

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 3 March 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), A. Alderson, 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
12. 'LUCIA ANGELIS', THORPE LEA ROAD, EGHAM 15
- 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 4 February 2004 as a correct record. These Minutes are contained in the March Council Summons/Minute Book.

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. 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.

6. LOCAL DEVELOPMENT FRAMEWORK (DTS)

1. Purpose of Report

1.1 **The purpose of this report is to seek Members' approval for a draft Local Development Scheme (LDS) and for methods of carrying out initial work on other elements of the Local Development Framework (LDF).**

2. Background Information

2.1 The Government's proposals to replace Local Plans with LDFs was first reported to the Planning Committee on 18 September 2002. A draft timetable and additional staff resources for the production of the LDF were approved by the Planning Committee on 15 October.

2.2 The Government's Draft Guidance and Regulations covering the preparation of LDFs were considered by the Planning Committee on 17 December 2003 and the comments made have been submitted to the Office of the Deputy Prime Minister.

2.3 Under the new Regulations the Council will be required to submit the LDS to the Secretary of State within 6 months of the commencement of the Act. The Government Office for the South East (GOSE) has requested that planning Authorities submit early drafts to them for initial consideration and comment early this year.

2.4 The revised draft LDS is attached at Appendix 'A' and a copy has been sent to GOSE for their informal comments.

3. Report

The Revised LDS

3.1 Following Members' consideration of the previous draft LDS a large amount of draft Government Guidance and Regulations have been published. These introduce complex and resource-intensive procedures for the preparation of the individual Local Development Documents (LDDs) that go to make up the LDF.

3.2 To accommodate these requirements the LDS programme has been revised to allow for the production of a reduced number of LDDs. These would be produced in two main batches over the three year period of the LDS.

Priorities

3.3 The first two parts of the LDF to be prepared will be the Core Strategy and the Statement of Community Involvement (SCI). These will be key documents for developing the remainder of the LDF. All subsequent Local Development Documents (LDDs) will need to comply with the Core Strategy and be produced in accordance with the process set down in the SCI.

3.4 The second phase of LDD production is focused on those areas that are critical in enabling the Council to carry out its functions as a planning authority. These will be LDDs on :-

- Housing (including how we will meet our housing allocation)
- Principal Development Control Policies

In addition to these it is proposed to produce supplementary planning documents (SPDs) on:-

- Highways Issues (including requirements for parking provision, transport plans etc)
- Planning Obligations

3.5 Further phases of LDD production are planned beyond the initial three year period covered by the LDS. The next priorities are likely to be the preparation of Area Action Plans for the Borough's town and village centres, guidance on leisure and open space and guidance on disabled access.

Monitoring/Review

3.6 The LDS will be subject to review every year. The draft Regulations would require the Council to review the LDS over the period from 1 April to 31 March and to produce a formal Annual Monitoring Report by December. This process will involve reviewing the performance of adopted LDDs and progress on the LDS programme. It will also provide an opportunity to review the need for additional or revised LDDs in light of changing circumstances and priorities.

Core Strategy

3.7 Initial work has commenced on the Core Strategy including the collection of data and analysis of existing plans and policies at National, Regional, County and local level to establish the context for the strategy.

3.8 A key component of the Core Strategy will be a vision for the Borough in 2016. In order to facilitate the establishment of a clear vision it is proposed to develop a number of possible scenarios. These will explore some of the possible outcomes and implications of following different planning strategies within the constraints that will apply.

- 3.9 Discussion on these scenarios would form the basis of initial community involvement in establishing a vision for the LDF. A draft set of potential scenarios is attached at Appendix 'B'.

Community Involvement

- 3.10 Under the new system the Council will be required to produce a Statement of Community Involvement (SCI) which will set out how the Council will involve the community and other stakeholders in the preparation of the LDF. The SCI is itself subject to consultation and external examination to ensure that it complies with the Regulations and is supported by stakeholders.
- 3.11 It is proposed to adopt the process set out at Appendix 'C' for the preparation of the SCI which is summarised from the relevant Draft Government Guidance ('Creating Local Development Frameworks – Consultation Draft on the process of preparing Local Development Frameworks' ODPM 2003).
- 3.12 It is essential that the process meets not just the Council's requirements but also involves stakeholders in the consideration of options and development of proposals. This should include consulting stakeholders on how they can best be involved and at what time and ensuring transparent mechanisms are in place for reporting and responding to their input.

4. Council Policy

- 4.1 The Leader's Position Paper 2004/5 states at paragraph 6.3.1 that:

"We will work to produce a Local Development Framework for Runnymede which has regard to the Community Strategy and which safeguards the quality of our environment, makes best use of land resources, promotes economic activity, delivers recreational facilities and encourages an integrated approach to issues of traffic and transportation management. Developments will be assessed in terms of quality and sustainability."

- 4.2 Production of the LDF will draw on a number of Council and other strategies, particularly the Community Strategy for which the LDF should be the spatial expression and a key means of its implementation.

5. Resource Implications

- 5.1 The Government's timescale for the introduction of LDFs is short, particularly in light of the amount of background work and community involvement that is being required. The Council has already approved staff resources to assist in the preparation of the LDF. The resource implications of meeting the required timescale for LDF production will be kept under review as part of the project management process.

6. Legal Implications

- 6.1 The Act enabling the change from Local Plans to LDFs is presently in Committee stage in the House of Lords and is due to come into force in June or July this year.
- 6.2 The LDS programme has been devised to ensure that the formal stages of the LDF process take place after the commencement of the Act. This should avoid undertaking abortive work. Advice from GOSE is that Planning Authorities should proceed with initial work towards their LDFs, particularly on establishing a sound evidence base.

7. Environmental Implications

- 7.1 The LDS includes provisions for a Strategic Environmental Assessment and Sustainability Appraisals of Local Development Documents. The intention is that this will be an integral part of the LDF process.

8. Other Issues

Risk Management

8.1 The LDS includes an assessment of the risks associated with the proposed programme.

Social Inclusion

8.2 The LDF, unlike the current Local Plan will be required to give spatial expression to non land-use policies on social, economic and environmental matters.

Consultation Strategy

8.3 The Statement of Community Involvement (which is one of the first stages of the programme) and the individual LDDs will be produced having regard to the Council's Communications Strategy.

9. Conclusion

9.1 The revised draft LDS sets out a realistic programme for the preparation of the LDF in accordance with the emerging Guidance and Regulations. In order to meet the required timescale, it is important that work continues on the preparation of the Core Strategy and SCI.

OFFICERS' RECOMMENDATION that –

- i) Members approve the revised draft Local Development Scheme at Appendix 'A' as the basis for proceeding with the preparation of the Local Development Framework;**
- ii) Members approve the methodology set out at Appendix 'B' as the means of preparing the Core Strategy; and**
- iii) Members approve the methodology set out at Appendix 'C' as the means of preparing the Statement of Community Involvement respectively.**

(TO RECOMMEND)

Background Papers

None stated.

7. DRAFT PLANNING POLICY STATEMENT (PPS) 6 : PLANNING FOR TOWN CENTRES (DTS)

1. Purpose of Report

1.1 **The purpose of this report is to advise Members of a Consultation Paper on Draft Planning Policy Statement (PPS) 6: Planning for Town Centres, which was published for consultation on 15 December 2003.**

1.2 This is a statutory consultation from the Office of the Deputy Prime Minister, and views and comments are invited no later than 15 March 2004. A copy of the document has been placed on the Members' Intranet.

2. Background Information

2.1 Following consultation on the Green Paper, 'Planning – Delivering a Fundamental Change', published in December 2001, the Government announced on 18 July 2002, that it intended to proceed with the proposals for review and reform of national policy guidance.

- 2.2 In this context, a review of PPG6 was carried out in consultation with other relevant Government departments, and PPS6 was drafted for public consultation. It sets out the Government's policy objectives relevant to planning for city, town, district and local centres in England, and the proposed planning policies that will help to deliver these objectives.
- 2.3 The PPS will replace the 1996 version of PPG6 – Town Centres and Retail Developments. Many of the policies in draft PPS6 reproduce or are closely based on, existing policies in PPG6 (updated as appropriate). Consistent with PPG6, the draft PPS is based on the principles of sustainable development and the need to sustain and enhance the role of town centres.
- 2.4 The draft PPS6 will have implications for the preparation of the emerging Local Development Framework (LDF). (LDF issues were first reported to Committee on 16 July 2003, and details of the Local Development Scheme (LDS) and resource issues, were considered by Committee on 15 October 2003. A report detailing the second draft LDS is presented within this Agenda.)

3. Draft PPS6 : Key Policy Objectives

The Government's Aims

- 3.1 Draft PPS6 states that the Government's key objective is to promote vital and viable town centres. It seeks to encourage positive planning for the growth of existing centres, including their promotion and enhancement by focusing development in such centres, and encouraging a wide range of services. In this context, the Government's main objectives are to:
- enhance consumer choice and promote social inclusion by making provision for a range of shopping, leisure and local services, to meet the needs of the whole community;
 - support an efficient, competitive, innovative and more productive retail and leisure sector;
 - improve accessibility, ensuring that existing or new developments are highly accessible, and well served by a choice of means of transport;
 - regenerate deprived areas, creating employment opportunities and an improved physical environment;
 - promote economic growth of regional, sub-regional and local economies;
 - deliver more sustainable patterns of development, seeking opportunities for high density, mixed use development, and promoting sustainable transport choices, reducing the need to travel and providing alternatives to the car; and
 - promote good design, improving the quality of public open spaces, protecting and enhancing the architecture and heritage of centres, and creating an attractive and safe environment for businesses, shoppers and residents.

A Plan-Led Approach

- 3.2 Delivery of the Government's objectives will generate additional responsibilities for local planning authorities (LPAs), in the following key areas:
- i) Active management and planning for the growth of existing centres (and where appropriate, the decline of centres);
 - ii) Defining a network of centres with a more even distribution of functions, and a hierarchy of centres each performing their appropriate role to meet the needs of their catchments (based on city, town, district and local centre definitions);
 - iii) Adopting a pro-active, plan-led approach to planning town centres, through regional, sub-regional and local planning;
 - iv) Developing town centre strategies to address the transport, land assembly, crime prevention, planning and design issues associated with the growth and management of their centres.

- v) Consultation with the community, including the public and private sectors, to ensure that their needs are reflected and that proposed allocations are realistic and viable.
- vi) Annual monitoring and review of the town and smaller centre allocations, policies and strategies, including health checks of the performance of existing centres.

Managing Growth in Existing Centres

- 3.3 In planning for growth in retail, leisure, office and other town centre uses, local planning authorities are encouraged to select the appropriate centres in which to accommodate the identified need for these uses over the plan period. Local planning authorities should identify sites within and adjoining existing centres for development or redevelopment (or identify buildings for change of use).
- 3.4 The efficient use of land and buildings within the town centre or in the most accessible locations should be promoted, by increasing the density of development through such schemes as multi-storey, mixed use development. A diversity of complementary uses should be encouraged in the existing centres, for both day and evening activity, making town centres more attractive to local residents, shoppers and visitors. This has already occurred to some extent in Egham town centre, which now has a lively evening economy.
- 3.5 If centres are in decline, local planning authorities are encouraged to assess the scope for consolidating and strengthening the centre by focusing a wider range of services there. Alternatively they can reclassify them as lower-order centres within the local hierarchy, allowing retail units to change to other uses, whilst retaining essential local services such as post offices, banks and pharmacies. Other centres may require regeneration, such as Addlestone, where the identification of sites for redevelopment has already led to significant inward investment in terms of a major foodstore and office development.

Networks and Hierarchies of Centres

- 3.6 At both regional and local levels, planning authorities should plan the distribution of growth, rebalancing the network of centres to avoid over-concentration in regional and sub-regional centres, strengthen the lower-tier centres, and promote others to function at a higher level in the hierarchy. In promoting and enhancing existing centres, local planning authorities are encouraged to assess their roles, range of facilities and degree of specialisation, and hence their place in the overall hierarchy of centres.
- 3.7 Changes at the upper levels of the hierarchy should be addressed initially at the regional and sub-regional levels. Changes to the role of smaller centres, and the implications of upper level changes, should be brought forward through the local development framework process.

Role of Regional Plans

- 3.8 Regional Spatial Strategies (RSS) are to set out a vision and strategy for a region's growth, including the main centres in the region, and provide for planning at the local level. Responsibility is placed on regional planning bodies to develop a strategy for a balanced network of centres, making clear strategic choices about where major growth should be encouraged, which centres should have more limited growth, and where others in decline should be consolidated.
- 3.9 In addition, regional planning bodies are to assess the overall need for additional floorspace over the plan period for town centre uses, especially retail, leisure and office uses, for 5-year periods within the RSS. An assessment of the capacity of existing centres to accommodate additional development is also expected to be provided.

Comment

The scope and complexity of the assessments required at the regional level, particularly the overall need for retail floorspace, may not be realistic given the strict timetable for the production of Regional Spatial Strategies. The onus is likely to fall upon local planning authorities to provide the necessary information, which would require the front-loading of the collection of the evidence base, such as local needs assessments, at the beginning of the LDF programme. This may place undue pressure

on already stretched local planning resources, unless funding is made generally available for external assistance.

Role of Local Plans / Local Development Frameworks (LDF)

- 3.10 The draft statement encourages local planning authorities to adopt a positive and proactive approach to planning for the future of the centres within their areas, whether planning for growth, consolidation or decline. They should set out a vision and strategy for the pattern, hierarchy and role of centres, including local centres, drawing on both the RSS and community strategy.
- 3.11 Working in conjunction with business and other interested parties, local planning authorities are expected to:
- Assess the need for new floorspace for retail, leisure and other key town centre uses, taking account of both quantitative and qualitative factors;
 - Identify deficiencies or gaps in provision, assess the capacity of existing centres to accommodate new development, including the scope for extending the town centre, and identify centres which may need consolidation or managed decline;
 - Identify the city, town, district and local centres within their area where development will be focused, and prepare strategies for developing and strengthening centres within their area;
 - Identify and allocate sites for town centre uses, especially retail, leisure and offices;
 - Review all existing allocations as part of the same exercise;
 - Develop local strategies for ensuring equality of access to local facilities; and
 - Set out criteria, in accordance with the key policies proposed in the draft PPS, for assessing and locating other new development proposals for sites not allocated in the plan.
- 3.12 The draft PPS highlights the need for strategies for town and smaller centres, drawing together a wide range of issues involved in the planning, design and management of centres. Such strategies will form an important part of the preparation of the Local Development Framework, in terms of reviewing local planning policies, and providing part of the evidence base for Development Plan Documents, or the basis for Area Action Plans.

Comment

The preparation of town and smaller centre strategies in Runnymede has become a clear priority as expressed within the Community Strategy. The need for such strategies has been identified within the second draft Local Development Scheme (also reported within this Committee Agenda), to be prepared in the period following the completion of the primary Local Development Documents, which will include the core strategy, statement of community involvement, development control policies, housing policies and allocations, car parking strategy and proposals map. The development of individual town and smaller centre strategies can take place within the current LDF programme, if the collection of the evidence base to support the strategies can be undertaken now, to be incorporated into the core strategy of the LDF.

- 3.13 Site selection and land assembly: The proposed tools for the identification and allocation of sites for appropriate town centre uses, will involve the following considerations:-
- a) *Assessing the need for development*
 - b) *Securing the appropriate scale of development*
 - c) *Applying the sequential approach to site selection*
 - d) *Assessing the impact of proposed development on existing centres*
 - e) *Ensuring locations are accessible*
 - f) *Specific local circumstances* such as physical regeneration, employment, economic growth, and social inclusion

NB These are explored in greater detail and commented upon in Appendix 'D', together with information and comments relating to site assembly, managing growth in smaller centres, implications for development control and monitoring and review.

4. Council Policy

- 4.1 It can be demonstrated that Council policy is already in line with the key objectives of the draft PPS6, as can be identified in the Community Strategy, and the Leader's Position Statement which indicates that the Council proposes (via its Economic Development Committee) "to continue to improve the general environment of our three main town centres whilst encouraging and maintaining local and village economic vitality and will develop some specific goals and timetables for the emerging proposals, whilst also encouraging and maintaining local and village economic vitality."
- 4.2 Significant physical enhancements have already taken place in Egham and Chertsey town centres in recent years, together with the commitment to complete the final phase of Chertsey Revitalisation, and Addlestone is soon to benefit from traffic safety improvements, and the release of sites for significant redevelopment opportunities.
- 4.3 The Council also seeks "to maintain and improve the current economic prosperity of Runnymede by working closely with business and those wishing to locate or expand in the Borough". This relates well with the draft PPS6 proposals to encourage local authorities, retailers and developers to be sensitive to each other's objectives and work together to reach flexible solutions.
- 4.4 In terms of conformity with existing Local Plan policy, the most significant departure relates to the proposals for local need assessments and the identification of additional floorspace for retail, leisure and office developments. Also, smaller centres have not been the subject of specific strategies for planned growth in the current Local Plan, a particular deficiency which can be introduced via the LDF process.

5. Resource Implications

- 5.1 The tools for the implementation of the various elements of the draft PPS, in terms of developing town and local centre strategies, carrying out local needs assessments, enhancing the environment and access to town centres, engaging community involvement, and carrying out annual monitoring, reviews and health checks, would benefit from a comprehensive Borough-wide existing centre study. Assistance provided by engaging a consultant may be an appropriate way forward if the Committee consider this to be a priority within the current programme.
- 5.2 Resources may be identified within existing budgets reserved for the Local Development Framework, while additional funding may be available from Central Government as part of the Planning Delivery Grant. This source of funding can be considered in liaison with the Government Office for the South East.

6. Other Issues

- 6.1 Proposals in draft PPS6 rely on inclusive consultation with key stakeholders including the local community, shoppers, retailers, and developers particularly in the development of town and smaller centre strategies. The Borough's Consultation Strategy provides a commitment to carrying out effective consultation with the Council's stakeholders, selecting the most appropriate mechanism from focus groups and public exhibitions, to public meetings and planning for real exercises. Numerous avenues of communication are available to provide access to the Council's external and internal audiences as detailed in Runnymede's Communications Strategy such as the Residents' Panel and the Council's website. Both the Consultation and the Communications Strategies provide a commitment to seeking ways to access hard-to-reach groups which is an important element within draft PPS6 and for the preparation of the LDF.
- 6.2 Unfortunately there seem very few references to the Disability Discrimination Act throughout draft PPS6. This is a significant omission given that disabled access considerations are essential in creating an accessible and inclusive town centre environment with ease of access to buildings, services and facilities. This will be particularly relevant from 1st October

2004 when service providers will need to make reasonable adjustments to the physical features of their premises and buildings to overcome physical barriers to access.

7. Conclusion

7.1 The draft PPS6 encourages local planning authorities to adopt a positive and proactive approach to planning for the future of the centres within their areas, whether planning for growth, consolidation or managed decline. They should set out a vision and strategy for the pattern, hierarchy and role of centres, including local centres, drawing on both the Regional Spatial Strategy and community strategy.

7.2 In planning for growth, local planning authorities are encouraged to assess the need for new floorspace for retail, leisure, office and other key town centre uses, and to identify and allocate sites for their development. They should identify deficiencies or gaps in provision; assess the capacity of existing centres to accommodate new development; identify the city, town, district and local centres within their area where development will be focused; and develop strategies for developing and strengthening centres within their area. Concern is raised in terms of the validity and scope of regional and local planning bodies, to assess the amount and limit of additional floorspace to be allocated for town centre uses.

7.3 The tools for the implementation of these objectives include the development of town and local centre strategies, carrying out local needs assessments, enhancing the environment and access to town centres, engaging community involvement, and carrying out annual monitoring, reviews and health checks, all of which have resource implications which the Government will need to recognise.

OFFICERS' RECOMMENDATION that -

this report be forwarded to the ODPM as the Borough's formal response to the Consultation Paper on Draft Planning Policy Statement (PPS) 6: Planning for Town Centres, published 15 December 2003.

(TO RESOLVE)

Background Papers

None.

8. LAND AT 24 BOURNESIDE ROAD, ADDLESTONE - ENFORCEMENT ACTION (DTS)

1. Purpose of Report

1.1 **To seek authority for enforcement action in respect of land at 24 Bourneside Road, Addlestone.**

2. Background Information

2.1 In late 2002 the Enforcement Section investigated a complaint regarding the appearance and condition of 24 Bourneside Road, Addlestone, a detached house in a residential area.

2.2 The site had been investigated on a handful of occasions prior to this date due to concerns over the use of a caravan in the front garden. It was noted by Officers at the time that the site was in a poor condition due to the presence of various waste items in both the front and rear gardens, though the caravan appeared habitable.

2.3 As a result of a small rear extension being erected at the property under permitted development rights in late 2000 Officers made allowances for the condition of the land and the presence of the caravan.

2.4 However, during the period of time from the initial enforcement investigation in 2002 to the current date the condition of the site has steadily declined, to the point where it is considered that action now needs to be considered, the site being in such condition as to have a negative impact upon the surrounding area.

- 2.5 The caravan in the front garden is no longer habitable, the windows are smashed, and it appears to be loaded with bags of domestic waste, as does an untaxed car located in the front garden. In addition to the two vehicles, the front and back gardens of the house are littered with domestic waste, debris and abandoned builders' materials, the building works having been completed.
- 2.6 No works to clear up the site or remove the two vehicles have taken place since the initial investigations in 2002 and despite pressure from Officers the landowner appears to have taken no action to address the general condition of the land.

3. Report

- 3.1 Section 215 of the Town and Country Planning Act 1990 (as amended) grants local planning authorities the power to serve a Notice requiring the proper maintenance of land.
- 3.2 Failure to comply with a Notice served under Section 215 constitutes an offence though the recipient has the right to appeal to the Magistrates' Court and Section 217 of the Act details the grounds upon which such an appeal may be based.
- 3.3 Members are asked to consider the merits of formal enforcement action being instituted and the following are matters which should be taken into account as part of that decision making process:

Is the Breach of Planning Control sufficient to justify Formal Action?

- 3.4 It is felt that the current condition of the land as set out in paragraph 2.5 above adversely affects the amenity of the surrounding area to the point where formal action is expedient and proportionate. Members may wish to refer to the photographs of the site attached at Appendix 'E'.
- 3.5 The rear garden is in full view of neighbouring homes whilst the open front garden is clearly visible from Bourneside Road. The public at large have a clear view of, and are affected by, the condition of the land in addition to those residing in the immediate vicinity of the site.
- 3.6 Officers often make allowances for the presence of debris and random materials at a residential site when building works are being undertaken but in this case it is felt that very few of the items present on the site could realistically be used in the construction process. The building works have been completed but the extension remains unrendered to match the existing dwelling. This work does not appear to have been progressed over the past year.

Can the Breach of Planning Control be remedied without recourse to formal Enforcement Action

- 3.7 The Council's Enforcement Section were first alerted to the condition of the site in late 2002.
- 3.8 Three letters have been written to the owner and there has been no response to any of these letters or from any of the site visits to the property.
- 3.9 It is considered that given the time that has elapsed, the deteriorating condition of the site and the lack of response from the occupier/landowner formal enforcement action is justified in this case.

Would an appeal under Section 217 be likely to succeed

- 3.10 As regards any appeal under Section 217 it is considered :-
- a) the condition of the site clearly has an adverse effect on the visual amenity of the area. Members may wish to refer to the photographs of the site attached at Appendix 'E' to this report;
 - b) the condition of the site is not attributable to, or justified by, the presence of an extant planning permission or other relevant circumstances of which the Council is aware; and

- c) the requirement to clear the site of all debris, waste materials and the two non-roadworthy vehicles is not felt to be excessive.

3.11 Six weeks is considered as a reasonable period for compliance with the Notice.

3.12 Non-compliance with the Notice when served would be an offence under Section 217 and under the terms of the legislation the Council could enter the land to carry out the necessary works in compliance with the terms of the Notice and recover the costs of doing so from the owner of the land.

OFFICERS' RECOMMENDATION that -

- i) **the Director of Administration and Leisure in consultation with the Director of Technical Services be authorised to issue a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the removal of all debris and waste matter from the front and rear gardens of 24 Bourneside Road, Addlestone, and the removal of the derelict caravan and car, registration N915 DCK, from the front garden.**

Reason for Issue of Notice

The condition of the land forming the front and rear gardens of 24 Bourneside Road, Addlestone, is adversely affecting the visual amenities of the surrounding area by virtue of its physical appearance.

- ii) **the Director of Administration and Leisure be authorised to take appropriate action in the event that the Notice is not complied with namely the institution of proceedings pursuant to Section 216(2) of the Town and Country Planning Act 1990 and/or the entry upon the land and the taking of such steps as are required to seek compliance together with the recovery of the costs reasonably incurred by so doing pursuant to Section 219 of the Town and Country Planning Act 1990.**

(TO RESOLVE)

Background Papers

Exempt.

9. APPEAL DECISION

The Planning Inspectorate has recently determined the appeal mentioned below. The appeal decision is available for inspection in the Members Room.

<u>Site Development</u>	<u>Decision</u>
Hyale, Wentworth Drive, Virginia Water - planning appeal regarding erection of detached dwelling and detached triple garage to provide staff flat within the roof space following demolition of all existing buildings.	DISMISSED

(FOR INFORMATION)

Background Papers

Appeal decision.

10. 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 'F'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

(FOR INFORMATION)

Background Papers

None

11. EXCLUSION OF PRESS AND PUBLIC

OFFICERS' RECOMMENDATION that -

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 paragraph 12 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 for public inspection

	<u>Exempt Information</u>	<u>Para</u>
12.	'LUCIA ANGELIS', THORPE LEA ROAD, EGHAM	12
	<u>Confidential Information</u>	

(No reports to be considered under this heading).