

Planning Committee

Wednesday 26 August 2009 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors G B Woodger (Chairman), D W Parr (Vice Chairman), J R Ashmore, Mrs F J Barden, J Broadhead, D A Cotty, J.M. Edwards, J R Furey, Mrs E Gill, C Knight, M T Kusneraitis, Mrs Y P Lay, H W V Meares, N Stewert and J J Wilson

AGENDA

Notes:

- 1) 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.
- 2) 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 Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) 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 425153)** or view the guidance on the Committee web page.
- 5) 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)

GLOSSARY OF TERMS AND ABBREVIATIONS

TERM	EXPLANATION
BCN	Breach of Condition Notice. Formal enforcement action to secure compliance with a valid condition
Brownfield land	'Previously Developed Land'. Land which is or was occupied by a permanent (non-agricultural) structure, including the curtilage of the development (therefore includes gardens)
BVPI's	Best Value Performance Indicators. Specified by central government to measure performance on a wide range of Council services
CHA	County Highways Authority. Responsible for offering advice on highways issues relating to planning applications as well as highways maintenance and improvement
CIR	Government Circular – document setting out policy which has legal connotations
CLEUD	Certificate of Lawful Existing Use or Development. Formal procedure to ascertain whether a development which does not have planning permission is immune from enforcement action
CLOPUD	Certificate of Lawful Proposed Use or Development. Formal procedure to ascertain whether a development requires planning permission
Conservation Area	An area of special architectural or historic interest designated due to factors such as the layout of buildings, boundaries, characteristic materials, vistas and open spaces
CPA	Comprehensive Performance Assessment. An external process to assess the quality of individual Council's Performance (set out in the Local Government White Paper 2001). It brings together evidence from a range of internal and external sources, in addition to an on site inspection, in order to arrive at an overall category
DC	Development Control – the area of planning service that processes planning applications, planning appeals and enforcement work
Design Statement	A design statement is submitted with a planning application and sets out the design principles that the applicant has adopted to make the proposal fit into its wider context
Development Plan	The combined policy documents of the Structure Plan, Local Plan, Minerals and Waste Plans. Will shortly be replaced by the South East Plan, the Local Development Framework and the Minerals and Waste Frameworks
DTS	Director of Technical Services
EA	Environment Agency. Lead government agency advising on flooding and pollution control
EIA	Environmental Impact Assessment – formal environmental assessment of specific categories of development proposals
ES	Environmental Assessment under the Environmental Impact Assessment Regulations
FRA	Flood Risk Assessment
GPDO	General Permitted Development Order. Document which sets out categories of permitted development (see 'PD')
GOSE	The Government Office for the South East. This is the local office of the Deputy Prime Minister for the South East region of England
HGV	Heavy Goods Vehicle
LBC	Listed Building Consent
LDD	Local Development Documents – component parts of the LDF
LDF	Local Development Framework. The policy document that will guide development in the Borough up to 2026
LDS	Local Development Scheme - sets out the programme and timetable for preparing LDDs

TERM	EXPLANATION
Listed building	An individual building or group of buildings which require a level of protection due to its architectural interest, historical interest, historical associations or group value
LNR	Local Nature Reserve
Local Plan	The current planning policy document that will be replaced by the LDF
LPA	Local Planning Authority
LSP	Local Strategic Partnership – Leads on the Community Strategy
Material Considerations	Matters which are relevant in determining planning applications
Net Density	As defined in PPG3: Housing. The density of a housing development excluding major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips
PCN	Planning Contravention Notice. Formal notice which requires information to be provided in connection with an enforcement investigation. It does not in itself constitute enforcement action
PD	Permitted development – works which can be undertaken without the need to submit a planning application
PDG	Planning Delivery Grant. An annual grant from central government which reflects the previous year's performance in delivering planning services
P & I	Policy and Implementation – the area of planning service that produces the Local Development Framework, monitors development and supports the Runnymede Business Partnership and Travel Initiative
PINS	Planning Inspectorate
POS	Public Open Space
PPG	Planning Policy Guidance. This is guidance issued by the Secretary of State detailing National Planning Policy within existing legislation
PPS	Planning Policy Statements. The replacement title for PPG
Ramsar Site	A wetland of international importance
RIPA	Regulation of Investigatory Powers Act. Provides limitation on covert surveillance relating to enforcement investigation
SAC	Special Area of Conservation – an SSSI additionally designated as a Special Area of Conservation under the European Community's Habitats Directive 1992 in order to maintain or restore priority natural habitats and wild species
SANGS	Suitable Alternative Natural Greenspaces
SCI	Statement of Community Involvement. The document and policies that indicate how the community will be engaged in the preparation of the LDF
SEA/SA	Strategic Environmental Assessment/Sustainability Appraisal – formal appraisal of the Local development Framework
SEEDA	South East England Development Agency
SEERA	South East England Regional Assembly – based in Guildford. Responsible for producing South East Plan
Sec. 106	A legal agreement for the provision of facilities and/or infrastructure either directly by a developer or through a financial contribution, to meet the needs arising out of a development. Can also prevent certain matters
SNCI	Site of Nature Conservation Importance. A non-statutory designated area of county or regional wildlife value
South East Plan	Regional Planning Document produced in draft form by SEERA. Will provide regional planning guidance and housing targets for individual Councils for the period up to 2026
SPA	Special Protection Area. An SSSI additionally designated a Special Protection Area under the European Community's Directive on the Conservation of Wild Birds 1979
SPD	Supplementary Planning Document – provides additional advice on policies in Local Development Framework (replaces SPG)
SSSI	Site of Special Scientific Interest
Structure Plan	Strategic guidance for the whole county produced by Surrey County Council. Will eventually be replaced by the South East Plan

TERM	EXPLANATION
SUDS	Sustainable Urban Drainage Systems. Providing urban drainage systems in a more environmentally sensitive way by systems designed to reduce the quantity of run-off, slow its velocity or provide for filtering, sedimentation and biological degradation of the water
Sustainable Development	Sustainable development is the core principle underpinning planning. It is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”
TA	Transport Assessment – assessment of the traffic and transportation implications of a development proposal
TPO	Tree Preservation Order – where a tree or trees are formally protected and prior consent is needed for pruning or felling
TRICS	Computerised database and trip rate analysis used to estimate traffic flows to and from a variety of land uses, to assess transportation implications of new development in southern England
Use Classes Order	Document which lists classes of use and permits certain changes between uses without the need for planning permission

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 5 August 2009 as a correct record, (Appendix A to follow).

4. APOLOGIES FOR ABSENCE

5. 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.

6. PLANNING APPLICATIONS (IDTS)

A list of 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 7.00pm 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 from the Technical Services Department.

7. PARTIAL REVIEW OF THE SOUTH EAST PLAN – GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE (IDTS)

1. Purpose of Report

1.1 The purpose of the report is to:

- Outline the contents of the partial review of the South East Plan and the implications of this for Runnymede;
- Recommend that the Council object to the partial review for the reasons set out in this report;
- Seek approval to make formal representations to the partial review by the 1 September 2009.

2. Background Information

- 2.1 Last Autumn, the South East England Regional Assembly (SEERA) consulted upon four different options for the regional distribution of Gypsy and Traveller pitches and Travelling Showmen's plots. The Council responded to this consultation setting out its preference for an option for calculating the number of pitches to be allocated in Runnymede. (See Minute of Planning Committee held on 24 September 2008 at Appendix 'B').
- 2.2 Since this consultation the new South East England Partnership Board (SEEPB) has submitted its preferred option to the Government, which is carrying out public consultation on that preferred option between 8 June and 1 September 2009 prior to an Examination in Public scheduled to take place in February 2010. Responses to this Government-run consultation will help the planning inspectors to identify issues for exploration at the examination.

3. Report

- 3.1 The partial review of the South East Plan contains a new policy H7 (Provision for Gypsies and Travellers.) This sets out that Local Planning Authorities through their LDFs will provide for additional permanent residential pitches for gypsies and travellers up to 2016 in line with Table H7(a) (Appendix 'C') which shows that Runnymede Borough Council needs to provide for 10 Gypsy and 10 Travelling Showpeople pitches. It also states that in their Development Plan Documents Councils should make provision for transit and temporary stopping sites.
- 3.2 As the partial review has only assessed the number of sites required up to 2016 in the supporting text to the policy it is suggested that in LDFs Councils should calculate on going need based upon a 3% compound growth rate for Gypsy and Traveller Sites and a 1.5% compound growth rate for Travelling Showpeople sites. Based upon the figures contained in this policy this would lead to 23 additional pitches between 2016-2026 for Gypsies in Runnymede (added to the 10 required in the 2006-16 period) and an additional 8 Travelling Showpeople pitches (added to the 10 required between 2006-16). This would lead to 89 Gypsy and Travellers pitches and 60 Travelling Showpeople pitches in the Borough By 2026.
- 3.3 Officers wish to raise three key issues with regard to the proposed partial review of the South East Plan. These are as follows:
- That the option used to generate the figures up to 2016 is based on option D (based upon 75% need and 25% general apportionment across all Boroughs in the region). This was not an option previously supported by the Council. The Council supported option C (based upon 50% of need and 50% general apportionment), with this approach being the most supported of all options set out in the September 2008 "Somewhere to Live" consultation particularly the Gypsy and Travellers community. It is therefore suggested that the Council raise an objection to the Option chosen upon the grounds that this did not receive the same level of support as option C and that the option C apportionment is fairer to those authorities that have already provided a good level of sites.

- That the suggested approach to calculating the need for additional sites between 2016 and 2026 leads to a very large provision of additional sites in that part of the plan period. It also means that those Boroughs that have provided Gypsy and Traveller sites in the past will continue to provide at a higher rate than those authorities that traditionally have not provided sites. It is also an element of the policy approach which has not previously been consulted upon and needs further debate before it becomes enshrined into a policy which will be used to shape individual authorities Local Development Documents. It should also be noted that the compound rate does not allow for any apportionment.
- That the provision of transit sites should be dealt with on a regional basis and be founded on a robust and credible evidence base, rather than being left to local authorities to allocate on an ad hoc basis through Local Development Documents. Runnymede has had no illegal encampments for the past year and this can be attributed to the high level of site provision. The policy as drafted will lead to many authorities not making provision for transit sites.

4. Council Policy, Issues and Sustainability

- 4.1 In the Core Strategy Preferred Approaches document which was published in June 2009 a policy approach regarding the provision of the 2006-2016 requirement was set out. If the partial review is agreed in its current form the approach adopted by the Council will need to extend beyond the 2016 figures and will need to identify if there is any need for transit provision within the Borough.

5. Legal Issues

- 5.1 The responses to the partial review of the plan enables the Council's continued involvement in the process of preparing this element of the South East Plan. By making responses to the plan it enables the Council to appear at the examination in public if the Inspector considers that the objections raised need further explanation and discussion.

6. Equality Issues

- 6.1 The courts have accepted that Romany and Irish gypsies and travellers are distinct ethnic groups for the purposes of the Race Relations Act 1976. Discrimination where a person is treated less favourably because of their race, is unlawful.
- 6.2 Gypsies, Travellers and Travelling Showpeople are minority groups and the provision of pitches for them is important to enable decent places to live either on a permanent or semi permanent basis.

7. Resources

- 7.1 Appearance at an Examination in Public will require Officer time both in preparation and for attendance. This Officer time will be met within existing resources.

8. Conclusion

- 8.1 The Partial review of the South East Plan as drafted is considered to raise specific issues for Runnymede. These are considered to be the Option which has been chosen to determine the number of new pitches required in the Borough, the calculation for working out the number of pitches required between 2016-2026 and devolving the responsibility for transit provision to the Local Level. It is therefore suggested that the Council make representations to the partial review by the 1 September 2009.

OFFICERS' RECOMMENDATION that –

- i) objection be raised to those elements of the partial review as set out in Paragraph 3.3 of this report; and**
- ii) the responses forms be submitted by 1 September 2009.**

(TO RESOLVE)

None

8. FERNBANK FARM, VIRGINIA WATER – HIGH COURT PROCEEDINGS

For Members information, attached at Appendix 'D' are letters from Surrey County Council and the Forestry Commission which have been received in response to the letters from the Chairman of this Committee regarding their lack of action regarding the above case.

Copies of the letters from the Chairman are also attached at Appendix 'E'.

(FOR INFORMATION)

Background Papers

None.

9. APPEAL DECISIONS (DTS)

The Planning Inspectorate has recently determined the appeals mentioned below. The Appeal Decisions are available for inspection by Members in the Members' Room.

<u>Site/Development</u>	<u>Decision</u>
a) 10 – 18 Station Road North, Egham – planning appeal regarding a refusal to grant planning permission for new build development of ground floor retail unit and car parking, with 13 x 1 and 2 bedroom flats above, following demolition of existing building. (RU 08/0641)	DISMISSED
b) Land at rear of Wendover Court, Wendover Road, Egham – planning appeal regarding a refusal to grant permission to build an additional row of eight domestic lock-up garages, within an existing garage compound. (RU 08/1052)	DISMISSED
c) Land at Mayflower Nursery, Thorpe Lea Road, Egham - two appeals against the issue of Enforcement Notices regarding use of land for siting and storage of portacabins, storage containers, plant, machinery, vehicles, trailers, portable toilets and open storage of assorted materials and debris, including building materials, gas canisters, oil drums and scrap metal.	BOTH APPEALS DISMISSED ENFORCEMENT NOTICES UPHELD WITH CORRECTIONS AND VARIATIONS
d) Cherin Oak, Luddington Farm, 278 Stroude Road, Egham – planning appeal regarding construction of a timber framed open porch to the front of the property (RU.09/0182)	DISMISSED

(FOR INFORMATION)

Background Papers

Appeal decisions.

10. STANDING ORDER 42 – URGENT ACTION

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

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Technical Services	Group TPO – Land at rear of White Oaks; 71 Byfleet Road; 67 Byfleet Road and the Electricity Sub Station	697

(FOR INFORMATION)

Background Papers

SO 697 on DAL SO42 file.

11. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES (DTS)

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

12. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing reports in private it is the

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the following reports 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 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)