

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 7 January 2004 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors G.B. Woodger (Chairman), Mrs. J. Norman (Vice-Chairman), J.R. Ashmore, Mrs. F.J. Barden, J.B. Dean, J.M. Edwards, J.R. Furey, Mrs. L.M. Gillham, C. Knight, H.W. V. Meares, R.Pate, D.W. Parr, N. Thewlis, A.P. Tollett, and J.R. Whiteley.

AGENDA

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. B.A. Fleckney, Administration and Leisure Department, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620.
- iv) Public speaking on planning applications only is allowed at the Planning Committee. For details please contact the Administrative Section of the Technical Services Department. (Tel Direct Line: 01932 425131)
- v) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

2. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 3 December 2003 (Appendix 'A') as a correct record.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

5. REVENUE ESTIMATES 2004/2005 (DF)

Purpose of Report

To receive and consider the draft Revenue Estimates for 2004/05.

Report

The report of the Director of Finance containing the draft Revenue Estimates and fees and charges for the services under the remit of this Committee is attached at Appendix 'B'.

OFFICERS' RECOMMENDATION that –

- i) the proposed fees and charges for 2004/2005 as set out in Appendix 'B' be approved to be effective from 1 April 2004 or as appropriate; and**
- ii) the draft Revenue Estimates for 2004/2005 be approved as submitted and the Corporate Management Committee be requested to make provision accordingly.**

(TO RESOLVE)

Background Papers

None stated.

6. PLANNING APPLICATIONS (DTS)

A list of the planning applications to be determined by the Committee is attached.

If Members have particular queries or interests in certain applications, the application files will be available for inspection and Officers present from 7.00 p.m. prior to the meeting in the ante room of the Council Chamber. This will be an informal opportunity for Members to see further details of applications and representations and to discuss and clarify issues. Copies of all letters of representation will also be placed on the table in the Chamber prior to the meeting and will be available for inspection by Members.

OFFICERS' RECOMMENDATION that –

the said applications be determined as indicated and any permission granted be subject to the conditions authorised.

(TO RESOLVE)

Background Papers

A list of background papers is available at the Technical Services Reception.

7. PLANNING OBLIGATIONS CONSULTATION PAPER (DTS)

1. Purpose of Report

- 1.1 **To seek Members views on a consultation paper which looks to reform the way planning obligations are dealt with.**

2. Background Information

- 2.1 Current Government Policy regarding planning obligations is set out in Circular 1/97. This advises that contributions through a planning obligation should not be sought unless it is necessary, relevant to planning, directly related to the development, fairly and reasonably related in scale to the development, and reasonable in all other respects.
- 2.2 The Government expresses concern that the negotiation of such agreements can take a long time, be expensive and the process is not transparent.
- 2.3 The proposed changes seek to address these criticisms, and also seek examples of innovative or good practice in the use of planning obligations. It also seeks to address areas of case law which have changed since the Circular advice was produced.

3. Report

- 3.1 The Consultation Paper suggests that Local Authorities might be required to set out what contributions they are likely to seek in the Development Plan. This would set out how they would use negotiated planning obligations to secure developer contributions.
- 3.2 In certain areas it is suggested that contributions are predictable and could be set out on the basis of formulae to explain the scale of contributions expected.
- 3.3 It is suggested that Planning Authorities could use planning obligations to secure on-going contributions and that contributions might be voluntarily pooled to help meet the needs of new development in the local community.
- 3.4 It is suggested that standard heads of terms and clauses for negotiated planning obligations could be used and if there is inadequate staff resources then additional staff resources might be brought in to be paid for by developers. It is further suggested that mediators might be brought in to help resolve any disputes.

Comment

- 3.5 ***It is considered that the Local Development Framework might be used to set out those aspects which the Council is seeking contributions for and this would make the process more transparent. However, local needs do change over time and such policies need to be flexible enough to embrace new challenges locally. The idea of pooling such contributions is welcomed and this has already been used in Runnymede for funding of the Yellow Bus initiative.***
- 3.6 ***Standard heads and terms again would simplify the process to a degree, but it is not necessarily thought that bringing in external resources would speed the process as internal staff would still have to be involved in briefing such staff. Locally, whilst some obligations have taken time to negotiate, it is not considered that use of mediators would have improved this situation, although it is appreciated that elsewhere this may have facilitated earlier agreement. There are a variety of reasons why such agreements take longer than six months to complete, the majority of which relate to third party or multi-party delays in reaching agreement regarding the detailed wording of the respective obligations.***
- 3.7 The Consultation Paper indicates the Government has decided to introduce a new optional planning charge that would be an alternative to traditional negotiated planning obligations.

This would mean that a developer would have the option of paying a charge rather than entering into negotiations with the Planning Authority.

- 3.8 The planning charge would be used to secure the same range of contributions as negotiated planning obligations, but a willingness to pay the charge would not guarantee the grant of planning permission.
- 3.9 One potential way forward is for Planning Authorities to set a charge in the Local Plan for development on sites identified in the Development Plan. The charge could be set at different levels for different types of development such as brownfield and greenfield sites, for residential and commercial development. The charge should be set at a level which would be sufficient to mitigate the likely impacts of new development.

Comment

- 3.10 ***It is considered that it would be very difficult in many cases to set a detailed tariff in relation to specific sites identified in the Local Development Plan. Often these are "in principle" allocations of land which have not been subjected to detailed scrutiny. It is only when a planning application is being considered that some detailed elements would be likely to arise. These could include the need for highways infrastructure, dealing with potentially contaminated land, and contributions to health or education facilities which may not be known in advance. These aspects would normally be negotiated as part of a planning application and therefore would be on the basis of known information. If a tariff was set in advance of this detailed examination it would be likely to under-estimate the cost of provision of such facilities. If a charge was set at a sufficiently high rate to be able to cater for the possibility for such infrastructure improvements, it would be claimed by developers to be too high, unless a mechanism for a refund, once the final costs are known, can be included.***
- 3.11 The Consultation Paper seeks views on whether affordable housing contributions could be treated in this way, including the potential for financial contribution.

Comment

- 3.12 ***This Authority's experience and those of other Authorities in Surrey is that financial contributions in lieu of on-site provision for affordable housing does not result in affordable housing actually being provided. This is due to the very high costs of land acquisition for housing in the area. It is strongly recommended that the onus should be on on-site provision for affordable housing provided by the developer.***
- 3.13 The Consultation Paper suggests that a charge scheme should vary according to the use of the development, perhaps being based on either charge per unit for residential and by floorspace for commercial. It also asks whether the charge should only apply to sites identified in the Development Plan.

Comment

- 3.14 ***A charging regime based on individual residential units or commercial floorspace would seem the most transparent means of calculating a charge. There are a great number of sites that come forward through "windfall" rather than being previously identified within the Local Plan. It is considered to be essential that any regime is capable of ensuring that there are contributions from developers for such schemes. Also many small schemes have an impact on the local area but do not give rise to an infrastructure contribution. As it is likely that such developments will form a significant part of future provision some recognition in the form of a per unit contribution, may be appropriate on schemes of site size less than 0.4ha.***
- 3.15 The Consultation Paper asks whether Planning Authorities should be able to pool planning charge contributions, and also queries whether they should be able to spend receipts from a planning charge only on those elements specified in the Local Plan. Lastly, it indicates that if a developer has chosen to pay the charge, they should not be asked to make additional financial contributions through a Section 106 Agreement.

Comment

- 3.16 ***As already indicated, pooling resources does seem sensible, particularly where there are major long-term infrastructure improvements, or potentially, revenue consequences of initiatives that need to be supported.***
- 3.17 ***It would seem reasonable that contributions are spent on items identified in the Local Development Plan, but again there needs to be an element of flexibility to cope with new local issues.***
- 3.18 ***It might be reasonable to ask a developer to contribute to an element which is directly related to his development, even though he has already provided a financial contribution. This would be the case where it can be clearly identified that the proposed development raised environmental issues above that which could be catered for by the financial contribution.***

4. **Conclusions**

- 4.1 It is clear from the Consultation Paper that the Government is committed to introducing a tariff charging regime, although not as previously suggested in isolation, but now as an alternative to a negotiated settlement through a planning obligation.
- 4.2 Whilst on the face of it, setting a tariff does offer an opportunity for a more transparent and speedy process, it will be very difficult for Local Authorities in many cases to establish the appropriate level of charge given the Local Plan process. Even though under the new Local Development Framework, this will be a speedier and more flexible process, there will still be a number of occasions where sites are identified well in advance of development, where it will not be possible to accurately estimate the environmental impact, and therefore the appropriate charge to be made.
- 4.3 Whilst the current system is perhaps flawed in as much as it relies on the negotiating skills of the various parties involved, it is a process that has been well established and well understood for many years. The proposed new regime is likely to lead to a situation whereby developers will pay the tariff where they believe this offers a better financial situation than negotiating, but will seek to negotiate where they believe that the tariff is at too high a level. Either way it is not considered that this will have a reduced impact on Local Authority work levels, indeed it is likely to introduce a regime which will be more onerous in terms of staff time.

OFFICERS' RECOMMENDATION that -

the above mentioned comments be forwarded to the Office of the Deputy Prime Minister as this Authority's comments on this Consultation Paper.

(TO RESOLVE)

Background Papers

"Contributing to Sustainable Communities - A New Approach to Planning Obligations" ODPM November 2003.

8. **APPEAL DECISIONS**

The Planning Inspectorate has recently determined the appeals mentioned below. Appeal decisions a) is available for inspection in the Members Room. Appeal decision b) is attached at Appendix 'C'.

	<u>Site Development</u>	<u>Decision</u>
a)	13 Dudley Close, Addlestone - planning appeal regarding a single storey side rear extension with loft rooms over (RU.03/0009)	DISMISSED

b) 'Teulon', Knowle Grove, Virginia Water - planning appeal regarding erection of a 4 bed detached house with integral garage (RU.03/0648)	ALLOWED
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(FOR INFORMATION)

Background Papers

Appeal decisions.

9. 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 is attached at Appendix 'D'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

(FOR INFORMATION)

Background Papers

None

10. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing items in private, it is the

OFFICERS' RECOMMENDATION that -

where appropriate, the press and public be excluded from the meeting during discussion of the following 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 appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available to public inspection

a) Exempt Information

(No reports to be considered under this heading).

b) Confidential Information

(No reports to be considered under this heading).