

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 31 March 2010 at 7.30pm

A D D E N D U M

PLANNING APPLICATIONS

1. Page 18

The Laurels, Barley Mow Road, Englefield Green - RU.09/1028

A petition has been received signed by 12 residents of 6 separate properties, raising objections to the revised plans. The objection raised relates to change of use of the existing block, overdevelopment of the area and increase in traffic and noise.

The formal views of County Highways Authority has been received in respect of the revised plan showing visibility splay at the entrance with Barley Mow Road. No objections are raised to the proposed scheme subject to the Conditions 11-13 below.

**Officers'
Recommendation:**

It is recommended to replace Condition 11 with the following conditions:

11. Prior to the commencement of development, the existing vehicular access to Barley Mow Road shall be designed/constructed and provided with visibility zones, in accordance with the approved plan TLBMR/02, all to be permanently maintained with the visibility zones kept permanently clear of any obstruction between 0.6 and 2m in height.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to satisfy saved Policy MV4 and MV9 of the Runnymede Borough Local Plan (2001).

12. 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: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to satisfy saved Policy MV4 and MV9 of the Runnymede Borough Local Plan (2001).

13. No new development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to provide secure and sheltered cycle parking for at least 2 bicycles, to the satisfaction of the Local Planning Authority which shall thereafter be permanently maintained.

Reason: In order that the development should reduce the reliance upon the private car and meet the objectives of PPG13 – Transport.

Add informative:

H(Inf) 8 – Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the Highway.

H(Inf) 15 – The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning, or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

2. Page 26

16 Malus Drive, Addlestone – RU.10/0136

**Planning
Considerations:**

Paragraph 5.2 The fourth sentence of paragraph 5.2 should read “The two storey extension would be located 3.2 metres from the south eastern side boundary with No.14 Malus Drive at the front and 2.8 metres at the rear”.

**Officers’
Recommendations:**

Additional Condition 7

The existing garage shall not be demolished and no excavations shall take place to the drive area until suitable temporary works to stabilise the ground have been submitted to and approved in writing by the Local Planning Authority. The approved temporary works to stabilise the ground prior to the excavation of the low level garage and drive area shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development including the stability of the ground and to comply with saved Policies SV1 and SV2 of the Runnymede Borough Local Plan Second Alteration 2001.

3. Page 32

**1-17 King Johns Place (formerly 12 & 14 Egham Hill, Egham
RU.10/0144)**

Consultations:

Two additional letters have been received which comment on the revised plans:

The occupier of Spindles comments that at least one of the remaining roof top solar panels would still be clearly visible from homes north of the development namely from Spindles, 4A Falaise and 3 Falconwoods. He considers that the panels are still 6 feet above the roof; are high enough to block winter sunlight; are an eyesore and have an adverse impact on amenity value of the area.

The occupier of 4A Falaise comments that the amendments are a step in the right direction, but still considers the panels to be unacceptable as the solar panels are still visible from their home.

Comment:

The panel at the rear of the eastern building would still be visible from the rear and rear/side. However there is insufficient space available on the side roof to locate all of the panels here, and it is not considered that the limited harm involved now justifies refusal of the scheme as amended.

AGENDA ITEMS

1. Page 9 Item 8

Transitional Arrangements for Gypsy/Traveller Site Provision and Enforcement on Land at Walnut Tree Farm and Little Almners, Almners Road, Lyne

A letter has been received on behalf of the landowner of Little Almners and Walnut Tree Farm which states that they request a deferral of this report until after Easter. The letter states that they received a copy of the Committee Report on 25 March 2010 but have not been given enough time to absorb the contents of the report. The landowner's planning advisor is on a short break over Easter. The planning advisor is putting together all the drawings and applications which need to be placed before the Planning Committee. A delay is required to finalise the paperwork.

Comment:

The decision whether to defer this report lies with the Planning Committee. This report does not just deal exclusively with Walnut Tree Farm and Little Almners. If the Officers' recommendations are accepted by the Planning Committee applications are invited to regularise existing breaches and to implement a transitional gypsy/traveller strategy. The report does not require applications to be submitted prior to the consideration of this wide ranging report.

Paragraph 4.3:

In the fourth line of paragraph 4.3 delete "Lyne Lane" and replace with "Lyne Road".

In the penultimate sentence of paragraph 4.3 replace '2011' with '2010' to read 'sometime in April 2010'.

Paragraph 13.10:

The fourth sentence of paragraph 13.10 refers to Planning Contravention Notices (PCN) not being returned by the landowner. The PCN's were finally returned on 22 March 2010. The information contained within the PCN's is summarised below:-

Little Almners

It is stated that 16 caravans are located within this site of which all 16 are occupied by gypsy/travellers of both Irish and English descent. It is stated that none of the caravans on this site are occupied by non-gypsy/travellers.

Comment:

Evidence from the Police, Surrey County Council Gypsy Co-ordinator and the returned Human Rights Questionnaires state that not all the caravans are occupied by gypsy/travellers. The site is also advertised as a holiday park on the Internet.

Walnut Tree Farm

It is stated that a total of 42 caravans are located within this site 38 of which are occupied by gypsy/travellers of both Irish and English descent and 4 of which are empty and stored. It is stated that none of the caravans on this site are occupied by non-gypsy/travellers. The site is also advertised as a holiday park on the Internet.

Comment:

Evidence from the Police, Surrey County Council Gypsy Co-ordinator and the returned Human Rights Questionnaires state that not all the caravans are occupied by gypsy/travellers.

Area of Hardstanding at North of Walnut Tree Farm (Area M)

It is stated that "this is not hardstanding as such" and has been established historically before the 1990's. Used for entrance/exit for emergency services.

Comment:

Site visits and aerial photography show the area to currently be hardstanding and that the hardstanding was not in fact constructed until at least December 1998. They were removed after June 2003 and reinstated again after June 2009.

Portacabins used for Site Office (Area I)

Not stated when these were brought onto the site but confirms that portacabins are used as offices and toilets.

Comment:

Aerial photography and site visits confirm these were brought onto the site in between April 2008 and June 2009.

Earth Bunds (Area H)

Stated that these were created 2000-2003 from earth within the site.

Comment:

Aerial photography indicated that the majority of the bunds were actually constructed after 5 April 2006.

Area of Hardstanding used as a Yard (Areas B & G)

Stated that the hardstanding was laid in approximately 2003 and used for working vehicles away from residential areas.

Comment:

Aerial photography and site visits confirm that the hardstandings were in fact constructed between July 2008 and June 2009 with the use as a yard only beginning within this period.

Open Field (Area K)

Stated that field used to store caravans, used for camping, children's play area and to keep dogs.

Comment:

Aerial photography and site visits confirm that this use only commenced after April 2008.

Mobile Home (Area D)

Stated to have come onto the site in 2008, owned and occupied by Mrs Jolly who is a traveller.

Comment:

Aerial photography and site visits confirm the date at which the mobile was brought onto the site to be correct.

Mobile Home (Area E)

Stated to have been brought onto the site in 2009, owned by Mrs Jolly, occupied by travellers, no names given.

Comment:

Aerial photography and site visits confirm the date at which the mobile was brought onto the site to be correct.

Permanent Dwelling (Area C)

Confirmed constructed in 2007, occupied by Site Warden and family, no names given or status as a gypsy or traveller.

Comment:

Aerial photography and site visits confirm dwelling not actually completed until after July 2008.

Storage Compound (Area F)

Stated that this has always been present on the site, used to store heavy plant machinery and equipment.

Comment:

Aerial photography confirms the storage compound did not in fact exist prior to 5 April 2006.

Brick Walls, Piers and Fencing within the Site

Stated to have been constructed in 2006/2007.

Comment:

Aerial photography confirms that the brick walls, piers and fencing did not in fact exist before 5 April 2006.

Additional paragraphs:

- 13.12 The landowner has also not complied with the following conditions of the appeal decision in January 2004:
- 13.13 Condition 4:
“Within two months of the date of this decision, a layout plan showing the details of each pitch, including parking area, and their delineation, shall be submitted to the Local Planning Authority for their written approval. Within six months of the date of such approval, this approved scheme shall be carried out in full and thereafter retained for so long as the permitted use of the site persists.”
- 13.14 Condition 6:
“Within two months of the date of this decision, a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development shall be submitted to the Local Planning Authority for their written approval. The scheme shall give details of the size, species and spacing of all proposed trees and shrubs and set out the specification, including colours, of all hardsurfacing materials.”
- 13.15 Condition 8:
“Within two months of the date of this decision, a scheme for the treatment of the boundaries of the area cross-hatched on Plan B annexed to this decision shall be submitted to the Local Planning Authority for their written approval. The scheme shall be implemented in full within six months of the date of the Local Planning Authority’s written approval.”
- 13.16 In relation to Conditions 4 and 8 above the Environmental Protection Section in November 2009 issued a site licence (under the Caravan Site and Control of Development Act 1960) for the authorised part of the gypsy/traveller site at Walnut Tree Farm. The site licence is subject to standard conditions plus conditions imposing timescales for certain works to be completed including the site layout and boundary treatments to be completed by 30 June 2010.
- 13.17 It is also recommended that breach of conditions are issued for the non-compliance with Conditions 4, 6 and 8 of the 2004 appeal decision relating to the authorised gypsy site at Walnut Tree Farm.

- Paragraph 19.1:** The last sentence of paragraph 19.1 altered to read:
- “Once the Core Strategy has been adopted a DPD can then be produced to find permanent gypsy/travellers sites which would meet the known pitch requirement for the Borough up to 2026.”
- Paragraph 19.11:** Alter the third sentence of paragraph 19.11 to read:
- “It is considered that any application for a permanent gypsy/traveller pitch or to convert a temporary pitch to a permanent pitch would require a financial contribution for Suitable Alternative Natural Green Spaces (SANGS) to comply with the Council’s mitigation strategy for the SPA.”
- Paragraph 19.12:** At the end of paragraph 19.12 add additional sentence to read:
- “This approach would need to be discussed with Natural England.”
- Officers’ Recommendations:**
- 1(h) At end of 1(h) add “and removal of mobile homes and caravans from the land.”
 - 1(i) Add Area B to the defined storage areas to read “use of the two storage yards (marked F, B and G on Appendix E)...”
 - 1(k) Delete 1(k) and replace with:
“the cessation of the storage of caravans, trailers and containers on Walnut Tree Farm (on field marked K on Appendix E) and removal of all caravans, trailers and containers from the land”

Reasons for Issuing Enforcement Notices

- Reason 1:** In the fourth line of reason 1 insert “sheds and outbuildings” after “walls” to read “erection of fences, gates, walls, sheds and outbuildings”.

Breach of Condition Notices

- 3(i)** Alter 3(i) by deleting “condition 1” and replace with “condition 9”
- Add 3(iii), (iv) and (v) to read:
- (iii) A layout plan showing the details of each pitch has not been submitted to the Local Planning Authority and has therefore not been carried out contrary to the requirements of Condition 4 of the deemed planning application granted on appeal in 2004.
 - (iv) A hard and soft landscaping scheme has not been submitted to the Local Planning Authority contrary to the requirements of Condition 6 of the deemed planning application granted on appeal in 2004.
 - (v) Boundary treatment details have not been submitted and therefore not implemented contrary to the requirements of Condition 8 of the deemed planning application granted on appeal in 2004.
- 4. Delete reference to Walnut Tree Farm.
 - 5. Delete reference to Walnut Tree Farm.
 - 8. Officers shall provide a report to update the Planning Committee on all the outstanding enforcement cases (Enforcement Notices, temporary Stop Notices, Breach of Condition Notices, etc.) which have been authorised by the Local Planning Authority but not
- Additional Recommendation:**

formally resolved. These outstanding enforcement case are currently reported to the Overview and Scrutiny Select Committee but should be reported to the Planning Committee as an information item after each Overview and Scrutiny Select Committee.

Given the number of alterations and additions to the Officers' Recommendation a corrected replacement Officers' Recommendation is set out below for ease of reference.

Replacement Officers' Recommendation

OFFICERS' RECOMMENDATION that --

- (1) The Director of Administration and Leisure be authorised to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended) requiring:**
- a) **the removal of the hardstandings/hard surfaces to the south and west of Walnut Tree Farm Gypsy Caravan Park (marked A, B and M on Appendix 'E') and the land restored to open grassland;**
 - b) **the demolition of detached dwelling erected on the site (marked C on Appendix 'E') and removal of all debris;**
 - c) **the removal of 2 fixed/permanent mobile homes with brick bases on the site (marked D and E on Appendix 'E');**
 - d) **the removal of the earth bunds constructed on the site (marked H on Appendix 'E');**
 - e) **the removal of fences, gates and walls erected on the site (as described at paragraphs 11.13 to 11.16);**
 - f) **the demolition and removal of the sheds and outbuildings (as described at paragraphs 11.17 and 11.18 on Appendix 'E');**
 - g) **removal from the site of two site offices (marked I on Appendix 'E');**
 - h) **the cessation of the use of the area of hardstanding (marked A on Appendix 'E') for the stationing of mobile homes and caravans and removal of mobile homes and caravans from the land;**
 - i) **the cessation of the use of the two storage yards (marked F, B and G on Appendix 'E') and removal of all associated items such as skips, containers, vehicles, machinery, trailers, hardcore, soil and various building materials;**
 - j) **the cessation of the use of Walnut Tree Farm and Little Almnors as a holiday camping and caravan park;**
 - k) **the cessation of the storage of caravans on Walnut Tree Farm (on field marked K on Appendix 'E') and removal of all caravans, trailers and containers from the land.**
- (2) 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) once effective are not complied with.**

Reasons for Issuing Enforcement Notices

1. **The unauthorised construction of hardstandings, erection of a detached dwelling, siting of two fixed/permanent mobile homes with brick bases, construction of earth bunds and erection of fences, gates, walls, sheds and outbuildings are inappropriate and harmful developments in the Green Belt which given the size, scale, design, layout, spread and intensification of development and associated uses within the site would have a detrimental impact upon the openness and visual amenities which would conflict with the purposes of the Green Belt, and be contrary to the advice contained in Planning Policy Guidance Note 2 : 'Green Belts' and with Policies SP5, LF1 and LF9 of the South East Plan 2009 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001.**
 2. **The unauthorised material changes of use of the land including the use of the hardstanding for the stationing of mobile homes and caravans, site offices, the two storage yards, the use of the site as a holiday caravan/camping park and for the storage of caravans and a trailer are inappropriate and harmful in the Green Belt resulting in an undesirable spread of development and intensification of uses on the site which have a detrimental impact upon the openness and visual amenities which would conflict with the purposes of the Green Belt, contrary to advice contained in Planning Policy Guidance Note 2 : 'Green Belts' and the unauthorised developments conflict with Policies SP5, LF1 and LF9 of the South East Plan and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001.**
 3. **The Planning Authority do not consider that very special circumstances have been put forward in order to justify the granting of planning permission, contrary to Policies SP5, LF1 and LF9 of the South East Plan 2009, saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001 and advice contained within Planning Policy Guidance Note 2 : 'Green Belts'.**
- (3) **The Director of Administration and Leisure be authorised to issue Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended) in connection with:**
- i) **the hardstanding which has not been removed at the northern end of the site (marked M on Appendix 'F') contrary to Condition 9 of the deemed planning permission granted on appeal in January 2004;**
 - ii) **the use of mobile homes/caravans on Walnut Tree Farm by non-gypsies in breach of Condition 1 attached to the deemed planning permission granted in January 2004 following an appeal against the Enforcement Notice relating to the use of the site as a gypsy/traveller site;**
 - iii) **a layout plan showing the details of each pitch has not been submitted to the Local Planning Authority and has therefore not been carried out contrary to the requirements of Condition 4 of the deemed planning application granted on appeal in 2004;**
 - iv) **a hard and soft landscaping scheme has not been submitted to the Local Planning Authority contrary to the requirements of Condition 6 of the deemed planning application granted on appeal in 2004;**
 - iv) **boundary treatment details have not been submitted and therefore not implemented contrary to the requirements of**

Condition 8 of the deemed planning application granted on appeal in 2004.

- (4) The Director of Technical Services be authorised to invite a planning application to be submitted from the landowner(s) of Little Almnors for the variation of Condition 1 of planning permission RU.98/0942 for the continued use of Little Almnors Caravan Site by the current owner of the site Mr J Murphy/Mr N Cash/Mr M Murphy**
- (5) If a valid planning application identified in (4) above is not forthcoming within 4 months of the Committee decision to promote the submission of this planning application then the Planning Committee will reconsider the outstanding enforcement issues at Little Almnors with a view to taking enforcement action to solve any outstanding matters.**
- (6) The Director of Technical Services be authorised to invite temporary planning applications to be submitted from the landowner(s) for:**
 - i) the temporary use of the lawful area of the hardstanding (marked J on Appendix 'E') at Walnut Tree Farm for up to 20 gypsy/traveller pitches until permanent gypsy/traveller sites are allocated and adopted in the Borough;**
 - ii) the temporary use of the area to the rear (east) of the main barn for two additional gypsy/traveller pitches on the authorised part of the gypsy site at Walnut Tree Farm until permanent gypsy/traveller sites are allocated and adopted in the Borough;**
 - iii) two additional pitches on the authorised part of the gypsy site at Elm Farm until permanent gypsy/traveller sites are allocated and adopted in the Borough; and**
 - iv) three additional pitches on the authorised part of the gypsy site at The Paddocks until the permanent gypsy/traveller sites are allocated and adopted in the Borough.**
- (7) If valid temporary planning applications are not forthcoming within 4 months of the Committee decision to promote these temporary applications, then the Planning Committee will reconsider the transitional arrangements along with an update on emerging policy from the Partial Review of the South East Plan.**
- (8) Officers shall provide a report to update the Planning Committee on all the outstanding enforcement cases (Enforcement Notices, temporary Stop Notices, Breach of Condition Notices, etc.) which have been authorised by the Local Planning Authority but not formally resolved. These outstanding enforcement cases are currently reported to the Overview and Scrutiny Select Committee but should be reported to the Planning Committee as an information item after each Overview and Scrutiny Select Committee.**