported. Members noted that the Enforcement Notices which had been upheld on appeal in 2004, subject to an extended compliance period to enable the Defendants to find alternative site provision, were now effective.

The Defendants were still in occupation of the Site and had confirmed that they had not yet found an alternative site to provide for their needs. Consequently, Officers had requested the High Court to consider the Council's application for a Full Injunction and the hearing of the Council's application was set down for Monday 13 June 2005.

Following liaison with Counsel by Officers, the Committee was given a further opportunity to consider the circumstances of this case and the fact that the occupiers had not yet found alternative accommodation and to consider whether they still wished Officers to proceed with the application for a final Injunction to restrain both the use of the Site and further development of the Site and seek to secure compliance with the effective Enforcement Notices dated 24 March 2003 and 25 April 2003.

The Committee noted the contents of the previous report to the Planning Committee Meeting of 16 April 2003 which highlighted the history of the site, the policy and legal context and the planning and legal considerations, in respect of the previous enforcement and legal action authorised by this Committee and the detailed personal circumstances of the Defendants in addition to the copy of the Decision letter dated 20 February 2004 from the Government Office for the South West which upheld the Council's Enforcement Notices and contained further details of the background and further personal circumstances of the occupiers.

Members considered the contents of these documents and the report before them and after taking into account all considerations material to this case, the Committee confirmed unanimously that it wished to continue to seek an Injunction with a view to securing compliance with the effective Enforcement Notices by securing cessation of the continued breaches of planning control which currently exist at Willow Farm, Chobham Road, Ottershaw.

RESOLVED that -

the Director of Administration and Leisure, in consultation with the Director of Technical Services and Counsel be authorised to continue the current legal proceedings in the High Court which seek an injunction pursuant to Section 187B of the Town and Country Planning Act 1990 against the owner and the occupiers of Willow Farm, Chobham Road, Ottershaw

- i) to restrain the existing breaches of planning control at Willow Farm, Chobham Road, Ottershaw; and**
- ii) to seek compliance with the effective Enforcement Notices dated 24 March 2003 and 25 April 2003 upheld with amendments by the Government Office for the South West by their letter of 22 April 2004.**

Chairman

(The meeting ended at 9.17pm).