

PLANNING COMMITTEE

21ST APRIL 2010

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PART A



Planning Committee (21/04/2010)

RU.10/0051

PINETREES BUSINESS PARK, CHERTSEY LANE, STAINES

Not to Scale



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Runnymede Borough Council 100006086 2010

RU.10/0051 Date Reg: 21.01.10

Ward: EGHAM HYTHE

LOCATION: PINETREES BUSINESS PARK, CHERTSEY LANE, STAINES
PROPOSAL: RENEWAL OF PLANNING APPROVAL RU.05/1144 FOR AN
OUTLINE MASTERPLAN FOR PHASED REFURBISHMENT OF
EXISTING 5 UNIT BUSINESS PARK, NEW ENTRANCES TO UNITS 1-
4, EXTENSION TO UNIT 5, REGLAZING AND RECLADDING OF
UNITS, ERECTION OF SINGLE STOREY CAR DECK AND
LANDSCAPING

TYPE: FULL PLANNING PERMISSION

APPLICANT: Barclay's Nominees (George Yard) Ltd.

Local Plan: Saved policies relevant to the consideration of this application are:

Second Alteration April 2001: LE1, MV4, MV9, BE2, SV2

1. Site

- 1.1 Pine Trees Estate is a 2.6 hectares site comprising five office blocks with ancillary parking with vehicular access off Chertsey Lane and Thorpe Road. The site lies in the urban area and partially within the Medium Risk (Zone 2) and partially within the High Risk Flood Zone (Zone 3) identified by the Environment Agency (EA) March 2010.
- 1.2 Unit 1 is located at the south-eastern end of the site. Unit 2 is occupied by Tandberg. Unit 2 is sited north-west of unit 1 and public footpath 32 runs along the north-west of this building and then south to Goring Place via a tunnel under the railway embankment.
- 1.3 The vehicular access to the Estate off Chertsey Lane is between units 2 and 3. Sited northwest of the Chertsey Lane access are Units 3 and 4. Units 3 and 4 are occupied by BUPA with Unit 4 having the largest footprint of the five office blocks, Units 3 and 4 are connected by a glazed link. Unit 5, occupied by J P Kenny, is situated at the north-west end of the site on the southern side of the Staines Bridge roundabout, opposite Sainsburys. This is the highest building on the estate. There are allocated parking zones for each unit including a car deck.
- 1.4 The surrounding land uses are mixed. The northern side of Chertsey Lane is predominantly residential. The southern boundary is abutted by the rail line but beyond this to the south is residential including Goring Road. Heritage Place a three-storey office block occupied by Thales is accessed off Pines Trees and is located east of the Thorpe Road level crossing.

2. History

- 2.1 In 1986, full planning permission was granted for a three-storey office building and four units of two-storey high technology buildings with access onto Thorpe Road and Chertsey Lane and associated car parking and service area (RU.85/1127).

- 2.2 In October 2005 a planning application (RU.05/0946) for the erection of a raised single-storey open car deck behind units 3 and 4 with ramp and ancillary lighting and detached bike shelter and bin store was withdrawn.
- 2.3 In December 2005 permission was granted (RU.05/0944) for the refurbishment of unit 2 comprising replacement glazing and cladding, two storey glazed entrance extension on south west elevation, fire escape extension on south east elevation and ancillary works including landscaping and 3 no x disabled parking bays (amended plans received 01/12/05). This permission has been implemented.
- 2.4 In December 2005 permission was granted (RU.05/0945) for the refurbishment of unit 3 comprising replacement glazing and cladding, two storey glazed entrance extension on south west elevation, fire escape extension on south east elevation and ancillary works including landscaping and 3 no x disabled parking bays (amended plans received 01/12/05). This permission has been implemented.
- 2.5 In February 2006 permission was granted (RU.05/1177) for the erection of a single-storey car deck (99 parking spaces serving units 3-5) behind units 3 and 4 with ramp and ancillary lighting and detached bike shelter and bin store. This has been constructed and is in use.
- 2.6 On 1st March 2007 an outline master plan (RU.05/1144) for the phased refurbishment of existing five unit business park including new entrances to units 1-4, extension to unit 5, re-glazing and re-cladding of units, erection of single-storey car deck and landscaping was granted (accompanied by a S106 Legal Agreement). Condition 2 was imposed which required the approval of reserved matters before the expiration of three years from the date of this permission (i.e. by 1st March 2010) and with the development begun within two years from the date of the final approval of the reserved matters.
- 2.7 In October 2008, permission was granted (RU.08/0814) for the refurbishment of the existing building at unit 4 including cladding and glazing, the addition of 2 external staircase enclosures, a new reception extension and a glazed link to unit 3 and reconfiguration of unit 4 plant enclosure. These works are currently being undertaken on the site.
- 2.8 In November 2008, permission was granted (RU.08/1001) for external alterations to unit 3 comprising the installation of an air handling unit on the roof and reconfiguration of the existing entrance and addition of a fire escape door; and, permission was granted (RU.08/1002) for the installation of a standby generator and associated enclosure.
- 2.9 In September 2009 permission was granted (RU.09/0636) for the installation of a sub-station, standby generator, associated enclosure and associated work at unit 1.

2.10 In November 2009 permission was granted (RU.09/0811) for the erection of a condenser enclosure and positioning of various plant equipment at unit 1. Permission was also granted in November 2009 (RU.09/0902) for the variation of condition 12 of RU.09/0636 to enable the retention of the existing generator for a 3 month overlap with the new generator.

3. Application

3.1 This is an application for new planning permission to replace an extant permission in order to extend the time limit for implementation.

3.2 Extant planning approval RU.05/1144 is for an outline master plan for the phased refurbishment of the existing five unit business park, new entrances to units 1-4, extension to unit 5, re-glazing and re-cladding of units, and erection of single storey car deck and landscaping. The time limit for submission for all the approval of the reserved matters under RU.05/1144 expired on 1st March 2010, hence the need for this application (submitted prior to expiry of RU.05/1144).

3.3 In 2005 the applicants submitted all current and future proposals at the Estate under the umbrella of a master plan so that this would provide the Planning Authority with a comprehensive picture of development intentions in the interests of satisfactory planning in the area (i.e. visual and residential amenities, highway and flooding considerations). The phasing of the development was only indicative although all works were originally intended to be completed in four phases by 2014. The precise sequence of phases was unknown as this was dependent on when units became available. The aim of this master plan, however, was not to preclude stand-alone applications being submitted or implemented.

3.4 The refurbishment works to units 2 and 3 have therefore been completed as stand-alone works under planning approvals RU.05/0944 and RU.05/0945, respectively (see paragraphs 2.3 and 2.4 above) and the car deck built (see paragraph 2.5 above). Works to Unit 4 are currently being undertaken (see paragraph 2.7 above).

3.5 Only works to unit 5 requires the submission of a reserved matters application and so the need for extending the time limit for implementation in effect relates to unit 5. Refurbishment works to Unit 1 also still need to be undertaken.

3.6 In support of RU.05/1144 a planning statement was submitted. In brief this justified the master plan for the following reasons:

- The site has provided very good employment space but in order to retain the buildings' attraction to first class tenants and to continue to provide the highest quality local employment opportunities, the buildings need to be brought up to date to take them into the future;

- The external environment of the buildings would benefit from improvement with increased landscaping, cycle storage facilities, better disabled access and parking and reduced areas of hard landscaping. The extensions and car deck will help facilitate this.

3.7 A Transport Assessment, Flood Risk Assessment (FRA) and Tree Survey were also submitted under RU.05/1144. An updated/ Supplementary FRA has been submitted with this application.

4. Consultations

4.1 The application was advertised on the Council's weekly list, in the local press and 91 letters of notification were sent out. To date one letter of objection has been received, summarised below:

- Invasion of privacy with overlooking of property by BUPA employee;
- Trees that screened the original development along Chertsey Lane have been removed over recent years so exposing the development to residential properties on the opposite side of the road;
- Construction noise in last 18 months which would have been reduced had the screen of trees been in place.

4.2 The County Highways Authority has no objection subject to a Travel Plan and conditions.

4.3 The Environment Agency objects to the proposal as since determination of the 2005 consent Planning Policy Statement 25 : 'Development and Flood Risk' (PPS25) has been issued, and there have been changes to the flood mapping and levels in this location.

5. Planning Considerations

5.1 The main issue to consider with this application is whether there has been a change in site circumstances or policy since the determination of the 2005 master plan consent (RU.05/1144). Matters to consider include the impact of the proposal on residential amenities, on the established townscape and visual amenities, on land liable to flood and upon the highway.

5.2 Since the determination of the 2005 consent the Government has actively encouraged the sustainable management of economic development. In 2009 Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) was published, which replaced PPG4. The Government's objectives in PPS4 include (amongst other things) promoting regeneration; delivering more sustainable patterns of development, reducing the need to travel, especially by car. PPS4 states that Planning Authority's adopt a positive and constructive approach towards planning applications for economic development and that planning applications that secure sustainable growth should be treated favourably.

- 5.3 The South East Plan published in 2009 reiterates the objectives of PPS4 recognising the need to respond positively to changes in the global economy and the changing economic needs of the region. To facilitate this, the South East Plan encourages flexibility with economic growth and policy that enables businesses to adapt swiftly to minimise costs and to make the most of new opportunities.
- 5.4 The refurbishment of the Pine Trees Estate is entirely consistent with the above Government and region's current objectives. The whole purpose of the 2005 submission was the need to promote the industrial estates by modernising its appearance and attractiveness to potential occupiers. This was in accordance with saved Policy LE1 of the Local Plan and the Borough's local economy aims. Aim (b) of Policy LE1 of the Local Plan is particularly relevant to this application and states 'To encourage the redevelopment of outworn industrial and commercial premises to provide modern buildings with adequate parking, vehicular access and landscaping.'
- 5.5 In processing the 2005 master plan the Planning Authority recognised that flexibility was required in enabling refurbishment and improvement works on the Estate due to funding issues and the availability of leases on various units. This was why approvals RU.05/0944 (unit 2 works), RU.05/0945 (unit 3 works) and RU.05/1177 (car deck works) were permitted. Although tied into the master plan each of these consents could still have been built out as stand-alone applications, even if the economic climate changed and all works permitted by the master plan were never to be implemented. Refurbishment works have now been undertaken on units 2 and 3 and the car deck has been built. Moreover, since 2005 permission has been granted for works to Unit 4 which are currently being undertaken on site.
- 5.6 In line with PPS4 and the SE Plan and as part of the evidence base for the emerging Core Strategy, the Council has produced an Economic Land Review (ELR), February 2010. This ELR assesses the current quality/condition of the site scoring this against the following criteria: Public Access; Private Access; Quality of Environment and Site Characteristics; Compatibility of Adjoining Uses; and, Market Attractiveness. Each criterion is scored out of 5 with 5 being the best and 1 the worst. Largely due to the recent refurbishments, implemented landscaping and sustainability of the site the Pine Trees Estate scores 24 out of a maximum 25 so highlighting the effectiveness of the master plan proposals to promote, consolidate and secure future economic growth.
- 5.7 The Section 106 legal agreement (S106) that accompanied the original master plan (RU.05/1144) required that all monies be paid once development commenced. The development has not been implemented to date (i.e. reserved matters details still outstanding with works to units 2 and 3 undertaken as individual, stand-alone submissions) and so the monies have not been paid. The monies were £15,000 to the Runnymede Travel Initiative and £15,000 to Surrey County Highways Authority towards the costs of The Causeway Strategy, a scheme to tackle traffic congestion and encourage non-car modes through the provision of a bus lane, improvements to cycle facilities and the provision of a shuttle bus service. In order to ensure that these monies will still be paid a supplementary S106 legal agreement or Deed of Variation has been prepared, to tie this renewal to the signed S106 legal agreement, in the event of this current submission being granted.

- 5.8 These monies were part of an integrated programme of sustainable transport improvements under the master plan. A key part of the master plan was a review of the Estate's car parks. When the Estate was originally built in the 1980s the parking standards were far more relaxed and the encouragement of sustainable forms of transport was not at the forefront of the political agenda. This meant that the original build provided an oversupply of parking that would not be permissible today.
- 5.9 Current Government Guidance under Planning Policy Guidance Note 13: Transport (PPG13) drives sustainable objectives and sets maximum standards for parking. PPG13 sets a threshold ratio of 1 space per 30 sq metres applied to Class B1 uses with a gross floor space of 2,500 sq metres or higher. Policy T4: 'Parking' of the South East Plan reiterates PPG13 standards.
- 5.10 The Estate's original site parking ratio was below the maximum ratio of 1:30 set by PPG13 i.e. 561 parking spaces with a total floor space of 13,514 sq metres represented a ratio of 1:24. The master plan rectifies this oversupply of parking by moving closer to the 1:30 ratio i.e. by proposing 595 parking spaces (inclusive of the car deck) with a total proposed resultant floor space of some 15,400 sq metres so representing a ratio of 1:26.
- 5.11 Whilst the parking still exceeds the maximum threshold a number of other factors need to be taken into account. Firstly, local residents in the past have complained about the site having a parking overspill problem into adjoining residential roads. Secondly, this site is in a reasonably sustainable location given its proximity to Staines Town Centre and local bus routes. The principles of the on-site highway works including the provision of disabled bays and provision of cycle storage facilities goes towards promoting sustainable travel modes and would improve on the Estate's existing accessibility and circulation in line with Policy MV4. Thirdly, it is considered that the applicant's willingness to enter into a Travel Plan assists in complying with PPG13 by providing car sharing and home working initiatives that would be more sustainable. None of which would have been achievable if the 2005 master plan consent had not been permitted. Furthermore, it is a material consideration that the County Highways Authority has no objection to the proposal.
- 5.12 PPS4 identifies limiting carbon dioxide emissions, and minimising vulnerability and providing resilience to climate change, as one of the key impact considerations with determining applications for economic development. The need for new development to incorporate renewable energy technologies is now advocated by the South East Plan with Policy NRM11 seeking to secure at least 10% of energy (new developments over 1,000 sq m) from renewable or low carbon sources, where viable. In February 2010 the Council issued its updated Interim Advice Note on Renewable Energy which stipulates a 10% requirement on all new development. Whilst the 2005 consent did not include a renewable energy condition, given the current policy position it is considered reasonable and necessary to seek the use of renewable energy sources with this renewal. A condition can be imposed accordingly.

- 5.13 Climate change has also become an important issue with development proposed on land liable to flood and this is reflected in PPS25. The 2005 consent supported by the Environment Agency (EA) was considered under Planning Policy Guidance Note 25 : 'Development and Flood Risk' (PPG25), which predated Planning Policy Statement 25 : 'Development and Flood Risk' (PPS25), but the FRA at that time did propose compensatory flood storage works on the site to offset the increase in built form. Post December 2006 applications on this site have been subject to criteria under PPS25 reflected in the individual FRAs submitted. The applicant's Supplementary FRA with this current submission has also sought to update the situation. The EA objects, however, principally on the grounds that due to a series of individual applications on the site it cannot be ascertained whether the 2005 compensatory works can still be achieved when based on current flood modelling. The applicant's flooding expert is currently liaising with the EA seeking to resolve this issue. Further detail on this matter will be reported at the Planning Committee. Notwithstanding this, because the master plan in effect relates to extension works to unit 5 only, it is considered that this matter could still be controlled via planning condition i.e. to be resolved at the reserved matters stage. In the officer's opinion a refusal on flooding grounds would not be warranted.
- 5.14 The comments from the objector, detailed at paragraph 4.2, are noted but it is considered that this submission would not adversely affect residential amenities when this is an established business estate and when significant distances to boundaries would be maintained. The master plan seeks to improve the overall landscaping of the site and conditions were originally proposed for tree planting, which will be repeated with this application.
- 5.15 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that granting this application would result in a violation of any person's rights under the Convention.

Officers' Recommendation

- (i) The application be referred to the Department of Communities and Local Government (GOSE) under the Town and Country Planning (Flooding) Direction 2007 as the Environment Agency is unable to withdraw its objection and the local planning authority is minded to approved this application.
- (ii) Subject to the decision of the Department of Communities and Local Government and the signing of a appropriate Deed of Variation in connection with the signed legal agreement for a total of £30,000 (as agreed under RU.05/1144) for The Causeway Strategy and The Runnymede Travel Initiative, **THE DIRECTOR OF TECHNICAL SERVICES BE AUTHORISED TO GRANT** permission following consultation where appropriate with the Chairman or in his absence the Vice-Chairman of the Committee, subject to the following conditions:

- 1) Outline Application – Standard Time Limit for Applications (C016)
- 2) Outline Application – Submission of Reserved Matters (C018)
- 3) External Materials – Samples Required (C005)
- 4) Construction Traffic and Workers (C106)
- 5) Tree Retention – General (C048) - ([PA] 01D)
- 6) Tree Retention – Specific (C049) – '5'
- 7) Tree Replacement – Existing Trees (C050) – '5'
- 8) Tree Replacement – Proposed Trees (C051)
- 9) Tree Planting (C052)
- 10) Protective Fencing – Prior to Submission of Details (C054)
- 11) Storage of Spoil, etc. – Sites wholly within the Flood Plain (C180)
- 12) Fencing (C182)
- 13) Steps and Ramps (C188)
- 14) Prior to commencement of development hereby approved a travel plan shall be submitted to and approved in writing by the Planning Authority following consultation with the County Highway Authority and thereafter fully implemented and operated in accordance with the agreed details.

Reason: In order to promote sustainable modes of transport in line with the aims and objectives of PPG13 (March 2001), the Government White Paper (July 1998) and in general accordance with the Surrey County Council's 'Travel Plans Good Practice Guide' (2009)

- 15) No development shall take place at unit 5 until an updated and current Flood Risk Assessment has been submitted to and approved in writing by the Planning Authority. Any compensation works approved under the FRA must be implemented prior to first occupation of the development unless otherwise agreed in writing by the Planning Authority.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity and to comply with saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration 2001.

- 16) Sustainable Urban Drainage Systems (C173)

- 17) Surface Water Control (C189)
- 18) Renewable Energy (C064A) – Prior to the construction of the development works at Unit 5)

Informatives:

1. The applicant is advised that Public Footpath Definitive Number 32 crosses the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.
2. The applicant is advised that the reserved matters submission for Unit 5 should include a Renewable Energy Statement in accordance with the Council's Interim Advice Note, February 2010.
3. The development hereby granted consent has been assessed against the following Development Plan policies – Policies CC1, CC2, CC4, CC6, RE3, T4, T5, NRM4, NRM11, LF1, LF2 and LF10 of the South East Plan, May 2009 and saved Policies LE1, MV4, MV9, BE2 and SV2 of the Runnymede Borough Local Plan Second Alteration April 2001 and other material planning considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The Planning Officer's report giving a more detailed assessment of this application is available for inspection at the Technical Services Department and copies can be obtained subject to a photocopying charge.
4. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown:-

<u>Drawing Number:</u>	<u>Date Received:</u>
001/ P1	3/11/2005
005/P2	
010/P4	
[PA] 01 D & Tree Survey	3/11/2005
Flood Risk Assessment	3/11/2005
Planning Statement	3/11/2005
Transport Assessment	3/11/2005
Appendix B Rev C	29/11/2005
Summary Statement on FRA	23/02/2010

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

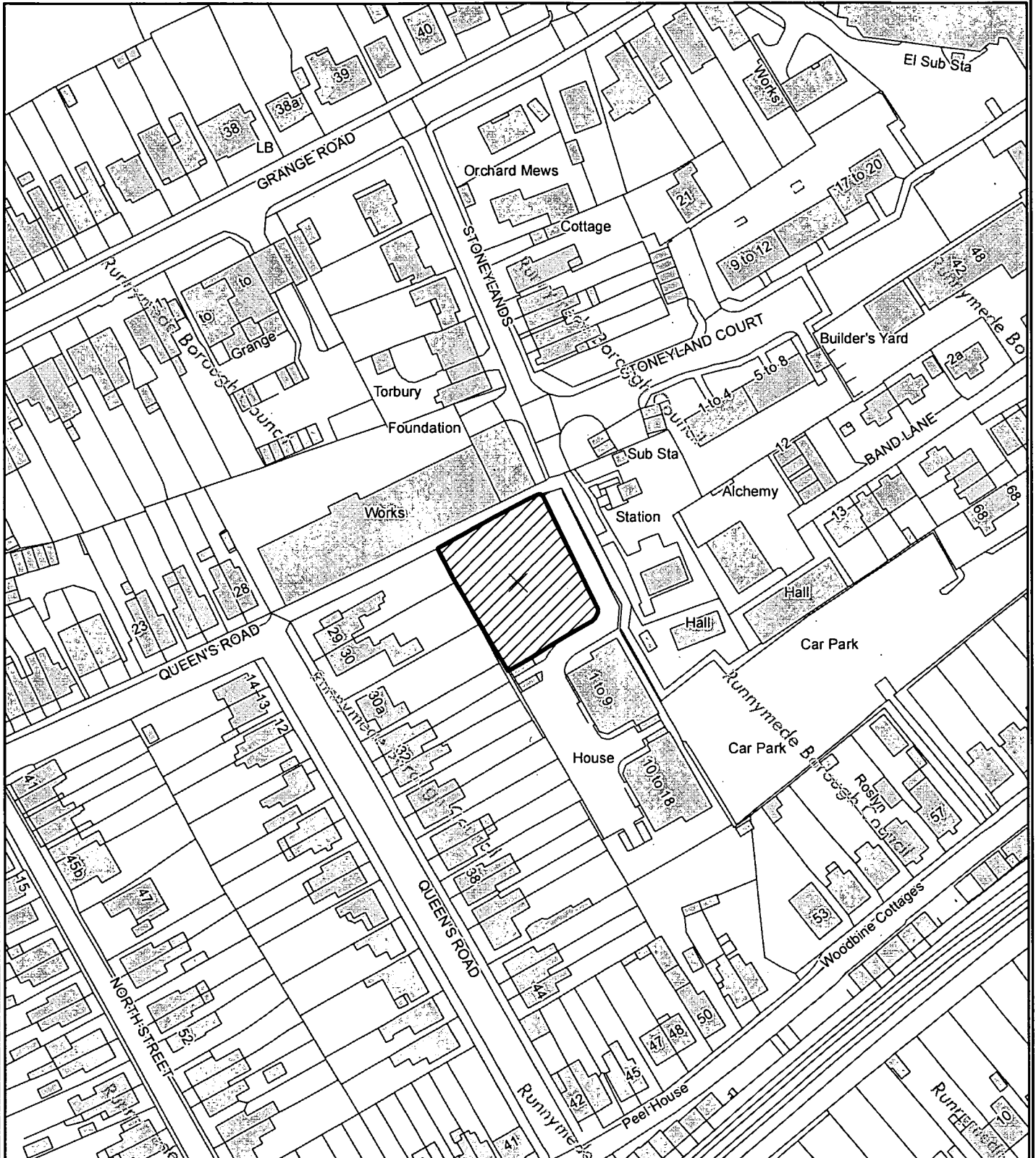


Planning Committee (21/04/2010)

RU.10/0130

FORMER SOCIAL CLUB BUILDING, STONEYLANDS ROAD, EGHAM

Not to Scale



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Runnymede Borough Council 100006086 2010

RU.10/0130	Date Reg: 16/02/10	Ward: EGHAM
LOCATION:	FORMER SOCIAL CLUB BUILDING, STONEYLANDS ROAD, EGHAM	
PROPOSAL:	ERECTION OF A TWO / THREE STOREY BUILDING CONTAINING 12 NO. FLATS (1 NO X ONE BED AND 11 NO. X TWO BEDS) WITH 10 PARKING SPACES AND CYCLE PARKING	
TYPE:	FULL PLANNING PERMISSION	
APPLICANT:	Beckingham Homes (Surrey) Ltd	

Saved Local Plan policies relevant to the consideration of the application:
H01, H09, MV4, MV9, MV13, NE14, BE2

1. Site

- 1.1 The application site is at the end of Stoneylands Road, adjacent to the footpath which links onto Queens Road. The site has an area of some 0.09 hectare, a width of some 34m and a depth of some 27m. It is roughly level and has been cleared of buildings. The trees that used to form a screen along its northern boundary were destroyed by fire, but the trunks remain in the ground. The site has been cleared and is fenced.
- 1.2 Adjoining the site to the south are 2 no. two/three storey buildings containing 18 flats (known as Holloway House), also accessed off Stoneylands Road via an accessway which runs across the front of the current application site. On the opposite side of the road, and beyond the footpath (which runs from the Waspe Farm car park to Stoneylands Road) is a Thames Water pumping station. To the rear/ southwest of the site are the rear gardens of residential dwellings fronting Queens Road. There are 4 properties which abut the western edge of the application site: 29, 30, 30a & 31. There is a two storey works on the northern side of the site (separated from the site by a footpath), but the remainder of Stoneylands Road is residential.
- 1.3 The site is in the urban area, in a low risk flood area, as defined by Environment Agency Modelling (March 2010).

2. History

- 2.1 The former social club was erected on the site in the early 1970's under application ref EGH.69/12847. The club was, however, destroyed by fire in August 2006.
- 2.2 *RU.01/1283:*
Renewal of temporary permission RU.99/0985 for the siting of a residential caravan for a security guard - Granted.
- 2.3 *RU.04/1049:*
Erection of replacement single storey social club with parking and landscaping following demolition of the existing club - Withdrawn

- 2.4 *RU.05/1215:*
Erection of single storey social club with ancillary parking and vehicular access off Stoneylands Road – Granted
- 2.5 Planning permission was granted for residential development of the adjoining site (former Waspe farm/ Stoneylands car park) in 2006 (ref RU.06/0019). This permission has been built out and the site is occupied by two 2/3 storey buildings containing 18 flats, with 17 car parking spaces and cycle parking. The site is understood to be owned by A2 Housing and managed by the Council.
3. Application
- 3.1 Permission is now sought for the erection of 2/3 storey building containing 12 flats (11no. 2 bed flats and 1 no. 1 bed flats), with 10 car parking spaces and 12 cycle parking spaces. The third floor of accommodation is within the roofslope, with 4 dormers provided on the north-eastern roofslope, looking towards the pumping station, and one on the north-western roofslope, looking towards the end of Stoneylands Road. Originally a dormer was also proposed on the south-western elevation, looking towards the rear of the Queens Road properties, but this was removed and replaced by high level velux windows.
- 3.2 The proposed building has a ridge height of 8.5m, and eaves of 5.3m. It is set off the northern site boundary by a minimum of 4.76m, but parts of the building are within 1m of the eastern and southern site boundaries. A garden depth of between 11m and 13.5m is provided to the western site boundary, and parking is provided in part of this area. Trees are indicated to be planted along the western boundary, some between parking bays.
- 3.3 A Design and Access Statement and Energy Statement have been submitted in support. An undertaking under the Infrastructure Tariff has also been submitted.
4. Consultations
- 4.1 The application has been advertised on the weekly list, by site notice and advertised in a local paper. Six letters of objection have been received from 4 households, which raise the following points:
- Overdevelopment
 - Overlooking/ loss of privacy (with particular reference to limited and balconettes, roof windows on the rear elevation)
 - Development would exacerbate hazard to pedestrians using the busy path from Queens Road as it exits at the northern boundary of the site
 - Concern over large pipes that lie under the site
 - The disabled occupant of an annex at 29 Queens Road (situated above the garage), has patio doors looking directly down the back garden, and a patio garden which would be overlooked by bedroom and kitchen windows

- Inaccuracies in the site plan in respect of 29 Queens Road, which has a 2 storey rear extension.
 - If permission is granted, the neighbour at No 29 requests that a 12ft brick boundary wall be provided (or a higher fence) along their rear boundary.
 - Concern over positioning of solar panels, and reflective shine
 - Concern over the impact of exterior lighting on privacy and wildlife
 - Overbearing
 - Inappropriate design
 - Overshadowing of residential property to the west
 - Inadequate parking exacerbating parking, traffic and safety problems on adjoining roads.
 - Impact of parking on residents at the rear
 - Noise and disturbance from occupants
 - Concern that access to their rear boundary for maintenance would be prevented
 - One objector suggests alternative uses for the site – a play area, or bungalows.
- 4.2 The County Highway Authority raise no objection to the proposal subject to conditions.
- 4.3 The Council's Contaminated Land Officer raises no objection subject to a condition.
- 4.4 Thames Water do not raise any objections to the development.
5. Planning Considerations
- 5.1 The site is within the urban area. The proposal would maximise the use of this brownfield site in accordance with Government advice in Planning Policy Statement 1 : 'Delivering Sustainable Development' (PPS1) and Planning Policy Statement 3 : 'Housing' (PPS3), and South East Plan Policy H5. However, these policy documents also require that the development improves the character and quality of the area and the way it functions. The impact of the development on the character and appearance of the area and the amenities of the adjoining properties are therefore important considerations, as are highway safety and parking issues, and impact on the local infrastructure. The site was formerly in use as a social club, and the proposal would result in the loss of this use from the site. The acceptability of this loss must also be a consideration. In addition contamination, renewable energy, planning history and objections from neighbours are also material considerations.
- 5.2 The social club was built on the site in the 1970s. It is understood that the social club was used by Runnymede Council Depot staff and contained a bar, pool table, darts etc., and that in later years its use was limited.

The Council decided to sell the site in 2003/4, and initially it was intended to erect a replacement club building for the Egham & District Social Club (who were intending to relocate to the site from the High Street). An application was submitted to this end in 2004 (RU.04/1049 refers) but the deal was linked to the redevelopment of 132a High Street, and since this part of the scheme was considered to be unacceptable, both applications were withdrawn. However, a further application was subsequently submitted in 2005 for a replacement building, again for use by the Egham District Social Club (RU.05/1215 refers). Whilst the application was granted, the permission has not been implemented and it is understood that the club have remained in their existing premises in the High Street.

- 5.3 Planning policies with regard to social facilities concentrate on educational, sporting and cultural facilities, and there are no policies in the South East Plan, nor saved policies in the Local Plan which are considered to be relevant in regard to the loss of the use from the site. Given the existence of other social clubs nearby (Egham District Social Club, the Egham Constitutional Club, and Egham United Services Club); combined with the fact that the site has been unused for some 4 years (and that membership was low prior to its destruction), it is not considered that the loss of the social club use could be resisted from this site.
- 5.4 The use of accessible brownfield sites in the urban area for residential development is supported in PPS1, PPS3 and in Development Plan policies. The site is within 200 metres of the Egham railway station, and is close to shops, services, and other alternative forms of transport. In accordance with Government advice, the density of development on such sites should reflect the need to make the best use of scarce land resources, whilst respecting its context. The density of the proposed development at 129 units per hectare, represents a very efficient use of land, and hence is in accordance with advice on density, but it is also important to consider whether the development is appropriate to its context and improves the character and quality of the area.
- 5.5 The existing site is in a derelict condition and in its current state clearly detracts from the character of the area, particularly in respect of Stoneylands Road. The character of the area and its context is mixed. Stoneylands Road is largely comprised of small scale two storey houses, but there is a large two storey factory at the end of the road, adjacent to the site (which has an extensive site coverage) and then 2/3 storey flatted blocks beyond, which mark a change in the character of the road. Opposite the site to the east is a pumping station and a mixture of individual halls and commercial buildings, which do not relate to each other in any coherent way. Queens Road, to the rear, has a more defined traditional character with 2 storey detached and semi-detached Edwardian and Victorian properties. It is considered appropriate that development of this site should reflect the character and context to which it is most closely related, and from where it will be viewed from a public perspective. The design of the building, its height and general form reflects the design of the two adjoining blocks at Holloway House, and in principle, this is considered to be an acceptable approach. The building is wider than the two blocks of

flats to the south (almost 26m, against 21m for each adjoining building), but this difference is not considered to be material in this context, nor a source of concern. The building is well separated from the northern site boundary (with the footpath), with separations of 4.4m widening to 6.3m, and its proximity to the southern and eastern boundaries is not out of character with the development on the adjoining Holloway House. The design of the building again reflects the design of Holloway House, and is considered to be appropriate in this context.

- 5.6 With regard to the impact on residential amenities of adjoining occupiers, the building will certainly be visible from the rear of the Queens Road properties, and the neighbours at the rear have raised objections to the building on the grounds of overlooking/loss of privacy. The proposed building is however set off the rear boundary by a minimum of 10.7m (and increasing to 11.3m at the rear of No 29 and 13.5m at the rear of No 30a Queens Road). In terms of the affected neighbouring properties, the rear of No 29 Queens Road contains 2 bedroom and 2 lounge windows (and patio doors) to a granny flat on the upper floor at the rear. The granny flat also has a first floor terrace/sitting out area over a flat roofed ground floor extension, which is some 20m from the rear boundary of the site. On the ground floor, the lounge window is approximately 16.5m from the rear boundary. No. 30 Queens Road also contains a number of windows on its rear elevation to 2 bedrooms a shower room (currently clear-glazed) and kitchen. These windows are set some 20-25m from the boundary. This house also has a 2 storey stable building attached on its southern side, which extends further back into the garden. The upper floor of this building contains a first floor window set some 14.5m from the site boundary. Whilst this is not currently used for habitable accommodation, the owners intend to convert it, and also have concerns over overlooking and loss of privacy in respect of this window. No 30a Queens Road is a newer property, and its rear elevation is set further from the site boundary, but again it contains bedroom and living room/conservatory windows. A similar off-set also applies to No. 31 Queens Road at the edge of the site.
- 5.7 The applicant has indicated that trees would be planted along the rear boundary, and the provision of landscaping and a fence could be secured by condition (albeit that in the parking area the potential for additional planting in addition to trees would be limited). This would help to provide some screening, and on balance it is considered that, given the distances between relevant windows involved, and in the light of the removal of the dormer window, that the level of overlooking and loss of privacy would not justify refusal of the scheme. It is not considered that the proposed building would be adversely overbearing, given its siting and limited eaves and ridge height (5.3m and 8.5m respectively), nor cause serious overshadowing.
- 5.8 With regard to highway safety and car parking, the access to the site is narrow and lacking in pavements. However, the narrower access is already marked by a rumble strip, and there is a footpath adjoining the site on its north-eastern side, which enables pedestrians to have protected access from the end of Stoneylands Road through to the Waspe Farm car

park. Residents have raised concerns over the increase in intensity of use of the narrow access which passes across the link between the 2 footpaths from Queens Road to the Waspe Farm car park. However, the County Highway Authority do not raise concerns to this provided that the fencing either side of the access remains open, as existing, so that cars are visible to pedestrians. The County Highway Authority do not raise objections to other aspects of the scheme. The scheme proposes 12 flats, with 10 car parking spaces and 12 cycle spaces. On-street parking is heavy on Stoneylands Road, and it may be that occupiers would park in adjoining roads, notably Stoneylands Court and Stoneylands Road. However, given the Government restraint-based approach to parking, and the location of the site in relation to alternative forms of transport, shops and services, it is not considered that the application could be refused on the basis of inadequate parking provision.

- 5.9 The applicant has provided an Energy Statement, which indicates that solar thermal and photovoltaic options appear to be the most-feasible in attaining the 10% energy requirement from renewable sources. However, additional details are required and a condition is recommended to secure this.
- 5.10 The site may contain contamination. A data search has been carried out, but further investigation is necessary to ensure that any contamination is properly dealt with in accordance with Circular 02/2000. A condition is recommended on any permission to secure this.
- 5.11 A unilateral obligation has been provided with the application in accordance with the Council's Supplementary Planning Guidance on Planning Obligations for £60,422.54 to support the social and physical infrastructure requirements associated with new development.
- 5.12 Consideration has been given to Articles 8 and 1 of the First Protocol of the European Convention on Human Rights. The objections raised have been taken into account and are not considered to justify refusal in this case. However, the recommended conditions are considered both necessary and proportionate to protect resident's amenity.

Officers' Recommendation

Subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act (as amended) to secure a financial contribution of £60,422.54, **the DIRECTOR OF TECHNICAL SERVICES BE AUTHORISED TO GRANT PERMISSION** subject to the following conditions:

1. Full Application – Standard Time Limit (C015)
2. External Materials – Samples Required (C005)
3. Approval of Surfacing Materials (C008)

4. Amended Plans (General) (C011) - 'P01A, P02A, P03A' '28/3/10'
5. The kitchen/dining windows on ground and first floors of the southern flank elevation shall be obscure glazed and fixed shut in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid overlooking into the adjoining property and to comply with saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration April 2001.

6. Details of Levels (C038)
7. Soft Landscape Details (C059)
8. Tree Replacement – Proposed Trees (C051)
9. Construction and planting details of the triangular beds to be used for the planting of the trees between parking spaces shall be included in any soft landscaping scheme.

Reason: To ensure that the trees to be planted between parking spaces are planted in such a way as to maximise their potential for survival in the interests of residential and visual amenities, in accordance with saved Local Plan Policies NE14 & NE15.

10. Details of the cycle store and secure cycle parking for 12 cycles shall be submitted to and approved by the Local Planning Authority in writing prior to building commencing on the site. Any details as may be approved shall be provided prior to the first residential occupation of the building hereby permitted, and permanently maintained thereafter.

Reason: To ensure the provision of adequate cycle provision on this site to assist in providing sustainable development and to comply with saved Policies MV2, MV4 and MV13 of the Runnymede Borough Local Plan Second Alteration 2001.

11. Boundary Treatment – General (C061)
12. Renewable Energy (C064A)
13. No obstruction between 0.6m and 2m in height shall be erected for a distance of 2m along the site boundary either side of the existing access, in order that pedestrian visibility is permanently maintained.

Reason: In the interests of highway safety and the protection of other highway users, in accordance with saved Policies MV4 & MV9 of the Runnymede Borough Local Plan 2001.

14. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

Reason: In the interests of highway safety and the protection of other highway users, in accordance with saved Policies MV4 & MV9 of the Runnymede Borough Local Plan 2001.

15. No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) provision of boundary hoarding behind any visibility zones

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: The above condition is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users and to comply with saved Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001.

16. Sustainable Urban Drainage Systems (C173)

17. Infrastructure Tariff (C201)

18. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until (4) has been complied with in relation to that contamination.

(1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (c) an appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination CLR11'*.

If potential contamination is identified during (1), the following (2) and (3) would need to be submitted:

(2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

(4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part (1) and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of part (2) of this condition which is subject to the approval in writing of the local planning authority in accordance with part (3) of this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Government advice in Circular 02/2000 and Planning Policy Statement 23 : 'Planning and Pollution Control'.

Informative:

1. The applicant is advised that pursuant to Condition 7 above, it is expected that landscaping details shall include a significant tree screen along the western and northern boundaries, and planting both adjacent to the front (eastern) elevation, and the strip of land on the opposite side of the accessway in the small strip on the application site side of the fence.
2. Mud onto Highway (I54)
3. The Highway Authority advise that the proposed estate road is of insufficient public utility to warrant adoption as highway maintainable at public expense.
4. The road layout shown on the application drawings does not conform with Surrey Design and is not eligible for adoption.
5. The applicant's attention is drawn to the 2 footpaths either side of the application site. Two metres either side of the access should be kept permanently clear of any obstruction under the terms of Condition 13. The existing chain-link fence is considered to be adequate to comply with this condition, but solid fencing would not be acceptable.

6. The development hereby granted consent has been assessed against the following Development Plan policies – Policies H5, SP3, CC6, CC7, LF1, LF5 and LF10 and saved Policies H01, H09, MV4, MV9, MV13, NE14 and BE2 of the Runnymede Borough Local Plan Second Alteration April 2001 and other material planning considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The Planning Officer's report giving a more detailed assessment of this application is available for inspection at the Technical Services Department and copies can be obtained subject to a photocopying charge.
7. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown:

<u>Drawing Number:</u>	<u>Date Received:</u>
29104.P01A, 02A, 03A, 04	28/3/10
Energy Statement	16/2/10
Design & Access Statement	16/2/10

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

PART B

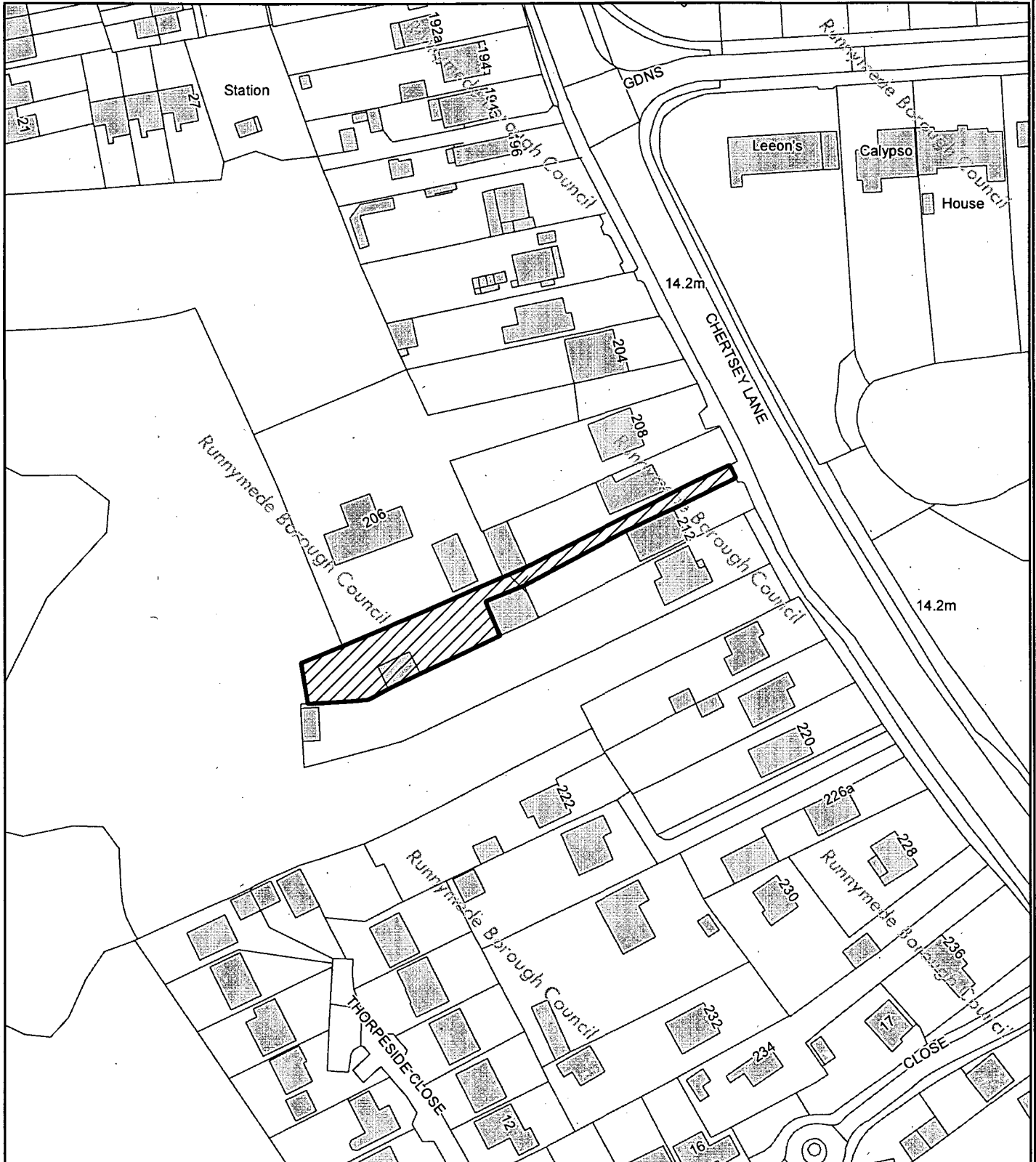


Planning Committee (21/04/2010)

RU.09/0523

LAND REAR OF 212 CHERTSEY LANE, STAINES

Not to Scale



RU.09/0523	Date Reg: 18.06.09	Ward: THORPE
LOCATION: PROPOSAL:	LAND REAR OF 212 CHERTSEY LANE, STAINES CERTIFICATE OF EXISTING LAWFUL USE FOR A COMMERCIAL YARD & BUILDINGS COMPRISING THE STORAGE AND DISTRIBUTION OF ROOFING & BUILDING MATERIALS (NO SALES) ALONG WITH AN AREA FOR THE SALE, PURCHASE AND DISPLAY OF EQUESTRIAN RELATED VEHICLES AND EQUIPMENT.	
TYPE:	CERTIFICATE OF EXISTING LAWFULNESS	
APPLICANT:	Mr J Harris	

Local Plan: Saved policies relevant to the consideration of this application are:
Second Alteration April 2001: N/A

This application was deferred at the Planning Committee on 16th September 2009 citing a lack of evidence produced by the applicant, particularly between June 1999 to 2005. The applicant has submitted further information to support the certificate of lawful use which is summarised at paragraphs 3.5, 3.6 and 3.7 of the report.

1. Site

1.1 The application site is an area of land located at the rear of 212 Chertsey Lane which comprises of a two storey detached dwelling with detached single storey residential annexe at the rear. The yard at the rear of the site is accessed via a driveway off Chertsey Lane.

2. History

2.1 The site has an extensive planning and enforcement history the most relevant of which is listed below;

2.2 RU.75/0851 - Demolition of existing single storey dwelling and erection by way of replacement of a two storey dwelling (as amplified by revised drawings enclosed with letter dated 13.1.76). Granted March 1976

2.3 RU.76/0517 - Siting of residential caravan for a temporary period during construction of dwelling. Granted August 1976

2.4 RU.95/1085 - Formation of enlarged vehicular access to Chertsey Lane. Granted February 1996.

2.5 RU.01/0701 - Erection of first floor rear extension. Refused August 2001.

2.6 RU.01/1200 - Erection of a first floor rear extension with two dormer windows in the rear elevation. (Revised plans received 6/12/01). Granted December 2001

2.7 RU.04/1384 - Certificate of existing lawful use for the use of the building as a single dwelling house for a period of more than 4 years. Refused September 2006.

- 2.8 RU.08/0268 - Erection of a single storey front extension. Refused April 2008
- 2.9 RU.08/0269 - Erection of a conservatory to rear of property. (Revised plans received 30/4/2008). Granted June 2008.
- 2.10 RU.09/0455 - Erection of a single storey front extension. Granted July 2009

Enforcement

- 2.11 An Enforcement Notice was issued on 25th November 1975 prohibiting the use of the site as a caravan site and road contractors business. An Enforcement Notice was issued on 6th March 1978 following a breach of condition of RU.76/0517 by the continued siting of a caravan in residential use. An Enforcement Notice was also issued on 16th March 1982 prohibiting the use of land for a business consisting of the repair, spraying and storage of motor vehicles for sale. It appears that all notices were complied with following the expiry of the relevant compliance period.
- 2.12 More recently an enforcement Notice dated 24th August 2007 issued and served in relation to the unauthorised conversion of existing garage to a self-contained residential dwelling. Appeal against the notice dismissed on 17th June 2008 with variation to the requirement of the Enforcement Notice requiring the removal of the coin operated electricity meter currently within the appeal building. It was confirmed that the Enforcement Notice had been complied with following a site visit in March 2009.

3. Application

- 3.1 This is an application for a certificate of existing lawfulness for a commercial yard & buildings comprising the storage and distribution of roofing & building materials (no sales) along with an area for the sale, purchase and display of equestrian related vehicles and equipment.
- 3.2 The applicant states that the commercial yard and buildings comprising the storage and distribution of roofing and building materials (no sales) along with an area for the sale, purchase and display of equestrian related vehicles and equipment has been in use for a period of more than 10 years and as such is lawful.
- 3.3 The applicant has submitted evidence in the form of signed affidavits stating that the uses have existed for a period of more than 10 years from the following persons;
- James Harris (the applicant)
 - Graham Lewis (Roofing business customer)
 - Ben Aldridge (Managing Director of Alder Group Ltd)
 - Norman Peter Stidolph(Company Secretary of Retail Efficiency Ltd)
 - Kevin John Turner (Chartered Surveyor and Planning Consultant)
 - Katie Webb (Police Officer & Cousin of the applicant)

3.4 Further evidence has been submitted in the form of the following;

- Accounts from First Class Roofing for J.Harris for the periods of
 - 30.11.01 to 30.11.02
 - 30.11.02 to 30.11.03
 - 30.11.04 to 30.11.05
 - 30.11.05 to 30.11.06
 - 30.11.06 to 30.11.07
- Accounts for Surrey Holmes Ltd (Director J. Harris) for the periods;
 - 31.01.03 to 31.01.04
 - 31.01.04 to 31.01.05
 - 31.01.05 to 31.01.06
 - 31.01.06 to 31.01.07
 - 31.01.07 to 31.01.08
- Certificate of Quality and Service from The Guild of Master Craftsmen for First Class Roofing dated 22 September 1994.

3.5 Following the committee meeting on 16th September 2009 further affidavits have been submitted by the applicant stating that the use has existed for a period of more than 10 years from the following persons

- James Harris (the applicant)
- Anthony Paul Roche (Self employed bricklayer)
- Colin Futcher (Proprietor of Dicol Effluent Services)

3.6 In addition to this, fourteen folders containing various bank statements, invoices, bills, letters and photographs were submitted by the applicant. Each folder has been numbered and briefly described for ease of reference as set out below:-

- 1) Aerial photographs, letter from bank stating first class roofing business account opened in Feb 1993. Invoices for work by First Class Roofing (FCR) from Jan and Aug 1991. Vehicle reg details for HGV tipper still owned by applicant. Letter from Director of Chertsey tool hire stating traded and delivered to FCR at 212 Chertsey Lane for last 12 years.
- 2) FCR statement of accounts 1990-1992, letters and invoices from Billinge, Blend and Company accountants, bank statements, receipts for advertising FCR 1990-1996 and telephone bills.
- 3) FCR bank statements 2001, bills, invoices and receipts from December 2000-2001.
- 4) FCR bank statements 2001-2002, invoices, receipts, telephone bills 2001-2002.
- 5) FCR bank statements 2002-2003, invoices and receipts 2003.

- 6) FCR bank statements 2003-2004, invoices, receipts, telephone bills 2003-mostly 2004.
 - 7) FCR bank statements 2004-2005, invoices, receipts, telephone bills 2005.
 - 8) FCR bank statements 2005-2006, invoices, receipts, telephone bills 2006.
 - 9) FCR bank statements 2005-2007, invoices, receipts, 2007.
 - 10) Surrey Holmes Ltd bank statements 2001, invoices, bills and receipts 2001.
 - 11) Surrey Holmes Ltd bank statements 2003-2004, invoices, bills and receipts 2003
 - 12) Surrey Holmes Ltd bank statements 2003-2004, invoices, bills and receipts 2004
 - 13) Surrey Holmes Ltd bank statements 2004-2005, invoices, letters, bills receipts and phone bills 2004-2005
 - 14) Surrey Holmes Ltd bank statements 2006-2007, invoices and receipts 2006
- 3.7 Finally the applicant has recently submitted copies of invoices and receipts for First Class Roofing, covering the period January 1997 to December 2000. A covering letter from the applicant's agent accompanied these invoices and receipts.

4. Consultations

- 4.1 The application was advertised in the Council's weekly list, and initially 8 letters were sent to properties surrounding the area. There were 2 sworn statements received from Mr R Newman at 210 Chertsey Lane and Mr A Worley at 214 Chertsey Lane. In addition letters from Mr & Mrs Newman, Mr and Mrs Worley and Pravesh Prasher of 216 Chertsey Lane were also received.
- 4.2 Following the committee meeting on 16th September 2009, the following further affidavits have been received in response to the further evidence submitted by the applicants refuting the fact that specific uses have existed for 10 years:-
- Rodney Newman (owner of 210 Chertsey Lane) (amended 18/3/10)
 - John Newman (brother of Rodney Newman)
 - Clifford Naylor (Rodney Newman's step son)
 - David Cleaver (married to niece of Rodney Newman)
 - Anthony Worley (owner of 214 Chertsey Lane)