

Runnymede Borough CouncilPLANNING COMMITTEE17 August 2005 at 7.30pm

Members of the Committee present: Councillors J.M. Edwards (Chairman), D.W. Parr (Vice-Chairman), Mrs F.M. Angell, J.R. Ashmore, J. Broadhead, J.B. Dean, J.R. Furey, Mrs L.M. Gillham, Ms. R.E. Haylor, C. Knight, Mrs J. Norman, R. Pate, N. Thewlis, J.R. Whiteley and G.B. Woodger.

Members of the Committee absent: None

202. 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. With the sole exception of Councillor C Knight, who would continue to serve on this Committee until further notice, 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	Council H.W.V. Meares	Councillor N. Thewlis
Conservative	Councillor Mrs M. Roberts	Councillor Ms. R.E. Haylor
Conservative	Councillor A.P. Tollett	Councillor C. Knight (see above)
Runnymede Independent	Councillor B.J. Relph	Councillor Mrs. L.M. Gillham

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

203. MINUTES

The Minutes of the meeting of the Committee held on 20 July 2005 were approved and signed as a correct record.

204. DECLARATIONS OF INTEREST

The following interest was made under the Runnymede Code of Conduct for Members by the Councillor shown.

Councillor	Item	Nature of Interest
Mrs F.M. Angell	Item 6: Application RU05/0685 – Land at Coldharbour Lane – Thorpe	Personal and prejudicial – Member of S.C.C. Planning Committee which would determine this application.

205. 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/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.

<u>APP. NO.</u>	<u>LOCATION, PROPOSAL AND DECISION</u>
RU 03/0112	<p>Brunel University, Runnymede Campus, Coopers Hill Lane, Englefield Green Variation of Condition 2 (time limit) of outline planning permission RU 93/0359 to be extended to allow submission of reserved matters within 5 years for 14,500 sq.m. of additional built accommodation and 222 car parking spaces</p> <p>DECISION: That subject to confirmation from GOSE that the Secretary of State does not wish to call-in the application for his own determination, then subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 to secure:</p> <ol style="list-style-type: none"> 1. The provision of off-site works involving two junction improvements to Coopers Hill Lane - <ol style="list-style-type: none"> i) at Coopers Hill Lane/St Jude’s Road junction (drawing no. 34H103/P23); and ii) at the other end of Coopers Hill Lane, near to the access to the University (drawing no. 34H105/P24); 2. The retention of open areas outside the development envelope; 3. Monitoring of the water in the Langham Ponds before and during building operations and for two years after completion and to undertake remedial measures as may be agreed should the monitoring indicate that the water in the ponds has become polluted in accordance with paragraph 4.60(vi) of the Environmental Statement; 4. Highway improvements and contributions as follows: <ol style="list-style-type: none"> i) Provision of a pedestrian (pelican) crossing on St Jude’s Road; ii) £30,000 towards implementation of the Hummer Road to Windsor Road cycle link; iii) £10,000 towards improvements to public transport infrastructure; iv) A £2,000 contribution towards Travel Plan monitoring.

The Director of Technical Services be authorised to GRANT permission following consultation where appropriate with the Chairman or in his absence the Vice-Chairman of the Committee, subject to conditions.

(There were 7 votes for and 7 votes against granting permission with one abstention. The Chairman exercised his casting vote in favour of granting permission subject to the provisos outlined in the Resolution above).

(Dr. Rosen, an objector and Ms. Flo Churchill from GVA Grimley, on behalf of the applicant addressed the Committee on the above application).

RU 05/0653

**2 Rusham Park Avenue, Egham
Outline planning application for the erection of a two-storey block of eight flats with 8 car parking spaces at the rear following demolition of the existing dwelling and outbuildings.**

DECISION: REFUSE for the following reasons:

1. **The proposed development by reason of the number of units, its scale, design, massing, layout, distances to boundaries and lack of amenity space, dominant and harsh car parking layout with minimal landscaping would represent a cramped form of development resulting in a prominent and incongruous building and development incompatible with its surroundings and detrimental to the character and visual amenities of the surrounding area contrary to Policy SE4 of the Surrey Structure Plan 2004 and Policies HO9 and BE2 of the Runnymede Borough Local Plan Second Alteration April 2001 advice contained in the Surrey Design Guide, in Planning Policy Statement 1 Delivering Sustainable Development and Planning Policy Guidance 3: 'Housing'.**
2. **The introduction of car parking in close proximity to the common boundary of the adjoining neighbour at No.4 Rusham Park Avenue would be an un-neighbourly form of development causing unacceptable disturbance, detrimental to No. 4 Rusham Park Avenue's amenities, contrary to Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001.**
3. **The proposed development by reason of its height, scale, mass, rear projection beyond the neighbouring property and proximity to the western side boundary is likely to result in an un-neighbourly form of development, detrimental to the residential amenities of No. 4 Rusham Park Avenue by reason of overbearing and over dominant impacts,**

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contrary to Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001.

- 4. No provision has been made on site to encourage sustainable modes of transport and as such the development is contrary to Planning Policy Statement 1: 'Delivering Sustainable Development', PPG3: 'Housing' and Policy DN3 of the Surrey Structure Plan (2004).**

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

RU 05/0675

**Former Police Station, Free Prae Road, Chertsey
Demolition of existing buildings and erection of a two-storey building comprising 6 no. x two bedroom flats with parking and access from Stepgates Close.**

DECISION: REFUSE for the following reasons:

- 1. The proposed development by reason of its scale, height, form and proximity to common boundaries, would result in a cramped and prominent form of development which would be incongruous, out of scale and detrimental to the character of the surrounding area and visual amenities of the street scene contrary to Policy SE4 of the Surrey Structure Plan 2004, Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration April 2001, Planning Policy Guidance Note 3 'Housing' March 2000, Supplementary Planning Guidance 'Surrey Design' January 2002 and 'By Design'.**
- 2. The proposed development by reason of its massing and siting in close proximity to existing dwellings in Stepgates Close would have a detrimental impact on the residential amenities of those dwellings by virtue of loss of outlook, overlooking and loss of privacy, contrary to Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001.**
- 3. The proposed development lies within the area of land liable to flood as shown on maps held by the Environment Agency. Information held by the Environment Agency and within the submitted flood risk assessment shows that the proposed development will increase the number of people at risk from flooding by introducing additional households into an area from which safe dry access to land entirely outside the floodplain may not be available in the event of flooding.**

(Mr M Nick, an objector, addressed the Committee on

the above application).

RU 05/0676

**Former Police Station, Free Prae Road, Chertsey
Demolition of existing building and erection of a two
and half storey building comprising seven x 2
bedroom flats and one x 1 bedroom flat with parking
and access from Stepgates Close.**

DECISION: REFUSE for the following reasons:

1. **The proposed development by reason of its scale, height, form and proximity to common boundaries, would result in a cramped and prominent form of development which would be incongruous, out of scale and detrimental to the character of the surrounding area and visual amenities of the street scene contrary to Policy SE4 of the Surrey Structure Plan 2004, Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration April 2001, Planning Policy Guidance Note 3 'Housing' March 2000, Supplementary Planning Guidance 'Surrey Design' January 2002 and 'By Design'.**
2. **The proposed development by reason of its massing and siting in close proximity to existing dwellings in Stepgates Close would have a detrimental impact on the residential amenities of those dwellings by virtue of loss of outlook, overlooking and loss of privacy, contrary to Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001.**
3. **The proposed development lies within the area of land liable to flood as shown on maps held by the Environment Agency. Information held by the Environment Agency and within the submitted flood risk assessment shows that the proposed development will increase the number of people at risk from flooding by introducing additional households into an area from which safe dry access to land entirely outside the floodplain may not be available in the event of flooding.**

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

RU 05/0685

**Land at Coldharbour Lane, Thorpe
Continued extraction of minerals, backfilling with inert waste and restoration of land to agriculture without complying with Condition 2 of planning permission RU 95/0163 dated 23 August 1996 and approval of amended details of scheme of working and scheme of filling pursuant to Condition 1 of planning permission RU 95/0163 dated 23 August 1996.**

DECISION: RAISE NO OBJECTION subject to the following:

- 1. That this consent be only in respect of the period for extraction of minerals and that all other requirements of the original planning permission RU. 95/0163 be retained, including restoration of the site on or before 31st December 2010 (Condition 2), use of the haul route south of Norlands Lane (Conditions 5 and 6) and fill material being limited to Class A inert waste only (Condition 10).**
- 2. That the County Council be requested to closely monitor the site and take appropriate action if necessary to ensure the extraction of the remaining mineral reserves by 31 December 2006 and that the site is restored on or before 31st December 2010.**
- 3. That the applicants be invited to withdraw their appeals in respect of the retention of the existing processing and ready mixed concrete plant at Chertsey Quarry to process imported sand and gravel (ref. RU. 05/0064 and RU. 05/0065).**
- 4. It was agreed that specific attention should be drawn to Condition 2 for the restoration/ infilling of the site to be completed on or before 31 December 2010.**

RU 05/0706

**St Peters Hospital, Guildford Road, Chertsey
Construction of two-storey 56 bed ward within existing parking area to the front of Duchess of Kent building, and demolition of existing ramp buildings to create replacement car parking (amendment to planning approval RU 04/1451).**

DECISION: GRANT subject to conditions.

RU 05/0705

**St Peters Hospital, Guildford Road, Chertsey
Construction of modular day theatre for a period of ten years following demolition of existing temporary link within an existing car park/service yard (revision to planning approval RU 04/1453).**

DECISION: Subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £72,000 towards a package of travel related obligations the Director of Technical Services be authorised to GRANT permission following consultation where appropriate with the Chairman or in his absence the Vice-Chairman of the Committee, subject to conditions.

- RU 05/0562** Thorpe Park, Staines Road, Chertsey
Reserved matters application for Icon Coaster
granted outline permission under RU 03/0965
(amendments to permission RU 04/1311 including
enlarged site area revised positioning of coaster
stanchions, amended ancillary buildings and site
layout and 4 no. new lighting columns).
- DECISION:** GRANT subject to conditions.
- RU 05/0632** Rivendell, North Drive, Virginia Water
Erection of detached two-storey dwelling
incorporating basement and detached triple garage
following demolition of existing house and
outbuildings.
- DECISION:** GRANT subject to conditions.
- RU 05/0666** Rivendell, North Drive, Virginia Water
Erection of detached two-storey dwelling with
attached single storey conservatory incorporating
basement and detached triple garage following
demolition of existing house and outbuildings.
- DECISION:** GRANT subject to conditions.
- RU 05/0700** The Boat House, Hamm Court, Weybridge
Erection of detached dwelling following demolition
of existing dwelling.
- DECISION:** Withdrawn by Applicant prior to the
meeting.
- RU 05/0650** The Boat House, Hamm Court, Weybridge
Siting of mobile home for temporary period (2 years)
- DECISION:** Withdrawn by Applicant prior to the
meeting. Enforcement action deferred pending
receipt of revised application for a replacement
dwelling at the site from the Applicant.
- RU 05/0674** 5 Leigh Close, Rowtown
Erection of part two, part single storey side
extension following demolition of existing garage.
- DECISION:** GRANT subject to conditions.
- RU 05/0680** Land r/o 41 Alexandra Road, Englefield Green
Erection of single storey block comprising 3 no.
office units (Class B1) following demolition of
existing lock-up garages.
- DECISION:** REFUSE for the following reason:
- The proposal by reason of the access to
neighbouring properties, the number of proposed
businesses, the comings and goings of employees
and visitors over and above the existing is likely to
significantly increase vehicular movements from

Alexandra Road, would result in an undesirable intensification of the site that would be un-neighbourly and out of character with the residential character of the area causing unacceptable noise and disturbance detrimental to the residential amenities of neighbouring properties in particular No. 40 & 41 Alexandra Road contrary to Policies DN2 and SE4 of the Surrey Structure Plan 2004 and Policies LE1 and MV4 of the Runnymede Borough Local Plan Second Alteration April 2001.

(Mr J Mortimer, an objector and Mr C Watts on behalf of the applicant addressed the Committee on the above application).

RU 05/0696

**Land r/o Hythe Centre, Rochester Road, Egham
Retention of temporary single storey building for
use as doctors' surgery (18 months).**

DECISION: GRANT subject to conditions.

(Note subsequent to the meeting : Condition 5 should read –“ The finished ground floor level shall be set at or above 14.09m AOD(N)” and not as written in the addendum as 14.9m AOD(N) .)

206. GREENSIDE, CHESTNUT AVENUE, VIRGINIA WATER - SECRETARY OF STATE'S DECISION

Members were advised of the Secretary of State's decisions regarding the listed building application and the new dwelling application relating to "Greenside".

The Committee, on 19th November 2003, had indicated its intention to grant listed building consent for the demolition of the Grade II listed building, "Greenside", and also to grant consent for a new dwelling on the site. The Director of Technical Services had made it clear at the meeting that the application to demolish the listed building would need to be referred to the Secretary of State who would then determine whether or not to call in the application. However, the applicant, Mr. Beadle, did not await the Secretary of State's decision and demolished "Greenside" the following weekend without consent. The Secretary of State directed the Council not to grant such consents and called in the two applications, notwithstanding the earlier demolition, for his determination following a Public Inquiry.

The Public Inquiry was duly held during November and December 2004. The Secretary of State accepted his Inspector's recommendations and refused both the Listed Building consent for the demolition of "Greenside" and planning permission for a new dwelling. In respect of the Listed Building application the Secretary of State concluded as follows:-

"The Secretary of State considers that "Greenside" was a building of some significance which merited its Grade II listed status. He recognises that it required substantial repairs to secure its long term future, but he does not accept that its condition was such that it was incapable of occupation as a dwelling. He appreciates that it was marketed unsuccessfully for two years, but does not consider that it was marketed at a price which reflected its condition. Little or no investigation of possible alternative uses appears to have been undertaken. The Secretary of State does not consider, therefore, that the reasons put forward in support of the application justified the demolition of the building. He recognises that the occupants of listed buildings are subject to a range of controls but he does not consider that the application of such controls in this case constitutes a burden disproportionate to the wider benefits of preserving an important listed building. He does not consider, therefore, that refusing listed building consent would constitute a disproportionate interference with the applicant's human rights. He is not therefore prepared to grant listed building consent for the demolition of "Greenside".

In respect of the new dwelling application the Secretary of State did not accept that it would constitute a replacement dwelling as set out in PPG2 and local plan policy GB6. The Secretary of State further considered that Mr. Beadle, by his own actions, had returned the site to open land in circumstances where he could not be said to have had any legitimate expectation that a new and different building could be erected on site. He concluded as follows:

“The Secretary of State considers that the proposed new dwelling is not a replacement dwelling for “Greenside” and constitutes inappropriate development in the Green Belt, contrary to the development plan and to PPG2. In his view the proposal would cause significant harm to the openness of the Green Belt. He does not consider that there are any very special circumstances that clearly outweigh the harm caused by inappropriateness and the harm to openness. He has given careful consideration to the history of this case and to the implications that a refusal of permission will have for the applicant. However, for the reasons given above, the Secretary of State concludes that the public interest must be afforded greater weight than any adverse consequences for the applicant. He has concluded that there are no material considerations that would indicate that he should determine the application other than in accordance with the development plan.”

With the Secretary of State’s comments in mind, the Director of Technical Services advised the Committee that any further applications for similar replacement dwellings on the site would therefore be likely to be recommended for refusal unless there were additional material considerations and that any such applications would almost certainly be called in by the Secretary of State, if the Planning Committee were minded to grant permission.

The owner of “Greenside”, Mr Beadle, had indicated, through his Solicitors, that he was considering taking the matter to the High Court. Officers would be meeting with him on 18 August when his future intentions would be learned. Mr Beadle had 6 weeks, expiring on 24 August, in which to lodge his appeal. Members were advised that the grounds of possible challenge were limited and the likelihood of success doubtful.

Officers therefore recommended against the Council commencing an appeal as well as being independently represented at any hearing in the High Court, commenced by Mr Beadle, particularly as the Council’s costs would not necessarily be recoverable even if a challenge by Mr Beadle proved successful.

The Committee had previously requested, at its meeting on 28 April 2004, that a further report be brought to the Committee to consider any enforcement or prosecution options following the Secretary of State’s decisions. The Committee had considered that a prosecution before the decisions would be premature.

English Heritage, in April 2005, had brought a successful prosecution against Mr Beadle for demolition of the listed building without consent. He had been fined £15,000 with £10,000 costs awarded to English Heritage. Members were advised that there were, currently, no enforcement matters by Runnymede to be considered.

RESOLVED that -

Runnymede Borough Council should not commence an appeal nor seek to be represented in any High Court appeal against the Secretary of State’s decisions.

207. 105 CHERTSEY ROAD, ADDLESTONE - SECTION 215 ENFORCEMENT NOTICE

The Committee considered a report to seek authority to issue an enforcement notice under Section 215 of the Town and Country Planning Act 1990 in respect of a detached dwelling house situated at 105 Chertsey Road, Addlestone.

The house was derelict and in a poor condition with loose and missing tiles, and peeling paintwork that gave the house a rundown and neglected appearance. There were two apparently dumped and untaxed vehicles in the side garden which were visible notably where the boundary wall had crumbled in places. This property had remained in a dilapidated condition for many years causing concern to the Council particularly in relation to its structural integrity.

The Owner had dealt with immediate problems, for example the dangerous slates on the roof, and, in the past the Council had authorised the compulsory purchase of the site. In 2003, planning permission (RU.03/0403) was granted for alterations to some outbuildings. However, since that date no firm proposals with a timescale for either implementing this permission or giving any indication as to when the main building would be repaired and reoccupied had been communicated

In December 2003, planning permission (RU.03/1274) had been granted for the 'Erection of first floor rear extension, raising roof, external alterations and conversion of single stable to ancillary accommodation'. To date, no development had occurred and the site continued to deteriorate.

Section 215 (S215) of the Town and Country Planning Act 1990 (the Act) provided a local planning authority with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affected the amenity of the area. If it appeared that the amenity of part of their area was being adversely affected by the condition of neighbouring land and buildings, the local authority were permitted to serve a Notice on the owner requiring that the situation be remedied. These Notices set out the steps that were needed to be taken, and the time within which they must be carried out. Local planning authorities also had the powers, under Section 219, to undertake the works themselves and to recover the costs from the landowner.

The Notices were previously known as 'wasteland notices' but under current legislation such notices applied equally to buildings and land where harm was caused through visual appearance. This site complied with all the relevant criteria for a Section 215 Notice; the land and buildings were an eyesore given the property's poor and unmaintained condition and its situation was in a prominent position on the A318 main road between Chertsey and Addlestone

Members were advised that in the event that the owner wished to submit alternative measures to those set out in the notice then they would be considered on their merits.

Members also noted the provisions of Article 8 and Article 1 of the First Protocol to the Convention on Human Rights and that in this case the wider impact of the appearance of the land justified the interference with the owner's human rights and thus the issuing of a Section 215 Notice was considered to be a proportionate response in the circumstances of this case.

RESOLVED that –

- i) the Director of Administration and Leisure be authorised to issue and serve an Enforcement Notice under Section 215 of the Town and Country Planning Act 1990 (as amended) requiring the Owner of 105 Chertsey Road, Addlestone to:-**
- (1) Remove any perished, unkeyed and cracked render/stucco. Replace render/stucco so removed using suitable materials to match the existing render/stucco mix and finish.**
 - (2) Prior to repainting, clean and prepare all render/stucco, removing in the process any flaking paint, so as to ensure all external render/stucco is in an appropriate condition for repainting.**
 - (3) On completion of steps (1) and (2) above, repaint, in cream or white all render/stucco with a minimum of two coats of exterior paint.**
 - (4) Prior to repainting, clean and prepare all external timbers, removing in the process any flaking paint and replacing any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design in terms of pattern, detail and profile, so as to ensure that all external timbers are in an appropriate condition for repainting.**
 - (5) On completion of step (4) above, repaint all external timbers in black with primer, undercoat and gloss.**

- (6) **Replace any broken or missing glazing with new glass to the appropriate specifications with no painting over any glazed windows.**
 - (7) **Replace any missing or broken roof tiles with tiles of an identical style, type, colour and material.**
 - (8) **Repair any masonry in between sections of the boundary wall facing Chertsey Road using building blocks.**
 - (9) **Render and paint the boundary wall facing Chertsey Road using cream or white paint with a minimum of two coats of exterior paint.**
 - (10) **Remove from the land all untaxed motor vehicles.**
- ii) **the Director of Administration and Leisure be authorised to amend, add to or delete any of the above requirements of the notice as appear appropriate; and**
 - iii) **the Director of Administration and Leisure be authorised to institute legal proceedings in the event of non-compliance with the Enforcement Notice once effective pursuant to Section 217 of the Town and Country Planning Act 1990.**

208. 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.

209. STANDING ORDER 42 - URGENT ACTION

The Committee noted that acting in accordance with Standing Order 42 the following action had been undertaken by the officer shown below after consultation with the Chairman of this Committee and the Chairman of Corporate Management Committee.

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Technical Services	Waiving of Standing Orders and seeking a supplementary estimate to purchase a computer software package which will assist in meeting one of the Government's Best Value targets upon which £50,000 of the Planning Delivery Grant for 2005/06 depends.	592

Chairman

(The meeting ended at 9.32 p.m.)