



## Planning Committee

Wednesday 28 October 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](mailto: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](http://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**

	<u>Page</u>
1. FIRE PRECAUTIONS	5
2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	5
3. MINUTES	5
4. APOLOGIES FOR ABSENCE	5
5. DECLARATIONS OF INTEREST	5
6. PLANNING APPLICATIONS	5
7. COSTS OF PUBLIC INQUIRIES : i) PADD FARM, HURST LANE, EGHAM AND ii) AIRTRACK	6
8. COMMUNITY INFRASTRUCTURE LEVY – DCLG CONSULTATION ON PROPOSAL AND DRAFT REGULATIONS	8
9. APPEAL DECISIONS	11
10. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES	12
11. STANDING ORDER 42 – URGENT ACTION	12
12. EXCLUSION OF PRESS AND PUBLIC	12

### **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

<b>TERM</b>	<b>EXPLANATION</b>
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 7 October 2009 as a correct record, (Appendix 'A').

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an agenda item please record the interest on the orange coloured 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 (DTS)

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. COSTS OF PUBLIC INQUIRIES: i) PADD FARM, HURST LANE, EGHAM AND ii) AIRTRACK (DTS)

#### 1. Purpose of Report

1.1 **The purpose of this report is to advise Members of the progress on the enforcement actions being undertaken in respect of Padd Farm, Hurst Lane, Egham, to note the details of the associated public inquiry in November 2009 and to consider the resource implications of the work. A mechanism is also proposed for funding the additional costs of representation at the Airtrack Inquiry.**

#### 2. Background Information

2.1 The Committee will recall that it has given consideration to a number of matters associated with Padd Farm, Hurst Lane, Egham over a considerable number of years. Details were most recently set out in a report to Committee on 24 June 2009. This illustrated the range of issues which are and have been considered.

2.2 It is not the intention of this report to review the history of the site and associated issues, but to focus on the forthcoming public inquiry and the resource implications.

#### 3. Policy and Technical Considerations

3.1 Numerous breaches of planning control have been observed at Padd Farm. Authority to take comprehensive enforcement action was resolved at the Planning Committee on 9 May 2007. Twenty-four Enforcement Notices were issued on 20 December 2007. The enforcement notices were subsequently made the subject of an appeal and a date for the inquiry was anticipated in November 2008.

3.2 At the time there were not sufficient staff resources available to deal with this complex and time consuming Inquiry and a Planning consultant was appointed (following a tendering process) in the Summer of 2008 to present the Council's case at the Inquiry. The services of two barristers were also retained. The co-ordinating work and legal input has been provided in house, but, at the expense of progress on some other work. A budget was available to cover the initial cost of the consultant but it was envisaged that a supplementary budget would be requested when the final details of the Inquiry were known.

3.3 During Autumn 2008 it was resolved, following a legal opinion from one of the barrister's that had been retained, that there was a need to review the Council's enforcement actions in respect of Padd Farm to ensure that the matters to be dealt with at the Inquiry were consolidated, clear and unambiguous. This led to the withdrawal of the existing enforcement notices in September and October 2008, and the issuing of two composite enforcement notices in February 2009. They were subsequently appealed against and an Inquiry date has been set for 17 November 2009. The Inquiry is scheduled to last 8 days.

3.4 The Committee, during its most recent consideration of Padd Farm at its meeting on 24 June 2009, confirmed that it wished to proceed with enforcement action on the Padd Farm site.

#### 4. Resource Implications

4.1 Attempts to enforce planning controls in respect of the site have occupied a significant amount of Officer time, formal legal advice (both internal and external) has been obtained and resource implications incurred over 20 years. It has proved very difficult over the years to deal with the scale of the issues associated with Padd Farm within the context of the available officer resources. It was concluded that co-ordinated and dedicated additional resources were required to bring this matter to a head through the Planning Inquiry. An update to Committee, on the resource implications of the Inquiry, was considered at the meeting on 24 June 2009. It was noted that further details would be provided in due course.

4.2 The continuing work associated with enforcing planning controls at this site, including work required for the forthcoming enforcement notice appeals Public Inquiry in November 2009 (and which may last approximately 8 days), has required the use of extra planning

consultants and two Barristers. In addition, considerable Officer time in Planning and Legal Services has been incurred in dealing with Padd Farm and wider planning issues in the Hurst Lane area. For example, these matters have consumed nearly the full time of one Solicitor post since Spring 2009. As a result it has been necessary to retain the services of a locum to cover this post, originally recruited to cover a vacancy, for longer than would otherwise be the case. Liaison has also taken place with Surrey Police in respect of alleged anti-social behaviour emanating from illegal planning uses at Padd Farm. Despite engaging consultants it is still expected that considerable Officer time will be taken up by these matters up to and beyond the forthcoming November 2009 public inquiry in respect of the Enforcement Notices issued in February 2009.

4.3 During the last financial year the cost of the Padd Farm Inquiry was some £37,000, part of which was funded from existing budgets. It is anticipated that the money required to fund the Public Inquiry for this financial year will be in the region of £60,000. Both of these figures are for external resource only and do not include the cost of internal staff resource whether permanent or temporary. The total resource commitment, internal and external, adding 2008/9 to 2009/10, probably exceeds £140,000. Whilst no formal budgetary provision exists to fund the November Inquiry in this year's budget, the Committee is reminded that £95,000 has been budgeted for to cover the Trumps Farm Incinerator Inquiry. It is not clear how this matter will proceed but it is likely that no action in respect of the Inquiry will take place in this financial year. It is recommended that some of the funding allocated to the Trumps Farm Inquiry be put towards the Padd Farm Inquiry. Progress on the Trumps Farm Inquiry will be considered in due course, but the remaining funds will be held over until the way forward is clarified. It may require the Committee to consider a further supplementary estimate should the Trumps Farm Incinerator Inquiry proceed.

4.4 No supplementary estimate or virement is currently being sought in respect of any extra in-house costs. It is hoped that these can be met from savings from vacancies etc but this remains to be verified.

4.5 Whilst consideration is being given to the use of the Trumps Farm Inquiry (TFPI) fund, there will also be another public inquiry for which funding has not been allocated. Members will recall that the Airtrack Transport and Works Act application was considered at the Economic Development Committee on 17 September 2009 and it was resolved a holding objection be raised that it is likely to require the Council to formally submit its concerns to a Public Inquiry scheduled for February 2010. No provision has been made to cover these costs and this Committee is requested to consider reallocating £10,000 from the TFPI to the Airtrack Inquiry.

## 5. Human Rights and Equality Issues

5.1 Members will be aware that the European Convention on Human Rights secures certain fundamental human rights. The Human Rights Act 1998 came into force on 2nd October 2000 and enables individuals to invoke their convention rights. The Act makes it unlawful for a local authority to act in a way which is incompatible with a convention right.

5.2 The taking of enforcement action, including the issue of injunctive proceedings, can amount to an interference with a person's rights under Article 8

5.3 It is recognised that the enforcement action mentioned in this report could amount to an interference with the owners and their family's home and their private and family life, and their commercial interests, and the private and family life of the occupiers of the Garage, the Cottage and all the occupiers of the caravans and mobile homes. These interests must be balanced against the public interest in pursuing the legitimate aims in Article 8, particularly the economic well-being of the Country (which includes the preservation of the environment), the objections to the confirmed breaches of planning control on this site being serious and well documented, the breaches themselves being a flagrant and continued abuse of the planning system and the adverse effect of the continuing breaches on nearby residents.

5.4 In addition, the Human Rights of nearby residents could be affected by failure to take adequate or effective enforcement action where this is justified and the Council is able to do so.

## 6. Conclusion

- 6.1 The Committee has confirmed that the breaches of planning control at Padd Farm are a high priority because they amount to:

*"Breaches of planning control or conditions which result in serious harm to amenity in a neighbourhood and affect a number of parties."*

- 6.2 The approach, in respect of Padd Farm, has been multi-agency but incurring considerable resources. The Committee has reaffirmed its desire to resolve the outstanding matters at Padd Farm at the earliest opportunity. To ensure that this can be achieved, it has been necessary to use consultants to assist with the work associated with the Public Inquiry. This work commenced in Summer 2008 and will continue until the completion of the Public Inquiry in November 2009. This report sets out the resource implications of the approach adopted.

**OFFICERS' RECOMMENDATION that –**

- i) the anticipated cost of external advice and work for the Padd Farm Public Inquiry of £50,000, for this financial year be vired from the Trumps Farm Public Inquiry (TFPI) fund;**
- ii) arrangements be made to vire £10,000 from the TFPI fund to fund the cost associated with the Airtrack Inquiry; and**
- iii) the remainder of the Trumps Farm Public Inquiry funds be retained until such a time as the matter is clarified.**

**(TO RESOLVE)**

Background Papers

None

8. COMMUNITY INFRASTRUCTURE LEVY – DCLG CONSULTATION ON PROPOSALS AND DRAFT REGULATIONS (DTS)

1. Purpose of Report

- 1.1 **To consider, in general terms, the Government's proposals for the introduction of the Community Infrastructure Levy and the draft Regulations, and examine the possible implications of the Levy for Runnymede.**
- 1.2 **Comments are requested by 23 October 2009 but an extension of time has been granted to receive the views of this Committee.**

2. Background Information

- 2.1 The Planning Act 2008 provides the legislative basis for the introduction of the Community Infrastructure Levy (CIL). CIL will be a new charge which local planning authorities will be able, but not required, to impose on most types of development in their area. The proceeds of CIL will be spent on local and sub-regional infrastructure to support the development of the area.
- 2.2 The Government has published its detailed proposals for the levy and the draft Regulations that would implement it. These proposals are the subject of a consultation. A summary of the proposals, extracted from the consultation document, are attached at Appendix 'B'. The consultation document is 144 pages in length and there are 54 specific questions posed by the Government. This report only sets out some general points about the proposals, the implications for Runnymede and the implications for the Planning Obligations Supplementary Planning Guidance (SPG). It does not attempt to answer the 54 questions.

3. Policy and Technical Considerations

- 3.1 The Government has been concerned for some time that the current section 106 (planning obligations) regime has been used for purposes beyond its original intention which was to provide mitigation measures that would make an otherwise unacceptable development acceptable, for example by providing for local infrastructure or financial payments for local services. There has also been a concern about a lack of transparency in how Section 106

agreements are negotiated and that there can be a perception that planning permissions are being bought and sold. The Government believes that the new power provides the following benefits over the current system of planning obligations through S106 agreements:

- CIL will improve predictability and certainty for developers as to what they will be asked to contribute;
- will increase fairness by broadening the range of developments asked to contribute;
- will allow the cumulative impact of small developments to be better addressed; and
- will enable important sub-regional infrastructure to be funded.

3.2 The Committee will be aware that Runnymede has developed a system of tariffs that would involve set payments, based on the amount of development, that is to be paid by a developer to fund local social and physical infrastructure provision. The CIL would introduce such a levy nationally and if adopted by a local authority it would become a mandatory payment with generally no exemptions and no rights of appeal. It would be paid after planning permission is granted when the proposal is commenced. It is not intended that CIL should be used for general local authority expenditure or to remedy pre-existing deficiencies in infrastructure provision.

3.3 Local authorities would be empowered to introduce CIL but not required to do so. The principal requirements would be as follows:

- There should be an up to date development plan for the area – generally this would be a Local Development Framework Core Strategy;
- The development plan should be supported by an infrastructure plan – this would identify what infrastructure is required, the likely cost of that infrastructure, gaps in funding to arrive at the amount required to be raised from the CIL (subject to viability testing); and
- A draft charging schedule – this would allocate the proposed amounts to be raised to each main class of development envisaged by the development plan. Charges will be based on the floor space of the development.

The Charging Schedule will be subject to public consultation followed by an examination by an independent person. The independent person's report will be binding. If the infrastructure plan forms part of an adopted development plan, then it would not be subject to any new scrutiny when the charging schedule is examined. If the adopted development plan does not contain an infrastructure plan or the authority considers the plan is inadequate as a basis for CIL, then a bespoke infrastructure planning process should be undertaken to facilitate the preparation of the charging schedule. In such a case the person examining the charging schedule will be entitled to consider if the infrastructure plan is adequate.

3.4 The draft Regulations indicate that charging authorities may spend money outside their area to provide infrastructure where it will benefit the development of their area. For example, charging authorities may need to pass CIL revenue to bodies such as the Environment Agency for flood defence works outside the charging authority's boundary. In two-tier areas such as Surrey, CIL might be passed to the County Council for education infrastructure, to the Police Authority for police stations and to the Primary Care Trust for GP surgeries. Sub-regional funding may be required to serve more than one local authority area. Examples might include hospitals, large transport projects or waste facilities.

3.5 The proposals indicate that the facility to negotiate Section 106 agreements will remain so that specific impacts can still be mitigated. However, the Government is asking whether restrictions should be imposed and whether the existing tests governing planning obligations should be made statutory. The Government is also asking if a new test should be introduced so that planning obligations can only be required to the extent that it solely mitigates the impact of the development in question. This would have the impact of preventing tariff based schemes. There would be a two year transitional period.

3.6 The proposals envisage that affordable housing provision would still be achieved through the Section 106 route; such provision is seen as mitigating the impact of development.

However, the Government is seeking views on whether affordable housing should be subject to CIL.

3.7 The bulk of the consultation is on the specific mechanics of how CIL will operate. In summary the following are the main areas that are covered:

- Spending CIL
  - What CIL may be spent on
  - Monitoring, reporting and auditing CIL spending
- Setting the CIL charge
  - Definition of the charging authority
  - Deciding the rate of CIL
  - Procedures for setting and reviewing the charge
- Paying CIL
  - Definition of development and of planning permissions
  - Exemptions, discounts and exceptional circumstances
  - The liable party
  - Commencement
  - Collection and enforcement
- Planning Obligations and other powers
  - Scaling back the use of planning obligations
  - Restricting the use of obligations
  - Affordable housing

#### 4. Implications for Runnymede

4.1 The Council's emerging Local Development Framework Core Strategy will contain an infrastructure delivery plan. This will develop the planning tariff Supplementary Planning Guidance introduced in 2008. However, there is still a lack of clarity on all County Council requirements and costs. Therefore, if Runnymede does consider introducing CIL, the Core Strategy would provide the basis for a charging schedule. It should be capable of defence at an examination. The work on the Core Strategy will be assisted by the Surrey Infrastructure Capacity Project (a Surrey-wide project that seeks to establish the condition and capacity of the county's infrastructure and identify what will be required to manage the growth projected in the South East Plan). An important output from the project will be a set of costed infrastructure schedules at county and district level. These may provide a basis for introducing CIL. Given the Government's proposals for restricting the use of planning obligations, it is likely that the SPG will not be able to continue beyond two years from when CIL is introduced in April 2010.

#### Comment

4.2 ***There is concern that by removing the ability to use Section 106 planning obligations to deliver a tariff based approach, the Government will in effect be forcing local authorities to introduce CIL even though it is a discretionary power. There is also concern that the limitations on the use of Section 106 planning obligations may complicate the process of securing funding for specific schemes such as road improvements. The two year transition period from April 2010 is seen by some as being very short, given the need to have an infrastructure delivery plan in place and a draft charging schedule prepared which has to be the subject of consultation and taken through examination.***

4.3 ***There appears to be a risk that with the introduction of CIL and a scaling back and restriction in the use of planning obligations, in the short term at least, Runnymede may find it difficult in some situations to secure local infrastructure improvements that are required to mitigate the impacts of schemes. If CIL is to be introduced successfully in Runnymede and in other parts of Surrey, the infrastructure providers will need to be able to clearly express what infrastructure is required and how much it will cost.***

**4.4** *The proposed arrangements, to be introduced through the Regulations whilst being straightforward in principle, nevertheless will have complex arrangements to enable the collection and spending to be legally "watertight", the main areas set out above give an indication of this. It should be noted that the draft Regulations extend to over 60 pages and 95 sections and this gives an indication of the complexity of CIL.*

5. Conclusions

5.1 The principle of introducing CIL has been set through the Planning Act 2008 and is no longer a matter for debate. The issue now is to make sure that the system that is introduced is fair and relatively easy to operate. However, for local authorities who wish to implement CIL there will be a lot of work to do in preparing an infrastructure delivery plan and then introducing a charging schedule that is based on the viability of development within the area.

5.2 It is also important that the use of planning obligations is not so severely restricted that local infrastructure requirements cannot be met irrespective of whether CIL is taken up. It is also important that opportunities to provide affordable housing are not prejudiced by a system that makes such provision unviable. CIL must also be self-financing and the Regulations must allow for this.

**OFFICERS' RECOMMENDATION that –**

**the comments set out in Section 4 be forwarded to the DCLG in response to the consultation.**

**(TO RESOLVE)**

Background Papers

None

9. APPEAL DECISIONS (DTS)

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

	<u>Site/Development</u>	<u>Decision</u>
a) i)	Land at rear of Red Cottage (also known as Eden Farm), Lyne Road, Lyne, Virginia Water – planning appeal against a refusal to grant planning permission for a change of use of land to use as a residential caravan site for 6 Gypsy families each with 2 caravans and the laying of hardstanding and individual cess tanks.	ALLOWED
a) ii)	An application for costs against Runnymede Borough Council.	APPLICATION FOR COSTS FAILED AND NO AWARD OF COSTS MADE
b)	21 – 23 Victoria Street, Englefield Green – planning appeal against the decision of Runnymede Borough Council regarding the demolition of existing buildings and erection of 2 no A1/A2 units and 4 No 1 bedroom flats and 4 No studio apartments. Site to include parking and amenity.	DISMISSED

**(FOR INFORMATION)**

Background Papers

Appeal decisions.

10. 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 '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

11. 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	The Garage Flat, Padd Farm, Hurst Lane, Egham – Certificate of Existing Lawful Use for change of use of building to a single self-contained dwelling (C3) following submission of evidence that use commenced before 1 April 2004.	706

**(FOR INFORMATION)**

Background Papers

Standing Order proforma 706 on Committee Section SO42 file.

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)