



Planning Committee

Wednesday, 2 March 2022 at 6.30 pm

**Council Chamber, Runnymede Civic Centre,
Addlestone**

Members of the Committee

Councillors: M Willingale (Chairman), P Snow (Vice-Chairman), D Anderson-Bassey, J Broadhead, D Cotty, R Edis, L Gillham, M Kusneraitis, M Maddox, C Mann, I Mullens, M Nuti, 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

- 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 [Committee Meetings – Runnymede Borough Council](#)
- 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 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

Page

Part I

Matters in respect of which reports have been made available for public inspection

1. **Notification of Changes to Committee Membership**

2. **Minutes**

4 - 8

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 9 February 2022 (Appendix 'A').

3. **Apologies for Absence**

4. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.

5. **Planning Applications**

9 - 34

Item No.	Application No.	Location	Page
5a	RU.20/0810	4 Aymer Close, Staines-Upon-Thames, TW18 3NL	10-22
5b	RU.21/1790	10 Station Parade, Virginia Water, GU25 4AB	23-34

6. **Exclusion of Press and Public**

35

Part II

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

Runnymede Borough CouncilPLANNING COMMITTEE9 February 2022 at 6.30 pm

Members of Committee present: Councillors M Willingale (Chairman), P Snow (Vice-Chairman), A Balkan, J Broadhead, D Cotty, M Cressey, R Edis, L Gillham, C Howorth, M Kusneraitis, M Maddox, I Mullens, M Nuti, S Whyte and J Wilson

Members of the Committee absent: None

Notification of Changes to Committee Membership

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

<u>Group</u>	<u>Remove</u>	<u>Appoint instead</u>
Independent	Cllr Mann	Cllr Cressey
Conservative	Cllr Anderson Bassey	Cllr Howorth
Conservative	Cllr Sohi	Cllr Balkan

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

Minutes

The Minutes of the meeting held on 19 January were confirmed and signed as a correct record.

Apologies for absence

No apologies were received

Declarations of interest

No declarations of interest were made.

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. The Addendum had also been published on the Council's website on the day of the meeting. Objectors and applicants/ agents addressed the Committee on those applications specified.

RESOLVED that –

the following applications be determined as indicated: -

<u>APP NO</u>	<u>LOCATION, PROPOSAL AND DECISION</u>
---------------	--

RU 21/1750	65 Lindsay Road, Addlestone
-------------------	------------------------------------

Erect two-bedroom bungalow with parking on land to the rear of 65-69 Lindsay Road.

Despite the amended design of the proposal, some Members still considered the development was out of character with the area and development of an inappropriate character and siting.

Some Members also raised concerns over water levels at the site and potential flooding, potential use of the roof space for habitable accommodation, poor lighting in the road, sightlines, and sewerage capacity.

Other Members considered that the reasons for refusal of the previous application (RU 20/1081), had been satisfactorily addressed by the amendments in this proposal. Some Members noted that this would provide additional housing stock that might appeal to 'down-sizers'.

The CHDMBC commented that a detailed site-specific Flood Risk Assessment had been submitted and provided details of a study carried out to determine whether the site fell within flood zone 2 or 1. The study had been reviewed by the Council's Drainage Engineers who had accepted that the information provided demonstrated that the site fell outside the 1 in a 1000 year flood risk area (Flood zone 1). A reason for refusal on flooding grounds could not therefore be substantiated.

The CHDMBC further commented that Officers considered that the amended proposal was visually acceptable in the street scene with no harm arising to the character of the area and would be a windfall addition to housing supply. Whilst these matters had to be given weight, ultimately the scale, appearance and context of the proposed development were matters for the Committee to make a judgement on.

With regard to use of the roof space, proposed condition 5 would remove permitted development rights in relation to development within Classes B and C of Town and Country Planning (General Permitted Development Order 2015 as amended but, if approved, the condition could be expanded to specifically prohibit habitable accommodation of roof space (with the exception of storage).

With regard to sightlines, the CHDMBC commented that It was unlikely that this stretch of road would attract high speeding vehicles, was relatively straight and SCC Highway Authority had not raised an objection to the application. As the proposal only added one dwelling, the impact on the sewerage system would not be significant to warrant refusal of the application. Finally, It would not be proportionate to impose a condition requiring lighting.

After due consideration, the Committee was minded to approve the application with the amended condition 5 prohibiting habitable accommodation in roof space.

It was noted that a completed Unilateral Undertaking to provide SANG and SAMM contributions in line with TBHSPA SPD 2021 had recently been submitted and was considered by Officers to be acceptable.

RESOLVED that-

The CHDMBC be authorised to grant permission subject to the conditions (condition 5 amended to prohibit habitable accommodation in roof space), reasons and informatives listed on the agenda,

The CHDMBC be authorised to refuse planning permission should the S106 not progress to his satisfaction on the grounds of harm to the TBHSPA or if any other material planning considerations arise prior to the issuing of the decision notice that in the opinion of the CHDMBC would warrant refusal of the application. Reasons for the refusal relating to any such matter be delegated to the CHDMBC.

(Mr Holcroft, an objector, and Mr Donnachie, applicant, addressed the Committee on the above application)

RU 21/1790 10 Station Parade, Virginia Water

Conversion to restaurant with small kitchen

Members expressed strong concern over the siting of the extraction system and its potential impact in terms of noise and odour on residential amenities of the occupiers of the flat above.

The CHDMBC stated that due to the Government's amendments to the Use Class Order, no permission was required to change the use of the dry cleaners to a restaurant where the sale of food and drink for consumption would mostly be on the premises as this was permitted under new Use Class E. Permission was only required in this instance as the application was for a mix of eating in the premises and takeaway. Appropriate mitigation could be achieved by way of conditions to address concerns expressed by Members. Conditions were proposed to secure a noise insulation scheme if necessary; to ensure the satisfactory implementation and maintenance of an extraction system and restriction of opening times to between 0800 to 2200 Monday to Sunday. Normally siting of the vent flat on a wall would be considered de minimis in planning terms and generally would not require planning permission.

The CHDMBC informed the Committee that a noise report had been submitted on the day of the meeting to address the requirements of proposed condition 4. The Council's EPO had not been able to assess this information as yet.

In view of this and Member concerns, the Committee considered it appropriate to defer the application to allow this assessment to be made and for the application to be reported to a future meeting of the Committee with that additional assessment. In the interim the applicant was advised to reconsider the siting of the extractor fan.

RESOLVED that-

The application be deferred to allow the Council's Environmental Protection Officer to assess the information in the recently submitted Noise report relating to the extraction system and report the application with that additional assessment to the next meeting of the Committee.

The applicant be asked to consider further the location of the extractor fan.

(Ms Slocombe, an objector, and Mr Villalta, applicant, addressed the Committee on the above application)

RU 21/1809 Foxhills Country Club, Stonehill Road, Ottershaw

Installation of a seasonal temporary tennis dome over three existing tennis courts

The Committee was fully supportive of this application, recognising the circumstances detailed in the officer report, previous permission and the potential benefits for health, sport and recreation.

RESOLVED that-

Subject to no call in being received from the Secretary of State to whom the application needs to be referred under the Town and Country Planning (Consultation)(England) Direction 2021 the CHDMBC be authorised to grant planning permission subject to conditions and reasons listed on agenda.

RU 21/1913 Abraham Cowley Unit, St Peters Hospital, Holloway Hill, Chertsey

Redevelopment of the existing Abraham Cowley Unit (ACU) to provide modern mental health care services

The Committee was fully supportive of this application.

Some Members commented on potential noise from the active therapy garden and its impact on the residential amenities of residents in Holloway Hill and future key worker occupiers of the development at Greenlands, screening of the development and scale of fencing, and the need to retain the existing Holly hedge.

The CHDMBC said that the Council's Environmental Protection Officer had considered all noise aspects of the development, but it was considered that the development would not be unduly noisy or cause an amenity loss to nearby residential occupiers. Reasonable separation existed to nearby properties and many were separated by a busy road.

The CHDMBC commented that a high-quality landscaping scheme had been submitted. Whilst there would be some loss of mostly poor-quality trees, many trees including those along Holloway Hill would be retained. The landscape plan included a substantial amount of mature tree planting which would mitigate the tree loss and be more sustainable in the long term. High quality screening had been secured on site but it was not considered necessary to fully screen the development.

With regard to the Holly hedge, limited protections existed for hedges in the planning system unless they were ancient hedgerows. However, the Hedgerow was indicated as being retained on the plans and the CHDMBC was confident that the NHS was a responsible developer who he was optimistic would stick to their commitment to retain the hedge.

RESOLVED that-

The CHDMBC be authorised to grant permission subject to the conditions (condition 12 amended as per addendum), reasons and informatives listed on the agenda.

(Mrs Hale, an objector, and Ms Prince, agent for applicant, addressed the Committee on the above application)

Housing and Economic Development Needs Assessment (HEDNA) Findings

The Council had commissioned consultants to undertake the Housing and Economic Development Needs Assessment (HEDNA), a key piece of evidenced based work which would underpin the review of the Local Plan. One of the key outputs of the HEDNA was the calculation of the minimum housing need figure to be accommodated in the Borough in the next iteration of the Local Plan.

The calculation of housing need was undertaken using a standard method set out in Planning Practice Guidance (PPG) using nationally available datasets. There was an expectation in national policy and guidance that local authorities would follow this method when developing their Local Plans, unless they considered that 'exceptional circumstances' existed for not doing so.

The initial findings of the consultants undertaking the HEDNA were presented to Committee and the consultants responded to various questions raised by Members thereon.

Having received the presentation, the Committee agreed that the Council and those working on the HEDNA on behalf of the Council should follow the Government's standard method for calculating housing need for the review of the Local Plan.

RESOLVED that:

The Housing and Economic Development Needs Assessment (HEDNA) follows the Government's Standard Methodology for assessing housing need and that the next iteration of the Runnymede 2030 Local Plan be based on this figure

(The meeting ended at 9.47 pm)

Chairman

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 on the applications, please contact Ashley Smith, Corporate Head of Development Management and Building Control by two working days before the meeting

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.



PLANNING COMMITTEE

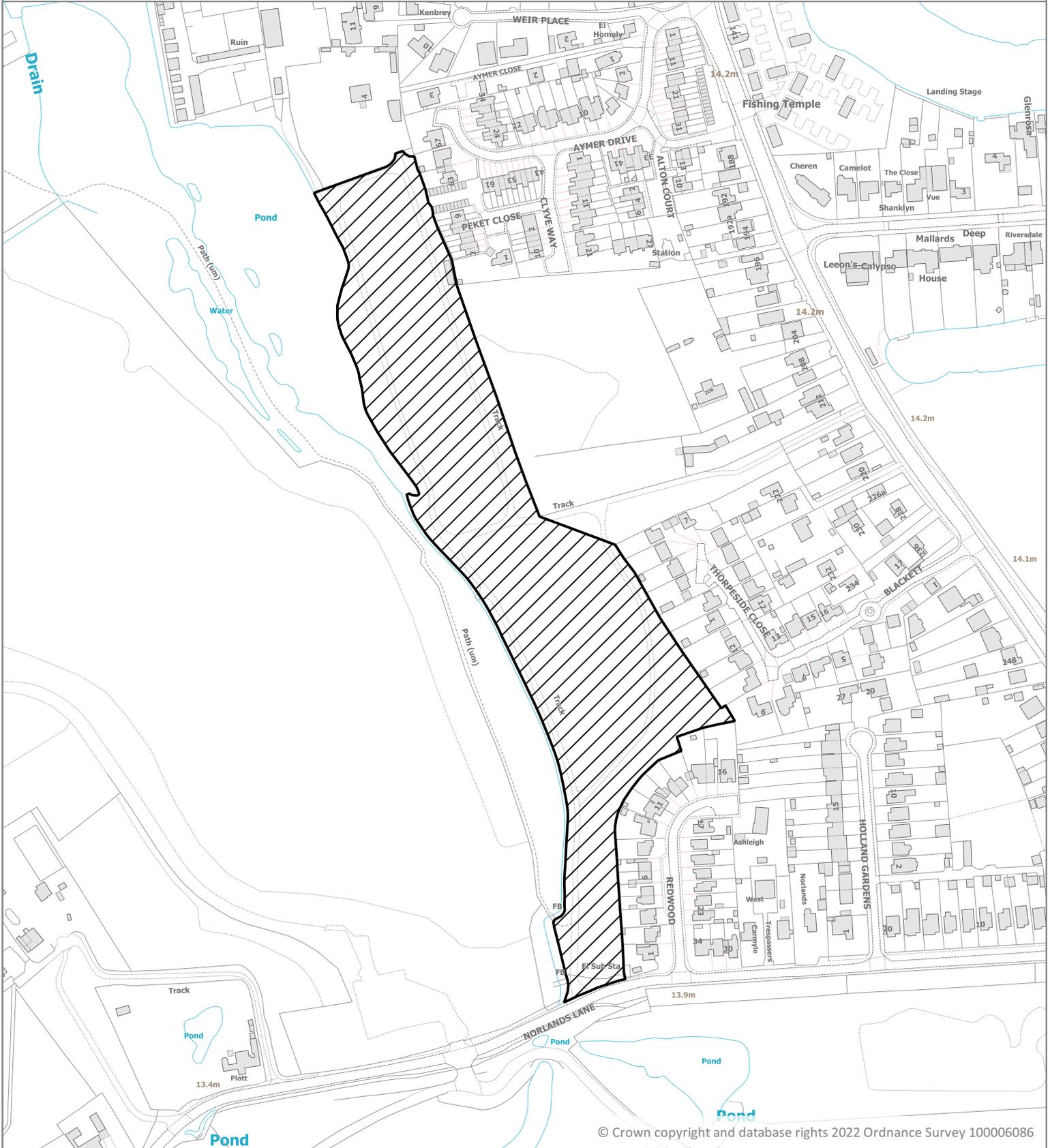
FOR LOCATION PURPOSES ONLY



Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

Date: 02/03/2022

4 Aymer Close, Staines-Up-on-Thames, TW18 3NL



© Crown copyright and database rights 2022 Ordnance Survey 100006086

Scale: 1:3,500



RU.20/0810



COMMITTEE AGENDA REFERENCE: 5a

APPLICATION REF:	RU.20/0810
LOCATION	4 Aymer Close, Staines-Upon-Thames, TW18 3NL
PROPOSAL	The retention and redistribution of soils at land at 4 Aymer Close and the use of the land for the private grazing of horses.
TYPE	Full Planning Permission
EXPIRY DATE	07/08/2020
WARD	Thorpe
CASE OFFICER	Justin Williams
REASON FOR COMMITTEE DETERMINATION	Major application with significant local interest.
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the CHDMBC to refuse Planning Permission of the following grounds:	
1.	The applicant has not demonstrated that the proposed retention and redistribution of material on the site, over and above the 2010 land level at the site (level of the land pre land raising), would not result in an increase in flood risk. As such the proposal fails to comply with Policy EE13 of the Runnymede 2030 Local Plan and policy and guidance within the NPPF and NPPG.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site comprises of a large parcel of land which stretches from Norlands Lane in the south to the property at 4 Aymer Close to the North. It abuts several residential properties to the east of the site. The Mead Lake Ditch lies to the west of the site and partially forms the western boundary. The site is primarily accessed from a lane between 214 and 216 Chertsey Lane, however, there is also access via 4 Aymer Close. There are large boulders on the boundary with Norlands Lane. The site is entirely within the high-risk flood zone (Flood zone 3A and partially within the functional flood plain (Flood zone 3B. The site is also within a ground water protection zone.) The site lies within the Green Belt. Furthermore, part of the western section of the site also falls within an area indicated for the proposed River Thames Scheme flood diversion channel.

3. APPLICATION DETAILS

- 3.1 The applicant has applied for planning permission for the retention of the imported material on the land and its redistribute and to use the site for the private grazing of horses.
- 3.2 The material on site would be moved from areas of the site in the functional flood plain to areas outside of the functional flood plain. This would result in some lowering of land levels at the site and some raising of land levels. The applicant states that land levels on the site have been raised by an average of 0.53 metres across the site and the works would create a mound located in the southern part of the site which would have a height of approximately 1.4 metres over current land levels. This would be graded and would not include any structures.
- 3.3 The applicant has submitted a soil report, Flood Risk Assessment, Planning Statement and Topographic information in support of the application.
- 3.4 The planning statement details how the works would be carried out at the site with soils being moved on the site using a GPS Navigator and the ground levels changed to the proposed heights by redistributing material to areas outside of the functional flood zone. The applicant states that the land once completed would have an open appearance and would not impact on the amenities of the Green Belt. The statement refers to flood risk and notes that it was agreed at the Planning Hearing and in the signed statement of Common Ground that the excess material on the site could be redeposited from one flood area to an area on the site which lies outside of the 1 in 100 flood with a 25% allowance. The statement details that the proposed works would not result in an increase in flood risk on or off the site. The statement refers to the proposed hours of operation being between 08:00 – 17:00 Monday to Friday, but not at all on Saturdays, Sundays and Bank Holidays.
- 3.5 The applicant has also submitted a method statement in how works at the site would be carried out with a skip on the site to remove any objects encountered at the site including metal, wood and plastic.

4. RELEVANT PLANNING HISTORY

- 4.1 The following history is considered relevant to this application:

Reference	Details
RU.14/0016	Change of use of land to agriculture and equestrian following phased restoration of land with imported topsoil. Erection of replacement ancillary barn to be used in connection with the land restoration and subsequently storage of hay and stabling of horses. Granted September 2014.
RU.13/0406	Change of use of the land to agriculture and equestrian with erection of an ancillary barn for the storage of hay in connection with land restoration. Refused July 2013.

Planning Enforcement History

12 October 2015 – Enforcement Notice served regarding formation of bunds – not appealed

26 September 2016 – Temporary Stop Notice served.

21 October 2016 – Enforcement Notice and Stop Notice served Withdrawn 16 December 2016

16 December 2016 – Enforcement Notice served for the following

Unauthorised engineering operation has occurred resulting in the raising of land levels including the deposition of material of unknown origin.

The Enforcement Notice required the applicant to cease engineering operations comprising of the importation and deposition of material. And to remove from the land all materials in excess of land levels indicated by Topographical survey.

Appeal dismissed 20 February 2020 for Enforcement Notice issued 16 December 2016.

Appeal was on grounds F and G only

F– The steps required by the Notice are excessive

G – the time given to comply with the notice is too short.

The enforcement notice was varied and upheld with the compliance period extended to 15 months. This is 20 May 2021 – The Enforcement Notice is therefore live and extant.

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- 5.3 This site falls within the designated Thorpe Neighbourhood Area.

6. CONSULTATIONS CARRIED OUT

6.1 Consultees responses

Consultee	Comments
Surrey County Minerals and waste	No comments received.
RBC Contaminated Land Officer	No objection subject to conditions

Environment Agency	Object to the application on grounds that the submitted Flood Risk Assessment fails to demonstrate that the proposal would not increase flood risk on or off site
---------------------------	---

Representations and comments from interested parties

6.2 159 Neighbouring properties were consulted in addition to being advertised on the Council's website and 25 letters of representation have been received from individual householders and one letter of representation has been received from the Thorpe Ward Residents Association. These are summarised below:

- The dismissed appeal upheld the residents' concerns:
- Material deposited on the land was waste, bricks, concrete, tarmac, builders waste and not topsoil
- The raising level of the land vastly exceeds the level permitted by the original planning application
- Reprofilling the land does not address the landowner's violation of the original planning consent
- The works are an engineering operation on green belt land
- The works interfere with the openness and visual impact on the Green Belt
- Increasing the land height impacts on the privacy of the occupiers of the adjacent neighbouring properties.
- The raised land will prevent the slow drainage of flood water into the street
- The application refers to the material as soil, this is waste soil
- Any increase in risk to residents from flooding is unacceptable
- Residents have been flooded out in the past and this would further increase this risk.
- More soil has been added to the site since the last survey
- The site was previously a green belt area for wildlife and is now just a mound of soil full of weeds and rubbish.
- The material dumped on the land could lead to contamination of adjacent neighbouring properties private gardens
- The raised soil level could increase flooding, if not documentation stating that it would ne should be provided.
- The landowner should be made to remove the waste if the Council are to have any credibility in the future.
- The depth of the soil in some parts is up to 4ft and impacts on the visual amenities of the occupiers of the adjacent neighbouring properties.
- The area has giant hogweed growing on it which is poisonous and causes burns
- The application is for water compatible use what is this? (Officer comment – The National Planning Policy Guidance Paragraph 66 Reference ID 7-066-20140306 specifies what these uses are notably:
 - Flood control infrastructure.
 - Water transmission infrastructure and pumping stations.
 - Sewage transmission infrastructure and pumping stations.
 - Sand and gravel working.
 - Docks, marinas and wharves.
 - Navigation facilities.
 - Ministry of Defence installations.
 - Ship building, repairing, and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
 - Water-based recreation (excluding sleeping accommodation).

- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.
- The site has previously been used for caravans and an airport car park
- The EA has stated that this is waste soil.
- There is road planning, builders waste and metal sticking out of the ground and not soil.
- The Enforcement Notice should not be overturned but pursued to get the waste removed
- The change in levels would reduce the openness of the Green Belt in the area.
- The raised land will interrupt the natural movement of water in the area.
- Residents should not be exposed to any increase in flood risk
- There was Japanese Knotweed previously on the land. Has this been eradicated?
- The material that has been brought onto the site has buried methane vent ducts
- The depiction of the flood zone on Runnymede rMaps is not a reliable indicator for the redistribution of waste soil on the site.
- The waste soil will reduce the capacity of the flood plain to store water and impede the flow of flood water.
- The level of the land is nearly to that of a garden fence.
- The applicant has a history of flouting planning law, if granted the applicant will continue to flout the law.
- The ground has been heavily compacted and there is no drainage for the water to go other than adjacent neighbouring properties
- The application should be subject to an Environmental Impact Assessment.
- The site is on RBC's Contaminated Land Register and an intrusive investigation will provide the authority with a full and proper record of the precise nature of the soils.
- The gas monitoring system on the site has been destroyed by the material which has been brought onto the site.

7. PLANNING CONSIDERATIONS

- 7.1 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 proposed works and use of the land are an appropriate form of development in the Green Belt, the impact the proposed works would have on the openness of the Green Belt, flood risk and the amenities of the occupiers of the adjacent neighbouring properties.
- 7.2 The proposed works would result in an engineering operation by the moving of soil around the site. The NPPF states that engineering operations are an appropriate form of development provided the works preserve openness and do not conflict with the purposes of including land within the Green Belt. Policy EE18 of the Runnymede 2030 Local Plan also refers to this, and states that the extent and visual impact of the changes in land levels will be considered in assessing such proposals, as will the purpose and intent of future use in order to ensure that the visual effects are not harmful.
- 7.3 The proposed works would remodel the land resulting in a mound approximately 1.4 metres high in a central parcel of land in the southern part of the site, covering an area of

approximately 40 metres wide at its widest point reducing to a width of approximately 10 metres and being approximately 60 metres long. This would result in the lowering of land at some parts of the site, with the cross sections showing a reduction in height on the boundaries of the site with the residential properties in Thorpeside Close by approximately one metre. The mound would be graded and seeded to leave a final grassed appearance. No structures are proposed. It is considered that the proposal would not materially impact on the openness of the Green Belt nor conflict with the purposes of the Green Belt. The proposal would comply with Policy EE18 of the Runnymede 2030 Local Plan.

- 7.4 The application site is located wholly within the high-risk flood zone (flood zone 3a), however, functional floodplain (flood zone 3b) also covers a large area of the site. The NPPF states that when determining any applications, local planning authorities should ensure that flood risk is not increased elsewhere and applications should be supported by a specific flood risk assessment. The applicant has submitted a Flood Risk Assessment. The submitted FRA indicates that the site is defined by the Enforcement Notice and therefore the redistribution of soils cannot take place elsewhere and subsequently passes the sequential test.
- 7.5 Furthermore, the use of the site for the private grazing of horses would be water compatible which is appropriate in the high-risk flood plain Flood zone 3b. The FRA states that the proposed works do not increase the risk of flooding on or off site. Following objections by the Environment Agency regarding an unacceptable Flood Risk Assessment and lack of adequate information to demonstrate that the risks of pollution posed to water quality could be safely managed the applicant submitted a revised Flood Risk Assessment, however, the Environment Agency maintained their objections.
- 7.6 The applicant subsequently submitted additional information regarding a method statement about how the works would be undertaken. Following this, the Environment Agency have withdrawn their objection regarding risks to water quality but maintain their objection on the grounds that the proposal would increase flood risk in comparison to the baseline data which are the levels of the land in May 2010 plus 300mm.
- 7.7 During the previous appeal, a joint statement was agreed (the then appellant now applicant, Runnymede Borough Council and the Environment Agency) which agreed the following:
- i) the current level of the land is approximately 0.53 metres greater than the 2010 levels, albeit the depth of fill across the site varies greatly within this average;
 - ii) that an increase in ground levels of 0.3m greater than the 2010 levels throughout the site is acceptable given that this has been previously approved under application RU.14/0016 and the Environment Agency's own flood defence scheme. These schemes allowed an average increase in ground levels of 0.3 metres above the 2010 levels; and
 - iii) in areas outside of the functional flood plain (FZ 3b), it was agreed that the level of the land raising may exceed 0.3 metres as this would not represent an overall increase risk of flooding within the River Thames floodplain or off site.
- 7.8 There has been changes to the drawing numbers, but the applicant has confirmed that the key drawings for the appeal and this current application are fundamentally the same.
- 7.9 The Council has requested clarity on the reason for the objection from the Environment Agency and whether the previously agreed position altered their point of view on the matter. The EA confirmed it did not, and maintained their objection to the application and consider that the applicant has not demonstrated that the proposal retention and distribution of material

over and above the 2010 levels would not increase flood risk elsewhere. The Environment Agency is the statutory consultee and government body on flooding matters and therefore in line with guidance the Council must attribute significant weight to their objections, the EA has confirmed that they consider that a reason for refusal is entirely justified in Planning Grounds relating to Flood Risk and that they are willing and able to demonstrate the harm and risk caused.

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No 595) should members consider going against Environment Agency advice then the application would need to be referred to the National Planning Casework Unit to see if the Secretary of State wished to call the application in for determination by Public Inquiry.

- 7.10 The proposed works would retain material on site but would reprofile the land. As detailed above this would include the lowering of land in parts of the site. The proposed cross sections of the proposal show the land levels being lowered near the boundaries of the site and therefore it is considered that the proposed works would have a betterment to the occupiers of the adjacent neighbouring properties than the current situation on site. The proposed mound would be central to the site and being graded would not be an over-dominant form of development. The proposed works would therefore comply with Policy EE1 of the Runnymede 2030 Local Plan in not having an adverse impact on the amenities of the occupiers of the adjacent neighbouring properties nor the character and appearance of the area.
- 7.11 The applicant has confirmed that the land would be used for the grazing of horses for private use. This would be development that would be compatible with the flood risk and would not cause any material level of noise and disturbance to the occupiers of the adjacent neighbouring properties. The applicant has confirmed the hours of operation for the remodelling works and this could be secured by condition if other matters of the application be considered acceptable along with a condition to securing the use for the grazing of private horses and not for any commercial use.
- 7.12 The application site is former landfill site. The applicant has submitted a soil sampling exercise to accompany the application as material has been brought onto the site. The report outlines that the samples taken were free from significant contamination and had a low level of contaminants which is considered acceptable in relation to the proposed use of the site. The Council's Contaminated Land Officer raises no objection to the application subject to further information being submitted regarding the nature and extent of any potential contamination and if found to required details of a remediation scheme to be submitted. This could be secured via condition should the application be considered acceptable on other grounds.
- 7.13 Concerns have been raised from residents that there are invasive species on the land, i.e., Japanese knotweed and Giant Hogweed. Methods to control this could be secured by condition should the application be considered acceptable on other grounds.
- 7.14 The Enforcement Notice is live, and the applicant is in breach of this Notice. Members are advised that should the application be refused then the applicant can appeal against this decision if an appeal is submitted within 6 months of the decision. Consequently, any action for noncompliance with the Enforcement Notice should be set aside for a period of six months from the date of the decision to facilitate this. Alternatively, should members recommend approval of the application, as indicated above the application will be referred to the National Planning Casework Unit to see if they wish to call the application in to be determined via a Public Inquiry.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

8.1 The proposal is not CIL liable

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

9.1 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.

10. CONCLUSIONS

10.1 The applicant proposes ground remodelling works within the high-risk flood zone. The works would involve moving existing material on the land and forming a mound. This is not considered to impact the openness of the Green Belt nor would it impact on the amenities of the occupiers of the adjacent neighbouring properties or character and appearance of the area.

The applicant has submitted a Flood Risk Assessment of the proposed remodelling works; however, the Environment Agency do not consider that the applicant has demonstrated that the works would not increase the risk of flood at the site and elsewhere. The EA has indicated that they consider this warrants the refusal of planning permission. Therefore, the proposal fails to comply with Policy EE13 of the Runnymede 2030 Local Plan. There is a current live enforcement notice on the site with regard to imported material on the site. Should the application be refused any such action for non-compliance with the Enforcement Notice should be set aside for a period of six months to allow for any possible appeal.

10.2 The development has been assessed against the following Development Plan policies – EE13, EE1 and EE18 of the Runnymede 2030 Local Plan, 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.

11. FORMAL OFFICER RECOMMENDATION

To authorise the CHDMBC to refuse planning permission for the following reason:

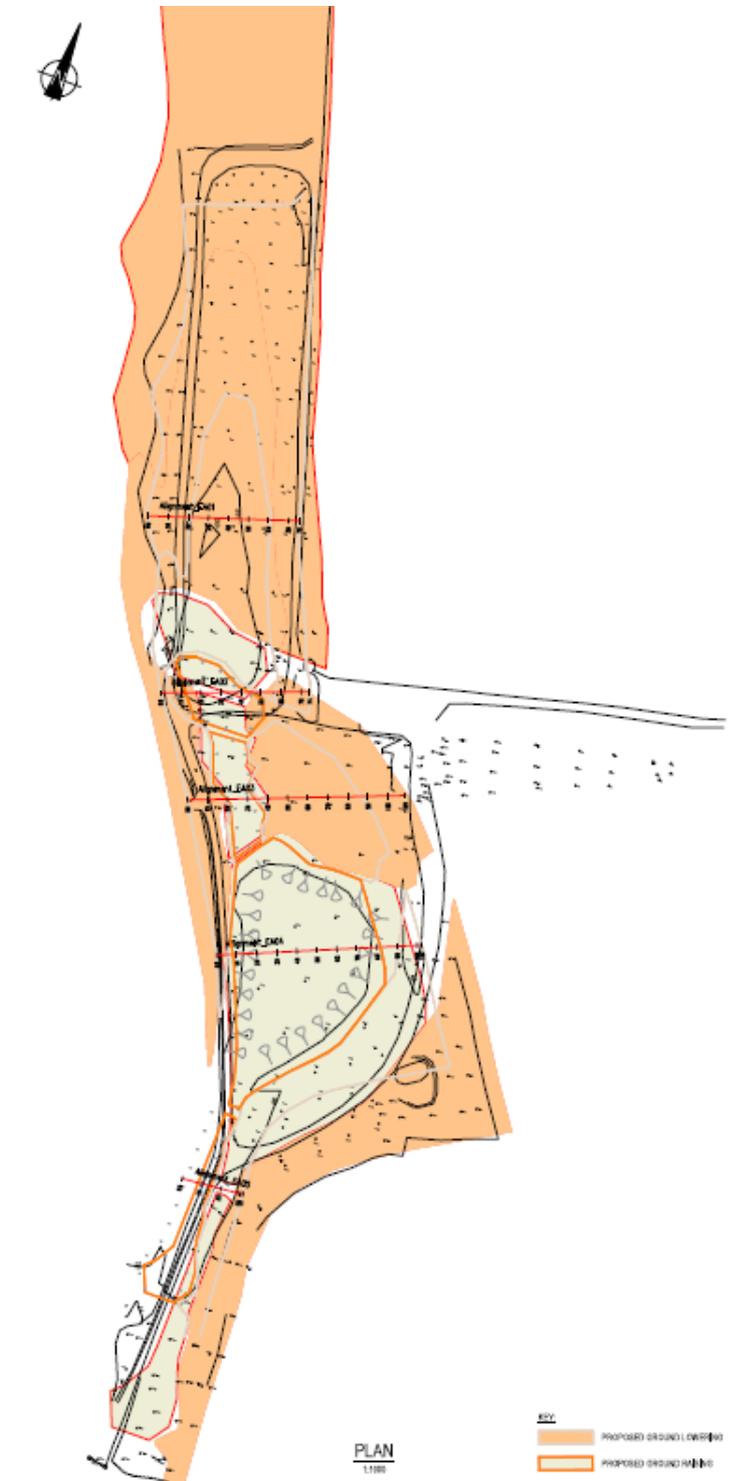
The applicant has not demonstrated that the proposed retention and redistribution of material on the site, over and above the 2010 land level at the site (level of the land pre land raising), would not result in an increase in flood risk. As such the proposal fails to comply with Policy EE13 of the Runnymede 2030 Local Plan and policy and guidance within the NPPF and NPPG.

Plans for RU.20/0810 – Land at 4 Aymer Close Staines upon Thames

Proposed Site Layout Plan

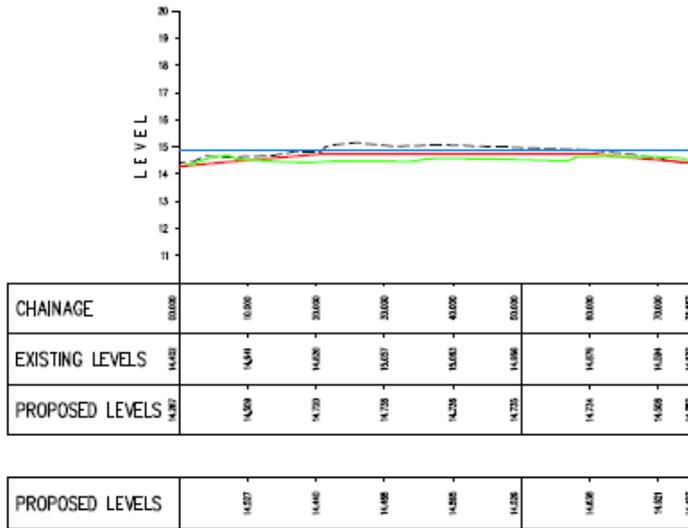
Orange areas = proposed ground lowering

Lighter areas = proposed ground raising

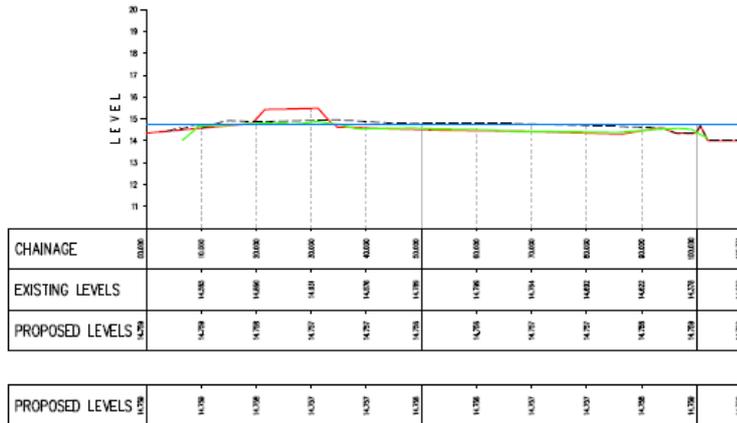


Proposed cross sections

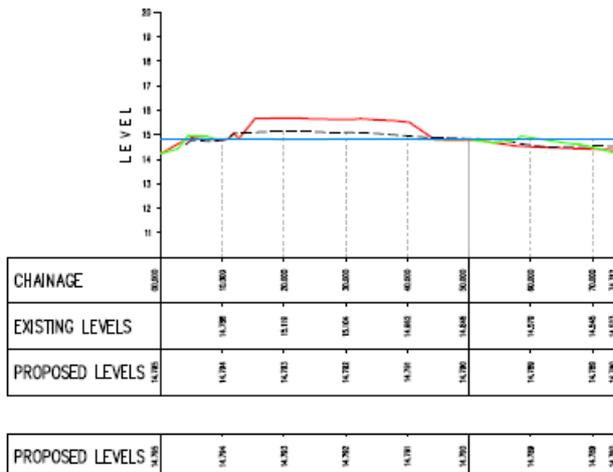
ALIGNMENT_EA01_PV07
SCALE: H 1:500, V 1:125. DATUM: 10.000



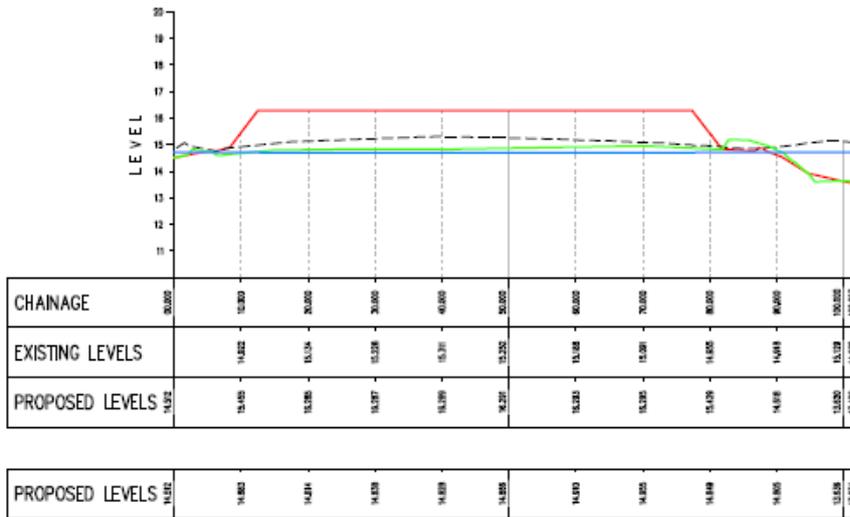
ALIGNMENT_EA03_PV09
SCALE: H 1:500, V 1:125. DATUM: 10.000



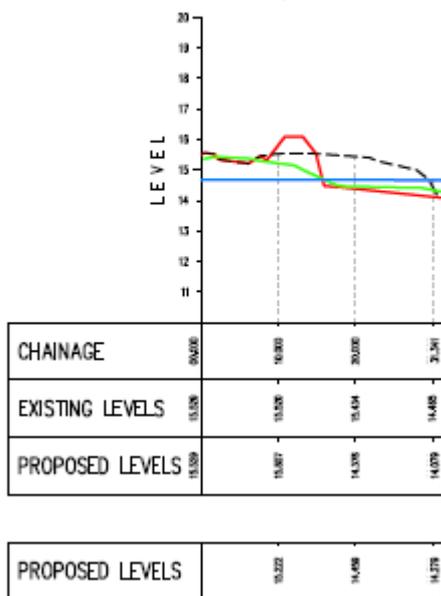
ALIGNMENT_EA02_PV08
SCALE: H 1:500, V 1:125. DATUM: 10.000



ALIGNMENT_EA04_PV10
SCALE: H 1:500, V 1:125. DATUM: 10.000



ALIGNMENT_EA05_PV11
SCALE: H 1:500, V 1:125. DATUM: 10.000



Key:

Dotted line = Existing ground profile

Red = Proposed ground profile

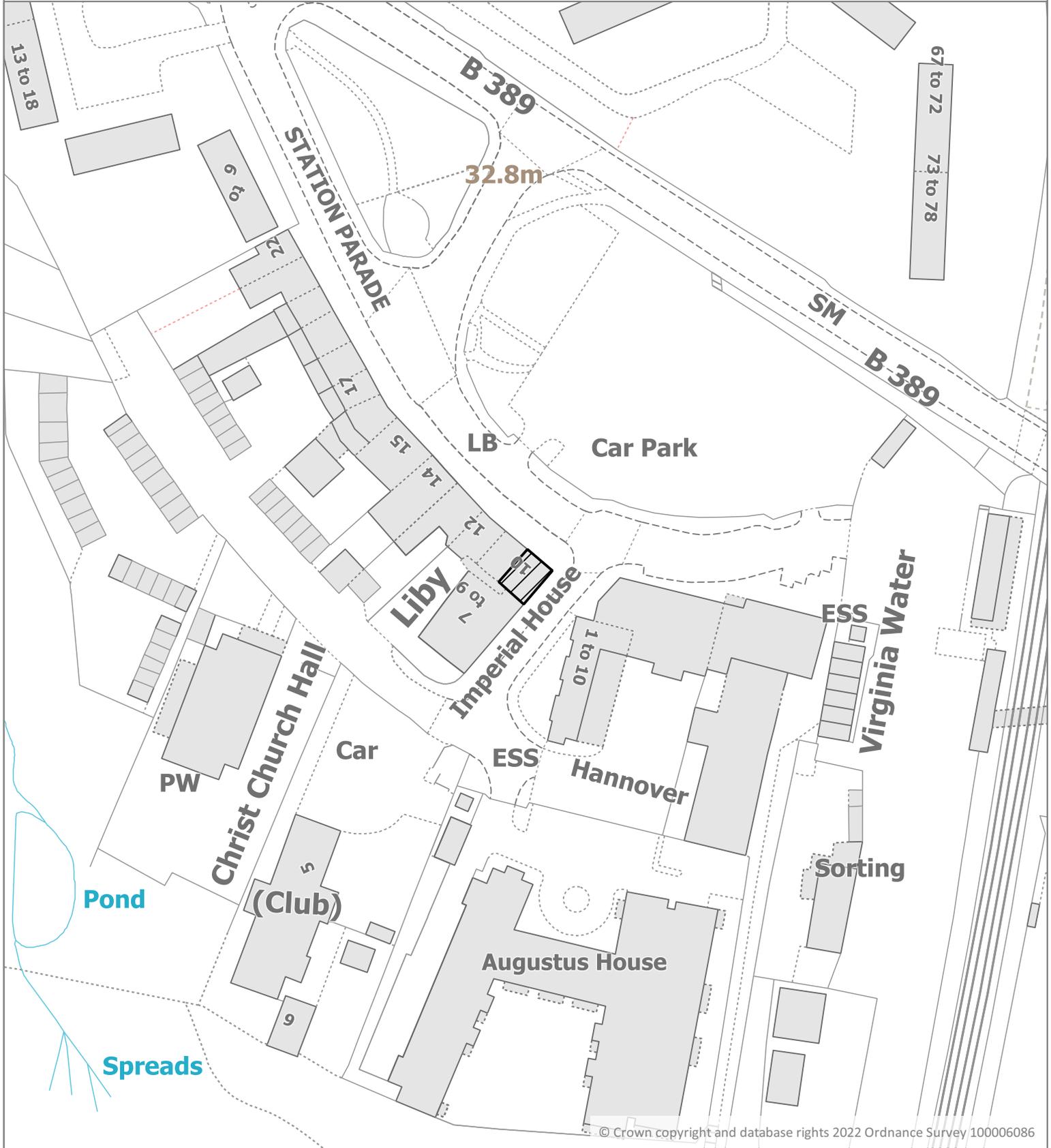
Green = Approved ground profile under RU.14/0016

Blue = 1 in 100 +25% CC Flood level



Date: 02/03/2022

10 Station Parade, Virginia Water, GU25 4AB



Scale: 1:1,000



RU.21/1790



COMMITTEE AGENDA REFERENCE: 5b

APPLICATION REF:	RU.21/1790
LOCATION	10 Station Parade, Virginia Water, GU25 4AB
PROPOSAL	Conversion to restaurant with small kitchen.
TYPE	Full Planning Permission
EXPIRY DATE	03/01/2022
WARD	Virginia Water
CASE OFFICER	Will Rendall
REASON FOR COMMITTEE DETERMINATION	More than 10 letters of representation have been received.
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the CHDMBC:	
1.	To grant planning permission subject to the planning conditions as listed in section 11 of this report.

BACKGROUND

- 1.1 This application was deferred by the Planning Committee on 9th February 2022 for one committee cycle to enable the Council's Environmental Health Officer to comment on the submitted noise report. The Environmental Health Officer's response will be reported in the Committee Addendum along with any further information received.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The site relates to a ground floor commercial unit with dwellings above located on the corner of a parade of shops and restaurants in Station Parade. The site was previously a dry-cleaning premises. Adjoining the site to the west are commercial units with residential above, whilst to the east is a modern mixed-use block 'Hannover House'.

3. APPLICATION DETAILS

- 3.1 The application proposes the change of use of the site from a dry cleaner (Class E) to Sui Generis with the site being used as a restaurant/takeaway. It is important to note that under the Use Classes Order changes 2020/21 no permission would be required to change the use of the dry cleaners to a restaurant where the sale of food and drink for consumption would mostly on the premises. In this instance the mix is envisaged to be a mix on eating in the premise and takeaway and therefore that is why planning permission is required.

4. RELEVANT PLANNING HISTORY

- 4.1 The following history is considered relevant to this application:

Reference	Details
RU.99/1054	Change of use from use class A1 (shop) to use class A2 (financial and professional services) Full Planning Permission. Grant Consent - subject to conditions - 23/11/1999
RU.99/0782	Non-illuminated fascia signs. Advertisement. Grant Consent - subject to conditions - 12/08/1999
RU.99/0678	Remove existing shop front and replace with new shop front. Full Planning Permission. Grant Consent - subject to conditions - 28/07/1999
RU.97/0664	Relaxation of condition 3 of planning permission RU.93/0019 to allow unrestricted Class A2 (Financial & Professional Services) use. Full Planning Permission. Grant Consent - subject to conditions - 19/08/1997
RU.93/0019	Change of use from retail (A1) to licensed betting office. Full Planning Permission. Grant Consent - subject to conditions - 05/02/1993
RU.80/0612	Change of use of premises from shop to Building Society office. Formerly no 8 Station Parade Full Planning Permission. Refuse - 01/08/1980

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- 5.3 This site falls within the designated Virginia Water Neighbourhood Area. However, a Neighbourhood Plan has not been developed yet for this area.

6. CONSULTATIONS CARRIED OUT

- 6.1 **Consultees responses**

Consultee	Comments
RBC Environmental Health Officer	<p>Holding Objection-</p> <ul style="list-style-type: none"> • Subject to the extraction system being properly maintained then it is suggested that this may provide effective odour removal • The outstanding issue is therefore noise and whether further information needs to be submitted regarding a noise insulation scheme to prevent the extraction system and users of the restaurant causing a nuisance to neighbouring amenity. <i>Officer Comment: a noise report has now been submitted and comments awaited.</i>
SCC Highways Authority	Awaiting consultation response.
Virginia Water Neighbourhood Forum	No comments received.

Representations and comments from interested parties

6.2 24 neighbouring properties were consulted in addition to being advertised on the Council's website. 11 letters (separates addresses) have been received objecting and which can be summarised as follows:

- Enough existing restaurants.
- Intrusive smells to neighbouring library.
- Free parking overloaded- made worse by the new electric charging points.
- No room for deliveries, waste, or parking.
- Only four tables, the unit will have to rely on takeaway.
- Parking problems could reduce visits to nearby library.
- Concerns about odours and noise impacts on neighbouring amenity.
- Increase in traffic.
- Do not give consent for an extraction chimney attached to the exterior of the flat above.
- Concerns about rats in the area.
- Noise concerns from opening hours.
- Not enough on street parking in the vicinity.
- Concerned about wheelchair access.

- Concerns with back door access involves crossing neighbouring land.
- Concerns regarding space for bins to the rear.
- Only found out on a Facebook group about this application.
- Concerns that some neighbours were not notified. *Officers Note- dwellings located adjacent to the site have been notified.*
- Will result in a spill over from neighbouring working men's club.
- The demographic of the area does not support fast food.
- Will result in people congregating outside late at night.
- No information regarding grease/fat management.

4 letters in support of the application have been received and are summarised below:

- Community does need more food choices.
- At present all day food options are limited.
- Parking is not an issue- large car park available.
- There is no existing excessive noise.
- Provide job opportunities for the area.
- Existing restaurants do not cause litter, so why would this one.

7. PLANNING CONSIDERATIONS

- 7.1 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 local centre development, townscape quality and environmental protection with regards to residential amenity and the local highway network.
- 7.2 Policy IE13 (Local Centres) seeks to improve the quality and broaden the range of A1 retail uses. The Policy also supports non-retail A2-A5 uses (which include financial and professional services, restaurants, pubs and takeaways) where consumer choices are maintained. The former use of the site as a dry cleaners would fall within the former use Class A1 and as such the current proposal would result in a loss of Class A1 use. However, it is a material consideration of substantial weight that since the adoption of the Local Plan, the Use Class Order has been amended such that the former A1 retail use now falls under the new Class E use, which also now includes premises used as restaurants. With premises used for takeaways now considered to be a Sui Generis use.
- 7.3 As such the proposed use as a restaurant would fall within the same use Class E and therefore the use of the premises solely as a restaurant would not require an application for change of use. In this instance, the application also proposes to include a restaurant and hot food

takeaway which is defined as a Sui Generis use requiring a change of use. Regarding current uses in Station Parade, there is presently a mixture (including but not limited to) of restaurants, convenience stores, hairdressers, estate agents and betting shops. Therefore, in any case, a wide consumer choice would still be maintained. The proposal would also secure the use of this currently vacant premises which assists in maintaining the vitality of the parade and weighs in favour of the development. The development proposed would provide a Sui Generis use as a restaurant and hot food takeaway and is therefore considered acceptable with regard to Policy IE13 and the weight afforded to the current use classes order.

- 7.4 There would be no change to the built form of the unit except a small vent being installed to the extraction system on the eastern side of the premises. It is noted that the applicant has not provided clear elevations of exactly where the vent would be placed on this elevation. Therefore, a condition is recommended to require further details to be submitted and agreed by the Local Planning Authority prior to the commencement of development to agree on the location and design of the vent.
- 7.5 With regard to odour, it is considered that subject to a condition requiring the extraction system to be implemented and maintained in accordance with the specification details there would be no detrimental impact regarding odour.
- 7.6 Turning now to noise the Councils Environmental Health Officer has stated that whilst the extraction system has a silencer within it, it is not clear as to what levels of noise reduction the silencer would produce at the end of the outlet. Additionally, it is also not clear what the general external noise climate is like within the area when the fan would be operating. The extraction fan system would also be located very close to the underfloor of the flat above and there may also be noise and disturbance from workers and users of the restaurant. The applicant has stated that the building is purpose built for residential /retail (including restaurants), however evidence needs to be submitted of this.
- 7.7 It is a common relationship within our towns and local parades that restaurants and takeaways operate with residential units sited above and that there are different technical solutions to control noise and odour. Just in this local parade there are several other restaurants which all offer a takeaway service too and have residential units above.
- 7.8 The proposed business would open 08.00 - 22.00 Monday to Sunday which are similar opening hours to many convenience store retail outlets which could operate from these premises without planning permission being required. These types of businesses would also require a similar number of deliveries too.
- 7.9 Subject to conditions therefore to (i) secure a noise insulation scheme if considered necessary, ii) to ensure the satisfactory implementation and maintenance of an extraction system and iii) to restrict opening times to between 08.00 to 22.00 Monday to Sunday, then it is considered that the use proposed is an acceptable use within in a local centre location in compliance with Policy EE2.
- 7.10 Paragraph 92 of the NPPF seeks to promote healthy, inclusive and safe places which promote social interaction and that are safe and accessible so that crime and disorder, and the fear of crime, do not undermine quality of life. No evidence has been submitted which suggests that the change of use would result in development which does not comply with the NPPF in this respect. Restaurant and takeaway uses are an accepted part of the fabric of a Local Centre with both uses already in place across Virginia Water Local Centre. Therefore, limited weight is given to this concern.

- 7.11 There is an existing waste storage and collection area at the rear entrance of the site which is proposed to be continued in use. Concerns have been raised about whether the proposal will encroach on neighbouring land. There is no evidence that this is likely to be the case, however the applicant will be reminded of land ownership issues through an informative. It is not considered there will be any other harms to residential or neighbouring amenity arising from the proposed development which subject to conditions has an acceptable impact on the surrounding townscape quality, in compliance with Policy EE1.
- 7.12 Surrey County Highways Authority were consulted on the application and comments are awaited. It is noted the site is in an area with parking restrictions in place along with an existing car park located beside the nearby station such that parking can be controlled through existing enforcement measures. Therefore, it is considered that the development would not be harmful in respect of highways safety or capacity grounds and complies with Policy SD4.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 In line with the Council's Charging Schedule the proposed development would not be CIL liable.

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 9.1 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.

10. CONCLUSIONS

- 10.1 The development has been assessed against the following Development Plan policies – EE1, EE2, SD4 and IE13 of the Runnymede 2030 Local Plan, 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.

11. FORMAL OFFICER RECOMMENDATION

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 unless such plans should be superseded in the compliance with conditions 4 and 5:

Received 15/10/2021: CI-VW-00 Rev: A. Received 13/12/2021: 6049 Rev: B, Extraction Report and Proposed Plans by Lewis Duct Clean (December 2021), Systemair MUB 042 500D4-A2 IE2 MULTIBOX, Proposed Silencer Data Sheet, Longar Airard. Statement

3. External materials and elevations

Before the first occupation of the development hereby permitted is commenced, details 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. Development shall be carried out in accordance with the approved details.

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

4. Soundproofing (noise spillage prevention)

Prior to the first use of the development hereby approved, a scheme specifying the provisions to be made for the control of noise emanating from site shall be submitted to and approved in writing by the Local Planning Authority. Such measures as agreed in writing shall be fully implemented prior to the occupation of the premises and shall be retained and maintained thereafter.

Reason: To protect the amenities of occupiers of nearby properties and to comply with Policies EE1 and EE2 of the Runnymede 2030 Local Plan and guidance within the NPPF.

5. Plant and equipment (as approved)

Prior to the commencement of development, a plan showing the location of the vent in the east elevation of the building shall be submitted to and agreed in writing by the Local Planning Authority. The extraction and ventilation system outlined in the Extraction Report and Proposed Plans (December 2021) unless required to be changed to allow for a different location of the vent in the eastern elevation shall be fully installed and shall thereafter be retained and appropriately maintained in accordance with the submitted details and recommended maintenance as detailed within the Odour Management Plan.

Reason: To protect the amenities of occupiers of nearby properties and to comply with Policy EE2 of the Runnymede 2030 Local Plan and guidance within the NPPF.

6. Hours of use

The premises hereby approved shall not be open to customers outside the following hours:

0800 to 2200 Mondays to Sundays (including Bank Holidays).

Reason: To protect the residential amenities of the neighbouring properties and to comply with Policies EE1 and EE2 of the Runnymede 2030 Local Plan and guidance within the NPPF.

Informatives

1. 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.

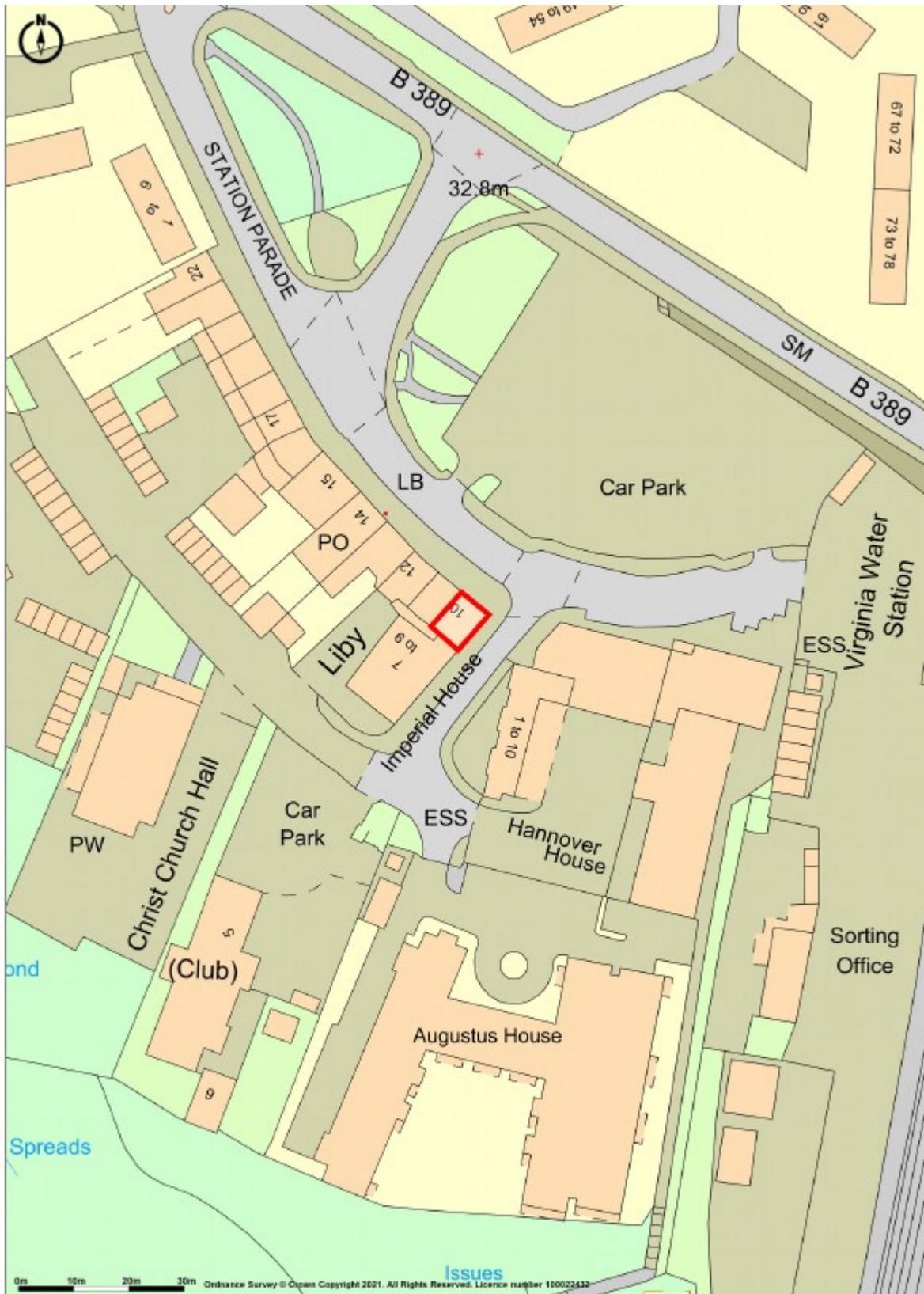
Land Ownership

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

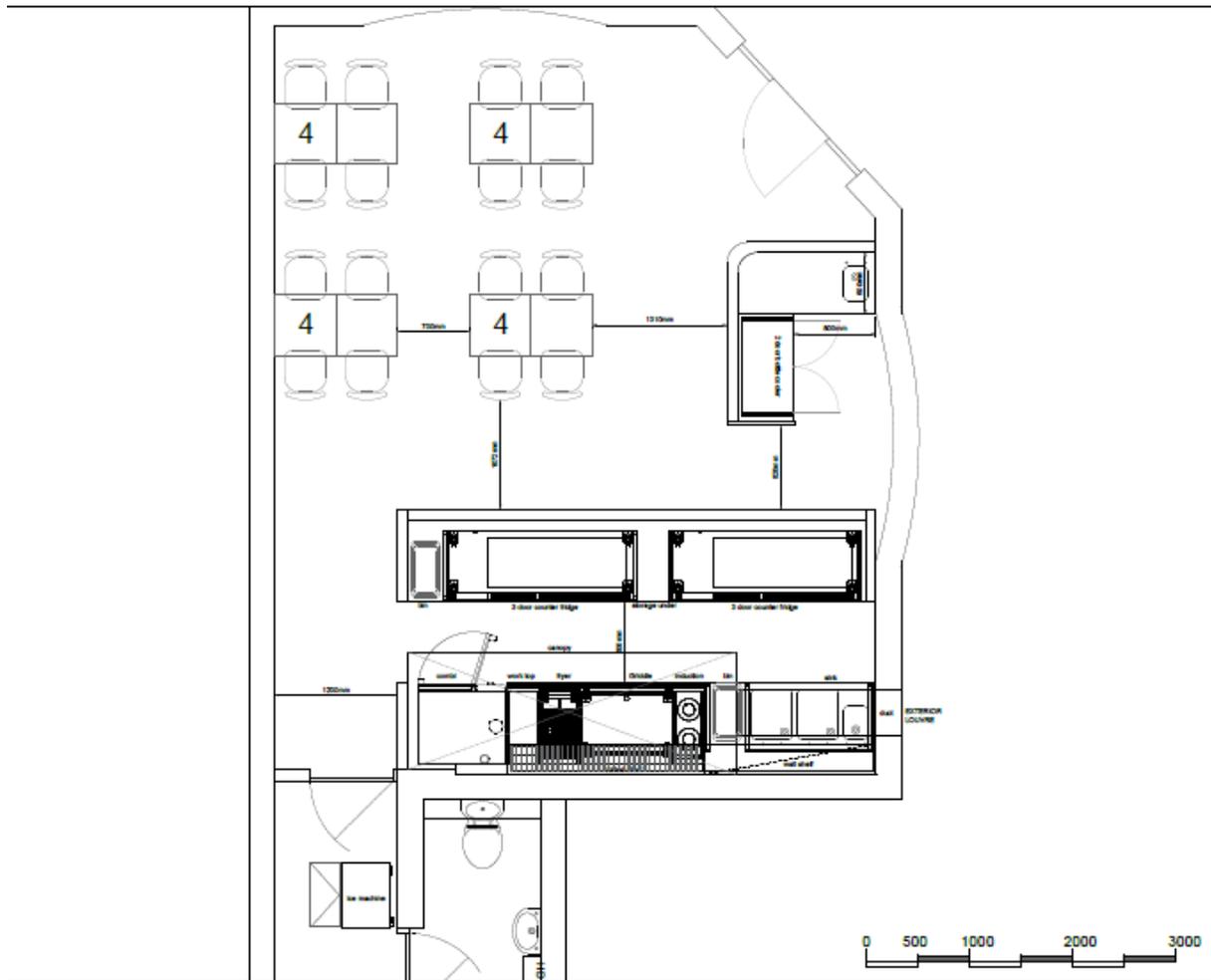
Party Wall Act 1996

3. 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 excavation are to be carried out near a neighbouring building.

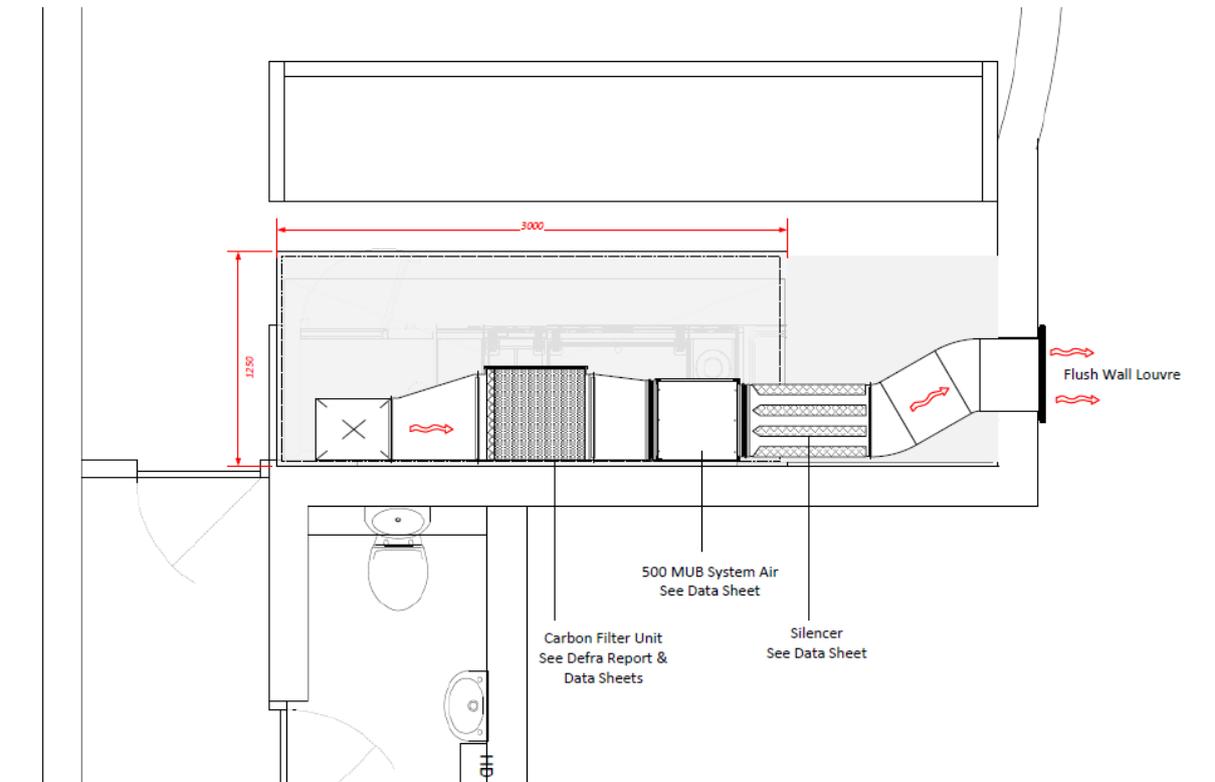
Location Plan



Proposed Floor Plan



Proposed Extraction Unit



Proposed Elevations

The applicant has not provided clear elevations of exactly where the vent would be placed. Therefore, a condition is recommended to require further details to be submitted and agreed by the Local Planning Authority prior to the commencement of development to agree on the location and design of the vent.

Exclusion of Press and Public

Officers' Recommendation that –

the press and public be excluded from the meeting during discussion of the following reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A of the Act.

(To resolve)