

Planning Committee

Wednesday 14 July 2010 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, Mrs G M Kingerley, M T Kusneraitis, Mrs Y P Lay, H W V Meares, 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, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) Public speaking on planning applications only is allowed at the Planning Committee. For details please contact the Administrative Section of the Technical Services Department. **(Tel Direct Line: 01932 425153)** or view the guidance on the Committee web page.
- 5) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

'see overleaf'

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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	6
2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	6
3. MINUTES	6
4. APOLOGIES FOR ABSENCE	6
5. DECLARATIONS OF INTEREST	6
6. PLANNING APPLICATIONS	6
7. SERVICE PLAN – OUTTURN PERFORMANCE 2008/2010 AND REVISED SERVICE PLAN FOR 2010/2011	7
8. 8 STEPGATES, CHERTSEY – ENFORCEMENT	7
9. GOVERNMENT CHANGES AND IMPLICATIONS FOR RUNNYMEDE CORE STRATEGY	13
10. APPEAL DECISION	16.
11. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES	16
12. EXCLUSION OF PRESS AND PUBLIC	16

PART II

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

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

GLOSSARY OF TERMS AND ABBREVIATIONS

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

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

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

1. FIRE PRECAUTIONS

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

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 23 June 2010 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. Officers' recommendations are included in the application reports.

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.

Background Papers

A list of background papers is available from the Technical Services Department.

7. SERVICE PLAN – OUTTURN PERFORMANCE 2008/10 AND REVISED SERVICE PLAN FOR 2010/2011 (DTS)

1. **Purpose of Report**

1.1 **The purpose of this report is to advise the Committee on the outturn performance of the 2008/10 Service Plan and to seek approval to continue the Service Plan for the period up to 31 March 2011.**

2. **Background Information**

2.1 In late 2008, a new strategy, planning and performance management framework of Sustainable Community Strategy and Corporate Plan was agreed for the Council and Committee-based Service Plans have continued to be produced since then.

2.2 The current Service Plans have been based on an eighteen month cycle rather than the previous yearly programme to give greater continuity and avoid the need to update what are often ongoing targets.

2.3 In the June 2009 cycle of meetings, reports were brought forward noting the outturn position for the period up to 31 March 2009 and the November 2009 cycle reported the position as at 31 October 2009. This report and Appendix 'B' now notes the outturn position as at 31 March 2010. The Equality Action Plan is attached to Appendix 'B'.

3. **Report**

3.1 The Committee is invited to note the outturn position on its Service Plan, attached at Appendix 'B'. The Service Plan provides a control document for senior managers and the responsible Committees to monitor and review, as well as highlighting where slippage or other difficulties are occurring, and appropriate recovery strategies need to be put in place.

3.2 Members will be aware of the Service Review programme that was commenced at the start of this year and which is due to be completed by the Autumn. It is anticipated that the collective outcome of this programme will lead to the creation of a new Sustainable Community Strategy and Corporate Plan in 2011.

3.3 The means by which targets in this new Corporate Plan will cascade to individual Committees will also be reviewed as part of this process and this may change the format of Service Plans, or indeed replace them altogether. It is therefore recommended that the Service Plan (as revised) for this Committee continues until 31 March 2011.

OFFICERS' RECOMMENDATION that –

the Service Plan outturn report for 2008/10 as attached at Appendix 'B' be noted and this continue to be the Service Plan for this Committee in 2010/11.

(TO RESOLVE)

Background Papers

None

8. 8 STEPGATES, CHERTSEY – ENFORCEMENT (DTS)

1. **Purpose of Report**

1.1 **To seek authorisation to issue Enforcement Notices in respect of breaches of planning control at No 8 Stepgates Chertsey related to the material change of use of the land to the rear of the property for the storage of building materials.**

2. Site Description

- 2.1 No 8 Stepgates is a two-storey detached dwelling originally with a long rectangular plot (78 metres in length). It is located within the urban area of Chertsey which is characterised by a mixture of dwellings and flats. The site is bordered by Horsell Court, which is a two storey flatted development, to the west and No 10 Stepgates, a two-storey residential property, to the east. There is a gravel driveway on the western side of the dwelling, which leads to the double garage for the dwelling. Metal gates have been erected screening the rear section of the original plot which has now been separated from the dwelling. There are two wooden sheds positioned next to the boundary with the adjacent neighbour No 10 Stepgates and a variety of building materials are being stored across the site.
- 2.2 The site lies within the urban area and within the high risk flood plain (Zone 3A). A plan outlining the site is attached at Appendix 'C'.

3. Site History

- 3.1 The most recent application (RU 09/0358) was for the erection of a single storey detached garage to the rear of the property. This application was granted planning permission by the Planning Committee in November 2009.

4. Enforcement History

- 4.1 In April 2009, a planning application (RU 09/0358) was received for the erection of a detached garage to the rear of the property. This was deferred by the Planning Committee on 3 June 2009 in order to seek further information regarding importation of topsoil and raising of the land to the rear of the garage.
- 4.2 A Planning Contravention Notice (PCN) was served on the landowner in July 2009 requesting additional information regarding the importation of hardcore/topsoil at the site. A response was received on 20 July 2009 which Officers followed up with further correspondence to clarify the facts.
- 4.3 Planning application RU 09/0358 for the detached garage was considered by the Planning Committee on 18 November 2009. Planning permission was granted subject to conditions. Informatives advised the applicant that planning permission would be required for any further development at the site and that an exemption or permit from the EA under the Environmental Permitting Regulations would be required for the importation of materials onto the site.
- 4.4 A complaint was received on 25 November 2009 concerning the storage and burning of builders waste at this site. This was investigated by the Council's Environmental Protection Section.
- 4.5 Planning Officers visited the site on the 27 January 2010, following a complaint received on 20 January 2010 regarding the use of the land at the rear of the garage, the erection of a wooden outbuilding, and erection of metal gates. A second PCN was served on the landowner on 4 February 2010 requesting information about the subdivision of the garden area, the erection of sheds and gates, and the storage of building materials. A response was received on 24 February 2010. It was also noted by Officers that No 8 Stepgates was being advertised for sale.
- 4.6 On 10 February 2010 a complaint was received regarding the storage of hazardous materials within the wooden shed towards the rear of the site. Officers wrote to the landowner on 4 March 2010 advising that planning permission would be required for the retention of the large shed and the building materials should be removed from the site as they were not ancillary to the domestic dwelling. Planning Officers visited the site again on 23 March 2010 and noted that a further shed had been bought onto the site, the gates were in excess of 2 metres in height and the site was continuing to be used for the storage of building materials. The landowner was advised by Officers on 24 March 2010 that breaches of planning control had occurred and that he was at risk from enforcement action if the breaches continued.

- 4.7 Planning Officers visited the site on 9 April 2010 and noted that steel girders, scaffolding planks, cement bags, 4 wheelbarrows and two skips had been brought onto the land. Officers wrote to the landowner on 12 April 2010 requesting that he submit a statement of intent for the land. A further site visit was undertaken on 19 April 2010. The site had been tidied up but two skips remained on the land and the building materials had been moved to the side boundaries of the plot and covered up by green plastic sheets.
- 4.8 A letter was received from the landowner's agent on 4 May 2010 stating that it was the owner's intention to remove material from the site over time, with the land being used to store mostly personal domestic items and building material from other properties in the area. The agent noted that the piers supporting the gates required permission. He commented that the shed would be retained at its present height or lowered to fall within the parameters of permitted development.
- 4.9 A complaint was received on 10 May 2010 raising concerns about the untidy condition of the land. A Planning Officer visited the site and noted that one skip had been removed and various sheets of plywood had been laid across the site and a variety of building materials were still on site. The house at No 8 Stepgates was not occupied, but appeared to have been sold.
5. Unauthorised Development
- 5.1 In April 2009 when the planning application (RU09/0358) for the detached garage was submitted, the area of land to the rear of the proposed garage was open and part of the garden of No 8 Stepgates. This was confirmed by the landowner in the response to the first PCN in June 2009. Therefore, at April 2009 this area was part of the residential curtilage of the dwelling house. There was no storage of building materials taking place within the site at this time.
- 5.2 In November 2009, building materials were brought onto the land and stored across the site. By January 2010 the area of land shown on the plan at Appendix 'C' behind the garage was subdivided from the original dwelling. The metal gates and a wooden shed had been erected. Although the gates were a physical barrier separating this area from the main house, the landowner still maintained in his response to the second PCN in February 2010 that the curtilage of the plot of the residential house known as 8 Stepgates had not changed and still included the area to the rear of the garage. However, from site visits made by Officers, it was observed that No 8 Stepgates now has a small enclosed rear garden which extends up to the southern flank wall of the garage. This is laid to grass and is well maintained and has no building materials. In contrast, the land behind the gates is being used to store building materials including steel lintels, concrete building blocks, scaffolding planks, cement bags, wheelbarrows and other equipment. The storage of some building material may be considered ancillary to a domestic dwelling. However, in view of the site being separated by metal gates, the type and quantity of the material being stored at the site and that No 8 Stepgates has a newly defined smaller separate rear garden area, it is considered that the land has been subdivided creating a separate planning unit. The land is not in domestic use but is a builders yard and is not ancillary to the domestic dwelling. Therefore, a material change of use has taken place which requires planning permission. The landowner states that some of the material stored is for his personal use. However, he does not live at the application site and has not provided any explanation why the material is stored at this site and not at his own private dwelling which is nearby.
- 5.3 The wooden shed behind the garage has been erected on land that is not considered part of the residential curtilage of the dwelling. In this case no permitted development rights exist for new structures and buildings. Therefore the structure requires planning permission. Notwithstanding this, even if the area was concluded to be part of the residential curtilage of No 8 Stepgates, because of its height at 2.65 metres, it still exceeds the permitted development limits for outbuildings under the Town and Country Planning (General Permitted Development) Order 2008, Schedule 2, Part 1, Class E. Planning permission is therefore required in either case. A second shed has also been erected without planning permission.
- 5.4 The gates and supports as erected also exceed the maximum height allowed under the Town and Country Planning (General Permitted Development) Order 2008, Schedule 2, Part 2, Class A and require planning permission.

- 5.5 Therefore, the use of the land as a builder's yard for the storage of building materials and shed, the erection of a larger wooden shed, and the erection of metal gates and supporting posts are unauthorised and require planning permission.
6. Planning Considerations
- 6.1 The site is within the urban area, and is within the High Risk Flood Zone 3A. The land is being used as a builder's yard within a residential area.
- 6.2 Planning Policy Statement 4 'Planning for Sustainable Economic Growth' advises that economic development should only be accepted where it does not harm the character and quality of the area and the way it functions. Saved Policy LE1 of the adopted Local Plan encourages schemes which make way for the provision of local firms to expand only where there is no adverse environmental or traffic consequences. The use of the land for the storage of building materials would attract increased vehicular movements to and from the site, which would lead to increased noise and disturbance to the detriment of the residential amenities of the occupiers of the adjacent neighbouring properties. The use of the land as a builder's yard is therefore considered to be contrary to saved Policies LE1 and HO9 of the adopted Local Plan.
- 6.3 Although the land is enclosed and is not visible from the street, it is highly visible from adjacent neighbouring properties. The spread of building materials, skips and other equipment around the site has resulted in the site having an untidy appearance. Despite requests from Officers seeking clarification of the landowner's long-term intentions for the site, there has been no reassurance that the items will be removed. The retention of the building materials on the land would have an adverse and harmful impact on the visual amenities of the area. In addition, this use, if continued, would fail to improve or enhance the quality of the area, contrary to saved Policy BE2 of the adopted Local Plan and Planning Policy Statement 1 : 'Delivering Sustainable Development' (PPS1).
- 6.4 The site lies within Flood Zone 3A which is a high-risk area within the Flood Plain. The use of the land for the storage of building material reduces the capacity of the flood plain and increases the risk of flooding elsewhere. The Environment Agency has advised that part of the site is also within the 1 in 20 year functional floodplain within which only essential developments are allowed. The Environment Agency have raised concerns about this unauthorised development. It is therefore considered that the use of the land as a builder's yard would be contrary to saved Policy SV2 of the adopted Local Plan and Planning Policy Statement 25 : 'Development and Flood Risk' (PPS25).
7. Enforcement Considerations
- 7.1 Planning Policy Guidance Note 18: 'Enforcing Planning Control' (PPG18) indicates that in considering any enforcement action, the decisive issue should be whether the breach would unacceptably affect public amenity or the existing use of the land meriting protection in the public interest. The decision as to whether or not it is expedient to take formal enforcement action is at the Planning Authority's sole discretion but regard must be had to planning policies and the circumstances of the planning breach. The decision must not be unreasonable or taken without proper consideration of the relevant facts and planning issues, or based on non-planning grounds.
- 7.2 The site lies within a residential and urban area of Chertsey, and the High Risk Flood Zone 3A. The use of the area for the storage of building materials has a harmful impact on the visual amenities of the area. The introduction of this use in a residential area is considered to be un-neighbourly and harmful to the residential amenities of the occupiers of the adjacent neighbouring properties due to noise and disturbance from users of the site. The use of the area for storage also impacts on the capacity of the flood plain and increases the risk of flooding to neighbouring properties. Formal enforcement action is therefore recommended to cease the use of the land for the storage of building materials and to remove the two associated sheds, concrete building blocks, steel lintels/girders, bags of cement, scaffolding, plastic piping, fence panels, wheelbarrows, skips and other associated building materials and return the land to its original condition being laid to grass. The gates also are required to be reduced to a height of 2 metres.

8. Human Rights Act 1998 Considerations

8.1 The Committee is reminded of the European Convention on Human Rights Article 8, the right to respect for private and family life and the home and Article 1 of the First Protocol, the right to peaceful enjoyment of possessions. Any interference with those rights must be in accordance with the law, proportionate and necessary in a democratic society. The Local Authority must not act in a way, which is incompatible with Convention rights. It is recognised that in this case, enforcement action could amount to an interference with the rights of the applicant/owner. However, Members must balance the interference with the rights, which taking enforcement action would represent, and the public interest in protecting residential amenity.

8.2 The taking of enforcement action, including legal action, can amount to an interference with a person's rights under Article 8. A Local Authority may only interfere with those rights if it is satisfied that such measures:

- are in accordance with the law;
- pursue the legitimate aim of protecting the rights of others through preservation of the environment; and
- are necessary in a democratic society where the interference answers a pressing social need and in particular is proportionate to the legitimate aim pursued.

8.3 It is recognised that the enforcement action proposed in this report could amount to an interference with the landowner and his family's home and his private family life (which fall within the protection of and are consistent with the objective and purposes of Article 8). Those 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) and the breaches themselves.

8.4 It is considered important to ensure that the unauthorised development does not become lawful. Consequently, it is considered that Enforcement Notice(s) should be served on the site before these unauthorised developments become lawful.

8.5 Regard must be paid to the human rights of the landowner, his family and the potential difficulties caused by the service of any statutory notices or institution of any proceedings. Any action authorised must be a proportionate remedy in the circumstances of the case. This must be balanced against the identified harm to the residential amenity of the occupiers of the adjacent neighbouring properties.

9. Equalities Issues

9.1 No equalities issues have been identified.

10. Financial Considerations

10.1 If the Committee decides to take enforcement action and the owner of the site decides to exercise his right of appeal, this case is likely to be determined by a Public Inquiry. An Inquiry will incur costs which may require a supplementary estimate if the budgetary position for such Inquiries is overspent.

11. Conclusion

11.1 Members must fully and fairly balance the considerations referred to in this report when deciding to authorise any of the actions referred to in Sections 5, 6 and 7 to end the continuing breaches of planning control. Members will wish to have regard to the human rights issues detailed in Section 8 and will wish to consider whether the action they authorise is a proportionate remedy in all the circumstances of the case.

11.2 Members must take into account all the considerations material to this case. On the one hand, there are the personal circumstances of the landowner, the likely distress and difficulties caused by the service of any statutory notices or the instigation of any proceedings and the convention rights of the owner and his family. On the other hand, there

is the significant harm to the residential amenities of the occupiers of the adjacent neighbouring properties, the harm to the visual amenities of the area, and the impact on the high risk flood plain.

- 11.3 In view of the owner's refusal to comply with planning legislation and continued breaches thereof, Officers consider that further action is necessary to secure a cessation of the breach of planning control.
- 11.4 The Committee is requested to consider all the facts and the issues in relation to this case and determine whether further legal action is: reasonable, compatible with the Human Rights Act 1998, proportionate to the legitimate aim being pursued, and necessary to bring about the cessation of the continuing breach of planning control and prevention of further breaches of planning control.

OFFICERS' RECOMMENDATION that –

- i) **the Director of Administration and Leisure be authorised to issue Enforcement Notice(s) under Section 172 of the Town and Country Planning Act 1990 (as amended) relating to the following matters:**
- a) **the cessation of the use of the land as a builder's yard for storage of various building materials;**
 - b) **the removal of the various building materials stored on the land including wheel barrows, skips, steel lintels/girders, scaffolding planks, cement bags and other associated items of building materials;**
 - c) **the demolition of the two wooden sheds and the removal of all debris and materials from the site, and to**
 - d) **restore the land to grass;**
 - e) **the reduction in height of the gates and supporting posts to a maximum height of 2 metres above ground level; and**
- ii) **the Director of Administration and Leisure be authorised to take appropriate action in carrying out necessary works or prosecution under sections 178 and 179 of the Town and Country Planning Act 1990 in the event that these notice(s) are not complied with.**

Reasons for Issuing Enforcement Notice(s)

1. **The use of the land as a builders yard, the storage of building materials at the site and associated vehicle movements would have a detrimental and harmful impact on the residential amenities of neighbouring residential properties, particularly No. 10 Stepgates and the flats at Horsell Court and would be contrary to saved Policies LE1 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001.**
2. **The use of the land as a builders yard and the storage of building materials at the site would have a detrimental and harmful impact on the visual amenities of the area, and would fail to improve or enhance the quality of the area, contrary to saved Policies BE2 and LE1 of the Runnymede Borough Local Plan Second Alteration 2001, Planning Policy Statement 1 : 'Delivering Sustainable Development' and Planning Policy Statement 4 : Planning for Sustainable Economic Growth'.**
3. **The use of the land as a builders yard and the storage of building materials within Flood Zone 3a would have a harmful and detrimental impact on the capacity of the floodplain and would increase the risk of flooding elsewhere and would be contrary to saved Policy SV2 of the**

Runnymede Borough Local Plan Second Alteration 2001 and Planning Policy Statement 25 : 'Development and Flood Risk'.

(TO RESOLVE)

Background Papers

Exempt

9. GOVERNMENT CHANGES AND THE IMPLICATIONS FOR THE RUNNYMEDE CORE STRATEGY (DTS)

1. Purpose of Report

1.1 **The purpose of this report is to set out the various changes that the new coalition Government is intending to make which will have a direct impact on the planning process that the Council currently undertakes, but in particular how this impacts on the development of the Local Development Framework (LDF) Core Strategy and its timetable.**

2. Background Information

2.1 Since coming to power the coalition Government has begun to set out the various changes it wishes to make that will directly affect the planning system and in particular the process by which Councils prepare Local Development Frameworks. The key change that the Government is promoting is the abolition of the South East Plan (SEP). In particular this would abolish the housing figures and gypsy and traveller figures which Councils respond to when preparing their Core Strategies. For Runnymede this would also have the effect of deleting the allocation of the former DERA site for mixed use development including up to 2500 new homes.

2.2 The intention to abolish the SEP has as yet got no timetable attached to it, and is unlikely to be revoked until the Localism and Decentralisation Bill receives Royal Assent next Summer. It is anticipated that the Act would set out a timetable for implementing any changes to the LDF. Until this time it still forms part of the development plan against which the Council needs to make planning decisions and prepare its own plans and guidance. The Government's intention to abolish this plan is now considered to be a material consideration which should be afforded a limited level of weight when making planning decisions. The Department of Communities and Local Government have stated that there will be a statement over the coming months to help authorities work through this period of change, but it is clear that there is unlikely to be any support for retaining any element of the regional plan and that local decision making and community support will be key in developing LDFs.

2.3 It was anticipated that Officers would be bringing a final version of the Core Strategy to this Committee for approval as a publication draft. However, in light of these changes, Officers have been considering the options available to the Council for taking forward the Core Strategy at this time of uncertainty. In particular Officers have been considering the implications of these suggested changes on the allocation of the Former DERA site at Longcross and overall housing targets.

2.4 The former DERA site is allocated in the SEP for mixed use development all of which is anticipated to be delivered in Runnymede. With the new Government announcements it is becoming clear that Councils are expected to make their own decisions on housing numbers and for Runnymede whether it wishes to proceed with the development of the DERA site or not.

3. Report – Implications of the Government Changes

3.1 Officers have not brought the Core Strategy to this Committee as it is clear that it needs to consider the implications of the Government changes. There appear to be 3 courses of action that the Council can take and these are set out below.

- Continue forward with the Core Strategy including the DERA site and retaining the general requirements for 161 units p/a;

- Continue forward with the Core Strategy excluding the DERA site and retaining the general requirement for 161 units p/a; and
- Do not progress the Core Strategy until further clear guidance is issued by the Government.

There may be combinations of the options but these highlight the key issues. Each of these approaches has its own risks and benefits which are set out in Appendix 'D'. The following briefly describes the impact of these approaches.

Option 1

- 3.2 If the Council moves forward with the Core Strategy including the DERA site, the site will need to be further tested against alternative sites to justify why this site has been chosen over others. This will involve further consultation to gauge public opinion regarding the release of the site. To date public views have been against the release of this site from the Green Belt. However, these views have only represented a small proportion of the local population. This approach is likely to delay the publication of the Core Strategy for an additional 4 – 6 months. Proceeding in this manner will require commitment from the Council and a commitment to public opinion testing.

Option 2

- 3.3 If the Council were to move forward with its current Core Strategy but removed reference to the DERA site, it is likely Runnymede Borough Council could move towards publishing the document in late Summer. This would mean that the evidence collected to support the housing figure of 161 would still be valid and that the strategy could move forward with relative ease. It would, however, lose any of the affordable housing, infrastructure and service provision that the DERA site could deliver. It may also lead to challenge from the site owners and developers as the allocation within the SEP may remain for some time into the future. It should also be noted that the principle to redevelop on the northern half of the DERA site would remain under the sites current status as a major developed site in the Green Belt.

Option 3

- 3.4 If the Council seeks to hold back from publishing the Core Strategy until it becomes clearer what is happening at national level it will enable the Council to make the most informed decision with regard to taking forward the Core Strategy. However, clarity over this position may take some time to come forward. This could lead to much of the Core Strategy evidence (which has been produced over the past 3 years) becoming out of date and in need of replacement. It would continue to leave the Council, with an out of date development plan at the local level, and no Structure Plan or SEP.
- 3.5 The Council will need to formally consider these options. At present there is a lack of clarity from the coalition Government on how to guide the transition from the current planning system to the proposed new regime. Whilst Officers will be able to provide technical guidance on the options, Officers will require Members to lead on the preferred way forward. It is considered important that the Council does move forward with the Core Strategy in a reasonable timeframe and as such needs to make a decision as to whether to move forward with or without the inclusion of the DERA site in its Core Strategy and confirm the preferred approach on housing targets. These are fundamental decisions for Council.
- 3.6 Officers are also considering if any elements of the Core Strategy drafted to date are reliant on elements of the South East Plan and whether there are policy areas which need to be added to the Core Strategy when the South East Plan no longer exists. The main area where this is considered an issue is regarding environmental issues, climate change and renewable energy.

Other Government Changes

- 3.7 Along with the above change, the Government have also made a number of changes and statements of intent that the Committee should be aware of. The Government has re-published PPS3 which has removed the minimum residential density level (previously 30 dwellings per hectare) and has redefined previously developed land to remove garden land from this definition.
- 3.8 The Government have also announced that they intend to enable Houses in Multiple Occupation (HMO's) to be dealt with under permitted development rights. However for authorities where there is an issue of agglomerations of HMO's, Councils will have the powers to designate Article 4 Direction Areas. These enable the authority to remove permitted development rights in order to control the number of HMO's in a given area but require extensive consultation. This would be a possible course of action in parts of Egham and Englefield Green.
- 3.9 It has also become clear that the Examination into Gypsy and Traveller pitch provision (February 2010) will not now be taken forward and the Inspector's report into this issue will not be published. It will be down to Local Authorities to determine local needs and address these. This change has implications for current appeals and potential enforcement action. This issue will be subject to a separate report to Planning Committee in August 2010.
- 3.10 With the removal of the SEP and no LDF in place there will be a period where there is a lack of formalised policy. However, planning applications will still need to be determined and appeals defended. To address this and highlight any uncertainties about the current policy context it is anticipated that when required an additional section will be added to the planning application committee reports.

4. Resource Implications

- 4.1 The changes to the LDF timetable can be met from within existing resources, however, if the delays continue the Council may need to update some of the evidence it has produced to ensure that at public examination the Core Strategy is based on up to date and relevant studies.

5. Legal Implications

- 5.1 The uncertainty placed upon authorities by the intention of the coalition Government to abolish the SEP leaves the Council in a difficult position in progressing its Core Strategy. It is, however, apparent that the Government will be supporting, in principle, Councils who are taking decisions at a local level.

6. Conclusion

- 6.1 This report sets out the changes that the Government has already undertaken in reshaping planning and giving local authorities the ability to take forward its own decisions at the local level. It is, however, clear that these suggested changes have made it difficult to move forward with the Core Strategy and in particular with the DERA site allocation. As such the publication of the Core Strategy has been delayed until the Council has had a chance to consider the implications and the way in which it would like to proceed.
- 6.2 The report sets out the various options open to the Council and Appendix 'D' sets out the implications of these changes. Due to the nature of the issue it is considered appropriate that Council consider the way forward at an appropriate meeting informed by the comments made by this Committee.

OFFICERS' RECOMMENDATION that –

- i) the Committee confirm the decision not to publish the LDF Core Strategy this Summer;**
- ii) Committee consider the options for taking forward the Core Strategy and that these comments be forwarded to Council to inform its decision making on this issue; and**

- iii) **Committee note the other Government changes as set out in this report and the intention to bring these matters to Committee when considering relevant planning applications.**

(TO RESOLVE)

Background Papers

None

10. APPEAL DECISION (DTS)

The Planning Inspectorate has recently determined the appeal mentioned below. The appeal decision is attached at Appendix 'E'.

<u>Site/Development</u>	<u>Decision</u>
15 Gorse Hill Lane, Virginia Water – planning appeal against conditions 4 & 5 of RU 09/0221. The permission was for retrospective amendments to RU 08/0082 (side and rear extensions, new roof with habitable accommodation), including alterations to the width of the rooflight windows, insertion of 4 solar roof panels and replacement of rear ground floor windows with doors, insertion of basement and increase in size of dormer roofs (RU 09/0221)	ALLOWED

(FOR INFORMATION)

Background Papers

Appeal decision.

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

A list of planning applications recently determined by the Director of Technical Services under his delegated powers is attached at Appendix 'F'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

(FOR INFORMATION)

Background Papers

None

12. EXCLUSION OF PRESS AND PUBLIC

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

OFFICERS' RECOMMENDATION that

The press and public be excluded from the meeting during discussion of the following report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part 1 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)