

Planning Committee

Wednesday 25 March 2020 at 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors: M Willingale (Chairman), D Anderson-Bassey (Vice-Chairman), J Broadhead, I Chaudhri, M Cressey, E Gill, C Howorth, R King, M Kusneraitis, I Mullens, M Nuti, P Snow, J Sohi, S Whyte and J Wilson.

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the committee, if they are not a member of this Committee.

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, Democratic Services Section, Law and Governance Business Centre, 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. An objector who wishes to speak must make a written request by noon on the Monday of the week of the Planning Committee meeting. Any persons wishing to speak should contact the Planning Business Centre. **(Tel Direct Line: 01932 425131)** or email publicspeaking@runnymede.gov.uk

- 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.
- 6) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If you wish to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

LIST OF MATTERS FOR CONSIDERATION

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APPLICATION NUMBER	LOCATION	Page
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PLEASE BE AWARE THAT THE PLANS PROVIDED WITHIN THIS AGENDA ARE FOR LOCATIONAL PURPOSES ONLY AND MAY NOT SHOW RECENT EXTENSIONS AND ALTERATIONS THAT HAVE NOT YET BEEN RECORDED BY THE ORDNANCE SURVEY

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PART II

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

a) **Exempt Information**

No reports to be considered.

b) **Confidential Information**

No reports to be considered.

GLOSSARY OF TERMS AND ABBREVIATIONS

TERM	EXPLANATION
AOD	Above Ordinance Datum. Height, in metres, above a fixed point. Used to assess matters of comparative heights in long distance views and flooding modelling
AQMA	Air Quality Management Area
BCN	Breach of Condition Notice. Formal enforcement action to secure compliance with a valid condition
CHA	County Highways Authority. Responsible for offering advice on highways issues relating to planning applications as well as highways maintenance and improvement
CIL	Community Infrastructure Levy – A national levy on development which will replace contributions under 'Planning Obligations' in the future
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
DM	Development Management – the area of planning service that processes planning applications, planning appeals and enforcement work
Design and Access Statement	A Design and Access 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 Local Plan, Minerals and Waste Plans
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')
LBC	Listed Building Consent
LDS	Local Development Scheme - sets out the programme and timetable for preparing the new Local Plan
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
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	The density of a housing development excluding major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips
NPPF	National Planning Policy Framework. This is Policy, hosted on a dedicated website, issued by the Secretary of State detailing national planning policy within existing legislation
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
PINS	Planning Inspectorate
POS	Public Open Space
PPG	National Planning Practice Guidance. This is guidance, hosted on a dedicated website, issued by the Secretary of State detailing national

TERM	EXPLANATION
	planning practice and guidance within existing legislation. Also known as NPPG <i>National</i> Planning Practice Guidance
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
SAMM	Strategic Access Management and Monitoring
SCI	Statement of Community Involvement. The document and policies that indicate how the community will be engaged in the preparation of the new Local Plan
SEA/SA	Strategic Environmental Assessment/Sustainability Appraisal – formal appraisal of the Local development Framework
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
SEP	The South East Plan. The largely repealed Regional Spatial Strategy for the South East. All policies in this Plan were repealed in March 2013 with the exception of NRM6 which dealt with the Thames Basin Heath SPA
SNCI	Site of Nature Conservation Importance. A non-statutory designated area of county or regional wildlife value
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. The largest influence on the Borough is the Thames Basin Heath SPA (often referred to as the TBH SPA)
SPD	Supplementary Planning Document – provides additional advice on policies in Local Development Framework (replaces SPG)
SSSI	Site of Special Scientific Interest
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

Further definitions can be found in Annex 2 of the NPPF

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 4 March 2020 as a correct record (Appendix 'A')

(To resolve)

Background Papers

None

Runnymede Borough CouncilPLANNING COMMITTEE4 March 2020 at 7.30pm

Members of the
Committee present

Councillors M Willingale (Chairman), J Broadhead
I Chaudhri, M Cressey, R Edis, E Gill, C Howorth,
R King, M Kusneraitis, I Mullens, M Nuti, P Snow and
S Whyte

Members of the Committee absent: Councillors D Anderson Bassey and J Sohi

FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

<u>Group</u>	<u>Remove</u>	<u>Appoint instead</u>
Conservative	Cllr Wilson	Cllr Edis

The Chief Executive had given effect to the change to Committee membership in accordance with section 16(2) of the Local Government and Housing Act 1989.

MINUTES

The Minutes of the meeting of the Committee held on 12 February 2020 were confirmed and signed as a correct record.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anderson-Bassey and J Sohi

DECLARATION OF INTEREST

Councillor Snow declared a Disclosable Pecuniary Interest in planning application RU 19/1696 as he is the landowner and applicant. Councillor Snow withdrew from the chamber when the application was determined.

Councillor Howorth declared a Non Pecuniary Interest in planning application RU 19/1717 as he is a friend of the applicant and his family who donate to the Runnymede and Weybridge Conservative Association. Councillor Howorth withdrew from the chamber when the application was determined.

PLANNING APPLICATIONS

The planning applications listed below were considered by the Committee. All representations received on the applications were reported and copies had been made available for inspection by Members before the meeting.

RESOLVED that –

the following applications be determined as indicated: -

<u>APP NO</u>	<u>LOCATION, PROPOSAL AND DECISION</u>
RU 19/1696	<p>176 Station Road, Addlestone</p> <p>Erection of a building to provide a one studio apartment and one 1 bedroom apartment with associated parking, cycle and refuse storage.</p> <p><i>No new salient planning points were raised by Members which were not addressed in the application report.</i></p> <p>DECISION:</p> <p>GRANT permission subject to conditions (amended condition 8 as per addendum), reasons and informatives listed on agenda and additional condition as per addendum.</p>
RU 19/1717	<p>The Sun Public House, Wick Lane, Englefield Green</p> <p>Change of Use from Public House and outbuilding to 11-bedroom House in Multiple Occupation by staff of The Savill Court Hotel (revised description 5/2/2020)</p> <p><i>The Committee was supportive of the application as it would bring the building back into use and provide residential accommodation in support of the hotel which itself had economic benefits to the borough.</i></p> <p>RESOLVED that</p> <p>GRANT permission subject to conditions, reasons and informatives listed on agenda,</p>
RU 19/1836	<p>4 Chieftain Road, Longcross</p> <p>Erection of conservatory to the rear .</p> <p><i>Some Members commented on the restrictive covenant relating to the land, but Officers explained that this was a civil matter and did not form part of the planning assessment of the application.</i></p> <p><i>Some Members also considered that the removal of permitted development rights associated with the larger residential development of the Longcross site precluded this development .However, Officers advised that the removal of permitted development rights had been done in order to give the Planning Authority control over future development and require the submission of planning applications for proposals, it did not preclude development in itself.</i></p>

RESOLVED that

GRANT permission subject to conditions, reasons and informatives listed on agenda,

RU 19/1851

Longcross Studios, Chobham Lane, Chertsey, Longcross,

The erection of three replacement film studio workshops; a management office and associated car parking area; and a security hut for a temporary period of five years.

No new salient planning points were raised by Members which were not addressed in the application report.

RESOLVED that

GRANT permission subject to conditions, reasons and informative listed on agenda.

RU 20/0124

Travis Perkins, Byron Road, Addlestone

Advertisement consent for 9 fascia signs and 1 fence mounted sign

Some Members commented on the number of signs proposed and potential impact on residents and asked if their number could be reduced.

However, other Members considered the signage appropriate for the commercial use at the site. Furthermore, Members commented that as the signs would not be illuminated the proposal would not be harmful to residential amenities, and there was no justification on planning grounds to reduce the number

...

RESOLVED that

Grant permission subject to conditions and reasons listed on agenda.

(The meeting ended at 8.20 pm)

Chairman

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 Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings. **Members are advised to contact the Council's Legal Section prior to the meeting if they wish to seek advice on a potential interest.**

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared. Membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon **should be regarded as a disclosable pecuniary interest, as should an appointment to an outside body by the Council as a trustee.**

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 a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

6. **PLANNING APPLICATIONS**

The planning applications to be determined by the Committee are attached. Officers' recommendations are included in the application reports. Please be aware that the plans provided within this agenda are for locational purposes only and may not show recent extensions and alterations that have not yet been recorded by the Ordnance Survey.

If Members have particular queries or interests in the applications, Officers will be present from 7.00pm prior to the meeting in the Chamber. This will be an informal opportunity for Members to discuss and clarify issues. Copies of all letters of representation are available for Members and the public to view on the Planning pages of the Council website <http://planning.runnymede.gov.uk/Northgate/PlanningExplorer/GeneralSearch.aspx>.

Enter the planning application number you are interested in, and click on documents, and you will see all the representations received as well as the application documents.

(To resolve)

Background Papers

A list of background papers is available from the Planning Business Centre.

7. **RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY SELECT COMMITTEE – REVIEW OF THE PLANNING SERVICE (LAW AND GOVERNANCE – PIERO IONTA)**

Synopsis of report:

This report contains the recommendations of the Overview and Scrutiny Select Committee in respect of the scrutiny review of the Council's Planning Service.

Recommendations:

1. **To note the recommendations of the Overview and Scrutiny Select Committee as set out in paragraphs 1.6 and 1.7 of this report; and**
2. **To receive a report at a future meeting from Officers within the Development Management and Policy and Economic Development Teams containing guidance on how best to progress compliance with the outcome of the scrutiny review.**

1. Report

- 1.1 At its meeting on 6 February 2020, the Overview and Scrutiny Select Committee considered and accepted recommendations from the Member Advisory Panel that it set up to undertake tasks to progress the scrutiny review of the Council's Planning Service.
- 1.2 The Overview and Scrutiny Select Committee considered 23 recommendations from the Planning Advisory Service made following PAS's Peer Challenge Review in which a PAS Panel spent three days at the Council's offices from 12 to 14 September 2018. In February 2019 the Council had received PAS' report which was positive about the Planning Service and its officers. The 23 PAS recommendations are set out in the column entitled "PAS Recommendations" in Appendix 'B'.
- 1.3 The Overview and Scrutiny Select Committee also considered 9 recommendations drafted following written and verbal representations made by local residents in respect of the Planning Services interaction and communication with Members and customers at the Panel meeting held on 12 March 2019. These 9 recommendations are set out in the column entitled "Local Resident Recommendations" in Appendix 'B'.
- 1.4 The Overview and Scrutiny Select Committee noted that the Panel had sought comments from the Planning Service regarding both the recommendations of PAS and those that flowed from its 12 March 2019 meeting with residents. Having duly reviewed those comments, the Panel had recently finalised its recommendations. The Panel's recommendations are set out in the column "Panel Recommendation" in Appendix 'B'.
- 1.5 For each of its recommendations, the Panel has provided an indicative deadline for completion of the action. These deadlines are set out in the column entitled "Deadline For Compliance" in Appendix 'B'.
- 1.6 The Overview and Scrutiny Select Committee adopted all of the Panel recommendations set out in Appendix 'B'. It recommended that the Planning Committee accept and adopt all of these Panel recommendations. However, the Overview and Scrutiny Select Committee noted that some of the recommendations had already been implemented, some required additional resources that were not within the current budget or within the gift of the Planning Service and that the Planning Committee might decide that not all of the recommendations were still relevant. For some of the Panel recommendations, Committee Members made comments and these are set out in Appendix 'C' for the Planning Committee's consideration.
- 1.7 The Overview and Scrutiny Select Committee also agreed to recommend that at its meeting on 1 October 2020 it should receive a report from the Planning Committee providing an update on progress on any action agreed by the Planning Committee

arising from the Panel recommendations. It was agreed that the July 2020 meeting of the Overview and Scrutiny Select Committee would be too early a date to receive this update as the main priority of Council officers had to be given to the finalisation of the Runnymede Local Plan.

- 1.8 Having concluded its scrutiny review, these recommendations adopted by the Overview and Scrutiny Select Committee are now passed to this Committee for review. In order to ensure that this Committee was made aware of these recommendations at the earliest opportunity, these recommendations are for information only as it is expected that this Committee would wish to afford Officers within its Development Management and Policy and Economic Development Teams time to review these recommendations before providing guidance to this Committee as to how best to progress compliance with the outcome of the said scrutiny review. Officers have discussed with the Chairman of the Committee how long it is felt it will take to provide this guidance and will provide a verbal update at the meeting. Members are invited to provide any additional thoughts having reviewed the attached documents at the meeting.

(To resolve)

Background papers

PAS report dated 8 February 2019

Note of meeting with local residents that took place on 12 March 2019

	PAS RECOMMENDATIONS	PANEL RECOMMENDATION (XX.1.20)	DEADLINE FOR COMPLIANCE
1	Refresh the corporate plan after the next elections to set out a clear corporate vision and priorities, including a clear narrative on growth and planning	That the Corporate Head of Planning Policy and Economic Development provide an update to Planning Committee when they consider these recommendations noting how the new Plan from 2020 will meet PAS' recommendations.	Before end of this municipal year - on or before May 2020
2	Allocate a strong councillor champion for the local plan and the delivery agenda to work within the Council, with external partners and across the region.	Further to assurances by officers of the role of the Chair of Planning Committee & Chair of the External Relations & Infrastructure Member Working Group that address PAS' concerns, no recommendations are made.	Ongoing
3	Focus and align key management responsibilities to corporate priorities including the plan examination and planning performance, including the housing delivery test.	That the Corporate Head of Planning Policy and Economic Development provide an update to Planning Committee when they consider these recommendations noting how the new Plan from 2020 will meet PAS' recommendations	Before end of this municipal year - on or before May 2020

4	<p>Ensure all councillors are effectively engaged and aware of the ongoing challenges of planning, housing and infrastructure delivery and are able to give a consistent “council” message on these key issue, supporting them to communicate the Council’s strategy and local plan and help the public to engage in the planning process as community leaders, representatives and conduits of information.</p>	<ol style="list-style-type: none"> 1. That the Chair of Planning Committee and Corporate Head of Planning seek sufficient funding to be secured via Corporate Management Committee to ensure that a yearly programme of suitable training (at least 4 sessions per municipal year) be established and continue until further notice. 2. That bite sized briefings on forthcoming issues/applications continue to be offered/arranged further to discussion between Chair of Planning Committee and Heads of Service in Planning on an ongoing basis. 3. That the Corporate Heads of Planning ensure Intranet access to all members (not just planning members) for all training notes to refer to throughout municipal year, and 4. That the Chair of Planning Committee meet with both Corporate Heads of Planning and the Head of Communications to ensure that all Members are effectively engaged to give a consistent council message to local residents with help of both the Planning and Comms Departments. 	<p>Before end of this municipal year - on or before May 2020</p>
5	<p>Consider the Council’s corporate priorities and define the Council’s role in external projects and partnerships.</p>	<p>That the Corporate Head of Planning Policy and Economic Development provide an update to Planning Committee when they consider these recommendations noting how the new Plan from 2020 will meet PAS' recommendations</p>	<p>Before end of this municipal year - on or before May 2020</p>

6	Communicate the local plan examination process to communities to facilitate constructive participation.	Further to implementing the recommendations set out below (7), that both Corporate Heads ensure that the next meeting of the CPP (when discussion as to changes to it and how to incorporate Neighbourhood Forums into or with CPP will be considered) raises PAS' recommendation with local residents and seeks their views as to whether the CPP or newsletters would be the best way of communicating the local plan examination process in future.	On or before December 2020
7	Engage communities to help them understand government policy and agree communication methods in the future.	<ol style="list-style-type: none"> 1. That the Corporate Heads of Development Management and Planning Policy & Economic Development meet with the Head of Communications to review the current Statement of Community Involvement and identify potential improvements to the way that national planning policy and the Council's emerging Local Plan can be communicated to local residents. 2. That a report be brought to the Local Plan Member Working Group identifying the outcome of those discussions and any changes identified by officers (to include the Chair and Deputy Chair of Planning Committee). 3. That the Local Plan Member Working Group forward its recommendations to the Planning Committee at their earliest opportunity in the new municipal year and that Planning Committee approve any proposed changes (and if necessary seeking budgetary support from Corporate Management Committee) 	On or before December 2020

8	Try to work proactively with established key residents groups and others going forward and aid their development through offers of training to help keep them informed.	<p>1. That the composition of the Community Planning Panel be reviewed and made as open to local residents groups to join as practicable.</p> <p>2. That the Corporate Head of Planning Policy review with the Head of Communications how to ensure that local residents are aware of the existing of the CPP, its works and composition throughout the municipal year.</p> <p>3. That the Local Plan Member Working Group consider the current plans for review (noted above) and how new Neighbourhood Forums could be part of any new group.</p> <p>4. That the Local Plan Member Working Group make any recommendations to improve the CPP to Planning Committee at its earliest opportunity in the new municipal year.</p>	On or before December 2020
9	Work with developers to engage with communities at early and ongoing stages.	Noting good work with Design South East, seek ways of working with them (or adopting their positive approach to engage with both developers and communities) moving forward via the CPP.	On or before December 2020
10	Move forward with the production of the Council's CIL, in parallel to Section 106s process, to maximize the positives from growth and aid community buy in.	Further to assurances by officers of the report to be considered by Planning Committee as to the Council's draft Infrastructure Delivery & Prioritisation SPD that address PAS' concerns, no recommendations are made.	Completed

<p>11</p>	<p>Have clear service priorities with the new delivery agenda and challenges – including a review of the service to scope areas for efficiency (time) savings and possibly deprioritising of other tasks.</p>	<p>That the Corporate Heads of Development Management & Planning Policy and Economic Development provide an update to Planning Committee when they consider these recommendations noting how the new Corporate Plan from 2020 will meet PAS' recommendations and whether any department Plan is a requirement to implement PAS's recommendation.</p>	<p>Before end of this municipal year - on or before May 2020</p>
<p>12</p>	<p>Change the layout of the planning committee: public facing, clearly signed, clear introductions of the key people and the process, introduce webcasting.</p>	<p>Further to assurances by officers of the changes already implemented, both Corporate Heads liaise with Democratic Services and the Chair and Vice-Chair of Planning Committee to consider using name plates to be placed behind members of Planning Committee that display each members name, photograph and their electoral ward.</p>	<p>Ongoing</p>

13	Review application delegation requirements – particularly if volume of major applications increase and ensure a maximum 2 hours sitting for the Planning Committee	<p>1. That a report to the Constitutional Member Working Group be brought by the Corporate Heads of Development Management and Planning Policy setting out the findings of officer's comparison across neighbouring Surrey local planning authorities and any recommended changes, outlining the pros and cons to these changes.</p> <p>2. Further to consideration of that report, that the Constitutional Member Working Group set out their recommendations to Planning Committee to consider prior to any proposed changes being considered by Corporate Management Committee in the new municipal year.</p>	On or before December 2020
14	Develop a more supportive working relationship between councillors and planning officers	That the Corporate Heads of Development Management and Planning Policy & Economic Development meet with the Chair and Deputy Chair of Planning & Chairs of the Local Plan and External Relations & Infrastructure Member Working Groups to identify and review potential improvements to the way that all members engage with Planning officers and whether the Member Working Groups can be used to build that improved relationship moving forward.	Before end of this municipal year - on or before May 2020

15	Scope with members “bite size” briefings on issues members request using local practical examples and discussions to build collective understanding and positive engagement	This is covered by Recommendation (4) above	Before end of this municipal year - on or before May 2020
16	Work with the political groups to make sure that committee members and substitutes are clearly aware of their role as a planning committee member; representing the organisation and whole council area, rather than a ward councillor.	A note to all Party leaders from the Chair of O&SSC & Chief Executive will be sent following publication of O&SSC report reminding each political group of this particular recommendation and what is expected of them to implement it.	As soon as practicable after the final O&SSC report is published and to be sent again at the beginning of the new municipal year in May 2020.
17	Give strong and consistent corporate leadership on major projects, working collaboratively with partners to shape and deliver across the sub-region, building relationships on both managerial and political levels	That the Corporate Head of Planning Policy and Economic Development provide an update to Planning Committee that then leads to a paper for consideration by Corporate Management Committee when they consider these recommendations noting how the new Corporate Plan from 2020 will meet PAS' recommendations	Before end of this municipal year - on or before May 2020
18	Recognise and work effectively and actively to support critical partners that are facing resourcing challenges	That the Corporate Head of Planning Policy and Economic Development provide an update to Planning Committee that then leads to a paper for consideration by Corporate Management Committee when they consider these recommendations noting how the new Corporate Plan from 2020 will meet PAS' recommendations	Before end of this municipal year - on or before May 2020

19	Improve constructive working relationship with key infrastructure providers.	Recommendation (18) above addresses this.	Before end of this municipal year - on or before May 2020
20	Plan how the authority will manage the delivery challenge; building on RBC's present housing delivery and report housing delivery as a new performance measure.	Further to assurances by officers of the changes already implemented, no recommendations are made.	Ongoing
21	Maintain the present housing delivery data and work with key developers to collect data to predict any on-going delivery challenges in the future.	Further to assurances by officers of the steps taken to ensure PAS' recommendation is met, no recommendations are made.	Ongoing
22	Recognise the specific skills required to support the management of delivery that working with developers will require, building on your present development management approach and local plan engagement	Further to assurances by officers of the steps taken to ensure PAS' recommendation is met, no recommendations are made.	Ongoing

23	Work closely and collaboratively with external key partners around the delivery of the major projects such as the garden village of Longcross.	Further to assurances by officers of the steps taken to ensure PAS' recommendation is met, no recommendations are made.	Ongoing
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	LOCAL RESIDENT RECOMMENDATIONS	PANEL RECOMMENDATION (XX.1.20)	DEADLINE FOR COMPLIANCE
1	<p>Ways of Improving residents understanding of the national planning context and role of RBC in implementing planning policy at local level;</p> <p>* Such as providing an executive style briefing for residents before the next Local Plan is produced as well as finding better ways to engage with residents so that they understand how the Local Plan process works</p>	<p>1. That the Corporate Heads of Development Management and Planning Policy & Economic Development meet with the Head of Communications to review the current Statement of Community Involvement and identify potential improvements to the way that national planning policy and the Council's emerging Local Plan can be communicated to local residents.</p> <p>2. That a report be brought to the Local Plan Member Working Group identifying the outcome of those discussions and any changes identified by officers (to include the Chair and Deputy Chair of Planning Committee).</p> <p>3. That the Local Plan Member Working Group forward its recommendations to the Planning Committee at their earliest opportunity in the new municipal year and that Planning Committee approve any proposed changes (and if necessary seeking budgetary support from Corporate Management Committee)</p>	On or before December 2020
2	<p>Ways of securing more effective engagement/communication/responsiveness of all Councillors with local residents on planning issues</p>	<p>1. That the Corporate Heads of Development Management and Planning Policy & Economic Development agree a list of suitable questions with the Chair/Deputy Chair of Planning Committee to be sent to all current Members by way of a survey to see if they are happy with the current ways of engagement and communication with the Planning Department.</p> <p>2. Further to the responses received, that the Local Plan Member Working Group be invited to identify any deliverable changes and seek officer guidance as to any resourcing issues posed by such changes.</p> <p>3. That the Local Plan Member Working Group make such recommendations to Planning Committee, so that the Committee may decide what to implement and how to resource any proposed changes (and if necessary seeking budgetary support from Corporate Management Committee).</p>	On or before December 2020
3	<p>Ways of improving RBC communication on planning matters to residents:</p> <p>* particularly using hard copy methods, such as the newly instituted 'Talks' magazine, in addition to web- based methods, and</p> <p>* Assisting residents to understand how to set up alerts via the Planning Portal for progress on specific planning applications,</p> <p>* Provide a forum for updating residents on key legislative changes to ensure that they understand changes that may affect new developments that may have been previously unlawful, to ensure comprehensive engagement</p>	<p>Steps outlined above at Point 1 address these issues.</p>	On or before December 2020

4	Provision of large Planning related documents in a more accessible user- friendly format and style (e.g. Executive Summaries)	<ol style="list-style-type: none"> 1. That the Corporate Heads of Development Management and Planning Policy & Economic Development review if any other local planning authorities seek executive summaries from developers of larger schemes. 2. That a report be brought to the Local Plan Member Working Group identifying the outcome of those enquiries along with any officer recommendations as to how to improve the accessibility of voluminous or complex planning applications. 3. That the Local Plan Member Working Group forward its recommendations to the Planning Committee at their earliest opportunity in the new municipal year and that Planning Committee approve any proposed changes (and if necessary seeking budgetary support from Corporate Management Committee) 	On or before December 2020
5	Ways of informing complainants of progress on enforcement cases and managing expectations (e.g. enforcement progress schedule on website or monthly update reports, such as those provided to local ward Members)	<ol style="list-style-type: none"> 1. That the Corporate Heads of Development Management and Planning Policy & Economic Development review how neighbouring local planning authorities seek to keep complainants updated as to the progress of ongoing investigations. 2. Further to that review, that both Corporate Heads report back to the Chair and Deputy Chair of Planning Committee with their findings and any recommendations to change the current approach. 3. That this issue and any proposed recommendations be discussed at the earliest CPP held after steps 1&2 above are resolved in the new municipal year so that local residents may offer further comments on their concerns and if any proposed changes address them. 4. Further to any agreement reached at CPP, that recommendations be brought before the Planning Committee for review and approval as soon as practicable in the new municipal year. 	On or before December 2020
6	Review composition of Community Planning Panel to reflect new boundary wards and permit greater attendance than currently permitted	<ol style="list-style-type: none"> 1. That the composition of the Community Planning Panel be reviewed and made as open to local residents groups to join as practicable. 2. That the Corporate Head of Planning Policy review with the Head of Communications how to ensure that local residents are aware of the existing of the CPP, its works and composition throughout the municipal year. 3. That the Local Plan Member Working Group consider the current plans for review (noted above) and how new Neighbourhood Forums could be part of any new group. 4. That the Local Plan Member Working Group make any recommendations to improve the CPP to Planning Committee at its earliest opportunity in the new municipal year. 	On or before December 2020

7	<p>Review of Delegation arrangements to ensure:</p> <p>*proportionate amount of time is allowed for consideration of major planning applications, whilst still allowing time for consideration of some of the smaller developments which generate public interest, and</p> <p>* Consider reviewing what would be a reasonable trigger for residents to invite Planning Committee to consider an application rather than officers where there is sufficient public interest;</p>	<p>1. That a report to the Constitutional Member Working Group be brought by the Corporate Heads of Development Management and Planning Policy setting out the findings of officer's comparison across neighbouring Surrey local planning authorities and any recommended changes, outlining the pros and cons to these changes.</p> <p>2. Further to consideration of that report, that the Constitutional Member Working Group set out their recommendations to Planning Committee to consider prior to any proposed changes being considered by Corporate Management Committee in the new municipal year.</p>	On or before December 2020
8	<p>Review RBC Policy on publicising names and addresses of objectors to planning applications to encourage community engagement free from fear of being subject to harassment and/or threatening behaviour by applicants;</p>	<p>Further to assurances by officers of a suitable change to the Council's policy that address residents' concerns, no recommendations are made.</p>	On or before December 2020
9	<p>Ways of explaining to residents the reasoning/justification for making a planning decision which they disagree with.</p>	<p>1. That the Corporate Heads of Development Management and Planning Policy & Economic Development review the current way officer reports are written and consider if there are ways of explaining the reasons given for or against any particular planning application in more accessible ways.</p> <p>2. That this be discussed at CPP with consideration of any changes that might help.</p> <p>3. That the outcome of CPP's review of this issue be reported to the earliest Planning Committee in the new municipal year for their review and any necessary decisions required to implement any proposed changes.</p>	On or before December 2020

**COMMENTS OF OVERVIEW AND SCRUTINY SELECT COMMITTEE MEMBERS
ON PANEL RECOMMENDATIONS ON PAS AND LOCAL RESIDENT
RECOMMENDATIONS**

PAS Recommendation 2 –

This PAS recommendation related to allocating a strong Councillor champion for the Local Plan and the delivery agenda to work within the Council, with external partners and across the region. The Panel had not made any recommendations, further to assurances by officers of the role of the Chairman of the Planning Committee and the External Relations and Infrastructure Member Working Group.

2 Members of the Committee considered that the Councillor champion should be the Chairman of the Planning Committee.

PAS Recommendation 4 –

The Panel had made a number of recommendations in response to PAS' recommendation on engagement of Councillors, to enable Councillors to give a consistent Council message and to help the public to engage in the planning process.

The Committee considered that the third Panel recommendation on ensuring intranet access to training notes for all Members was the most important of the Panel recommendations made in response to PAS Recommendation 4.

PAS Recommendation 5 –

The Panel had recommended that the Corporate Head of Planning Policy and Economic Development provide an update to the Planning Committee in response to PAS' recommendation that the Council's corporate priorities be considered and that the Council's role in external projects and partnerships be defined.

The Committee noted that all Members would receive this update report electronically.

PAS Recommendation 8 –

This PAS recommendation related to trying to work proactively with established key residents' groups and others going forward and aiding their development through offers of training to keep them informed. In response, the Panel had made four recommendations.

2 Members of the Committee considered that particular priority should be given to these four Panel recommendations which all related to the improvement of the Community Planning Panel (CPP). In particular, the fourth Panel recommendation on the Local Plan Member Working Group making recommendations to the Planning Committee as early as possible in the new Municipal Year on improving the CPP was considered especially important by a Member as they anticipated that number of planning applications would increase once the Local Plan was finalised.

PAS Recommendation 9 –

In response to PAS' recommendation on working with developers to engage with communities at early and ongoing stages, the Panel had recommended that noting good work with Design South East, ways be sought of working with Design South East (or adopting Design South East's positive approach to engage with both developers and communities) moving forward via the CPP.

The Committee discussed the role of Design South East in engaging with communities on development proposals. Although the Committee agreed to adopt the Panel's recommendation, it was suggested that this recommendation might not be workable, and it was agreed that the workability of the recommendation might be discussed further by the Planning Committee.

PAS Recommendation 11 –

This PAS recommendation concerned establishing clear service priorities including reviewing the service to scope areas for efficiency (time) savings and possibly deprioritising of other tasks. The Panel had recommended that officers provide an update to the Planning Committee on this subject.

The Committee agreed that, as part of considering efficiency savings, the Planning Committee should consider whether the number of objectors required for a planning application to be submitted to the Planning Committee (rather than being decided by Officer delegation) should be increased. The Committee understood that at present 3 or 4 objectors were needed for a report to be submitted to the Planning Committee. This was a low number compared to, for example, Croydon, where it was understood that 12 objectors would result in an application being considered by that local authority's Planning Committee. A Committee Member considered that particular priority should be given to the question of the number of objectors required for a planning application Committee report.

PAS Recommendation 12 –

The Panel had recommended that officers liaise with Democratic Services and the Chairman and Vice-Chairman of the Planning Committee to consider various proposed changes to arrangements at the Planning Committee, further to PAS' recommendation 12 on changing the layout of the Planning Committee. The Panel had noted that some changes (e.g. particular seats allocated to particular Members) had already been made.

Committee Members commented that the new Planning Committee Member seating arrangements were cramped and that it was difficult to see television screens in the Chamber in certain seats. While subject to the provisions of the Council's Standing Orders, members of the public and applicants for planning permission could speak on particular applications at the Planning Committee, there was no verbal interaction between members of the public or applicants attending Planning Committee meetings and the Planning Committee Members. Therefore Overview and Scrutiny Select Committee Members considered that Planning Committee Members should not be required to face the public and stated that the Chairman of the Planning Committee did announce the names of Members speaking so that the public knew which Member was speaking during the course of a debate. One of the elements of this PAS recommendation was a proposal to introduce webcasting. The Committee

agreed that if webcasting was introduced it should apply across all Council Committees, not just the Planning Committee.

PAS Recommendation 13 –

The Panel had recommended that a report be made to the Constitution and Legislation Member Working Group and that the Group's findings be reported to the Planning Committee, further to PAS' recommendation that application delegation requirements be reviewed and that the duration of Planning Committee meetings should not exceed two hours.

A Committee Member reiterated their view that application delegation requirements should be given particular priority (see the Committee's comments in relation to PAS Recommendation 11 above)

PAS Recommendations 18 and 19 –

PAS recommendations 18 and 19 were that the Council should recognise and work effectively with critical partners that were facing resourcing challenges and improve the constructive working relationship with key infrastructure providers. In response, the Panel had recommended that an update report be submitted to the Planning Committee which would then lead to a report for the Corporate Management Committee.

The Committee noted that, as critical partners were facing resourcing challenges, the Council had been receiving delayed responses to statutory consultations from organisations such as the Environment Agency and Highways England.

Local Resident Recommendation 5 –

This local resident recommendation related to ways of informing complainants of progress on enforcement cases and managing expectations. The Panel had made four recommendations in response.

2 Members of the Committee emphasised the need for communication with complainants to be written in clear English.

8. **DELEGATION OF POWERS TO PLANNING OFFICERS (LAW AND GOVERNANCE-
MARIO LEO)**

Synopsis of report:

As a result of the restructure of the senior management team of the Council last year, it is necessary to agree the delegation of powers concerning certain planning matters to new officers.

Recommendation(s):

That the following powers be delegated to the Corporate Head of Planning Policy and Economic Development and, in the absence of that officer, to the Local Plans Manager or the Strategic Projects Manager depending on who is present and able to deal with the matter:

- (i) All necessary approvals to progress any part or all of the Local Plan, including any Supplementary Planning Documents or associated guidance; and the approval of the Annual Monitoring Report and any other evidence base document for Publication;**
- (ii) Strategy and Policy Making and Progression including all necessary agreements or authorisations in the consideration of designation of neighbourhood areas and neighbourhood forum, and all necessary agreements or authorisation necessary in the consideration of neighbourhood development plans, neighbourhood development orders or community right to build orders;**
- (iii) The consideration of NSIP matters;**
- (iv) The agreement and execution of Planning Performance Agreements; and**
- (v) Unless there is time to report to Committee, to agree Statements of Common Ground pursuant to the Duty to Co-operate with other bodies and provide responses to the emerging Local Plans of other Local Planning Authorities or Strategic Plans subject to the Duty to Co-operate in consultation with the Chair and Vice- Chair of the Planning Committee.**

1. **Context of report**

- 1.1 As Members will be aware decisions in local government are made by various organs of a local authority. All decision making power is vested in the Full Council discharging a number of functions e.g. Local Planning Authority, Housing Authority or Highway Authority.
- 1.2 It is accepted that Full Council cannot meet frequently enough to make all the day to day decisions required to discharge the obligations placed upon a local authority. The solution to the issue is to delegate functions to other parts of the organisation in accordance with the powers contained in section 101 Local Government Act 1972.

2. **Report and, where applicable, options considered**

- 2.1 In discharging its function as Local Planning Authority the Council has to make a number of decisions. These will range from approving planning applications,

authorising the taking of enforcement action, developing a Local Plan and responding to consultations on various projects.

- 2.2 Given the number of decisions that need to be made it is not practical for Full Council to deal with all matters and the Council has used the powers available to it to delegate decision making to the Planning Committee and officers. Until last year all Planning matters were dealt with in one department. Following the re-organisation of the Council's officer structure there are now what are termed as two Business Centres which deal with planning matters. Development control and planning enforcement matters are dealt with by Development Management and Building Control Business Centre. The formulation of planning policy falls within the remit of the Planning Policy and Economic Development Business Centre.
- 2.3 When all planning matters were dealt with by one department delegations were granted to officers in that department to deal with the full range of planning matters. As a result of the restructure it is necessary to seek Committee approval to allocate the delegated powers in respect of planning policy matters to officers who now form the Planning Policy and Economic Development Business Centre. Officers have reviewed the existing scheme of delegations to officers and extracted those which relate to planning policy matters and request that those delegated powers be allocated to the Corporate Head of Planning Policy and Economic Development and in the absence of that officer to the Local Plans Manager or the Strategic Projects Manager depending on who is present and able to deal with the matter.
- 2.4 The remaining powers, relating to development management and planning enforcement, will remain within the remit of officers within the Development Management and Building Control Business Centre.
- 2.5 It should be noted that whilst a power maybe delegated it is within the discretion of an officer to whom a delegated authority is granted to decline to exercise that power. Normally an officer will decline to exercise a power if a matter is sensitive and it is felt more appropriate that a decision is made by Members sitting in committee.
- 2.6 The first delegated authority requested is to deal with all necessary approvals to progress any part or all of the Local Plan, including any Supplementary Planning Documents or associated guidance; and the approval of the Annual Monitoring Report and any other evidence base document for Publication. As Members will appreciate when a Local Planning Authority creates a Local Plan a series of documents have to be created and produced. These documents will often be of a technical nature. There will clearly be stages when Member approval is required to progress matters as clarified in paragraph 23.14 of the constitution which reserves to the Planning Committee the decision to adopt documents as part of the Development Plan, including any Development Plan Documents and Supplementary Planning Documents. This delegated power will facilitate the ongoing process of preparing the local plan and reviewing its operation.
- 2.7 The second delegated authority sought is in relation to Strategy and Policy Making and Progression including all necessary agreements or authorisations in the consideration of designation of neighbourhood areas and neighbourhood forum, and all necessary agreements or authorisation necessary in the consideration of neighbourhood development plans, neighbourhood development orders or community right to build orders. The types of matters covered by this delegation would include authority to: consider and designate neighbourhood area applications; publish the area designation/refusal to designate; accept a submitted neighbourhood development plan or order for public consultation; submit a plan or order to examination; to proceed to referendum where the examiner's report recommends to do so; following a successful referendum, authority to make a neighbourhood development plan or order and to publish the made neighbourhood

plan or order. A major aspect of the exercise of this delegated power would be interacting with local groups who wish to create neighbourhood plans.

2.8 The third delegated authority sought is in respect of the consideration of Nationally Significant Infrastructure Projects (NSIPs) matters. NSIPs are large scale developments relating to energy, transport, water, or waste. A “Development Consent Order” (DCO) is a statutory instrument made under the Planning Act 2008, as amended by the Localism Act 2011. It is the requisite means of conferring powers for the construction, operation and maintenance of developments that meet the qualifying criteria for NSIPs. A local authority faced with a DCO application for a project within its administrative area has a specific role and particular responsibilities under the statutory consenting process, which it must fulfil regardless of whether or not it supports the scheme for which powers are being sought. The local authority’s view carries weight with both developer and decision maker, and it is possible to maintain an in-principle objection to a scheme, or to object to specific aspects of it, whilst nevertheless engaging fully with the developer and the process. Indeed, such engagement is essential to secure from the developer, on behalf of affected communities, appropriate changes to the proposals, concessions and/or community gain. A host local authority will be engaged in all stages of the DCO process including.

- Liaising and sharing resources with other affected local authorities;
- Consultation on screening/scoping of the environmental impact assessment;
- Input into the content and methodology of the developer’s public consultation exercise;
- Participating in consultation as a statutory consultee;
- Possible submission of an “Adequacy of Consultation” representation;
- Preparation and submission of a “Local Impact Report”;
- Evidence planning and preparation of Statements of Common Ground;
- Participation in the examination process; and
- Monitoring and enforcement of requirements once a DCO is made.

2.9 The fourth delegated authority sought is in relation to the agreement and execution of Planning Performance Agreements (PPA). These are voluntary agreements between applicants and local planning authorities which help to:

- bring together the developer, the Local Planning Authority and key stakeholders to work in partnership throughout the planning process
- ensure complex proposals progress through the process to mutually-agreed timescales
- ensure appropriate resources and expertise are provided to advise on complex proposals
- provide greater opportunity for dialogue through the planning process and help deliver high-quality development

The payment of fees for a PPA ensures that an application is processed to an agreed timetable with meetings to help overcome issues that arise during the application process. However, it does not guarantee that planning permission will be granted. If the planning proposal is contrary to the Council’s adopted policies or national guidance, it will be recommended for refusal.

2.10 The final authority sought is in relation to agreeing Statements of Common Ground pursuant to the Duty to Co-operate with other bodies and provide responses to the emerging Local Plans of other Local Planning Authorities or Strategic Plans subject to the Duty to Co-operate in consultation with the Chair and Vice Chair of the Planning Committee.

2.11 Local planning authorities are bound by the statutory duty to cooperate. Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address

strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.

- 2.12 The National Planning Policy Framework sets out that these authorities should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process.
- 2.13 Statement(s) of Common Ground document where effective co-operation is and is not happening throughout the plan-making process and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.
- 2.14 In addition to the Council having to prepare a Local Plan, neighbouring authorities will have to prepare their own or at a regional and national level there may be a need to prepare Plans. Given that such documents may have an impact on the borough the Council will from time to time be invited to comment on such documents.
- 2.15 As indicated above the delegated powers being dealt with in this report have previously been exercised by officers when all planning matters were dealt with by one department. The need to make this request arises from the restructure of the Council's departments which took place last year.

3. Policy framework implications

- 3.1 There are no changes to any policies arising from the contents of this report. The exercise of the delegated powers referred to in this report has been taking place for a period of time. The only change flowing from this report is that those powers will be exercised by a group of officers who are located in a newly created Business Centre.

4. Resource implications (where applicable)

- 4.1 There are no new resource implications arising from the contents of this report. The delegated powers requested will be exercised by officers as part of their day to day duties.

5. Legal implications

- 5.1 As mentioned in the body of the report local authorities are given specific statutory powers, see section 101 Local Government Act 1972, to delegate powers to Committee, Sub-Committees and officers to discharge functions that are allocated to them. The Council has in place a scheme which records the functions which have been delegated to Committees and officers.
- 5.2 The powers which this report requests are delegated to officers have been exercised by officers for a number of years. The only change flowing from this report is that the powers will be exercised by a specific number of officers in a new Business Centre.
- 5.3 The mere fact that a power has been delegated does not prevent the person to whom the power has been delegated declining to exercise the power. There may well be that in certain instances it will be more appropriate for the Planning Committee to make the decision in question rather an officer.

6. Equality implications

6.1 There are no equality issues arising from the proposals contained in this report. The report relates to the exercise of existing delegated powers and no new powers are proposed. The powers were previously delegated to officers and this report proposes a continuation of that practice.

7. Environmental/Sustainability/Biodiversity implications

7.1 There are no specific Environmental/Sustainability/Biodiversity implications arising from the proposals contained in this report. The report deals with an internal administrative matter.

8. Other implications (where applicable)

8.1 There are no other implications arising from the content of this report.

9. Conclusions

9.1 Given the wide range of decisions a local authority has to make to discharge its various functions it is necessary to delegate powers. The council has historically delegated the powers referred to in this report to officers. A restructure of the Council's various departments last year means that certain functions have been transferred to new departments. In order to enable those new departments to discharge their work effectively it is necessary to delegate specific powers to officers in those departments. This report deals with the delegation of specific powers to specific officers in a new department.

(To resolve)

Background papers

None

9. EXCLUSION OF PRESS AND PUBLIC

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

OFFICERS' RECOMMENDATION that -

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

Para

a) Exempt Information

No reports to be considered.

b) Confidential Information

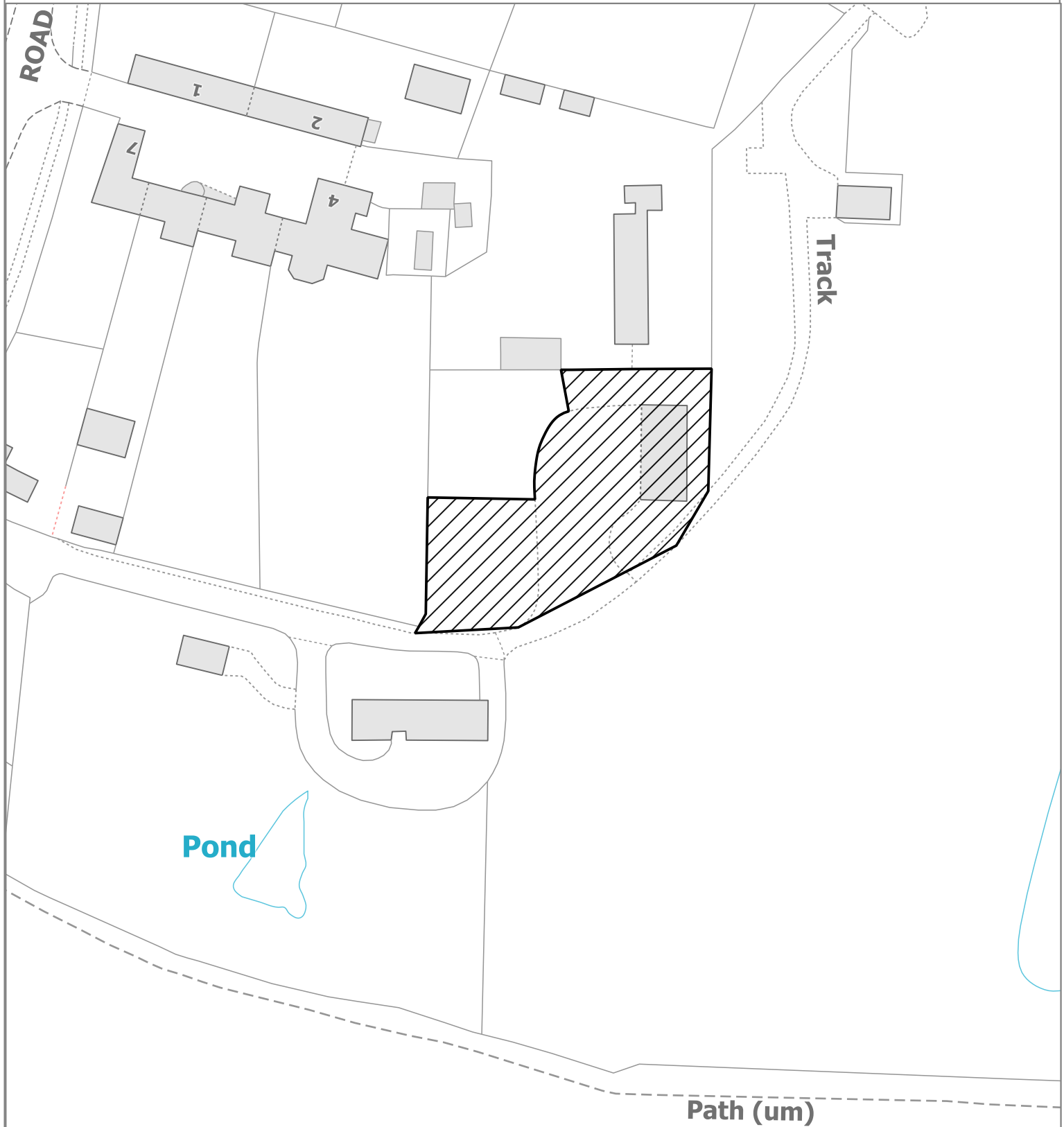
No reports to be considered.



FOR LOCATION PURPOSES ONLY
Black Lake Farm, Black Lake Christmas Tree Farm Stroude
Road Egham TW20 9UX

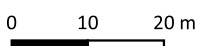
Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

Date: 13/03/2020



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Scale:1:2500



RU.19/1026



RU.19/1026	Ward:
LOCATION:	Black Lake Farm Black Lake Christmas Tree Farm Stroude Road Egham TW20 9UX
PROPOSAL	Conversion and extension of existing agricultural building into dairy processing plant (sui-generis) for the production of Indian cheese and natural yoghurt.
TYPE:	Full Planning Permission
EXP DATE	11 September 2019

SUMMARY OF RECOMMENDATION: Grant

1. Site
 - 1.1 The application site is an existing building which is currently vacant, but was previously used in connection with the growth and sale and Christmas trees. The site is accessed by a private driveway off Stroude Road which runs between 203 and 213 Stroude Road and Black Lake Farm (house). The site lies within the Green Belt and within an area of High Archaeological Potential. The site abuts residential properties to the North and South with Woodland to the east of the site. There are residential properties to the North, South and West of the site with the access road to the site running along the rear and side boundaries of five residential properties.

2. Planning history
 - 2.1 No previous planning history for use of the building.

3. Application
 - 3.1 The applicant has applied for Full Planning Permission for the change of use and extension of the existing agricultural building for the production of Indian cheese and yoghurt. The existing building is 18 metres wide approximately 9 metres deep and has a ridge height of 4.7 metres. The proposal would extend the building with the resultant width and depth being 21 metres and 11 metres respectively. The extended building would have the same height as the existing building. The applicant has reduced the size of the extended building during the course of the application and has submitted additional supporting statements to address concerns over noise.
 - 3.2 The applicant has submitted a planning and heritage statement in support of the application. This outlines the type of products which the applicant proposed to make at the site set natural yoghurt and Paneer. The statement that the products will be sold to food service sector and not retail sector. Milk will be delivered to the site in the morning from farms in Windsor and Iver and 3 vans will exit the site with the finished products. The site will employ 6 FTE and 2 cleaners every day. The use will be undertaking 7 days a week until 6pm. The statement considers that the proposal would be an appropriate form of development; however, if the Council disagree then there are VSC's to justify the proposal. Notably the use is a rural business in a rural area, milk is sourced locally, the products will be sold locally, the business is already established in the area, the applicant lives next door to the site. The statement identifies that the use of the building would not require any flues and the doors to the building will be shut to avoid contamination with products and there would be low noise levels from the site because of the closed doors. The proposal does not include any external lighting to the building. The applicant has also submitted a Noise report to accompany the application.

4. Consultations
 - 4.1 13 Neighbouring properties were consulted in addition to being advertised on the Council's website and 11 letters of representation have been received. Four in support of the application and nine raise concern about the application. A summary of their comments are detailed below:
 - Support:
 - There will only be one small tanker delivery per day and a handful of personnel, therefore traffic will be minimal in accessing the site.
 - The applicant live close to the site so has an interest in keeping noise and pollution to a minimum
 - The business demands scrupulous hygiene and therefore the business should not create any unpleasant waste or odours

Objection:

- The previous use had minimal traffic for 3 weeks per year, the proposal would be 52 weeks per year.
 - The milk delivery would be noisy at unsociable hours of the morning.
 - The site is in an unsustainable location
 - The proposed conversion will result in unacceptable noise, air pollution and light pollution
 - The proposal would be a disproportionate addition to the building.
 - The proposal is hoping to increase production which would have significant impact on the amenities of the neighbouring properties through, noise, light and disturbance.
 - The proposal would result in smells akin to sour milk which would be detrimental to the amenities of the occupiers of the adjacent neighbouring properties.
- 4.2 The County Archaeology unit raises no objection to the application subject to condition regarding details of Written scheme of investigation to be submitted and approved.
- 4.3 Surrey Waste and Minerals Authority raise no objection to the application.
- 4.4 The County Highways Authority raise no objection to the application.
- 4.5 The Council's Environmental Health Officer raises no objection to the application
5. Relevant Local Planning Policies
- 5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001 – GB1, GB7, LE1, MV4, MV9 & BE15
- 5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.
- 6.. Planning Considerations
- 6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the Green Belt where there is a strong presumption against inappropriate development in the Green Belt. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are whether the proposal would constitute an appropriate form of development in the Green Belt, if not whether there are any very special circumstances to outweigh any harm to the Green Belt, the impact on the residential amenities of the occupiers of the adjacent neighbouring properties and highway safety.
- 6.2 The application is to extend an existing building and change the use from agricultural use to food production which falls within Class B2 use. The NPPF states that the construction of new buildings is an inappropriate form of development but paragraph 145 of the NPPF lists exceptions to this. The proposal would increase the width of the building by 3 metres and increase the depth of the building by 2 metres. The eaves and ridge height of the building would not increase. It is therefore considered that the proposal by nature of the limited increase in footprint and height, the building as extended would not be a disproportionate addition to the existing.
- 6.3 Saved Policy GB7 permits the re-use of buildings in the Green Belt, subject to criteria not having a material greater impact on the present use and openness of the Green Belt, the building being permanent and substantial construction, the form and general building design being in keeping with the surroundings, no detrimental impact on the character and appearance of the area, not adversely affect the future use of buildings. The policy also advises that any building or extension which would conflict with the openness of the Green Belt (including extensive external storage, excessive hardstanding, car parking) will be resisted. This policy supports point d of paragraph 146 of the NPPF which states that the reuse of buildings provided they preserve openness and do not conflict with the purposes of the Green Belt would not be an inappropriate form of development. The existing building is of permanent and substantial construction and has an agricultural appearance in keeping with the rural character of the surrounding area. There would be some reduction of

- separation to the eastern and southern boundaries of the site but would not extend the building any closer to the northern boundary. The proposed extension to the building would retain the agricultural appearance of the building and its limited increase is considered would not materially spread development at the site and is considered that the proposal would not conflict with the essential characteristics and purposes of the Green Belt. The proposal would therefore comply with Saved Policy GB7 of the Local Plan and the NPPF.
- 6.4 The application would bring the building back into use and would provide employment opportunities at the site. The submitted application form refers to the provision of 6 full time equivalent staff to be created as a result of the proposal. The creation of employment weighs in favour of the application. The NPPF states that significant weight should be placed on the need to support economic growth and productivity. This is supported by Saved Policy LE1 of the Local Plan which states that the Council will seek to contribute to economic growth by promoting employment opportunities in the Borough. The applicant identifies that the business will use local materials and locally sourced products with the end product being sold locally and with the applicant living close by adds to the sustainability of the proposal and consider that by nature of the proposed use there would be limited impact on the amenities of the neighbouring properties through, noise, traffic, light and odour. In addition, the building will be refurbished and its appearance would improve, thereby benefitting the appearance of the building in the area.
- 6.5 The building would extend close to neighbouring properties, but would have limited height with a separation distance of 7.2 metres to the northern boundary which is closest to No. 3 Black Lake Close. It is considered that by nature of the separation distance and limited height of the proposal, the size of the extended building would not materially impact on the visual amenities of the occupiers of the adjacent neighbouring properties from being over-dominant or loss of privacy. The proposal would increase activity to the site and would result in a business operating 7 days a week 52 weeks a year in close proximity to residential properties. The proposal includes daily milk delivery, fridges, hot rooms and dispatch. The applicant has submitted additional information regarding ventilation and how the business would operate. The submitted noise assessment specifies the existing background noise level and has detailed the type of mechanical ventilation and refrigeration equipment to be provided for the unit. A condition is recommended requiring the noise level from these to be 10dba below the existing background noise level to ensure the amenities of the occupiers of the adjacent neighbouring properties are maintained. Subject to this condition, the Council's Environmental Health Officer is satisfied that the machinery would provide an acceptable noise climate. Neighbours raise concern over the potential from light pollution from the potential use at the site. No details have been submitted regarding this but it is considered that this can be secured by a condition regarding submission of details of lighting for approval. It is therefore considered that there would be no harmful impacts on the residential amenities of nearby occupiers, in compliance with saved Policy LE1.
- 6.6 In terms of highways impacts, the site is accessed from Stroude Road by a shared private drive which has two other properties along with the application site accessing the driveway closer to the Stroude Road. The proposal would utilise an existing area of hard surfacing to the front of the building for parking and for delivery and despatch of goods. The County Highways Authority raises no objection to the application and does not consider that the proposal would have an adverse impact on the safety and operation of the users of the adjoining public highway. The proposal would comply with Saved Policies MV4 and MV9 of the Local Plan in this aspect.
- 6.7 The site is located within an Area of High Archaeological Potential. The applicant has submitted a planning and heritage impact assessment. This does not refer to the Historic Environment Record or the potential of buried assets. The County Archaeology Officer raises no objection, but does recommend a condition for a written scheme of investigation to be submitted. Subject to this condition, the proposal complies with Saved Policy BE15. The site is located within a Minerals Safeguarding Area. In these areas the Minerals Authority seek to safeguard development that would impact on the underlying minerals. However, in this instance the Waste and Minerals Authority (Surrey County Council) raise no objection to the application, as they consider that due to the existing and surrounding land uses coupled with the size of the application site an economic mineral use is unlikely to be present.
7. Conclusion
- 7.1 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 the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposed a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

- 7.2 The development would not comprise inappropriate development in the Green Belt, and would not materially have an adverse impact on the amenities of the occupiers of the adjacent neighbouring properties, nor would it unduly affect highway safety. The development has been assessed against the following Development Plan policies – saved Policies GB1, GB7, LE1, MV4, MV9 & BE15 of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would result in harm that would justify refusal in the public interest.

Officer's Recommendation: Grant subject to the following conditions:

- 1 Full application (standard time limit)
The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

- 2 List of approved plans
The development hereby permitted shall not be carried out except in complete accordance with the following approved plans: 01, 03 received 21 October 2019, Environmental Noise Survey Assessment Report received 13 January 2020, refrigeration technical manual, air conditioning manual received 21 November 2019, Supporting letter received 21 October 2019, Site location Plan received 17 July 2019, Planning and Heritage Impact Assessment received 7 June 2019 proposed floor plan, Existing and proposed elevations, existing and proposed block plans received 6 March 2020.

Reason: To ensure an acceptable scheme and to comply with saved Policies GB1 and GB7 of the Runnymede Borough Local Plan Second Alteration 2001.

- 3 External material (materials to match)
The development hereby permitted shall be completed with external materials of a similar appearance to those used in the construction of the exterior of the existing building to which it is attached.

Reason: To ensure that the proposed works harmonise with that existing in the interests of visual amenity and to comply with saved Policies GB1 and GB7 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.

- 4 Programme of archaeological work

No works below current ground levels shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To allow archaeological information to be recorded and to comply with saved Policy BE15 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

- 5 External lighting and floodlighting
Before any external lighting, including floodlighting, is installed at the site, details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed hours of use and measures to ensure that no direct light is projected into the atmosphere above

the lighting installation. Development shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To protect the residential amenities of the neighbouring properties and to protect wildlife and to comply with saved Policies HO9 and NE20 of the Runnymede Borough Local Plan Second Alteration 2001, guidance within the NPPF, and Policy EE2 of the Runnymede 2030 Draft Local Plan.

- 6 The proposed ventilation and refrigeration units shall be less than 10dba below the existing background noise levels as detailed in the submitted Environmental Noise Survey (Background Noise) Assessment report.

Reason

In order to preserve the amenities of the occupiers of the adjacent neighbouring properties from noise disturbance and to comply with Saved Policy GB7 of the Runnymede Borough Local Plan Second Alteration April 2001 and policies with the NPPF.

Informatives

- 1 Summary of Reasons to Grant Consent
The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

- 2 Hours of Construction Works
The applicant is advised that the council has established the following guideline hours for noisy works:

8am to 6pm Monday to Friday; and
8am to 1pm on Saturday.

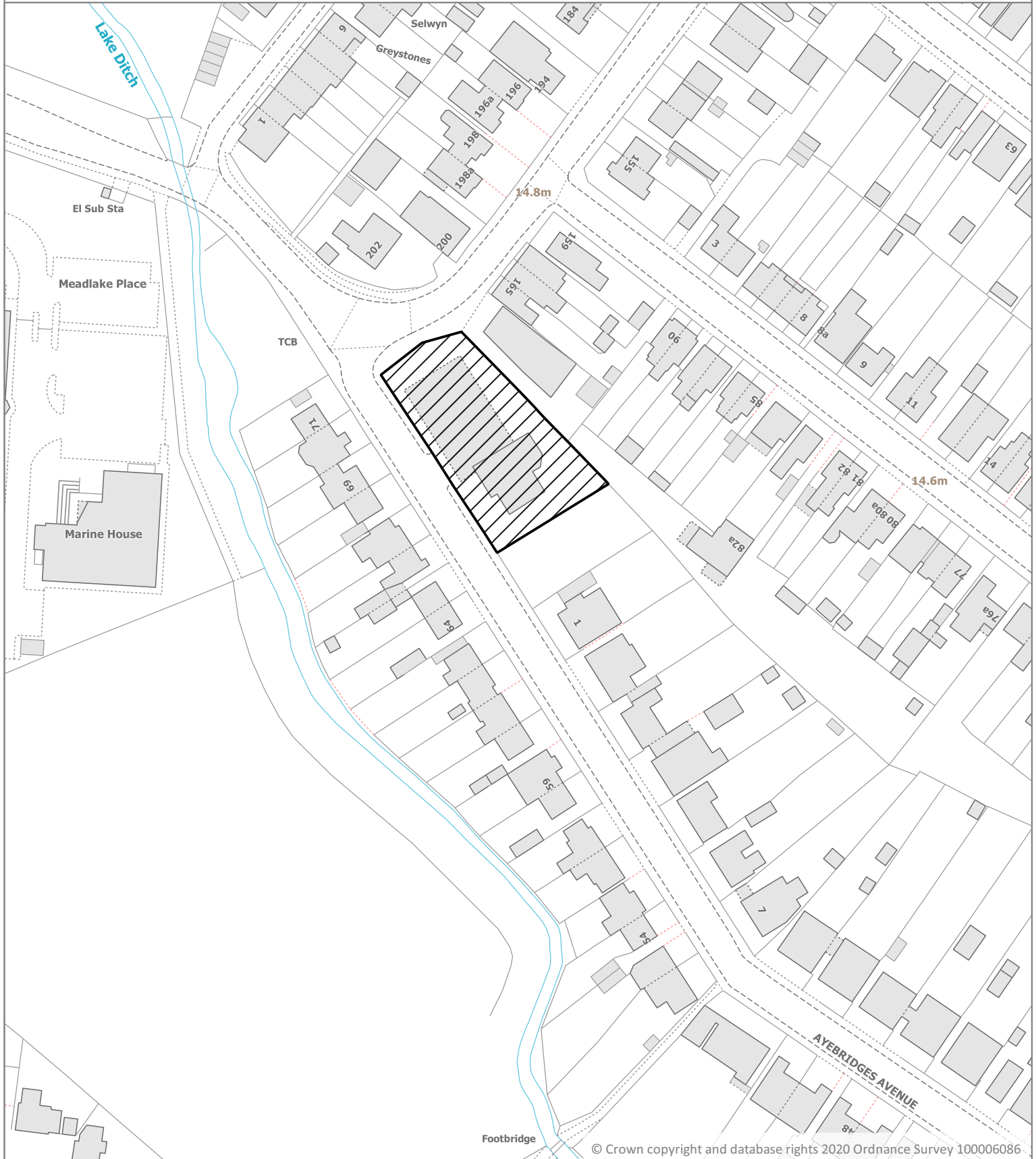
There should be no noisy work on Sundays or Public Holidays.

Further information is available from the Council's Environmental Health Department.

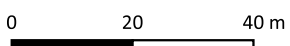


Date: 13/03/2020

169-171 Service Station Thorpe Lea Road Egham TW20 8HP



Scale: 1:1250



RU.19/1091



RU.19/1091	Ward:
LOCATION:	169-171 Service Station Thorpe Lea Road Egham TW20 8HP
PROPOSAL	Retrospective application for the change of use of the site to a mixed use including a petrol filling station and hand car wash facility.
TYPE:	Full Planning Permission
EXP DATE	25 September 2019

SUMMARY OF RECOMMENDATION: Grant with conditions

1. Site

- 1.1 The site is a petrol filling station located at the junction of Thorpe Lea Road and Ayebridges Avenue. The petrol filling Station consists of a fuel forecourt comprising 4no dispensing pumps beneath a canopy fronting the single storey forecourt shop. The rear of the shop has been converted to a sandwich shop with small seating/ waiting area. The take-way is accessed internally from within the shop there is a small seating area.
- 1.2 The petrol filling station is accessed from Thorpe Lea Road off a mini traffic island with an exit onto Ayebridges Avenue. To the east side, on Thorpe Lea Road is a vehicular access road leading to public parking servicing a local shopping parade nos163 - 159 Thorpe Lea Road. The site is bounded by approximately 7.0m of dwarf brick wall rising to 1.8m brick wall for a similar length and thereafter the perimeter is bounded by a 1.8m high close boarded timber fence. The timber fence continues unbroken to within 4.5m of the exit onto Ayebridges Avenue, and thereafter, the peri metre is bounded the dwarf wall to the entrance from Thorpe Lea Road.
- 1.3 There are two storey semi-detached dwellings located on the west side Ayebridges Avenue directly opposite the petrol filling station and land to the south-east rear of the site is vacant, beyond which is a detached bungalow, No. 1 Ayebridges Avenue. The wider area is residential in character and Ayebridges Avenue is a residential cul-de-sac characterised by a mix of semi-detached two storey dwelling and detached bungalows residential properties, there is however, a commercial estate comprising office development at the entrance to Ayebridges Avenue.
- 1.4 The site is located in the Urban Area and Flood Zone 3a

2. Planning history

- 2.1 The application site has been used as a petrol filling station since the mid-1950s and has an extensive planning history for planning permissions and advertisement consents. However, the most relevant planning history is detailed below:

RU.16/0826 External refurbishment of forecourt shop, consent granted subject to conditions, July 2016.

RU.12/0631 Installation of a range of illuminated and non-illuminated adverts in connection with a use of site as a petrol filling station, advertisement consent granted subject to conditions September 2012.

RU.09/0444 Installation of an ATM to the front of 169 Thorpe Lea Road, withdrawn July 2009.

RU.95/0567 Provision of Class A3 (food and drink) takeaway facility into existing forecourt shop, consent granted subject to conditions October 1995.

RU.94/0589 Erection of eight internally illuminated corporate identity signs, advertisement consent granted subject to conditions September 1994.

RU.88/1027 Application for consent to display advertisements four sides of canopy fascia, shopfront fascia and total brand pole sign, advertisement consent granted subject to conditions January 1989.

RU.88/1061 Redevelopment of Petrol Station and car wash, consent granted subject to conditions 1988.

3. Application

- 3.1 The application is seeking planning permission for the use of the part of the rear of the service station site for a hand car washing facility. A car wash business was operating at the site prior to the submission of the application but has ceased pending the outcome. There is a lockable storage cabin stationed on the northern side of the sales building, measuring approximately 3.3 metres in length, 2.5m in height and 2.2 metres in depth and a gantry with associated ducting and pipes to provide the water. The car washing area is accessed from the main entrance to the petrol service station from Thorpe Lea Road, and vehicles will use a route around the northern side of the sales building and exist the site from the existing site exit onto Ayebridges Avenue. The applicant has submitted a Flood Risk Assessment and Design and Access Statement, a Noise Assessment and provided additional information in response to the Council's Environmental Health Officer queries.

4. Consultations

- 4.1 16 Neighbouring properties were consulted in addition to being advertised on the Council's website and 14 letters of representation have been received, the main points raised as follows:
- It would increase noise, light & air pollution in this area, plus disturbance & loss of privacy.
 - Loss of residential amenity
 - Increase traffic, exacerbate existing parking & congestion within a residential street contrary to 102(d)- (e) of the NPPF.
 - Prejudice highway safety pedestrians, including children & elderly.
 - Adversely affect general well-being contrary to 'paragraph 127 of the NPPF
 - Result in a proliferation of hand held car washes in Egham
 - Excessive hours of operation
 - 8 employees without staff parking
 - Parking congestion on the Ayebridges Avenue
 - A lack of customer waiting during car washes customers wait on the street having patronised the Subway
- 4.2 RBC Environmental Health officer – on the submission of the further information, raises no objection subject to conditions that limit the noise level of vacuum machinery and no use of jet wash, and no music or radio played.
- 4.3 SCC County Highway Authority – no highway requirements
- 4.4 SCC as Lead Local Flood Authority – makes no comment

5. Relevant Local Planning Policies

- 5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001 LE1, BE2, MV4, MV9 and SV2.
- 5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.

6. Planning Considerations

- 6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are any visual impact upon the character of the area and the visual amenities within the street scene, and the residential amenities of the occupiers adjacent neighbouring amenities, highway safety and appropriate mitigation against flood risk.
- 6.2 The NPPF encourages sustainable economic development whilst seeking to achieve well-designed places which provided a good standard of amenity for all existing and future users. Saved Policy LE1 states that the Council will seek to contribute to economic growth by promoting

- employment development opportunities. The operation of the business previously included an automated car wash, however, the car washing machinery was dismantled and the operation discontinued some while ago. The proposed car wash would therefore re-provide this previous service but with hand washing, rather than an automated machine process. There would be multiple services at the site as a result of this application. Saved Policy LE1 support for economic development is subject to there being no adverse environmental and traffic consequences.
- 6.3 In terms of visual impact, the proposed car washing operation including the gantry and the ancillary cabin is only visible to the street from within Ayebridges Avenue and these views are mainly limited to views of the vacuum duct and supporting overhead “goalpost” structure that suspends the duct 4metres overhead to allow vehicles to pass under. The appearance of ducting is not considered to be harmful to the street scene or character of the area as it would viewed against the petrol filling station shop and canopy which already contains ventilation pipes which measure in excess of 6 metres and are highly visible from Ayebridges Avenue. It is therefore consider that the proposed development would comply with Saved Policy BE2
- 6.4 There are residential properties in the vicinity of the site. There may be views of the car washing equipment from the first floor windows of dwellings opposite the site including Nos. 65- 68 Ayebridges Avenue, and from the flat at No. 167a Thorpe Lea Road to the north of the site. However, it is considered that due to the separation distances there would be no harm to their outlook. The nearest dwellings in Park Avenue to the north east are also at some distance away, and there would be no harm to their outlook, including Nos. 82A, and 86-90 Park Avenue. There is also 1.8m fencing installed along the Ayebridges Avenue boundary which will further restrict views. There is vacant land to the south east which separates the application site from No. 1 Ayebridges Avenue. Car wash activities can be noisy operations, from use of machinery for washing and vacuuming. On the advice of officers the applicant submitted a Noise Impact Assessment (NIA) which concluded that the noise level arising from the operation of the machinery would not be above background noise levels during the proposed operating hours. The fence around the site will provide some mitigation for noise and impacts from headlights. The Council’s Environmental Health Officer has reviewed all the additional information and provided detailed comments about restrictions on certain aspects of the operation: restriction on noise level of the vacuum plant, no use of jet wash machine, no music or radio to be played by the operatives whilst washing vehicles, fence to reduce noise emissions and mitigate car headlight impacts, restriction on artificial lighting, and reduction in hours on Sunday and Public Holidays. Subject to conditions to secure these controls, it is considered that there would be no harm to the amenities of neighbouring residential properties arising from the use of the machinery and equipment, within the opening hours stated.
- 6.5 The existing situation with a petrol filling station and shop will attract car movements and visitors to the site, which will generate some noise and disturbance. It is considered that with controls over the hours of operation of the car wash, that any additional noise and disturbance arising from vehicle trips to the site for the car wash, would not cause harm to residential amenities. It is noted that the County Highway Authority have commented that they consider the trips to the car wash are likely to be linked to trips to the service station. The application form states that the hours of opening of the use is 08:00-19:00 (Monday to Friday), 08:00-18.00 (Saturday), and 10:00-16:00 (Sundays). It is considered that these hours of operation would not harm the amenities of neighbouring residential occupiers by reason of noise and general movements to and from the site. However, it is considered that if the hours were extended, this could result in harm and therefore a condition restricting operating/opening hours is recommended. Subject to this, it is considered that the continuation of the use would not result in adverse harm to the residential amenities of the occupiers of neighbouring properties, in compliance with Saved Policy HO9.
- 6.6 In terms of impacts on highway safety, traffic generation and parking, the County Highway Authority has undertaken an assessment of the application, and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The CHA therefore has no highway requirements. They have provided some site specific information as follows. The CHA is aware of local residents’ concerns regarding the proposed car wash, and recognises that the provision of such a facility may increase traffic levels for the site, as well as potentially creating additional parking stress on Ayebridges Avenue. However, in considering whether the proposal will represent a significant/severe, increased impact (as per NPPG guidelines) it is noted that the site currently operates as a fuelling station, convenience store and Subway. As such, the CHA states it is likely that the majority of users of the car wash element will be there via linked trips (trips already on the local highway network) and the quantity of additional trips associated with this particular element of the site is not considered to represent a material

impact on the network such that a recommendation to refuse would be reasonable. Therefore the CHA raises no objections on highway safety or capacity grounds. There is space for customers to drive into the site and drive round the shop to the rear without affecting the access to the petrol pumps or the shop and the plan shows a 'one way' system. The applicant has confirmed there are 4 parking bays and 1 disabled parking bay for use by customers, and 1 parking bay for staff. There is also space to park on the highway. It is considered there would be no detrimental impacts on the parking and circulation within the site, and the proposal complies with saved Policies MV4 and MV9.

- 6.7 The site is located within Flood Zone 3 (high risk flood zone) and the applicant has submitted a Flood Risk Assessment and Drainage Strategy. This has concluded that there would be no impact on the flood plain capacity from the small cabin. The drainage will drain via the existing silt trap and would not affect the ground water at the site. The FRA notes that there have been sewer flooding in the area and that the premises would be closed in the event of a sewer flood in the future. The proposal therefore complies with saved Policy SV2 and SV2a. It is therefore considered that there would be no adverse environmental or traffic consequences from the operation of the hand car wash at the rear of the petrol filling station site, subject to the conditions as discussed above. The proposal therefore complies with Saved Policy LE1 and the NPPF.

7. Conclusion

- 7.1 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 the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposed a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

- 7.2 The development is considered to have no harmful impacts on highway capacity or safety, and subject to suitable controls, residential amenities would be protected. The development has been assessed against the following Development Plan policies – saved Policies LE1, HO9, BE2, MV4, MV9 of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material 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 decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation: Grant subject to the following conditions:

- 1 Full application (standard time limit)
The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

- 2 List of approved plans
The development hereby permitted shall not be carried out except in complete accordance with the following approved plans

PA14a, PA11, PA15

Design and Access Statement, Flood Risk Assessment and Drainage Strategy by EAS dated June 2019, Hand Car Wash Noise Impact Assessment dated December 2019

Reason: To ensure an acceptable scheme and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration 2001.

3 Sound (externally audible)

There shall be no playing of music or radio that can be heard from outside the site during hours of operation of the hand car wash business.

Reason: In order to protect the amenities of occupiers of nearby residential occupiers and to comply with saved Policy LE1 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

4 External lighting and floodlighting

Before any external lighting, including floodlighting, is installed at the site, details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed hours of use and measures to ensure that no direct light is projected into neighbouring residential properties. The lighting shall be installed in accordance with the approved details and be retained as such thereafter for the duration of the car wash business at the site.

No external lighting shall be in use during the operation of the car wash business after 19-00 hours.

Reason: To protect the residential amenities of the neighbouring properties and to protect wildlife and to comply with saved Policies HO9 and NE20 of the Runnymede Borough Local Plan Second Alteration 2001, guidance within the NPPF, and Policy EE2 of the Runnymede 2030 Draft Local Plan.

5 Hours of use

The car wash operation hereby approved shall not be open to customers outside the following hours:

08:00 to 19.00 Mondays to Saturdays
08.00 to 18:00 on Sundays and Bank Holidays

Reason: In order to protect the residential amenities of the neighbouring properties and to comply with saved Policy LE1 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

6 No jet wash machine shall be used or operated at the site in association with the car washing business hereby approved.

Reason: In the interests of the residential amenities of the neighbouring residential occupiers and to comply with saved Policy LE1 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

7 Soakaways

No soakaways shall be constructed such that they penetrate the water table and they shall not in any event exceed 3 metres in depth below the existing ground level.

Reason: To prevent pollution of ground water and to comply with saved Policies SV1 and SV2 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

8 Surface water control

The water from the car wash operation shall be drained without causing infiltration of contaminants into ground water and in accordance with the statements made in the submitted Flood Risk Assessment and Drainage Strategy dated June 2019.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with saved Policies SV2 and SV2a of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

Informatives:

1 Summary of Reasons to Grant Consent

The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

2 Advertisement Control

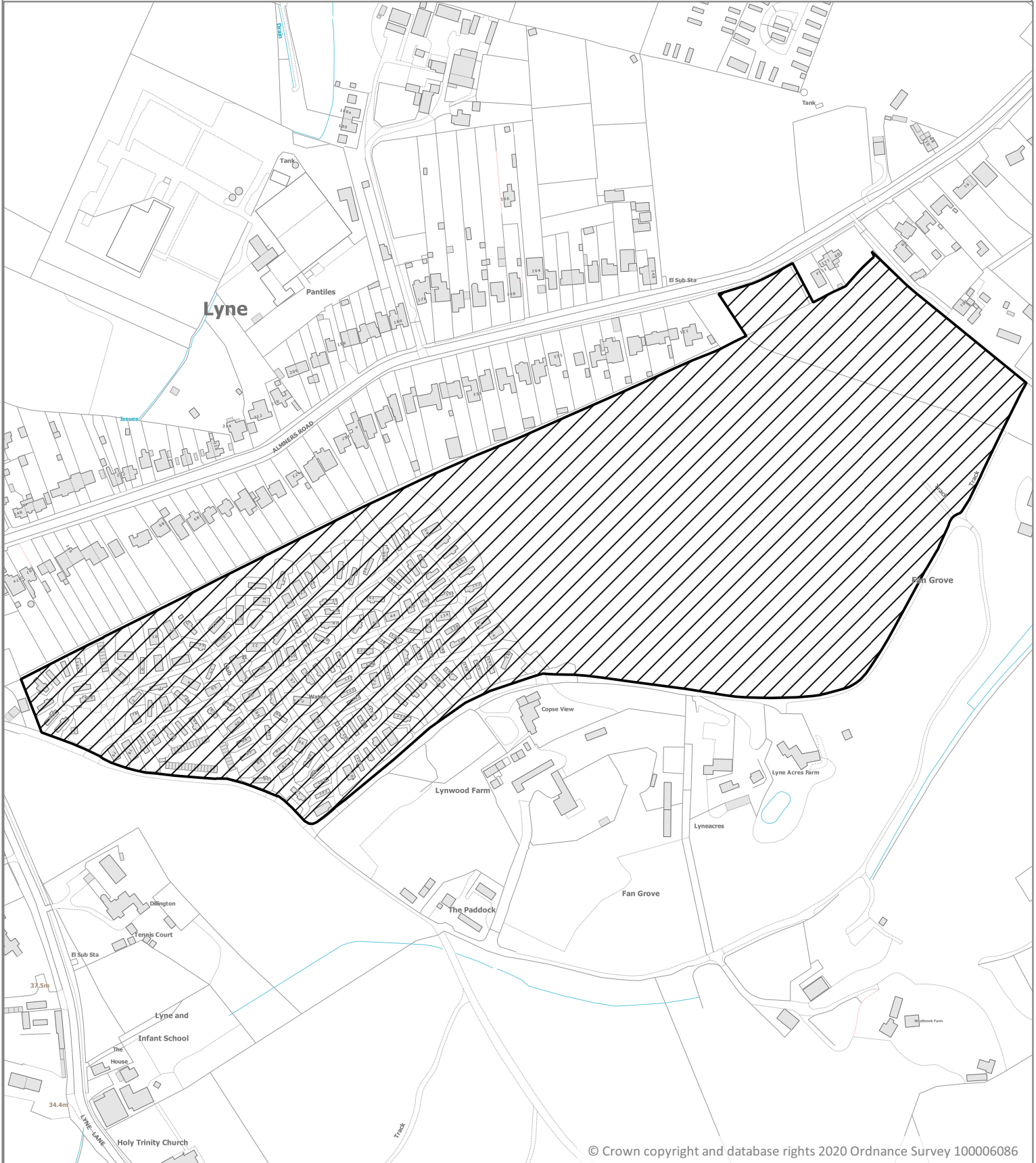
The applicant is advised that advertisement consent may be required for any new signs on the property.



FOR LOCATION PURPOSES ONLY
Fangrove Park Lyne Lane Lyne Chertsey KT16 0BN

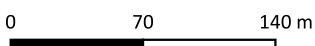
Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

Date: 13/03/2020



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Scale:1:2500



RU.19/1718



RU.19/1718	Ward:
LOCATION:	Fangrove Park Lyne Lane Lyne Chertsey KT16 0BN
PROPOSAL	Variation of condition 2 of planning permission CHE.15850 (Use of 13 acres for stationing 150 caravans) to allow 156 caravans to be stationed within the caravan park
TYPE:	Removal / Vary Condition(s) from Planning Permission
EXP DATE	03 January 2020

SUMMARY OF RECOMMENDATION: Grant with conditions

1. Site

1.1 Fangrove Park is a residential mobile home park covering approximately 13 acres situated on the east side of Lyne Lane, Lyne. The site is located in the Green Belt and within 5km of the Thames Basin Heath Special Protection Area. The site is bounded to the north by detached residential properties with spacious plots fronting Almnors Road and separated from the site by long rear gardens. The access to the site is shared with a small number of isolated properties to the south east of the site. Planning permission for the caravan site is limited by condition to 150 mobile homes. From officer site visits, it appears that recently up to 154 mobile homes were located on the site and potential for a home recently burnt (plot 50) out to be replaced. However, the applicant has removed some of these caravans and there are currently 151 caravans stationed on the site. There are no Enforcement Notices affecting the site and investigations have been suspended pending the outcome of this current application. The caravan park is verdant with caravans located amongst mature trees and hedging across the site. The site is screened from the rear gardens of residential properties on the south side of Almnors Road by narrow band of mature trees and is covered by a Tree Preservation Order (TPO) (no.226). The woodland directly east of the caravan site, also within the applicant's ownership, is also covered by TPO (no.439), is designated Ancient Woodland and a Site of Nature Conservation Importance (SNCI). The site is also within 5km of the Thames Basin Heaths Special Protection Area.

2. Planning history

2.1 The caravan park has been in existence since the 1960s, expanding from 50 caravans to 150 caravans in 1962 under reference CHE.15850, granted by the Council with conditions which were appealed and some conditions deleted regarding temporary permission. However, condition 2 was retained which restricted the number of caravans stationed on the land to 150 in the interests of the Green Belt. There were subsequent applications for provision of garages in the 1970s and 1980s, and the provision of a hut as a social club in 1990. In 2004, an application to vary the condition 2 was made to increase the number of homes to 152 (RU.04/0160) which was refused on the grounds of impact on the Green Belt being contrary to the Surrey Structure Plan and previous government planning guidance. No further applications were received until 2019. The most recent application was RU.19/0586 for the removal of Condition 2 of planning permission CHE.15850 (Appeal APP/966/A/65474 Granted. 05/12/1963 for the Use of 13 acres for stationing 150 caravans) to remove the restriction on the number of caravans on the site. This was refused planning permission for three reasons: impact on the Green Belt, impact on TBHSPA, and insufficient information about highways impacts.

3. Application

3.1 This current application proposes the variation of Condition 2 of CHE.1580 to allow the increase from 150 caravans to 156 caravans. This application follows on from the refusal of RU.19/0586. The plan showing the extent of the application (location plan) includes land to the north west of the caravan park but this is not the area where caravans are located. The applicant has provided a supporting statement and a unilateral undertaking in respect of the TBHSPA. The supporting statement sets out the history and states that the plan submitted demonstrates how the additional 6 units could be done within the existing infrastructure layout as they can be accommodated by using bases that have already been laid, plots that have been created or are suitable for subdivision and from land that is not currently being used. The supporting statement comments on, among other things, the planning history, statutory tests for planning conditions, parking arrangements, and policies and concludes that the increase in caravans by 6 is capable of being done in a way that is sympathetic to the site. The plots are 3, 50, 83, 164, and the subdivision of 119.

4. Consultations

4.1 93 Neighbouring properties were consulted in addition to being advertised on the Council's website and 38 letters of representation have been received which include some from the same address. The main points raised are summarised as follows:

- Already in excess of the 150 homes of site licence
- Quality of life is under constant threat
- Already have extensive drainage/flooding issues (in the park) and adding more concrete bases would make matters worse; slippery mud is a problem
- Insufficient parking now and when units are added
- Impacts on trees; park is set in green wooded surroundings which have been destroyed by large homes on new plots
- Referral to planning policies HO10.
- People park all over the place and reduce entrance widths that could impede emergency vehicles; some residents park on their plots; many residents have 2nd or 3rd cars
- Not enough visitor parking spaces; some residents use these; medical staff nowhere to park;
- Roads in the park will not sustain the number of cars; utilities and entrance will need to be updated
- Impact visually on the local area
- Lyne Lane will be very congested at the village school; roads are all getting busy due to other developments in area; want Lyne to remain a village
- Leaks and water supply – more homes would put pressure on this
- Road maintenance and pothole issues, made worse with extra vehicles; poor lighting; dog ownership issue; comments about management company; age restriction comments – not a retirement site; fire safety issues
- Removal of garages is a removal of amenity
- Query about content of application and factual accuracy
- Same objection as to previous application – commercial exploitation, no requirement for new homes, lack of care for green belt
- Illegal dumping in private land

4.2 The applicant has submitted a paper responding to comments in representations.

4.3 Natural England – no objection if applicant complies with Council's approved mitigation

4.4 RBC Environmental Health Manager – no objection

4.5 SCC County Highway Authority – no objection

5. Relevant Local Planning Policies

5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001: HO1, H10, GB1, MV4, MV9, NE12, NE14, NE16, NE17

5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.

6. Planning Considerations

6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the Green Belt where there is a strong presumption against inappropriate development. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are whether the proposal to increase the number of caravan homes within the park from 150 to 156 would amount to a material change of use of the land, the impact that additional mobile homes would have on the Green Belt, impact on the residential amenities of the occupiers of the

site and neighbouring properties, highways and traffic, trees and woodland. The site is also within 5km of the Thames Basin Heath Special Protection Area and the impact on the TBH SPA is a material consideration. The refusal of the previous application is also a material consideration as is the 2004 refusal. However, planning policy circumstances have significantly changed since this application was determined as there is no longer a Surrey Structure Plan as part of the development plan, and the national guidance existing then has been deleted and replaced by the NPPF which has introduced new considerations for developments in the Green Belt.

- 6.2 The application site is a lawful caravan site located within the Green Belt, granted planning permission by CHE.15850 in 1962 for use of 13 acres of land for the stationing of 150 caravans. This application proposes a variation of condition 2 of this planning permission, under s73 of the Town and Country Planning Act 1990. Where an application under s73 is granted the effect is the issue of a new planning permission. Planning permission is required to increase the number of caravans at the site by reason of the restrictive condition in the 1962 planning permission. Caselaw points to this being a small increase that would not amount to a material change of use by reason of the increase in caravans. The primary issue is therefore whether a caravan site for up to 156 caravan pitches is acceptable in planning terms. Saved Policy HO10 states that the Council will not permit new or enlarged sites for residential caravans or mobile homes. This is because the Council does not consider such a housing option to be a desirable long term housing solution. This application does not propose either a new site or an enlargement to the existing site. It was previously considered unrestricted additional caravans could have resulted in harmful impacts, this application proposes that a total of 156 caravans could be sited within the existing boundaries, an increase in 6 caravans. It is considered that the harmful impacts from unrestricted caravan numbers on local infrastructure would not arise from this small scale increase and there would be no conflict with saved Policy HO10. Saved Policy HO1 encourages the increase in the housing supply in the borough and this is consistent with the NPPF which promotes new residential homes. This NPPF requirement is a new policy requirement since the 1962 and 2004 applications.
- 6.3 Saved policy GB1 has a presumption against development that would harm the open character of the Green Belt and conflict with the purposes of the Green Belt. The limitation on the number of caravans in condition 2 of CHE.15850 has enabled the site to provide an effective residential use of the land whilst providing a good degree of spacing between caravans which provides a spacious appearance consistent with the Green belt rural location, and additionally maintaining space for trees, and providing a good standard of amenity for occupiers. Under the previous application for unrestricted caravans, it was considered that there would have been a more urban appearance, with an adverse impact on the openness of the Green Belt contrary to the provisions of the NPPF and saved Policy GB1. This current application proposes an uplift restricted to 6 caravans and has submitted a plan demonstrating how these additional caravans could be provided. Officers have reviewed this and consider that the intended plots are primarily areas where there have previously been plots (4), and two plots are proposed as a result of a subdivision of a previous plot. The plots are spread around the park with only the subdivided plot extending to the outer boundary. It is therefore considered that the limited increase of 6 plots, combined with the siting of the pitches primarily where there were previously caravans, would not have a harmful impact on the open character of the Green Belt and would not conflict with the purposes of the Green Belt. However, it is considered that additional plots could have such impacts, particularly if the siting of caravans was to take place in the remaining land within the red line location plan outside the existing caravan park, which would amount to a material change of use with harmful impacts to the Green Belt, and therefore it is considered necessary to impose a new condition, restricting the number of caravans to 156, within the existing area of the caravan park. Subject to this, it is considered that the proposal complies with saved Policy GB1 and the NPPF and has overcome the previous first reason for refusal under reference RU.19/0586.
- 6.4 Saved Policy HO9 requires high standards of amenity for existing and future residents, and is consistent with the NPPF. Saved Policy HO9 also requires development to not damage the character and amenity of established residential areas, allow for the retention of appropriate trees and shrubs and provide landscaping of a high standard of design, provide appropriate space between existing and proposed residential units, and provide adequate privacy for existing and proposed properties. References have been made by both the applicant and in letters of representation about the site licencing. The site licencing regime may offer a degree of control over a site by requiring caravans to be situated so as to respect the prescribed distances between caravans and to other features such as boundaries and roads. Site licencing does not, however, provide any control in terms of safeguarding the character of a site and residential amenity, both for occupiers of the site and for neighbours. It is considered that the plan showing the locations of the caravans would mostly utilise existing or former plots with no harms to residential amenities.

The subdivision of the final plot would also not cause material harm to residential amenities. For the same reasons, it is considered that the character and appearance of this residential area within the caravan park would be maintained. However, in order that the quality of the residential environment and residential amenities are maintained, it is considered that the continued imposition of a planning condition to limit caravan numbers to 156 is necessary in order that the development complies with saved Policy HO9. There are residential properties to the rear of the site fronting Almnors Road. However, it is considered due to the separation distances, there would be no harm to the outlook or privacy of these neighbours. No other residential occupier is affected by the proposal including any disturbance due to traffic movements.

- 6.5 The caravan park is situated adjoining a designated Site of Nature Conservation Importance (SNCI). That woodland falls within the same ownership as the caravan site. Saved Policy NE17 seeks to safeguard SNCIs from development proposals on land adjoining SNCIs which would adversely affect, directly or indirectly, the ecological interests of the site. Due to the siting of the plots, and the resultant lack of spread of the caravan park closer to the SNCI, that there would be no harmful impacts on this designated area, in compliance with Saved Policy NE17. There are areas of Ancient Woodland and trees subject to Tree Preservation Orders, to the west, east and south of the caravan park. Paragraph 175 c) of the NPPF states that planning authorities should refuse permission for developments that would lead to the loss or deterioration of irreplaceable habitats unless the need for, and the benefits of the development clearly outweigh the loss or deterioration of habitat. Saved Policy NE12 of the Local Plan refers to the protection of trees in the Borough and states that the Council will continue to protect significant trees, hedgerows and woodlands. A number of the existing caravans are located within the Ancient Woodland 15m buffer zone. The previous 2019 application considered that an unrestricted increase in the number of caravans on the site would potentially place additional development within the buffer and close to the boundary of the Ancient Woodland and would affect TPO trees. However, due to the location of the plots under this current application, it is considered that there is no evidence that the risk to the Woodland or protected trees would occur and the proposal complies with saved Policies NE12 and NE14. However, as the red line application site includes this area, it is considered necessary to impose a condition preventing the siting of caravans within this area to protect the trees and woodland.
- 6.6 The application site is within 5km of the Thames Basin Heaths SPA. In accordance with guidance from Natural England, the Habitats Regulations Assessment requirements are that plans or projects which may have a likely significant effect on a European designated site (such as the TBHSPA) can only proceed if the competent authority is convinced they will not have an adverse effect on the integrity of the European site. Recent case law has suggested that likely significant effects cannot be ruled out at this screening stage, and in accordance with the Natural England guidance and national legislation, the application proposal must be made subject to an appropriate assessment. In accordance with the Council's SPG, and without consideration of potential mitigation regarding the TBHSPA this application is 'screened in' to the need for appropriate assessment as it lies within a zone of influence where recreational disturbance arising from new occupation in proximity to the TBHSPA is likely to have an adverse effect.
- 6.7 The guidance is that Natural England are required to be consulted and the lpa must have regard to its advice. Natural England agreed the framework for relevant development proposals affected by the TBHSPA in 2008 and the Council has been following this framework since then utilising it as standing advice removing the need for individual consultation to Natural England for schemes of this scale. It therefore falls to the Council to undertake the Appropriate Assessment of the application, which includes the consideration of any proposed mitigation, to reach a conclusion as to whether the proposal has a residual adverse effects that lead to a likely significant effect on habitats at the TBHSPA. In undertaking this Appropriate Assessment it is considered that there will be permanent effects arising from increasing the number of residential units within 5km of the TBHSPA. The applicant originally did not address the impact on the TBHSPA in both the 2019 application and this current application as originally submitted. Natural England were notified and their response is that subject to the applicant complying with the framework agreed with the Council, they would have no adverse comments. Subsequently, the applicant has submitted a unilateral undertaking which addresses the impact on the TBHSPA in respect of SAMM and SANGs. In carrying out an appropriate assessment to take into account the compliance with the Council's Supplementary Planning Guidance, it can now be concluded that the application proposal would not be likely to have an adverse effect on the TBHSPA. The proposal is therefore in accordance with Saved Policy NRM6 of the South East Plan 2009, Saved policy NE16 and guidance in the NPPF. Therefore the second reason for refusal of RU.19/0586 has been overcome.

6.8 Under the previous 2019 application, which proposed to remove all the restrictions on the number of caravans, the County Highway Authority recommended that the application be refused on the grounds that insufficient information had been provided so that a full assessment of the likely transport impact of the proposed development could be undertaken. In the absence of information, it was considered the unrestricted proposal could therefore lead to conditions prejudicial to highway safety contrary to saved Policy MV4 and the NPPF and the Surrey Transport Plan. This current application is materially different in that it does not propose an unrestricted occupation, but instead proposes an upper limit of 156 caravans. The CHA have advised that they have undertaken an assessment, carried out a site visit and notes concerns raised by local residents. The CHA can only comment on aspects of the application that relate to the public highway network – the junction between the site access road and Lyne Lane and any potential overspill onto the public highway due to lack of on site parking. The CHA does not expect the additional 6 pitches to generate a significant additional traffic load for the access or for Lyne Lane itself, as per NPPG guidelines. The CHA notes that residents have raised concerns regarding on site parking, however the CHA notes that it is also the case that existing parking restrictions operate at the junction with Lyne Lane – double yellow lines prohibit parking that could be potentially dangerous. Therefore, in terms of the likely net additional traffic generation, access arrangements and parking provision, the CHA are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The CHA therefore has no highway requirements and the proposal complies with saved Policies MV4 and MV9. Therefore the third reason for refusal of RU.19/0586 has been overcome.

7. Conclusion

7.1 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 the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposed a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

7.2 The development with a variation of condition to increase the number of caravans from 150 to 156 is considered to have no harmful impacts on the Green Belt, the character of the area, residential amenities, trees and woodlands, parking and highways. The applicant has also addressed the impacts on the TBHSPA. All the three previous reasons for refusal of RU.19/0586 have been overcome and it is considered that there have been material changes in policy circumstances since the 2004 application was refused. The application does not propose an extension to the caravan park and complies with saved Policy HO10, and provides additional residential accommodation in compliance with saved Policy HO1. A condition is necessary to restrict the number of caravans to 156 to protect the Green Belt and the character of the area and in the interests of residential amenities. The development has been assessed against the following Development Plan policies – saved Policies HO1, H10, GB1, MV4, MV9, NE12, NE14, NE16, NE17 of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material 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 decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation: Grant subject to the following conditions

- 1 There shall be no more than 156 caravans stationed within the area of the caravan park as shown on plan FP81119 sheet 3 of 3, and there shall be no caravans stationed within the land beyond the north east perimeter of the caravan park to the north east of plots 164, 162, 160, 158, 156, 154, 152, 135, 137, 142 and 147.

Reason: To protect the openness and visual amenities of the Green Belt, the residential character of the area and residential amenities of occupiers, and to ensure the long term protection of the adjoining protected woodland and protected trees and to comply with saved Policies GB1, HO9, NE12 and NE14 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

- 2 No caravans shall be stationed within the land beyond the north east perimeter of the caravan park to the north east of plots 164, 162, 160, 158, 156, 154, 152, 135, 137, 142 and 147 as identified on plan FP81119 sheet 3 of 3.

Reason: To protect the openness and visual amenities of the Green Belt, the residential character of the area and residential amenities of occupiers, and to ensure the long term protection of the adjoining protected woodland and protected trees and to comply with saved Policies GB1, HO9, NE12 and NE14 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.

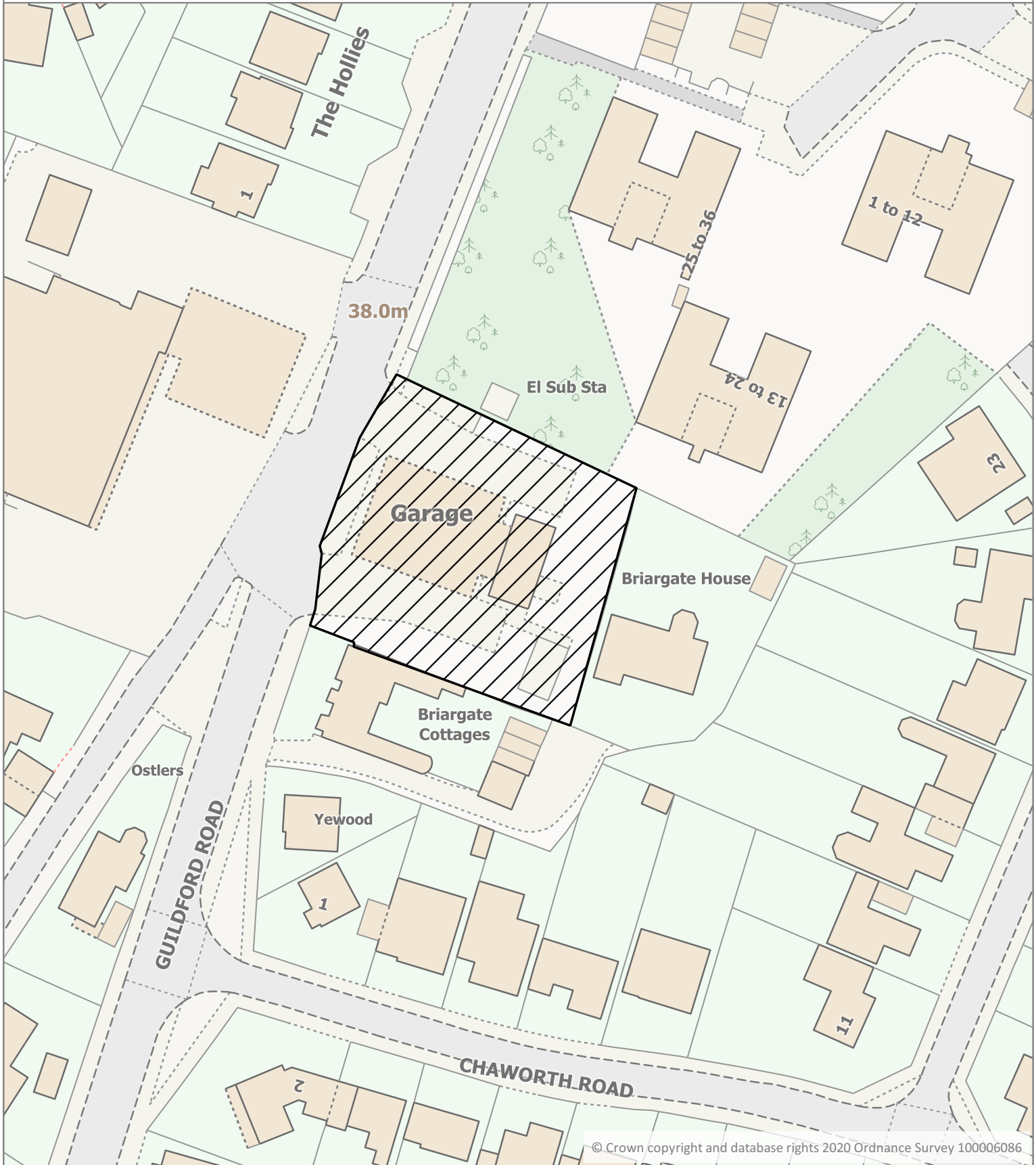
Informatives:

- 1 The applicant is advised to contact the Council's Environmental Health department about licence requirements for the site.



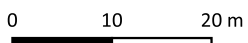
Date: 13/03/2020

Ottershaw Service Station Guildford Road Chertsey KT16 0PG



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Scale: 1:759



RU.19/1721



RU.19/1721	Ward:
LOCATION:	Ottershaw Service Station Guildford Road Chertsey KT16 0PG
PROPOSAL	Demolition of Existing Sales building, delink existing canopy. Construction of new single storey sales building, gated timber fenced compound/storage area with bins, new pumps and pump islands. Installation of 2 No. 60,000 Litre Underground fuel tanks. (revised plans received with additional information on lighting and noise).
TYPE:	Full Planning Permission
EXP DATE	27 March 2020

SUMMARY OF RECOMMENDATION: Grant with conditions

1. Site
 - 1.1 The application site is the Shell petrol filling station on the eastern side of Guildford Road in Ottershaw located in a residential area. The site comprises a sales building in the eastern part of the site, with the usual fuel pumps, canopy and other structures associated with a petrol filling station including air and water dispensers. Opposite the site on the western side of Guildford Road is another petrol service station with associated vehicle sales and car showroom. The site lies within the urban area.

2. Planning history
 - 2.1 RU.14/1792 – Redevelopment of existing petrol station. Granted January 2015

3. Application
 - 3.1 The applicant has applied for Full Planning Permission for the demolition of the existing sales building and the erection of a new detached sales building, installation of new pumps and underground fuel tanks. The pumps and tanks would be in the same position as existing as would the sales building, albeit substantially larger than the existing. The proposed new sales building would be 25 metres wide, 11 metres deep and have a flat roof with a maximum height of approximately 4 metres. There would be an enclosed wooden storage area on the northern side of the building which would further increase the width of the building by 4 metres. The proposed sales building would be site approximately 2.4 metres from the northern boundary, 1.3 from the eastern boundary and 3.2 metres from the southern boundary. Six air conditioning units are proposed on the rear elevation. A 2.5 metre high fence is proposed along the eastern boundary which would replace the existing conifer hedge to protect neighbours from noise from the air conditioning units. Parking is proposed along the southern boundary where the existing parking is located, with the existing air and water dispenser being slightly moved, and includes an electric charging point. 2 metre high wooden fencing is proposed to be installed along the southern boundary. The applicant has submitted a luminance lighting layout plan, noise report and a design and access statement. Additional information has also been submitted clarifying opening hours and noise levels and lighting.

4. Consultations
 - 4.1 48 Neighbouring properties were consulted in addition to being advertised on the Council's website and three letters of objection have been received. A summary of their concerns is detailed below:
 - The area is at high risk for motor vehicle accidents
 - The redevelopment of the service station is at odds with the need to reduce environmental pollution
 - The proposed increase in size of the sales building would result in loss of privacy and be out of keeping and cause overshadowing to the front and rear gardens of Briargate House
 - The proposal would cause an adverse impact on traffic on the A320 and the expansion of the store would have an adverse impact on village life.
 - The installation of a fence on the southern would restrict owner at Briar Gate Cottage in maintaining their flank boundary wall
 - The piling to support the tank holes should be a hammer style pile driver rather than vibratory.
 - 4.2 RBC Tree Officer – no objection subject to condition regarding tree protection plan and method statement

4.3 SCC Highways – No objection to the application

4.4 RBC Contaminated Land – no objection subject to condition regarding contamination.

5. Relevant Local Planning Policies

5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001 – LE4, HO9, BE2, MV4, MV9, SHO5, NE14

5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.

6. Planning Considerations

6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are the impact the proposed new building and other changes to the site would have on the visual amenities of the street scene, the residential amenities of the occupiers of the adjacent neighbouring properties, any impacts from the increase in retail floorspace at the site, contamination and highway safety.

6.2 The new sales building would be larger than the existing but it would remain to the rear part of the site, behind the existing fuel forecourt and would have a limited height. It is considered it would not be a prominent structure in the street scene and would not materially harm the visual amenities of the area. The other aspects of the scheme would not result in any new visual impacts in the street scene and would not harm the character of the area, in compliance with saved Policy BE2.

6.3 In terms of impact on neighbouring amenity, there are several residential properties immediately adjoining the site, namely flats to the north at Moat Court, a detached dwelling Briargate House to the east, and Briargate Cottages to the south. Other properties are near the site but further away in Chaworth Road. The proposed opening hours of the new sales building would be the same as the existing (controlled by condition) and subject to the imposition of the same condition, there would be no additional noise and disturbance to neighbours in this respect. The replacement shop building would be sited closer to the eastern boundary with Briargate House, and this will be more visible from the neighbour because of the increase in size of the building (height of 4 metres), extending across the full length of the boundary. The applicant has proposed a closeboarded fence to match the existing. It is considered that the height of the fence would be sufficient to avoid an overbearing impact on the garden and rear windows of Briargate House, whilst still protecting privacy. Six air conditioning units are proposed to be installed along the eastern elevation close to Briargate House. The applicant has suggested that a section of the boundary fence directly opposite the units would be absorptive to prevent any sound reverberation to the detriment of the occupiers of the adjacent neighbouring property. Exact details of this have not been submitted and therefore a condition regarding further details of the fencing along the eastern boundary is recommended to ensure the amenities of the occupiers of Briargate House are protected. A condition restricting any lighting on the rear elevation of the sales building is also recommended to prevent any unnecessary light spillage, again to protect the occupiers of Briargate House. Subject to these conditions, it is considered that there would be an acceptable level of amenity maintained for Briargate House.

6.4 There is an existing retaining wall along part of the northern boundary with Moat Court, and the applicant proposes new fencing similar to that along the eastern boundary. The proposed replacement sales building would be extending closer to these neighbours than the existing, however the nearest building at Moat Court is approximately 9 metres from this boundary and views of the petrol station are obscured by planting within their boundary. It is considered that because of the limited height of the proposal and the separation distance the proposed new sales building would not materially affect the amenities of the occupiers of the properties in Moat Court. The proposed alterations would change the boundary treatments and activity along the southern

boundary with Briargate Cottages. The applicant is proposed to erect a 2 metre high boundary fence as a result of the removal of the boundary planting which would increase views to the building from rear of the properties at Briargate Cottages. However, there are existing views from these neighbours across the site and it is considered that there would be no material change in this respect arising from the current proposal. A floodlight is proposed serving the new parking area close to Briargate Cottages but the lighting plans show limited light spillage to Briargate Cottages. Cows are proposed to be installed to further restrict light spillage and the lighting would be turned off when the petrol filling station closes at 11pm. It is therefore considered that with these measures in place, the amenities of the occupiers of Briargate Cottages would be maintained.

6.5 The proposed replacement sales building would have a greater floorspace of 275 sqm than the existing sales building and would provide a small convenience retail facility in its own right. Saved Policy SHO5 allows limited additional provision of local shopping facilities subject to compliance with the Council's environmental and traffic standards. There are four existing car parking spaces, and the applicant proposes 7 spaces, including one disabled parking space, and another for an electric vehicle charging point. This is not a material increase in parking, and the County Highway Authority has raised no objections in relation to impact on the capacity or safety of the public highway. The application does not propose any changes to the access and exit arrangements at the site and that there is sufficient visibility for drivers to access and exit the site safely. As highway standards are satisfied, the proposal complies with Saved Policies MV4 and MV9. The site is outside Chertsey and Addlestone Town Centres and there is an existing retail facility at the site of 67.5 sqm. The applicant has submitted information about the noise from plant to facilitate the additional retail floorspace which is considered would not materially harm the amenities of the occupiers of the adjacent neighbouring properties and the proposal would not result in harmful light spillage into the garden areas of the adjacent neighbouring properties. It is considered that the proposal would comply with Saved Policy SHO5.

6.6 The proposal would include the replacement of underground fuel tanks and the site may be contaminated. The Council's Contaminated Land Officer raises no objection to the application subject to a condition regarding further details of any potential contamination and measures to remedy any potential contamination and its reporting to be submitted. The applicant has not submitted any information regarding how surface water would be managed at the site and therefore a condition requiring additional information to be submitted is recommended. Tree Preservation Order No. 18 lies to the north of the site and the Council's Tree Officer raises no objection to the application subject to condition to the tree protection measures to be installed and retained for the building works as detailed in the submitted and approved tree protection plan and tree report. The proposal would comply with Saved Policy NE14.

7. Conclusion

7.1 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 the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

7.2 The development would not materially harm the visual amenities of the street scene, nor would it harmfully affect the amenities of the occupiers of the adjacent neighbouring properties. There would be no harm to highway capacity or highway safety. The development has been assessed against the following Development Plan policies – saved Policies HO9, BE2, SHO5, LE1, MV4 and MV9, NE14 of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material 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 decision has been taken in compliance with the

requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation: Grant subject to the following conditions

- 1 Full application (standard time limit)
The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

- 2 List of approved plans
The development hereby permitted shall not be carried out except in complete accordance with the following approved plans 10018904 PSBE 19 A, Lighting Layout Shell Ottershaw Service Station, 10018904 PSE 19 B, 10018904 PSL 19 A, 10018904 ISBL 19 A, supporting email dated 11 February 2020, received 11 February 2020, LED under canopy illumination Luci Series brochure extract, lighting specification Proposed, Luci Series Ambiente brochure extract, Noise Impact Assessment, Arboricultural Assessment, received 29 November 2019, Design and Access Statement 10018904 ESL 19, 10018904 ESE 19, 10018904 BP 19 and 10018904 LP 19, received 11 June 2019,

Reason: To ensure an acceptable scheme and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration 2001.

- 3 External materials (as approved on form)
The development hereby permitted shall be constructed entirely of the materials stated in Part 7 of the submitted valid planning application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed works harmonise with that existing in the interests of visual amenity and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.

- 4 Hours of use, deliveries and lighting (general)

No machinery shall be operated, no process shall be carried out, no external illuminated and no deliveries taken at or despatched from the site outside the following times 06:00 to 23:00 Monday to Saturday and 08:00 - 22:00 Sundays and bank holidays.

Reason: To protect the amenities of the adjoining premises and to comply with saved Policy SHO5 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

- 5 SuDS (scheme for approval - pre-construction)

Prior to the commencement of construction of the development hereby approved, details of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority (LPA). Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the LPA. Where a sustainable drainage scheme is to be provided the submitted details shall:

- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b. include a timetable for its implementation; and
- c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To ensure that surface water does not discharge into the surface water sewer and to provide a sustainable development.

6 Tree protection

Prior to the commencement of any works hereby approved, including demolition, and before any equipment, machinery or materials are brought on to the site, tree protective measures shall be installed in accordance with the approved tree protection plan and tree report Ref: SW2019001 v1.0

The works shall be carried out in accordance with the approved protection plan and method statement. The protective measures shall remain in place until all works are complete and all machinery and materials have finally left site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access, other than that detailed within the approved plans, be made without the written consent of the LPA.

There shall be no burning within six metres of the canopy of any retained tree(s). Where the approved protective measures and methods are not employed or are inadequately employed or any other requirements of this condition are not adhered to, remediation measures, to a specification agreed in writing by the LPA, shall take place prior to first occupation of the development, unless the LPA gives written consent to any variation.

Reason: To protect the trees to be retained, enhance the appearance of the surrounding area and to comply with saved policies NE14 and NE15 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

7 Potentially contaminated land

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 Conditions (i) to (iv) or otherwise agreed remedial measures 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 Condition (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

No development must take place until an assessment of the nature and extent of contamination on the site has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and shall assess any contamination on the site whether or not it originates on the site. 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
- " ground waters and surface waters
- " ecological systems
- " archaeological sites and ancient monuments

(ii) Submission of Remediation Scheme

If found to be required no development shall take place until 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 has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal and remedial options, proposal of the preferred option(s), a 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.

(iii) Implementation of Approved Remediation Scheme

If found to be required, the remediation scheme shall be implemented in accordance with the approved timetable of works.

Upon completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to the local planning authority.

(iv) 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 and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of Condition (i) or otherwise agreed and where remediation is necessary, a remediation scheme, together with a timetable for its implementation must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of Condition (ii) in the form of a Remediation Strategy which follows the .gov.uk LCRM approach. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation (verification) plan and report must be submitted to and approved in writing by the Local Planning Authority in accordance with Condition (iii)

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 guidance in the NPPF.

- 8 Boundary fencing
Prior to the occupation of the building details of the boundary fencing along the eastern boundary which shall include a section of absorptive acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the residential amenities of the occupiers of the adjacent neighbouring properties and to comply with Saved Policy SHO5 of the Runnymede Borough Local Plan Second Alteration April 2001.

- 9 No lighting other than that indicated on submitted lighting layout plan received 13 February 2020 shall be installed on the site and sales kiosk building.

Reason: To preserve the residential amenities of the occupiers of the adjacent neighbouring properties and to comply with Saved Policy SHO5 of the Runnymede Borough Local Plan Second Alteration April 2001.

Informatives:

- 1 Summary of Reasons to Grant Consent
The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.
- 2 Surface Water Drainage

The applicant can find further advice on what information is required to enable the approval of conditions in relation to surface water drainage on the Runnymede Borough Council's website www.runnymede.gov.uk Search for "surface water drainage" in the search function.

3 Hours of Construction Works

The applicant is advised that the council has established the following guideline hours for noisy works:

8am to 6pm Monday to Friday; and
8am to 1pm on Saturday.

There should be no noisy work on Sundays or Public Holidays.

Further information is available from the Council's Environmental Health Department.

4 Amended Plans

The applicant is advised that this permission has been amended since the proposal was originally submitted to the Local Planning Authority. The approved drawing numbers are set out on this decision notice.

5 Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

6 Party Wall Act 1996

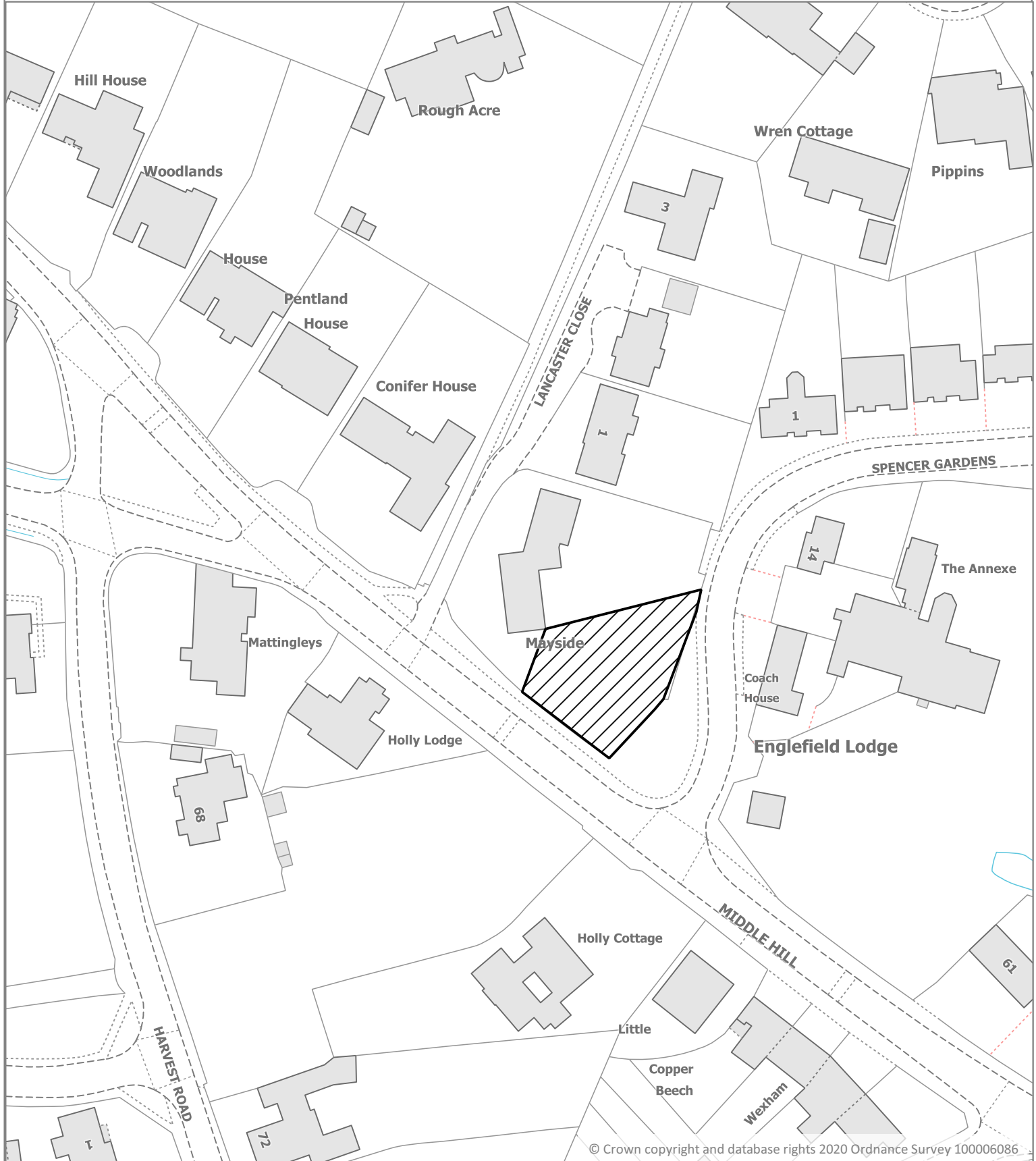
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.



FOR LOCATION PURPOSES ONLY
Mayside Middle Hill Englefield Green TW20 0JR

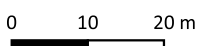
Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

Date: 13/03/2020



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Scale:1:2500



RU.20/0031



RU.20/0031	Ward:
LOCATION:	Mayside Middle Hill Englefield Green TW20 0JR
PROPOSAL TYPE:	The erection of a single detached dwelling Full Planning Permission
EXP DATE	05 March 2020

SUMMARY OF RECOMMENDATION: Grant with conditions

1. Site

1.1 The application site is part of the rear garden of Mayside in Middle Hill. Mayside is a two storey detached dwelling located on the north eastern side of Middle Hill close to Lancaster Close, and has a larger square garden bounded by Lancaster Close, Middle Hill and Spencer Gardens. The surrounding area is mainly characterised by two storey detached dwellings of varied style and age. Four new dwellings are currently under construction opposite the application site to the south at 71 Harvest Road (ref RU.16/0734). The site is located within the Urban Area, an Area of Landscape Importance and is located near Grade II Listed Building Englefield Lodge to the east of the application site.

2. Planning history

2.1 Relevant planning history is detailed below:

- EGH.3579 Erection of a detached dwelling. Grant Consent- subject to conditions April 1956
- 2.2 EGH.65/8901 Erection of study and bedroom and extension of dining room. Grant Consent- subject to conditions December 1963
- 2.3 EGH.12877 Single storey extension to form garage and study also conversion of bedroom into bedroom/bathroom. Grant Consent- subject to conditions May 1969
- 2.4 EGH.69/11341 Erection of a two storey extension to form garage, study, bedroom and bathroom. Grant Consent- subject to conditions October 1969
- 2.5 RU.75/0247 Conversion of integral garage and extension to detached garage. Grant Consent- subject to conditions June 1975
- 2.6 RU.95/0948 Erection of two storey rear extension. Grant Consent- subject to conditions January 1996
- 2.7 RU.03/0591 Erection of a two storey rear extension and a detached garage with playroom over to the side of the property following demolition of existing garage. Grant Consent- subject to conditions July 2003
- 2.8 RU.04/0010 Erection of a two storey side extension incorporating a double garage following demolition of existing garage. Grant Consent- subject to conditions March 2004

3. Application

3.1 This application proposes the sub-division of the rear garden of Mayside to form a second plot in the southern half of the existing garden. The proposal is to erect a two storey detached three-bedroom dwelling with integral garage within the centre of the plot, with access from Middle Hill and associated parking to the front and garden to the rear. The plans have been amended since the original submission following discussions with Officers to amend the roof to reduce its scale. The proposed dwelling as amended would have a barn hipped roof with a gable end on the front elevation. The right height would be a maximum of 9.4 metres with a maximum eaves height of 5.6 metres. The garage would be incorporated into a lower wing 8.3m high on the northern side of the dwelling, with dormer windows in the front and rear elevations. The proposed dwelling would have a rear garden depth of 12 metres and a minimum separation distance to the new internal boundary with the existing dwelling of 1.3 metres. A detached bin store is also proposed to the front of the dwelling. A design, heritage and access statement, drainage strategy, Arboricultural method statement and supporting letter have also been submitted with the application.

4. Consultations

4.1 15 Neighbouring properties were consulted in addition to being advertised on the Council's website, a notice published in the local paper and site notice displayed, and 3 letters of representation have been received which raised the following comments:

- The ridge height appears to be higher than the other new properties recently consented in Middle Hill and appears to be higher than Mayside
- Concern over overall appearance and mass of the proposal in relation to other houses nearby
- Possibility that the accommodation could be extended into the roof void at some future date which would have implications for overlooking in relation to neighbouring properties
- A lower ridge height would be more in keeping and less opportunity to built into the roof
- The red line should not go right up to the pavement on the Spencer Gardens side
- The proposed pyracantha hedge would be prickly and fast growing and would need trimming to stop it overflowing the pavement. A slow growing non-prickly hedge such as privet would be more suitable
- 'verge raked and stones removed and recovered with turf'- I would suggest they plant daffodils to replace the ones that were there before
- Red line encompasses more than applicant owns, some of which is still owned by Crest Nicholson
- The height of the roof is taller than those in the surrounding roads and the newly built properties on Middle Hill.
- The verge bordering Spencer Gardens should be landscaped in a satisfactory manor and returned as far as possible to its state before the additional area was fenced. This should include replacement of any plants/ shrubs and low level planting.

4.2 RBC Arboricultural Officer – no objection subject to conditions

4.3 RBC Conservation Officer- no objections

4.4 SCC County Highway Authority- no objections subject to conditions

5. Relevant Local Planning Policies

5.1 Saved Policies in the Runnymede Borough Local Plan Second Alteration 2001: BE2, BE10, HO1, HO9, MV4, MV9 and NE12, NE14 and NE15

5.2 The Draft Runnymede 2030 Local Plan was published for consultation on 11 January 2018, republished for consultation in May 2018, and, following consideration of representations, submitted to the Secretary of State on 31 July 2018. A limited number of policies may now be accorded some weight. However, until the outcome of the Examination in Public and final adoption, many of the policies may be accorded little weight. Each application will therefore continue to be considered against the existing Runnymede Borough Local Plan Second Alteration 2001 which is still the development plan applying within the borough, although the new draft plan may be referred to and more weight given to certain policies if relevant to the planning issues arising from an application.

5.3 Council's SPG – Householder Guide (July 2003); Parking standards SPG 2001

6. Planning Considerations

6.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are the impact on the character and appearance of the area, impact on neighbours, highways and parking, trees, and impact on heritage assets. Special regard has to be given to the protection of heritage assets. Saved Policy HO1 is consistent with the NPPF in encouraging effective use of land and increasing housing supply. The Council is currently unable to demonstrate a 5 year housing supply. The site is located close to Englefield Green village centre and Egham, with a range of transport links and facilities including shops located on Victoria Street and St Jude's Road and local schools on Barley Mow Road and Bagshot Road and Royal Holloway University located nearby. The site is located in the urban area and the development to erect one dwelling in the garden of Mayside, Middle Hill is considered to make effective use of the land, as supported by the NPPF and Policy HO1.

- 6.2 Saved Policy HO9 and BE2 state that the Council will require sensitively designed proposals that do not damage the character and amenity of established residential areas and respect townscape character and a good standard of amenity, and are consistent with the NPPF. The dwellings in the surrounding area are mostly two storey detached dwellings, however there are many different designs and styles present within the street scene although most are constructed from brick with some tile hanging and render visible in the surrounding area. The proposal will have a 'gothic' design which has taken inspiration from nearby property Mattingleys which has a number of gothic features. The gable end to the front is similar to that of neighbouring Mayside. A supporting letter received 21/02/2020 has confirmed that the proposed materials will be red brick with red brick detailing in a different red shade which are considered to be in keeping with the surrounding area. The proposed dwelling will be set at an angle to the road which is similar to Mayside, Holly Lodge and Mattingleys but this would bring the dwelling closer to the southern boundary making the dwelling highly visible from Middle Hill, but not harmfully prominent. The height of the dwelling would be similar to the existing, and would not appear cramped, and thus would maintain the character of this high quality area. The proposed dwelling would have a rear garden depth of 12 metres which also extends around the southern side of the proposed dwelling and would provide the future occupiers with generous garden area consistent with other neighbouring dwellings. There would also be a generous garden area remaining for the existing dwelling in compliance with the aims of Saved Policy HO9 and the NPPF. The proposed site plan has shown some additional planting adjacent to the new 2 metre high brick wall around the site, and it is considered that more planting could be achieved to enhance the appearance of the area and in the interests of biodiversity, and a landscaping condition requiring details of hard and soft landscaping, including the wall and the landscaping, is therefore necessary. A bin store will be located to the front of the proposal, however no details have been provided. A condition is required to secure the details, in the interests of the street scene and character of the area. Subject to these, the proposed development would therefore maintain the character of the area in compliance with Saved Policies BE2 and HO9.
- 6.3 The dwelling most affected would be the existing dwelling, Mayside, which has 3 windows on the side elevation (two at ground floor and one at first floor level) facing the application site. The proposed dwelling would be set further back than the rear elevation of Mayside and would be highly visible and could result in overbearing, overlooking and loss of privacy. However the proposed dwelling would be sited away from the new common boundary and there would be space for planting along the boundary within the site to provide privacy. In addition, no windows are proposed on the side elevation of the new dwelling facing Mayside. The nearest window on the front elevation above the garage which could have the potential to overlook Mayside will serve a bathroom and will therefore be conditioned to be obscurely glazed and non-opening above 1.7 metres so as to protect the privacy of Mayside. In terms of impact on outlook, it is the single storey element with a lower ridge height which would be closest to the existing dwelling, and although there would be some overshadowing, it is considered the lower scale of the garage wing, combined with the separation distance and the large garden remaining for Mayside, would ensure that the outlook and other amenities of the occupiers of Mayside are maintained.
- 6.4 The proposed dwelling would have first floor rear windows facing towards Spencer Gardens to the rear. However, there is a separation distance of approximately 22 metres from the rear elevation of the proposed dwelling and the nearest dwelling to the rear, The Coach House. This separation distance combined with existing and proposed boundary screening would maintain the privacy and outlook of The Coach House. Two windows are proposed on the southern side elevation but these would not cause harm to any existing or future neighbours. The proposal is therefore not considered to unacceptably harm the residential amenities of neighbouring properties or the amenities of the future occupiers, in compliance with Saved Policy HO9.
- 6.5 The existing access from Middle Hill would be retained to serve the existing dwelling, and a new access from Middle Hill would be created to serve the proposed dwelling with suitable visibility splays. The County Highways Authority have assessed the application on safety, capacity and policy grounds and raise no objection subject to conditions regarding the construction of the new access, laying out the parking spaces and to provide electric charging sockets, as the CHA is satisfied there would be no significant or severe impact on the local highway network. The proposed dwelling is considered to be within a sustainable area, within close proximity to facilities and local schools. There would be space within the dwelling for parking in a single garage but more than ample space within the site frontage for parking. The proposed development is considered to be acceptable in regards to highways safety and car parking provision, subject to the recommended conditions and therefore the proposed development is considered to be in

compliance with Saved Policies MV4 and MV9. A condition is proposed regarding electric vehicle charging.

- 6.6 A drainage strategy has been submitted with the application and a surface water drainage condition is required, to ensure the proposed development is compliant with the SuDS principles and standards, in accordance with the NPPF and national standards, and complies with Saved Policy SV2. The proposed development would include the removal of several trees and hedging on the site, to facilitate the development but the scheme includes landscaping and new tree planting. The Council's Tree Officer considers that the supporting Arboricultural information is acceptable and provides adequate levels of protection during construction for the trees to be retained. Subject to conditions regarding tree protection, tree retention and landscaping, the proposed dwelling would comply with Saved Policies NE12, NE14 and NE15. Conditions are also necessary to secure renewable energy and biodiversity enhancements to the site in accordance with the new Local Plan and the NPPF.
- 6.7 The site is close to a Grade II Listed Building, Englefield Lodge including the Coach House. However, it is considered that there would be no harm to the setting of this Listed Building due to the separation distance and the design of the dwelling, in accordance with saved Policy BE10.
- 6.8 Concerns have been raised by local residents regarding the height of the proposal and how it would be out of keeping with the surrounding area and the ownership of land. The proposal has been amended since its original submission to reduce the bulk of the proposed roof and information has been provided as to how it relates to surrounding properties.. With regard to land ownership, the agent has confirmed that the applicant is the owner of all the application land.

7. Conclusion

- 7.1 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 the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

- 7.2 The development is considered to be an effective use of land and provides a new dwelling, which contributes to housing supply, maintains the character of the area and would not adversely harm the visual amenities of the street scene or residential amenities of neighbouring properties. The setting of the neighbouring Listed Building would be preserved. The development has been assessed against the following Development Plan policies – saved Policies BE2, BE10, HO1, HO9, MV4, MV9, NE12, NE14 and NE15 of the Runnymede Borough Local Plan Second Alteration April 2001, the policies of the NPPF, guidance in the PPG, and other material 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 decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

Officer's Recommendation: Grant subject to the following conditions

- 1 Full application (standard time limit)
The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

- 2 List of approved plans
The development hereby permitted shall not be carried out except in complete accordance with the following approved plans

J003326-DD08B received 26/02/2020
J003326-DD10C, J003326-DD12, J003326-DD13, J003326-DD09 received 21/02/2020
J003326-DD11 received 03/02/2020
J003326-DD06C, J003326-DD05E received 20/01/2020
J003326-DD07B received 09/01/2020
J003326-DD01, J003326-DD02, J003326-DD04A, J003326-DD03 received 23/12/2019
Design, Heritage and Access Statement J003326 received 09/01/2020
Arboricultural Method Statement received 20/01/2020
Drainage Strategy Report A18263C and Appendices Rev 3 received 20/01/2020
Supporting Letter received 21/02/2020

Reason: To ensure an acceptable scheme and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration 2001.

- 3 External materials (samples required)
Before the above ground construction of the development hereby permitted is commenced, samples of the materials to be used in the external elevations shall be submitted to and approved by the Local Planning Authority and no variations in such materials when approved shall be made without the prior approval, in writing, of the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order that the development harmonises with the surroundings in the interests of visual amenity and to comply with saved Policy BE2 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance within the NPPF.

- 4 Obscure glazing

Before the first occupation of the dwelling hereby permitted, the first floor bathroom window in the front elevation shall be fitted with obscured glazing (at Pilkington Glass Level 4 or equivalent) and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening and fixed shut. The window shall be permanently retained in that condition thereafter.

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 and guidance within the NPPF.

- 5 Landscaping

a. No above ground development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority (LPA) and these works shall be carried out as approved prior to the first occupation of the development. This scheme shall include indications of all changes to levels, hard surfaces, walls, fences, access features, minor structures, the existing trees and hedges to be retained, together with the new planting to be carried out and details of the measures to be taken to protect existing features during the construction of the development.

b. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of any part of the development or in accordance to the timetable agreed with the LPA. Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of similar size and species, following consultation with the LPA, unless the LPA gives written consent to any variation.

Reason: To preserve and enhance the character and appearance of the surrounding area and to comply with saved Policies NE14, NE15 and BE2 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

6 SuDS (scheme for approval - pre-construction)

Prior to the commencement of construction of the development hereby approved, details of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority (LPA). Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the LPA. Where a sustainable drainage scheme is to be provided the submitted details shall:

- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b. include a timetable for its implementation; and
- c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To ensure that surface water does not discharge into the surface water sewer and to provide a sustainable development.

7 Renewable energy (approval of scheme)

Prior to the first occupation of the development hereby approved, details of the chosen renewable energy/low carbon technology to be used, along with calculations demonstrating that 10% of the predicted energy consumption would be met through renewable energy/low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority (LPA).

Development shall be carried out in accordance with the approved details and thereafter retained, maintained and operational unless otherwise agreed in writing by the LPA.

In the event of air or ground source heat pumps being the chosen renewable energy measure, details shall be submitted to and approved in writing by the LPA prior to installation. Details shall include acoustic data to demonstrate that there will be no increase in the background noise level and that there will be no tonal noise emitted from the unit, as well as details of the location of the unit(s) and the distance to the closest dwelling.

Reason: To ensure that a minimum of 10% of the energy requirement of the development is produced by on-site renewable energy sources/low carbon technology and to protect the amenities of occupiers of nearby properties and to comply with Policy SD9 of the Runnymede 2030 Draft Local Plan and guidance within the NPPF.

8 Electric vehicle charging

The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and thereafter retained.

Reason: To sustain compliance with and contribute towards EU limit values or national objectives for pollutants, in accordance with guidance within the NPPF.

9 Biodiversity

The above ground construction of the development hereby approved shall not commence until details of the measures to improve and enhance biodiversity at the site have been submitted to and approved in writing by the Local Planning Authority. Such details as shall be approved shall be fully implemented prior to the first use or occupation of the development.

Reason: To enhance biodiversity and to comply with guidance within the NPPF.

10 Bin store provision

Prior to the commencement of the above ground construction of the development hereby permitted, details of the siting, size and design of the refuse and recycling bin storage areas for the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling bin stores and facilities shall then be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter.

Reason: In the interests of amenity, to provide adequate refuse and recycling facilities and provide satisfactory form of development and to comply with saved Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

11 New access

No part of the development shall be first occupied unless and until the proposed vehicular access to Middle Hill has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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 comply with Saved Policies MV4 and MV9 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF

12 Parking and turning areas

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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 comply with Saved Policies MV4 and MV9 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF

13 No tree to be retained in accordance with the approved plans (hereafter known as retained trees and including offsite trees) shall be cut down, uprooted or destroyed and no works to the above or below ground parts of the trees in excess of that which is hereby approved shall be carried out without the written approval of the Local Planning Authority until the expiration of five years from the date of completion of the development. If, within this time, a retained tree is pruned not in accordance with BS3998, removed, uprooted, damaged in any way, destroyed or dies, replacement trees shall be planted at the same place, sufficient to replace the lost value of the tree as calculated using an amenity tree valuation system, unless otherwise agreed in writing by the Local Planning Authority. The number, size, species, location and timing of the replacement planting shall be as specified by the Local Planning Authority.

Reason: To protect the trees to be retained, ensure that the value of the trees is replaced and preserve and enhance the appearance of the surrounding area and to comply with saved Policies NE14 and NE15 of the Runnymede Borough Local Plan Second Alteration 2001.

14 If within a period of five years from the date of the planting of any tree, shrub or plant, that tree, shrub or plant or any tree, shrub or plant planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree, shrub or plant of the same species and size as that originally planted, shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the trees to be retained and enhance the appearance of the surrounding area, to ensure that replacement trees, shrubs and plants are provided and to protect the appearance of the surrounding area and to comply with saved Policies NE14 and NE15 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

15 Prior to the commencement of any works hereby approved, including demolition, and before any equipment, machinery or materials are brought on to the site, tree protective measures shall be

installed in accordance with the approved Tree Protection Plan ref:TPP01 and method statement dated November 2019.

The works shall be carried out in accordance with the approved protection plan and method statement. The protective measures shall remain in place until all works are complete and all machinery and materials have finally left site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access, other than that detailed within the approved plans, be made without the written consent of the LPA.

There shall be no burning within six metres of the canopy of any retained tree(s). Where the approved protective measures and methods are not employed or are inadequately employed or any other requirements of this condition are not adhered to, remediation measures, to a specification agreed in writing by the LPA, shall take place prior to first occupation of the development, unless the LPA gives written consent to any variation.

Reason: To protect the trees to be retained, enhance the appearance of the surrounding area and to comply with saved policies NE14 and NE15 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.

Informatives:

1 Summary of Reasons to Grant Consent

The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

2 New Vehicle Crossovers and Dropped Kerbs

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.

3 Other Works to the Highway

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement 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. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

4 Mud/debris on the highway

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).

5 Damage to the highway

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

6 Electric vehicle charging

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.