



Planning Committee

Wednesday, 18 January 2023 at 6.30 pm

Council Chamber - Civic Centre

Members of the Committee

Councillors: M Willingale (Chairman), P Snow (Vice-Chairman), A Balkan, A Berardi, J Broadhead, R Bromley, V Cunningham, E Gill, C Howorth, A King, C Mann, I Mullens, M Nuti, 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 A Finch, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425623). (Email: andrew.finch@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please contact Democratic.Services@runnymede.gov.uk or 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 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**

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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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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 - 10

To confirm and sign, as a correct record, the minutes of the meeting of the Committee held on 14 December 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** 11
 - a) RU.22/0612 - 36 Queen Mary's Drive, Addlestone, KT15 3TW 12 - 26
 - b) RU.21/1766 - Wheelers Green, Bittams Lane, Chertsey, KT16 9RG 27 - 47
 - c) RU.21/2188 - Park House, Wick Road Egham, Englefield Green, TW20 0HJ 48 - 66
6. **Update of Planning Enforcement Charter** 67 - 99
7. **Exclusion of Press and Public**

Part II

There are no part II (Exempt) items on this agenda

Runnymede Borough Council**Planning Committee****Wednesday, 14 December 2022 at 6.30 pm**

Members of the Committee present: Councillors M Willingale (Chairman), P Snow (Vice-Chairman), A Berardi, R Bromley, D Coen (In place of J Broadhead), V Cunningham, C Howorth, J Hulley (In place of J Wilson), S Jenkins (In place of E Gill), A King, C Mann, I Mullens, M Nuti and S Whyte.

Members of the Committee absent: Councillor Balkan.

In attendance: Councillors M Cressey, R King, J Olorenshaw and D Whyte.

392 Minutes

The Minutes of the meeting held on 9 November 2022 were confirmed and signed as a correct record.

393 Apologies for Absence

Apologies were received from Councillor A. Balkan.

394 Declarations of Interest

To record the non-registerable interest of Councillor J Hulley declared a non-registerable interest in applications RU.22/0512, RU.22/0454 and RU.21/1167, having met or having an association with the objector or applicant in each case. Councillor Hulley sought advice from officers and remained in the room and voted on all items.

395 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 and /or their agents addressed the Committee on the applications specified.

RESOLVED that –**the following applications be determined as indicated:****396 22/0512 - Longcross North, Chobham Lane, KT16 0EE**

Proposal: Reserved Matters Application pursuant to application RU.20/1206 for Proposed sports provision, public open space including the creation of pedestrian routes and associated landscaping, access from Chieftain Road to Longcross Train Station, Station car parking and drop off provision, surface and foul water drainage and other associated engineering works. The application was deferred from the October Planning Committee.

The application had been deferred from a previous meeting. A number of enhancements had been made to the scheme since the previous meeting that were detailed within the officer report. These changes were shown by officers in the presentation and acknowledged by the committee.

During the debate there was a concern raised by a member of the committee about the prospect of the knock on effect of parking in Virginia Water should the car park reach capacity, however the Corporate Head of Development Management and Building Control advised that whilst a betterment to current arrangements at Longcross was being sought and this was to mitigate development at Longcross not to mitigate existing issues at other stations. The concerns about future capacity had been considered by Surrey CC as Highway Authority and officers at RBC. Whilst there was a good degree of confidence that the proposal would be sufficient the developer had proposed to transfer land adjacent to the station to futureproof options in case further mitigation was required at the station. The scheme had the support of the highway authority.

The Corporate Head of Development Management and Building Control confirmed that Surrey County Council intended to adopt the access road to the station, If the application was approved the developer had confirmed that they would agree a provision to maintain the road at their expense under the terms of the proposed amended legal agreement legal agreement. This would allay the resident concern that this cost could be passed on to the management company.

A Member queried the number of disabled and cycle parking spaces available, and it was confirmed that plans for additional cycle parking were in place, whilst the number of disabled spaces had been calculated by Surrey County Council and deemed sufficient.

At a previous meeting members had requested the designing out crime officer be consulted. The Officer had responded and in relation to concerns about safety, the police & crime officer had not raised any objection.

Some members however had concerns over the perception of risk of crime at the site.

No objections had been received from any statutory consultees.

In relation to that outline planning application, the Committee received confirmation that the legal agreement on the developer required full delivery of the schemes within a set period of the granting of planning permission. The clock would start on delivery on the issuing of the permission.

In the event of planning permission being approved an amendment would be made to that legal agreement to include provision of transfer of land to the Council and a provision for the upkeep of the access road.

A motion to grant permission was moved in accordance with officer recommendation.

A named vote was requested on the application and the voting was as follows:

For: 6

Cllrs Willingale, Snow, Bromley, Coen, Cunningham, Nuti

Against: 8

Cllrs Berardi, Howorth, Hulley, Jenkins, King, Mann, Mullens, Whyte

Abstain: 0

Further debate occurred on the item and a number of potential issues were discussed. At the end of the debate a member put forward a motion for refusal on the basis of fear or crime and actual crime and lack of active surveillance. This was supported by those members who were against the original motion.

A vote was held and the resolution to refuse permission was passed by majority of the

committee.

Resolved that –

The CHDMBC be authorised to refuse planning permission for a reason relating to fear of crime and risk of actual crime due to lack of active surveillance for pedestrians utilising the routes to the station.

Ms Loach, an objector, and Ms Little, agent for the applicant, addressed the Committee on this application.

397 **22/0454 - Ottershaw East Housing**

Proposal: Hybrid planning application comprising: (a) Phased Full Planning Application for the demolition of existing buildings, provision of 2 x replacement garages for 155 and 157 Brox Road and delivery of a residential development (Use Class C3) comprising 184 dwellings (including 35% affordable housing) and 2 Gypsy and Traveller Pitches, informal and formal open space, footpaths, cycleways and internal roads, landscaping, planting and drainage infrastructure. Creation of new vehicular and pedestrian access into the site from Brox Road; and (b) Outline planning permission for: The use of 0.1 ha of land for the provision of a GP Surgery of up to 800sqm (Use Class E) with associated parking and landscaping.

A Committee Member raised concerns about the character of the buildings not being in-keeping with its surroundings, however the Development Manager advised that an assessment of the character of the area had been undertaken and the developer had drawn out key design features from the and ensured it was replicated in the development, whilst the minimal tree-lined streets was offset by the soft landscaping being retained and enhanced in order to make the most efficient use of the land and provide a minimum number of housing units.

The three-story elements set out in the plans was not considered to have a detrimental impact on neighbouring properties due to its angle and position, whilst the housing mix was not considered to be harmful or contrary to the aims and objectives of Local Plan policy SL19.

In response to a query about the car club, the Development Manager advised Committee that the car club would need to take the form of a legal agreement, and the developer would be encouraged to make them as appealing as possible for residents.

Officers felt that the condition recommended by Surrey County Council relating to the restriction of occupation to 93 properties until A320 works were complete was fair and it would not be appropriate to lower the numbers of occupation. This was a common condition and could be realistically monitored by Planning Enforcement should concerns be raised that it was being breached.

A Committee Member enquired about the two-story building having a pitched roof with skylights effectively making the building 2.5 stories, but to mitigate this a condition had been inserted to remove permitted development rights for classes B& C.

In response to concerns about planting, a condition had been inserted to allow officers to assess planting in more detail, however the landscaping did include new semi mature and standard trees, new hedge planting, new shrub and bulb planting, new areas of grassland and wildflower meadow.

A Member queried the section of the report around two of the parking areas benefitting from being broken up more, and the Development Manager advised that the developer was satisfied that the development was of high quality and they were not prepared to break

those areas up or sacrifice units.

A Member asked for justification for the location of the two traveller pitches, and it was considered that movement of two vehicles would be low, and an analysis had been provided to demonstrate those vehicles could turn, whilst a noise assessment had been undertaken, which factored in noise from the nearby Fair Oaks Airport.

A ward Member felt that the travellers pitches should be owned by the Council in the short to medium term, and felt that the proposed GP surgery needed to be moved closer to the village centre.

Officers agreed to a Member's suggestion to add an additional informative around the developer making representations to Surrey County Council highways around parking restrictions.

A named vote was requested on the application and the voting was as follows:

For: 10

Cllrs Willingale, Snow, Berardi, Bromley, Coen, Cunningham, Howorth, King, Nuti, Whyte

Against: 3

Cllrs Hulley, Jenkins, Mann

Abstain: 1

Cllr Mullens

Resolved that –

The CHDMBC be authorised to grant planning permission subject to the completion of a Section 106 legal agreement, items 1-12, conditions 1-27, informatives 1-16, and additional informative around the developer making representations to SCC highways around parking restrictions.

Ms Pickett, an objector, and Mr Burden, agent for the applicant, addressed the Committee on this application.

398 **22/0479 - Ottershaw East SANG**

Proposal: Full planning permission for the proposed change of use from agricultural land to publicly accessible open space to be used as Suitable Alternative Natural Greenspace (SANG) on 10.42ha of land, including the demolition of an existing barn and creation of new pathways, associated landscaping and associated earthworks. Creation of new areas of public open space (including play areas and a community orchard) relative to the adjacent site comprising a hybrid planning application comprising: (a) Full planning application for the demolition of existing buildings, provision of 2 x replacement garages for 155 and 157 Brox Road and delivery of a residential development (Use Class C3) comprising 184 dwellings (including 35% affordable housing) and 2 Gypsy and Traveller Pitches, informal and formal open space, footpaths, cycleways and internal roads, landscaping, planting and drainage infrastructure. Creation of new vehicular and pedestrian access into the site from Brox Road; and (b) Outline planning permission for: The use of 0.1 ha of land for the provision of a GP Surgery of up to 800sqm (Use Class E) with associated parking and landscaping.

Some concern was raised by Members about the size of the SANG, its lack of parking facilities and the prospect of it being developed in the future, as well as the lack of community involvement around its design.

The Development Manager advised that the provision of the SANG was a positive benefit

to local residents, and was provided solely a mitigation for this development, with no requirement for the developer to provide parking.

It was acknowledged that the size of the SANG could mitigate future developments, but without a car park those developments would have to be within 400 metres of the site. If capacity was to be provided in the future to other sites outside this distance this would most likely require the prospective developer to gain planning permission for a car park to meet Natural England requirements for SANG.

An Environmental Construction Management Plan was in place for the area, and there were biodiversity net gains from overall proposal. The SANG was relatively central to the village and it was confirmed that it was available to other residents within walking distance.

Resolved that –

The CHDMBC be authorised to grant planning permission subject to the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended), to secure obligations under items 1-4, conditions 1-6, informatives 1-11 and addendum notes.

399 **21/1167 - Padd Farm, Hurst Lane, Egham, TW20 8QJ**

Proposal: The erection of 2 new buildings, the retention of 1 x residential dwelling, and the refurbishment of 2 existing buildings to be used as offices, a training centre and fabrication bays as part of the applicant's corporate headquarters following the demolition of all remaining buildings on site. Refurbishment and decontamination of existing site and the creation of open grassed area with an area of landscaped open space.

Ward Members acknowledged the long planning history and uncertainty on the site and impact on the green belt of the proposed buildings. Some commented positively on the proposed construction-related training opportunities for local residents, the cleaning up and remediation of contaminated land on the site, which the Environment Agency had said could only be achieved through development, as well as the biodiversity net gains, including the reduction in hard standing surfaces that reduced the flood risk.

Officers acknowledged the positives mentioned and noted the developers engagement with both residents and the planning department, however on the sliding scale of potential harm, owing largely to the volume of the development and the potential for it to be increased through storage the scheme was not supportable by officers.

A Member commented on the lack of detail on the application, including in relation to bats, wildlife, detail of residential property and CIL forms, and it would be challenging to find a positive judgement without that detail.

A minority of Members felt that the weight given to open space and recreation, biodiversity and remediation of the site tipped the balance in favour of approving the application, particularly in the context of the recently-adopted Corporate Plan, and the following amended motion was proposed:

Committee approves the application and authorises the Corporate Head of Development Management and Building Control to grant planning permission, as whilst the site is in the green belt special circumstances exist to outweigh the harm, specifically strengthening the local economy and employment opportunities, provision of open space and making the best use of land, as well as appearance and character. Further delegation to be provided to the Corporate Head of Development Management and Building Control to negotiate appropriate planning conditions with the developer.

A named vote was requested on the amended motion and the voting was as follows:

For: 4

Cllrs Coen, Howorth, Hulley, Mann

Against: 10

Cllrs Willingale, Snow, Berardi, Bromley, Cunningham, Jenkins, King, Mullens, Nuti, Whyte

Abstain: 0

-

The amended motion was lost.

In the original and subsequent debate, it was clear from a number of members that there were significant concerns about the quantum of development and its potential impact on the green belt. A majority of members noted that issues raised in the report and agreed with its contents.

A motion to refuse in line with officer recommendation was moved. The Motion to refuse was passed by majority.

Resolved that –

The CHDMBC be authorised to refuse planning permission for the following reasons:

The proposed development is inappropriate development in the Green Belt and therefore by definition harmful. There are no “Very Special Circumstances” to outweigh this harm which is given substantial weight. The proposal is contrary to paragraphs 147, 148, 149 and 150 of the National Planning Policy Framework and policy EE19 of the Runnymede 2030 Local Plan.

400 **21/2050 - 30 The Causeway, Staines-Upon-Thames, TW18 3BY**

Proposal: Demolition of all existing buildings and structures, and the comprehensive redevelopment of the Site to deliver 272 residential units (Use Class C3). Associated landscaping, car parking and ancillary development. (amended 18/01/2022)

Several Members expressed concern that the design was not in-keeping with the character of Egham Hythe and did not mesh well with the local area. There was also concern on the surrounding residential homes, the loss of privacy to residents and the knock-on effect of the local infrastructure. Significant concerns focused on design, scale and mass.

Officers had had significant design concerns. Independent advice had also been sought on design, this advice also concluded that the development was too bulky and manifested itself in lots of design problems.

Concern was also raised by Members at the shifting of proposed use of the site from employment to a development site, however the Corporate Head of Development Management and Building Control explained that the fall back situation on the site with regards prior approval applications meant that there was a strong likelihood the employment space could and most likely would be lost. The fall back position was not compelling in other areas as the design of the site had so many issues.

Further comments were raised around the potential for ground water flooding concerns not being sufficiently addressed by the developer, as well as some restriction to residents accessing the lake via the woodland path during key summer months to allow toadlets

migrating away from the waterbody safer passage.

A Member asked that the bus service along the Causeway was significantly improved before any development at the site was improved, which officers would feed back to Surrey County Council.

A ward Member acknowledged that residents desired development on the site, but commented that the relationship between the developer and local residents had not been good, and it was felt there was strong public feeling against the proposed development.

Concern was also expressed at the 12% of affordable housing, which fell well below the affordable housing policy requirements. It was noted that other provision had been put forward however was not to be secured by the legal agreement.

Members had read the officer report and addendum and noted and referenced them throughout the debate. It was clear from the debate that members agreed with the matters set out in the officer report and addendum and that the concerns raised by officers were shared by the committee. This was reflected in the debate and unanimous vote to refuse.

A named vote was requested on the application and the voting was as follows:

For: 14

Cllrs Willingale, Snow, Berardi, Bromley, Coen, Cunningham, Howorth, Hulley, Jenkins, King, Mann, Mullens, Nuti, Whyte

Against: 0

-

Abstain: 0

-

Resolved that –

The CHDMBC be authorised to refuse planning permission for reasons set out in paragraph 9.8 of the report, along with informatives 1-3.

401 **Fees and Charges**

Resolved that –

The proposed fees and charges as set out in Appendix A were approved to be effective from the dates within the appendix or as soon as practical thereafter.

(The meeting ended at 10.38 pm.)

Chairman

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 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)

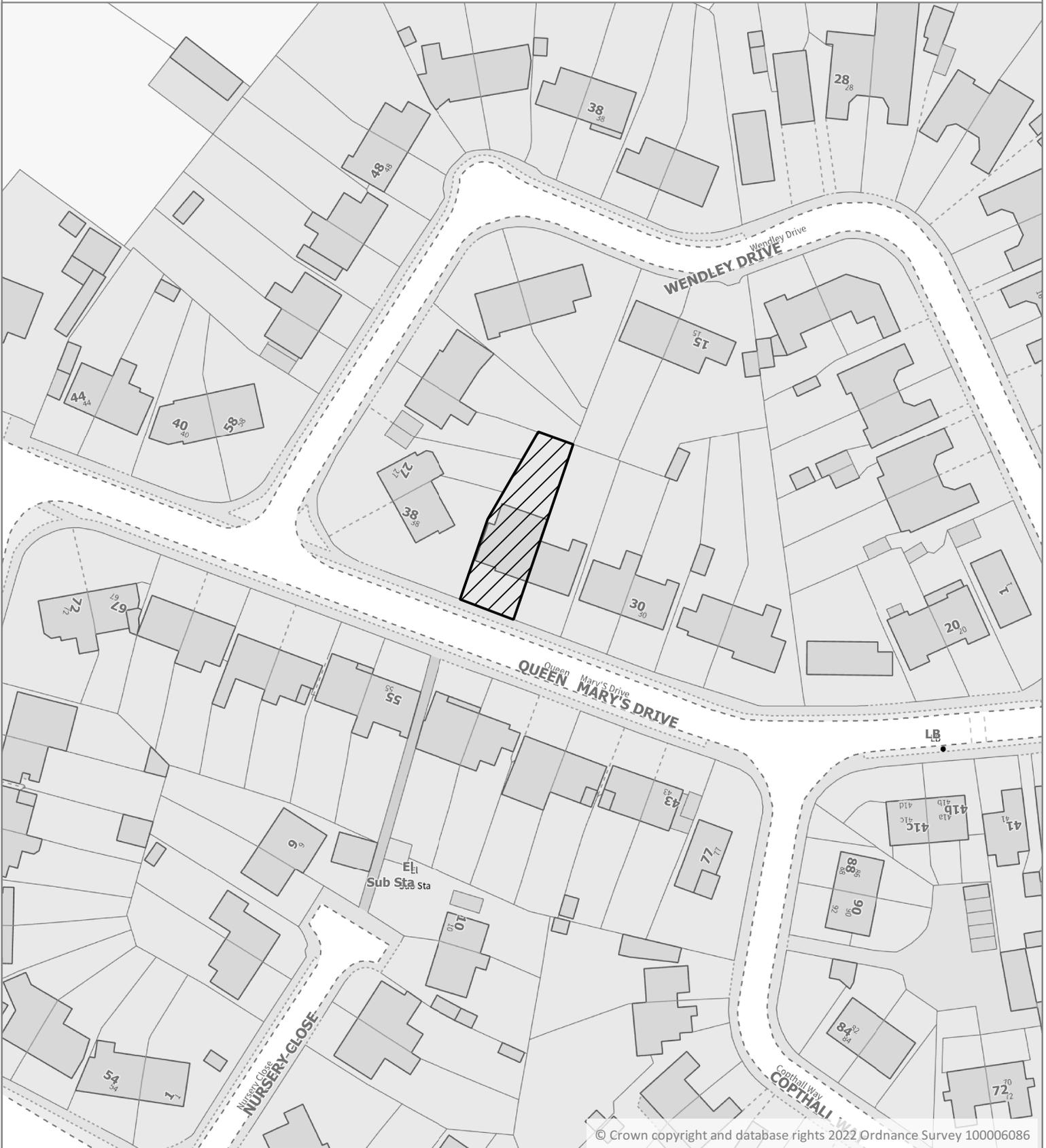
Background Papers

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



Date: 18/01/2023

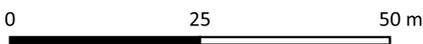
36 Queen Marys Drive, Addlestone, Surrey



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Scale: 1:1,000

RU.22/0612



COMMITTEE AGENDA REFERENCE: 5A

APPLICATION REF:	RU.22/0612
LOCATION	36 Queen Marys Drive, Addlestone, Surrey, KT15 3TW
PROPOSAL	Change of use of existing dwelling to 2 flats with associated alterations, including two storey side extension.
TYPE	Full Planning Permission
EXPIRY DATE	06/10/2022
WARD	Woodham & Row Town
CASE OFFICER	Will Rendall
REASON FOR COMMITTEE DETERMINATION	NUMBER OF LETTERS OF REPRESENTATION
<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 approve the application subject to the completion of a Unilateral Undertaking and planning conditions
2.	To refuse planning permission at the discretion of the CHDMBC should the Unilateral Undertaking not progress to their satisfaction.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 36 Queen Mary's Drive is a two storey semi-detached property located on the northern side of Queen Mary's Drive, which is made up of buildings of similar styles. Queen Mary's Drive is a Classified D Road, with on street parking available. The existing dwelling is set back from the road with a large driveway, and has a flat roof garage located on the boundary as well as garden space located to the rear.
- 2.2 Neighbouring dwellings include the attached No.34 to the east, whilst located to the west is No.38, which is angled away from the site by approximately 45 degrees. The rear gardens of No.27 and No.25 Wendley Drive adjoin the side boundary of the site to the west. Located to the rear is the rear garden space of No. 23 Wendley Drive which is orientated away from the site by 90 degrees. All neighbouring dwellings are semi-detached.
- 2.3 The site is located within the Urban Area of Addlestone and within 5km of the Thames Basin Heath Special Protection Area (SPA).

3. APPLICATION DETAILS

- 3.1 The applicant is applying for a change of use from the existing single dwellinghouse to subdivide into x2 self-contained two-bedroom flats. The application includes a two-storey side extension to the existing building with a length of about 8.8 metres and a pitched roof. Flat A will be located on the ground floor, Flat B the first floor. Both proposed flats will be accessed from the existing front porch.
- 3.2 The proposed change of use includes the subdivision of the rear garden area to provide two separate rear amenities spaces with bin and bicycle storage as part of the application. The existing hardstanding to the front of the property provides off street parking for at least x3 vehicles.
- 3.3 Amended plans were submitted during the consideration of this planning application. This included elevations of the proposed bicycle sheds and bin storage being submitted, along with bicycle storage being relocated to the rear garden space. These amendments were subject to re-consultation for a period of 7 days.

4. RELEVANT PLANNING HISTORY

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

Reference	Details
RU.10/0505	Retention of a single storey rear extension incorporating a flat roof, a lantern style rooflight, an additional side window and construction of a porch to the front (Variation to planning permission RU.10/0120) (revised description 8/6/10). Grant Consent – subject to conditions: 16/07/2010.
RU.10/0120	Erection of a single storey rear extension and construction of a porch to the front. (revised description 10.02.10). Grant Consent – subject to conditions: 25/03/2010.

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 Supplementary Planning Document (SPD) which might be a material consideration in determination:
 - Runnymede Parking Guidance (November 2022).
 - Runnymede Design Supplementary Planning Document (SPD – July 2021).
 - Thames Basin Heaths Supplementary Planning Document (SPD – April 2021)

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
Runnymede Drainage Officer	No objection subject to Sustainable Drainage System condition (SuDs)
Surrey County Council Highway Authority	No objection subject to relevant conditions

Representations and comments from interested parties

- 6.2 9 Neighbouring properties were consulted in addition to being advertised on the Council's website and 13 letters of representation have been received (from 13 separate addresses) in regard to the original scheme, which can be summarised as follows:

Comment	Officer response
Breach in covenant preventing Change of Use	Not a Planning matter
Out of keeping of the area	See "Design Considerations"
Concerns of impact on power/water/sewage	Not a Planning matter
Tenants will care less about the area and neighbours than owner-occupiers	As above
Create a precedent for other conversions	As above
Not enough parking	See "Highway Considerations"
Concerns of the impact on access to the street	As above
Overlooking and privacy concerns	See "Impact on Neighbouring Amenity"
Subdivision of gardens results in overcrowding and increased noise and disturbance	As above
Previous applications at the site have included breaches of Planning Control	Not relevant to the current application

A further 4 letters have been received following the receipt of amended plans (all 4 were from addresses which had previously sent representations), reiterating previous comments referenced above. In addition, that the renotification time was too short as letters were received late due to Postal Strike. Officers note that in practice representations can be received up until the date of the decision, late representations will be given due regard.

7. PLANNING CONSIDERATIONS

- 7.1 In the determination of this application regard must be had to the Development Plan and National policy within the National Planning Policy Framework (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

- Principle of Development
- Design Considerations
- Impact on Neighbouring Amenity
- Provision of a suitable residential environment
- Highways Considerations
- Other Considerations
- Planning Obligations

Principle of development

- 7.2 The application site is located in the urban area, in a relatively sustainable location in walking distances to local amenities, including primary schools and local shops and services. The NPPF (2021) sets out that the planning decisions should support development that makes efficient use of urban land such as this location.
- 7.3 The proposal results in a loss of one two storey dwelling and the creation of two separate flats (net increase of one unit). The principle of the change of use is therefore acceptable in the urban area subject to other considerations, as detailed below.

Design Considerations

- 7.4 Policy EE1 sets out that all development proposals will be expected to achieve high quality and inclusive design which responds to the local context including the built, natural and historic character of the area while making efficient use of land.
- 7.5 The Council's Design Guide (July 2021) provides advice on how extensions to houses should respect the materials, scale, mass and architectural style of the original building. This can be achieved by the roof pitch and eaves of the extension matching that of the original house. The Design Guide further states that extensions should not dominate the original building. They should be smaller and lower than the original building, in order to respect its scale and form.
- 7.6 The NPPF (2021) sets out that there is a clear focus that proposed developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 7.7 The existing streetscene of Queen Mary's Drive predominantly comprises of two storey semi-detached dwellings of similar designs set back from the streetscene with driveways. Many of the dwellings within the street have added side extensions. This includes the attached No. 34 to the east, as well as No.s 53 and 55 opposite. These side extensions are all of different scales and forms. As such despite the similarity of the original dwellings within the streetscene, the differing scales of the extensions adds some diversity to the character of the area.
- 7.8 The proposed change of use includes a two-storey side extension following the demolition of the existing garage, as well as the subdivision of the garden area, bike stores in each proposed garden area and bin stores proposed to the front. The two storey side extension will be set back from the main frontage of the existing property including a pitched roof with eaves to match the height of the existing eaves and the roof ridge set lower than that of the

existing dwelling. Materials are proposed to match those of the existing dwelling. Therefore, it is considered that the form of the proposed extension to the original dwelling will remain subservient and will be in keeping with the diverse design of the surrounding extensions.

- 7.9 The proposed development also includes the further subdivision of the rear garden area and bike stores to the rear (one for each proposed unit) and a modest bin store to the front. These are small enclosures and whilst the bin stores are to the front, the indicative details show stores some 0.8m in height. Therefore, these are not considered to harm the character of the area. When taken as a whole, the built form associated with the proposed development is considered visually acceptable and would comply with the above policy considerations.

Impact on Neighbouring Amenity

- 7.10 All proposals are expected to provide high standard of amenity for all existing and future users in accordance with paragraph 130 of the NPPF (2021). Policy EE1 sets out that “*all development proposals will be expected to Ensure no adverse impact ...to neighbouring property or uses*”. The Runnymede Design Guide (July 2021) state that extensions should not significantly harm the privacy or outlook of neighbouring properties through overlooking or being over-dominant.
- 7.12 The adjacent properties potentially affected by the proposed development are the attached No.34 to the east, No.38m to the west, and No.27, No.25 and No. 23 Wendley Drive to the north-east.
- 7.13 The nearest neighbouring dwelling to the site is the attached No.34 which forms a pair of semi-detached dwellings with the application site. The proposed extension will be located on the opposite boundary from No.34. Therefore, it is considered this separation distance from the proposed extension will not result in any adverse amenity impact on the attached No.34 in terms of light and/or overbearing impact.
- 7.14 Neighbouring No.38 is angled away from the site by about 45-degrees and maintains a significant separation distance from the proposed extension. The proposed extension does not include any side facing habitable room windows, as such there will be no overlooking into the garden space of neighbouring No.38.
- 7.15 Neighbouring Nos. 23, 25 and 27 Wendley Drive all border the garden area of the site. The existing garden area will be subdivided to provide garden space for both proposed flats. Due to the existing garden area will be continued to be used as a garden (albeit in a subdivided form), it is considered that this change will not result in any adverse change to the existing the relationship with the above neighbouring dwellings.
- 7.16 Additionally, due to the orientation of Nos. 23, 25 and 27 Wendley Drive, it is considered that significant separation distance will be maintained from the proposed side extension. As such there will be no adverse impact on the neighbouring amenity of Nos. 23, 25 and 27. Therefore the amenity criteria as set above.
- 7.17 In terms of the activities associated with the proposed development. It is not considered that the subdivision of one residential house into two self-contained flats would result in a significant increase in noise and disturbance which would have a detrimental impact on the amenities of the occupiers of surrounding properties, also in residential use.

Provision of a suitable residential environment

- 7.18 Policy SL19 of the Local Plan state the expected minimum space standards for new residential units. Policy EE1 also states that no adverse impact on the amenities of the occupiers of the development proposed and provide an appropriate standard of amenity space. The Runnymede Design Guide (July 2021) states that “All dwellings must be designed with high quality internal and external space, in an appropriate layout, to accommodate different lifestyles and a range of private and communal activities.
- 7.19 The above policies require in quantitative terms for the two bedroom flats to have a minimum floorspace of 70 sqm. Flat A will have a floor area of 107 sqm, whilst Flat B will have a floorspace of about 71 sqm. Both units would be dual aspect and afford suitable levels of lighting and outlook (front and rear facing habitable room windows). Whilst unit A, the ground floor flat would overlook the shared parking area to the front, it would afford good levels of outlook onto its own private rear garden area.
- 7.20 Externally sufficient garden spaces provided with both flats (about 63 sqm for Flat A and 65 sqm for Flat B), it is considered that the adequate amenity space has been provided. The proposed development is therefore considered to comply with the above policy considerations.
- 7.21 To ensure that there is adequate amenity provided for the occupants for Flat A, it is recommended that a condition be secured for details a landscaped “privacy strip” between front facing windows and the parking area to create a “buffer” and provide some degree of privacy and general landscaping to assist the amenities of the occupiers of this flat.

Highway Considerations

- 7.22 Policy SD4 of the Local Plan states that the Council will support development proposals which maintain or enhance the efficient and safe operation of the highway network.
- 7.23 The Runnymede Borough Parking Guidance Supplementary Planning Document neither expresses a maximum nor minimum standard for residential development. This is to enable development proposals to respond fully and flexibly to the characteristics of their location, taking account of the availability of alternative means of travel in the area, car parking issues in the locality and to make the most efficient use of land. As set out above this site is located in a relatively sustainable location.
- 7.24 The proposal results in the loss of one family house, and the formation of x2 two bedroom units. It is not considered that the proposed development would result in significant increase in vehicles coming to and from the site which would materially affect highway safety or capacity issues. In terms of parking, the existing hardstanding to the front of the dwelling can accommodate off street parking for x3 vehicles, this is as existing. This is considered to provide suitable off-street parking for the number and size of the units proposed (i.e., at least x1 off road parking space per two bedroom flat)
- 7.25 Highway Authority have been consulted about the application and they have raised no objection to the application on highways safety grounds. However, they recommend a condition for a fast electric vehicle charging socket prior to first occupation of the proposal and the secure parking of bicycles within the site that should be retained and maintained

Other Considerations

- 7.26 The Council’s Drainage Officer has recommended a Sustainable Urban Drainage condition be applied to any planning permission to ensure that flood risk from surface water does not increase elsewhere. However, the proposal is not located in an area of high flood risk, and

in terms of built form are modest extensions. Therefore, such a condition is not considered either reasonable or necessary.

Planning Obligations

- 7.28 The site falls within 5km of the Thames Basin Heaths SPA, therefore Policies EE9 and EE10 apply. All new net residential developments within this zone of influence are considered likely to have a significant effect on the SPA in terms of recreational impacts from new residents and should therefore contribute to the provision of avoidance measures. One option is a contribution from developers to go towards mitigation in the form of the provision of Suitable Accessible Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in accordance with the Councils Adopted SPD. The applicant has agreed to pay towards SAMM/SANGs. This would be £767.98 towards SANG and £306 towards SAMM.
- 7.30 In this case the applicant not yet completed a legal agreement to secure SAMM/SANG. As such it is recommended that any approval is subject to a completed legal agreement. Subject to securing the SAMM and the relevant SANG contributions by way of a Unilateral Undertaking, it is considered that the proposal would address the impacts of the development the impact arising from the development on the Thames Basin Heath Special Protection Area in accordance with the Council's policies and the NPPF in compliance with Policies EE10.

8. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The Council has adopted CIL which came into effect on the 1st March 2021. Development which is liable for CIL will be charged at the agreed CIL charge rate, subject to the exemptions/reliefs set out in the CIL Regulations.

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 development has been assessed against the following Development Plan policies – EE1, EE9, EE10, SD3, SD4 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

The CHDMBC be authorised to grant planning permission subject to the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) to secure the following obligations:

- SANG £767.98
- SAMM £306

And the subject to the following planning 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: Location Plan – received 12/04/2022, P3601 Rev: A (Site Plan) – received: 05/10/2022, P3602 Rev: A (Proposed Floor Plans) – received 05/10/2022, P3604 Rev: A (Proposed Elevations) – received 05/10/2022

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

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

4. Electric vehicle charging points (per dwelling)

An electric vehicle charging point shall be provided for each dwelling. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The charging points shall be retained for the lifetime of the development.

Reason: To ensure sustainable design and to comply with Policy SD7 of the Runnymede 2030 Local Plan and guidance in the NPPF.

5. Cycle storage

Prior to first occupation of the development, cycle storage shall be provided in accordance with the details shown on the approved plans. Such storage should be safe, secure and lit.

Reason: To encourage active and sustainable travel and to comply with Policy SD3 of the Runnymede 2030 Local Plan and guidance within the NPPF.

6. Bin store provision

Prior to the first occupation of the development the refuse and recycling storage shall be provided in accordance with the details shown on the approved plans.

Reason: In the interests of amenity, to provide adequate refuse and recycling facilities and provide satisfactory form of development and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

7. Privacy Strip

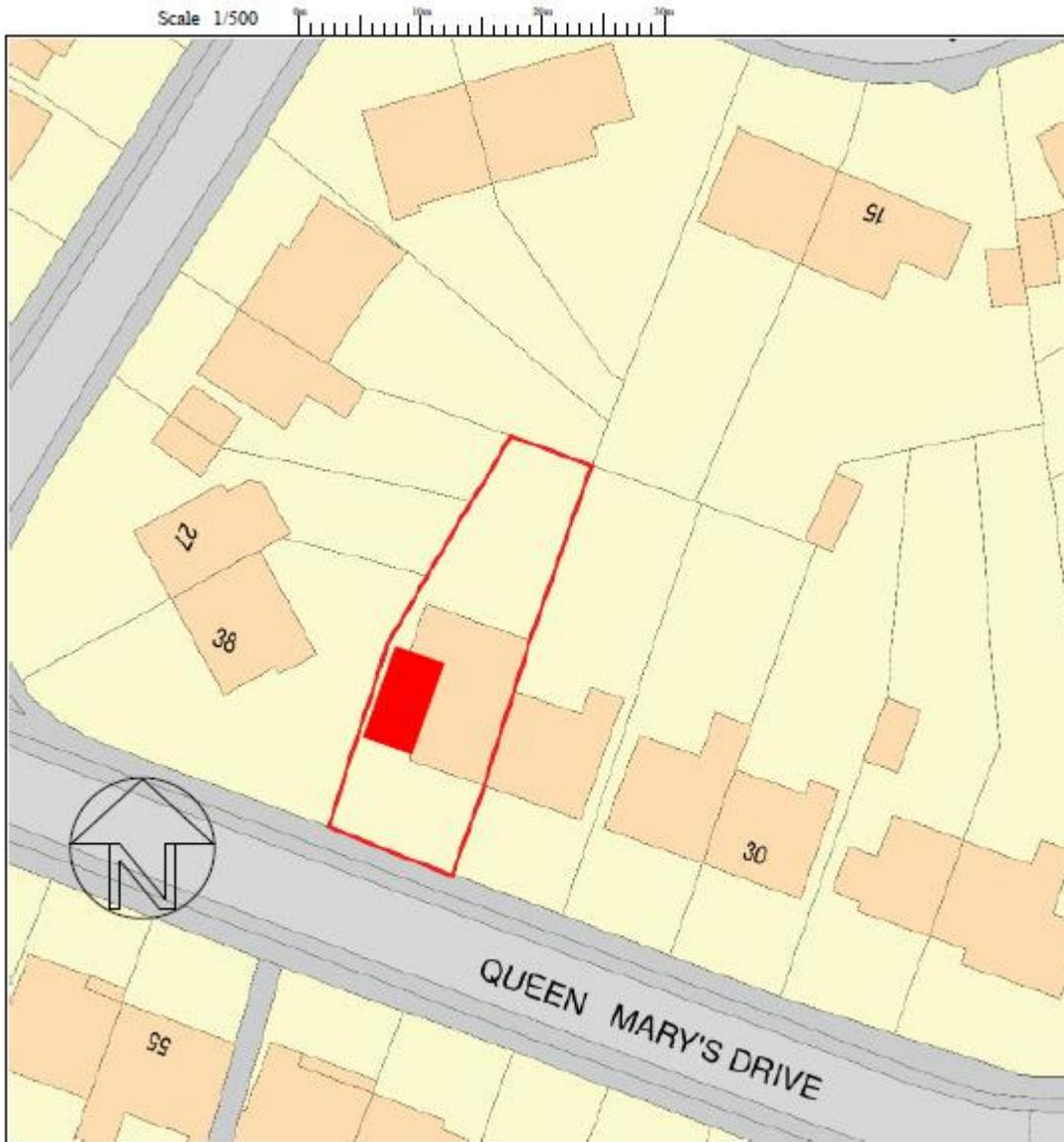
Prior to the first occupation of the proposed ground floor flat. Details of a landscaped privacy strip between the front ground floor habitable room windows and the driveway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the proposed details prior to first occupation and shall be retained unless otherwise agreed in writing.

Reason: In the interests of amenity of occupants and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

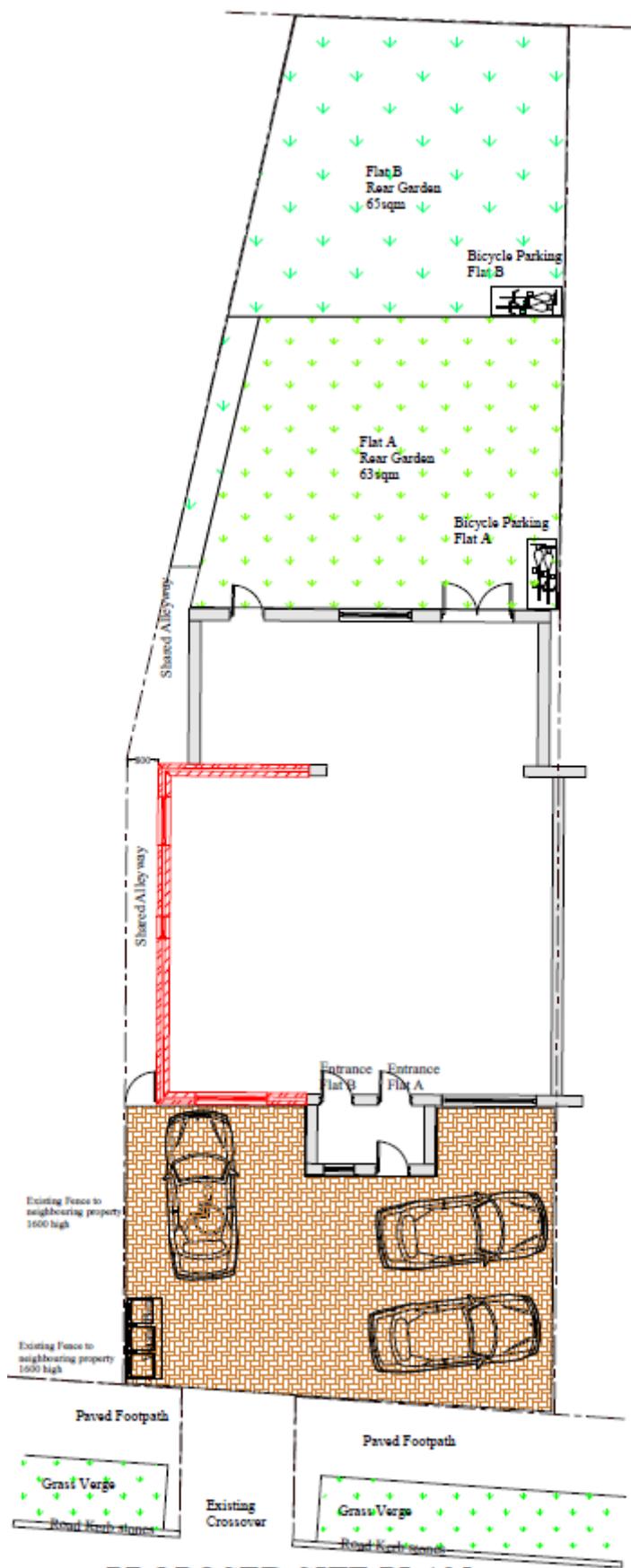
Recommendation Part B:

The CHDMBC be authorised to refuse planning permission should the S106 not progress to their satisfaction or if any significant material 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 refusal relating to any such matter are delegated to the CHDMBC.

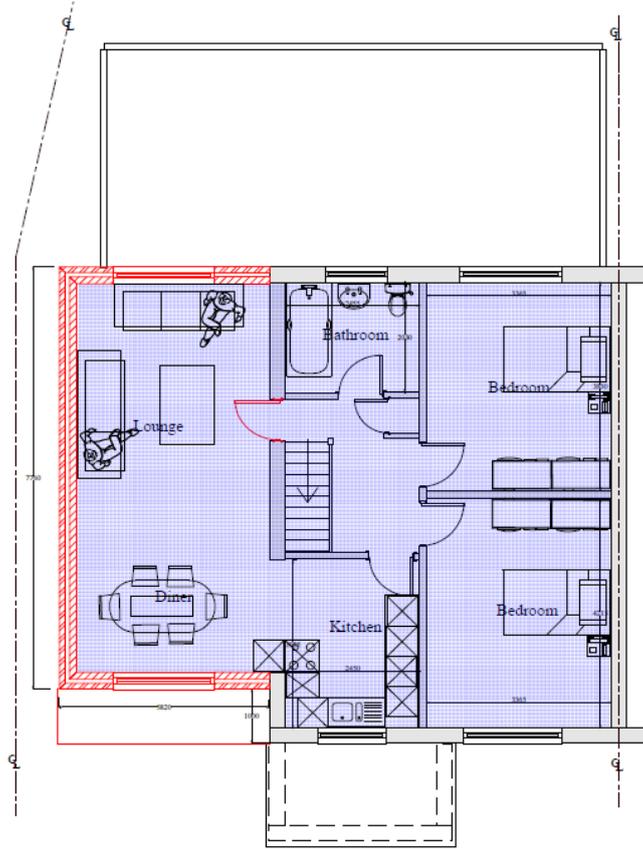
RU.22/0612 36 Queen Marys Drive Appendices



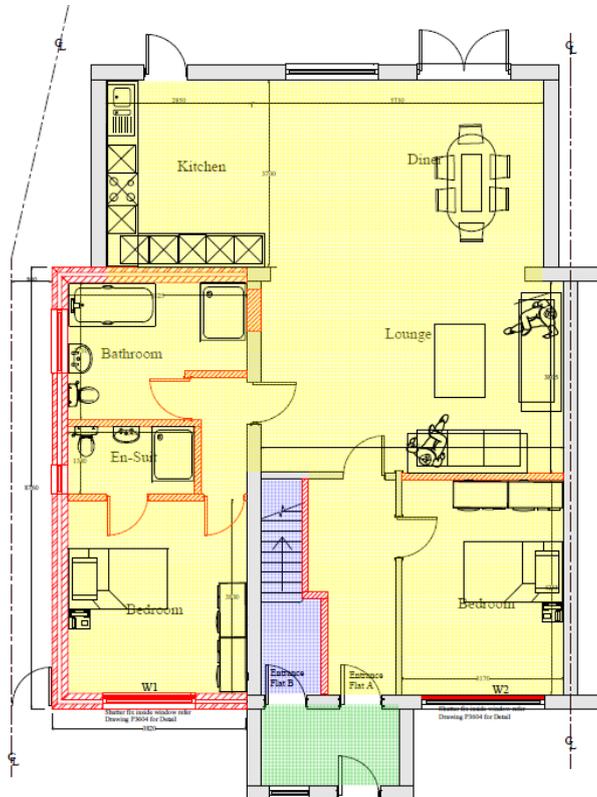
BLOCK PLAN 1/500



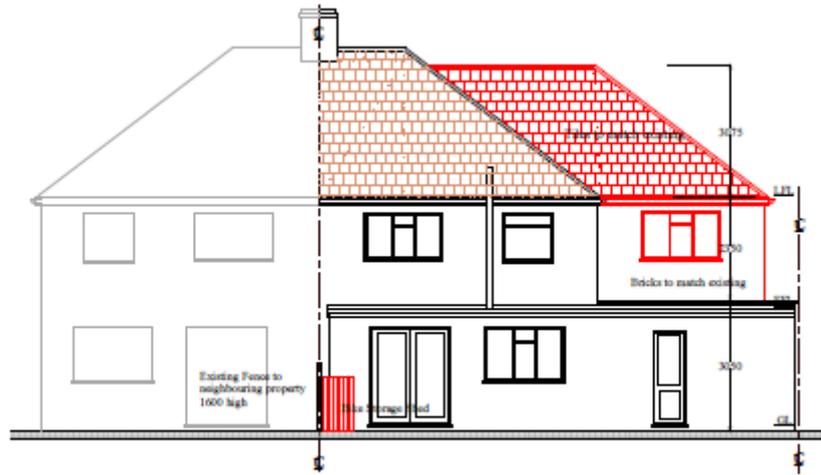
PROPOSED SITE PLAN



PROPOSED FIRST FLOOR PLAN



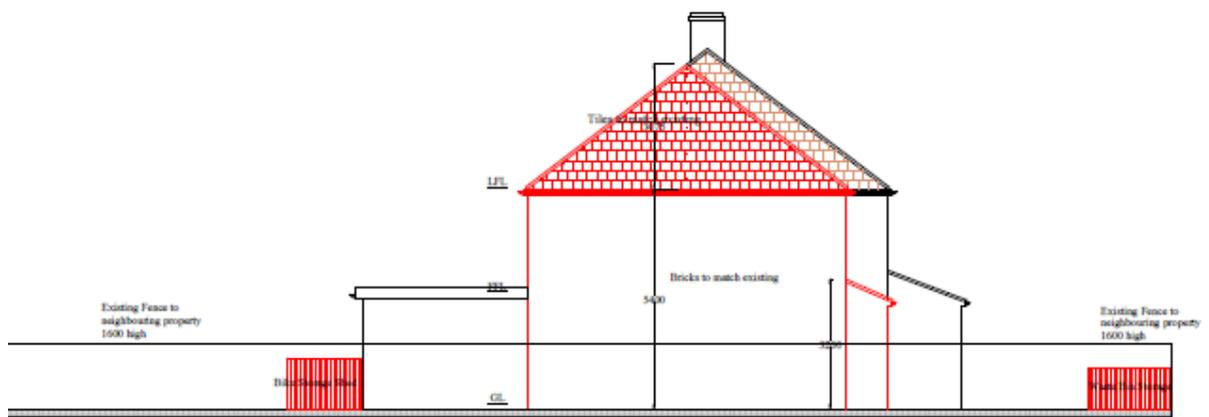
PROPOSED GROUND FLOOR PLAN



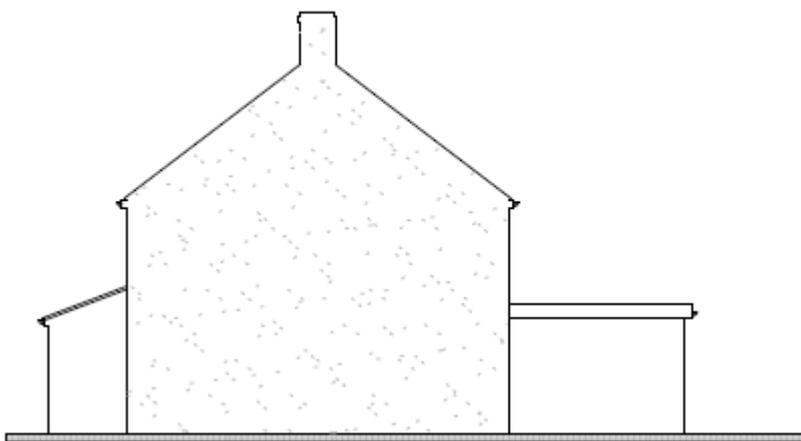
PROPOSED REAR ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

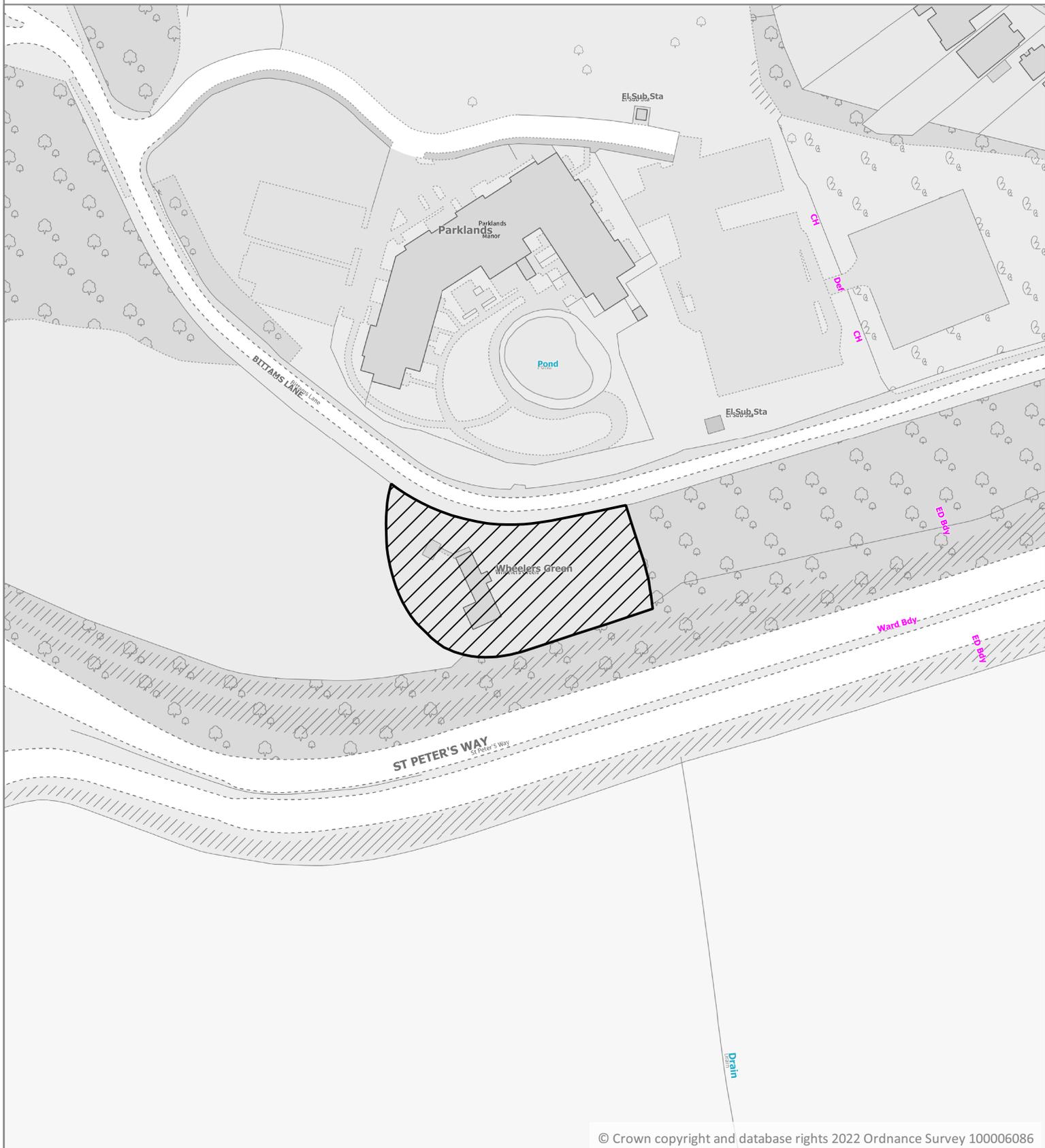


PROPOSED SIDE ELEVATION



Date: 18/01/2023

Wheeler's Green, Bittams Lane, Chertsey



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Scale: 1:1,500

RU.21/1766

0 25 50 m



COMMITTEE AGENDA REFERENCE: 5B

APPLICATION REF:	RU.21/1766
LOCATION	Wheelers Green, Bittams Lane, Chertsey, KT16 9RG
PROPOSAL	Construction of 6 apartments within two separate blocks, with revised vehicular access from Bittams Lane, landscaping and sustainable drainage systems
TYPE	Full Planning Permission
EXPIRY DATE	06/12/2021
WARD	Longcross, Lyne and Chertsey South
CASE OFFICER	Marie Clarke
REASON FOR COMMITTEE DETERMINATION	Net increase of 5 or more dwellings
<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 approve the application subject to the completion of a S106 agreement and planning conditions.
2.	To refuse planning permission at the discretion of the CHDMBC should the S106 not progress to his satisfaction or if any other material planning matters arise prior to the issuing of the decision that in the opinion of the CHDMBC would warrant the refusal of planning permission.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The site is located on the south side of Bittams Lane on a bend in the road. The site comprises a Grade II Listed detached 2 storey dwelling located to the east of a generous sized plot. The site is bounded by the A320 to the south with wooded area to the east and open land to the west. It forms part of an allocated site under Policy SL18 of the Local Plan. TPO16 runs along the west of the site and the site is in the Urban Area.

3. APPLICATION DETAILS

- 3.1 The application seeks permission for the construction of 2 x 1.5 storey buildings to provide 6 dwellings alongside the construction of a new access from Bittams Lane. Both buildings would be located to the east of the site with Block A located close to the new access on the northern boundary and Block B located towards the southern boundary. Both buildings would have a similar design with barn-hipped roofs and windows set in the eaves. Proposed materials are black timber weather boarded elevations and plain clay roof tiling.
- 3.2 Each building would contain 2 flats on the ground floor with a third in the roof space above. The ground floor flats would have access to separate rear gardens whereas the first floor flats would be provided with a private terrace area. A further communal garden area is also proposed. Flats 1 and 2 would be studio apartments with the remaining flats to be 1 bed 2 person apartments. Each flat would be provided with 1 car parking space with further space laid out for each dwelling to have its own bin and bike storage

4. RELEVANT PLANNING HISTORY

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

Reference	Details
RU.21/1715	Listed building consent for the demolition of garage and attic over and erection of two-storey side extension to form annex, provision of new vehicular access from Bittams Lane. Grant – 03/12/2021
RU.21/1700	Demolition of garage and attic over and erection of two-storey side extension to form annex, provision of new vehicular access from Bittams Lane. Grant – 17/12/2021
RU.00/0389	Demolition of existing garage and attic over and erection of two storey side extension. Grant- 23/05/2000.
RU.00/0390	Demolition of garage and attic over and erection of two storey side extension. Listed Building Consent – Grant. 23/05/2000.
RU.98/0376	Erection of entrance gates with brick piers. Grant – 09/06/1998.

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 SPDs which might be a material consideration in determination:
- Runnymede Design SPD (July 2021)
 - Thames Basin Heaths SPA SPD (April 2021)
 - Affordable Housing SPD (April 2022)
 - Runnymede Parking Guidance SPD (November 2022)
- 5.4 Planning (Listed Buildings and Conservation Area) Act 1990

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
Natural England	No objection subject to securing appropriate mitigation
SCC Highway Authority	Further information originally requested and provided by the applicant. No further objection raised subject to conditions
RBC Conservation Officer	No objection
Surrey Wildlife Trust (in their role as our ecology advice)	Further information originally requested and provided by the applicant. No further objection raised subject to conditions
RBC Tree Officer	No objections subject to conditions
SCC Archaeology	No objection subject to condition
RBC Drainage Engineer	No objection subject to condition
RBC Deputy Direct Services Manager	No objection
RBC Environmental Health Manager	No comments received
Surrey Bat Group	No objection

Representations and comments from interested parties

6.2 1x neighbouring property was consulted in addition to the application being advertised and a site notice erected. 4x letters of representation have been received, which can be summarised as follows:

- RBC state gardens should have minimum depth of 10.6m and this is often overlooked on the larger sites but these rear gardens fall considerably below.
- 4 units have floor area of 40msqm. These units shown as having double beds implying 2 person use and national standards states 2-person 1 bed units should have 50sqm floor area.
- The tranquillity and quietness of this location made a powerful contribution to my condition. Other residents have had a similar experience.
- Building a number of houses with associated roads very close will shatter our silence at all hours. There will be an increase in atmospheric pollution.
- Some apartments will be closely overlooked. Major concern to those with age related breathing problems.
- Some apartments will find themselves in close visual proximity to new houses, accentuated by rising grounds, leading to a loss of privacy.

- The proposed development would be completely out of character.
- The area has an open structure and feel from presence of St Peter's Hospital and Business Park and should remain so.
- Bittams Lane is very narrow and in places 2 medium sized vehicles cannot pass each other without slowing down and in places mounting the curb. Also used as rat run from M25 to Addlestone. Several collisions along the lane.
- Already another application for 200 dwellings next to Parklands which if approved will also greatly increase the number of vehicles accessing Bittams Lane.
- The apartments will create at least 6 more vehicles and considerations should be made for visitors, thus increasing possibility of even more traffic.
- That end of Bittams Lane is subject to flooding and was badly flooded last year.
- Increase in noise and vehicle emission pollution to be considered.
- Health and education facilities in area already stretched to capacity and beyond and with impact of proposed Green lane development, proposed Parklands development will be come more overloaded.
- Travel plan was interesting to read by human nature predicts people will have at least 1 vehicle. It takes 30-40 minutes to walk into Chertsey town centre. Managing travel demand by reducing impact of car travel and reducing need to travel will not help already overloaded facilities in the area.
- Narrow lane with lack of visibility. Survey should be carried out and 20mph speed limit considered.

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:

- Principle of Development
- Affordable Housing
- Heritage Considerations
- Wider Design Considerations
- Highways
- Trees
- Ecology
- Flooding and Drainage
- Provision of a Suitable Residential Environment
- Sustainability
- Impact on Neighbouring Amenity
- Planning obligations

Principle of Development

7.2 Wheelers Green falls within an allocated housing site (Parcel E - Chertsey Bittams). Local Plan Policy SD2 states that the wider site should deliver residential development of between 75-105 net units, with timing set out as 2023-2026 subject to the delivery of necessary mitigation on the A320.

- 7.3 Local Plan Policy SL18 confirms that the site will a) deliver a high quality development that will make provision for a minimum of 75 net additional C3 dwellings. As such, it must be demonstrated that this piecemeal development is acceptable in policy terms and that the remainder of the allocated site could still come forward for development in the future.

Policy SL18 also requires the following:

- b) Take account of TPO16 and site boundary vegetation
- c) Net gains in biodiversity
- d) Financial contribution towards provision of a community hub building and associated infrastructure at Parcel A, Chertsey Bittams. Open space for children and teenagers should be provided on site where possible.
- e) Include measures to mitigate impact on the highway
- f) Ensure the Listed Building and its setting is maintained and enhanced
- g) Make a financial contribution towards schools through S106 or CIL
- h) Avoid impact to the Thames Basin Heaths SPA
- i) Contribute towards and maximise opportunities for public rights of way
- j) Provide or contribute towards any other identified infrastructure
- k) A Flood Risk Assessment which, in particular, addresses surface water flooding from the A320

These requirements will be addressed in the relevant sections below.

Affordable Housing

- 7.3 Policy SL20 of the Local Plan states that the Council will seek to deliver 30% of all net additional dwellings as affordable units of which about 70% will be provided as Affordable/Social Rent and 30% provided as other forms of affordable housing. Development proposals of 10 or more (net) additional dwellings will be expected to provide 35% of dwellings as affordable units with a tenure split as above which includes 10% of homes for affordable home ownership.
- 7.4 Whilst the proposal is for less than 10 units, given that the application site relates to a wider allocated site within the Local Plan and as Policy SL20 goes on to state that where a site has been sub-divided or is not being developed to its full potential so as to fall under the affordable housing threshold the Council will seek a level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the allocated or identified site, it was initially considered that the provision of affordable housing should be sought as part of this proposed development.
- 7.5 However, it is not considered that the site has been artificially subdivided and in view of the quantum of development proposed on the site as set out in paragraph 7.5 above, it is considered that the site is being developed to its full potential. It is considered for these reasons that no affordable housing units or a contribution to affordable housing can be requested in this instance. On this basis it is considered that the proposal meets the requirements of Policy SL20 and the Affordable Housing SPD.

Heritage Considerations

- 7.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Policy EE4 of the Local Plan sets out that the Council will support appropriate development which seeks to maintain, sustain and enhance the significance and special

architectural and historic interest of Listed Buildings in the Borough. Considerable weight will be given to the protection of a Listed Building and its setting. Development of a Listed Building, or development within the curtilage or within the vicinity of a Listed Building or structure, should preserve and/or enhance its setting and any features of special architectural or historical interest which it possesses.

- 7.7 Wheelers Green is a Grade II Listed Building. The significance of Wheelers Green is considered to be the historic and architectural interest of the Listed Building and its spacious setting. The Council's Conservation Officer was consulted on the application and has previously been involved throughout pre-application discussions for the development. The Officer raised no objection, noting the development has a low key cottage style aesthetic and is considered to be of a subservient scale to the adjacent Listed Building such that the development would not harm in any way the setting of the Listed Building.
- 7.8 Surrey County Council Archaeology were also consulted on the application and provided comments on the desk based archaeological report submitted. The report confirmed the application site has High Archaeological Potential due to its proximity to the Listed Building and further work may be required to clarify the potential of the site. The Archaeology Team have confirmed further work would be required through a trial trench, but does not consider it necessary for the archaeological work to be carried out in advance of planning permission with the report suggesting remains of national importance are not present. A condition to secure the required archaeological work was recommended, subject to which the development is considered to avoid harm to archaeological potential of the site.
- 7.9 Therefore, as a whole, the development is considered to protect and preserve the significance of the designated heritage assets identified on site, in compliance with Policies SL18, EE3, EE4 and EE7 of the Local Plan.

Wider Design Considerations

- 7.10 Policy EE1 requires development proposals to achieve a high quality and inclusive design which responds to the local context including the built, natural and historic character of the area. The Runnymede Design SPD also seeks to provide applicants and their agents with more detailed design advice for new developments. Development should be designed to take into consideration the existing site and its local context.
- 7.12 The current proposal is considered to be acceptable in layout, scale and overall design, with the built development 'broken up' and set away from the site boundaries. The buildings have a barn like appearance which is in keeping with the semi-rural nature of the area. They would essentially face into a courtyard area, with views of the Listed Building maintained to the west. They have been designed to be low-key 1.5 storey buildings to ensure that they are visually subservient to the Listed Building. Materials are considered to be sympathetic and appropriate.

Highways

- 7.13 Policy SD4 of the Local Plan states that the Council will support development proposals which maintain or enhance the efficient and safe operation of the highway network.
- 7.14 Surrey County Highways Authority (CHA) were consulted on the application and requested a further speed survey be carried out alongside providing additional information regarding visibility splays. The applicant subsequently submitted the requested information which was reviewed by the CHA who raised no objection to the development subject to conditions to secure closure of the existing access, construction of the new access, parking and turning,

electric vehicle charging and further details of a construction transport management plan prior to commencement of development. Subject to these conditions it is considered to development will have an acceptable impact on the safety and capacity of the local highway, in compliance with Policies SD3, SD4 and SD7 of the Local Plan.

- 7.15 The proposal would comply with the car parking guidelines in the adopted Runnymede Parking Guidance SPD which requires one car parking space per dwelling for units of this size. Adequate cycle parking would also be provided.
- 7.16 Individual bin stores would be provided and the DSO Recycling Officer has commented that this is ideal, as it is anticipated that the waste collection vehicles would stop on the main highway and pull the bins to the truck.

Trees

- 7.17 Policy EE9 seeks to protect sites covered by TPOs and Policy EE11 relates to Green Infrastructure. The impact of the proposal upon existing trees and landscaping is an important consideration for this site. Policy SL18 confirms that any development will need to take account of TPO16 to the west of the site, as well as other existing site boundary vegetation.
- 7.18 The application is accompanied by an Arboricultural and Planning Integration Report carried out by GHA Trees and a Tree Protection Plan. This confirms that subject to adequate protection, the proposal would be acceptable. The TPO'd trees are away from the proposed units, sited behind the Listed Building. The mature weeping willow to the centre of site is to be retained as a focal feature, as would the boundary vegetation which would ensure some screening of the development. The three trees to be removed to facilitate the development are of poor quality, having either a C or U category, therefore no objection is raised in this regard. In addition the relationship between the buildings and retained trees is sustainable and is not likely to result in any pressure to for pruning from future occupants.

Ecology

- 7.19 Policy EE11 seeks to avoid habitat fragmentation of Green Infrastructure by encouraging development proposals which restore, maintain and enhance habitat connectivity. The submitted Preliminary Ecology Appraisal Report (amended) includes a buffer zone to the east of the site and protection of woodland. The Biodiversity Net Gain Assessment (amended) sets out a biodiversity net gain of 24.45% for habitats and 39.12% for linear features. The assessment outlines a measurable net gain, in line with the NPPF. Surrey Wildlife Trust have recommended a condition to secure a Biodiversity Management Plan to detail how each habitat will be managed to achieve its target score.
- 7.20 The site falls within 5km of the Thames Basin Heaths SPA, therefore Policies EE9 and EE10 apply. All new net residential developments within this zone of influence are considered likely to have a significant effect on the SPA in terms of recreational impacts from new residents and should therefore contribute to the provision of avoidance measures. One option is a contribution from developers to go towards mitigation in the form of the provision of Suitable Accessible Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). The applicant has agreed to pay this (see section below regarding financial contributions) and has submitted a draft S106.

Flooding and Drainage

7.21 The Council's Drainage Engineers were consulted on the application and note the site is in flood Zone 1 and at a low risk of surface water flooding. Ground investigation has been undertaken for the site with surface water attenuation measures proposed. No objection is raised subject to a condition to ensure that a scheme for the disposal of surface water, in line with principles set out in the submitted Drainage Strategy and Flood Risk Statement, is submitted and agreed. Therefore, the development is considered to comply with the requirements of Policies EE13 and SL18.

Provision of a suitable residential environment

7.22 Policy EE1 states that development proposals should have no adverse impact on neighbouring properties or the amenities of future occupiers, and should provide an appropriate standard of amenity space. Policy SL19 requires development to comply with minimum internal space standards.

7.23 Each dwelling would have a suitable area of private amenity space, as well as an attractive communal amenity area within the courtyard. The flats would comply with the minimum internal space standards set out in Policy SL19. It is therefore considered that the proposal would be of a high-quality design and would provide attractive living spaces.

7.24 In regards of noise, Policy EE2 relates to environmental protection and states that pollution, including noise, can lead to adverse impacts on the natural environment and the health and well-being of individuals and communities. Proposals which have or would be subject to unacceptable adverse effects will not be supported.

7.25 Noise from the adjacent A320 is a material consideration. The submitted Noise Impact Assessment Report by dBA Acoustics indicates that, unmitigated, at the most exposed facades of the proposed dwellings there is a medium to high risk of significant adverse noise impact. Thus mitigation would be required. The report recommends:

- An enhanced building envelope through the application of appropriate external fabric elements and materials to achieve suitable internal noise levels.
- Alternative means of ventilation using an MVHR system to provide continuous mechanical ventilation and cooling, so that, if desired, windows can be kept closed for acoustic reasons.
- Acoustically enclosed first floor balconies, using 1.7m high acoustic glazed screens and hedges.

7.26 As such, subject to conditions, the proposals would achieve the internal noise guideline limits of BS8233:2014 and would be acceptable. Whilst external amenity is generally not expected to be compliant with the upper limit of the guidelines (55dB LAeq 16 hours daytime noise levels), particularly the rear gardens of the units in Block B, a relatively quieter communal amenity area would be available to all residents.

7.27 It should be noted that, in reference to the guideline levels, section 7.7.3.2 of BS8233:2014 states:

'it is also recognised that these guideline levels are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as convenience of living in these locations or making effective use of land resources to ensure development needs can be met might be warranted. In such a situation, development should be

designed to achieve the lowest practicable levels in external amenity spaces, but should not be prohibited.'

- 7.28 Overall, subject to conditions, the proposal is considered acceptable in relation to providing a suitable residential environment.

Sustainability

- 7.29 Policies SD7 and SD8 of the Local Plan relate to sustainable design and renewable energy. It is noted that the Design and Access Statement makes reference to the possibility of incorporating PV panels to the southern roofslopes (essentially Block B) and / or Air Source Heat Pumps. These renewables measures are encouraged although would need to be considered in the context of the site, particularly with regard to the setting of the Listed Building and potential impact on ambient noise levels. A condition is recommended, as well as a condition to secure electric vehicle charging points for all the dwellings and measures for water conservation.

Impact on Neighbouring Amenity

- 7.30 Given the relatively isolated location of the site, there would be no impact on neighbouring amenity. The buildings would be sited a sufficient distance from the existing dwelling to ensure that there would be no loss of light or privacy to its occupiers.

Planning Obligations

- 7.31 Agreed contributions to meet policy requirements are as follows:

SANG	£7,589
SAMM	£3,024
Community Hub	£9,089
A320 Highways	£71,340

8. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution.

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 development is considered acceptable in terms of impact on heritage assets, the character and appearance of the area, residential amenity, trees, ecology and other policy requirements.
- 10.2 The development has been assessed against the following Development Plan policies – Policies EE1, EE2, EE3, EE4m EE7, EE9, EE10, EE11, EE13, SL18, SL19, SD2, SD3, SD4, SD7 and SD8 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

Recommendation Part A:

The CHDMBC be authorised to grant planning permission subject to the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) to secure the following obligations:

- | | |
|------------------|---------|
| 1. SANG | £7,589 |
| 2. SAMM | £3,024 |
| 3. Community Hub | £9,089 |
| 4. A320 Highways | £71,340 |

And the subject to the following planning 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:

1620/201 Rev B – Proposed Site Plan;

1620/202 Rev B – Proposed Floor & Roof Plans – Block A
1620/203 Rev B – Proposed Floor & Roof Plans – Block B
1620/204 Rev A – Street Elevations and Site Sections
1620/205 – Block Plan.
020.0595.005 Rev A – Visibility Splays from Existing Access
Tree Protection Plan – Dec 2021.

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

3. Ecology

The development hereby approved shall be implemented fully in accordance with the recommendations in the Ecological Appraisal by Darwin Ecology (Updated December 2021) hereby approved. Prior to the commencement of development a Habitat Management Plan, to include biodiversity net gain including details of how these habitats will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved Habitat Management Plan.

Reason: To enhance the biodiversity of the site and to comply with Policies EE9 and EE11 of the Local Plan and guidance within the NPPF.

4. Archaeology

No development shall take place until the applicant 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 by the Planning Authority.

Reason: To allow archaeological information to be recorded and to comply with Policy EE7 of the Local Plan and guidance within the NPPF.

5. Construction transport management plan

No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) measures to prevent the deposit of materials on the highway
- (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (h) on-site turning for construction vehicles

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Local Plan and guidance within the NPPF.

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 (Dec 2021). 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 and biodiversity of the surrounding area and to comply with Policies EE1, EE9 and EE11 of the Local Plan and guidance within the NPPF.

7. Surface water drainage

Prior to the commencement of development a scheme for the disposal of surface water based on the principles within the agreed Drainage Strategy and Flood Risk Statement Ref 21074 dated 27/9/2021 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

Reason: To ensure there is adequate surface water drainage in accordance with Policies EE13 and SL18 of the Local Plan.

8. External materials (details required)

Before the above ground construction 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.

9. Landscaping details

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 and a landscape management plan.

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. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan. 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 and biodiversity of the surrounding area and to comply with Policies EE1, EE9 and EE11 of the Runnymede 2030 Local Plan and guidance within the NPPF.

10. Closure of existing vehicular access

The development hereby approved shall not be first occupied unless and until the existing access from the site to Bittams Lane has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Local Plan and guidance within the NPPF.

11. New access

No part of the development shall be first occupied unless and until the proposed new vehicular access to Bittams Lane has been constructed and provided with visibility zones in accordance with the approved plan, 020.0595.005 Rev A, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Local Plan and guidance within the NPPF.

12. Parking and turning

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 and cycles 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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Local Plan and guidance within the NPPF.

13. Electric vehicle charging

The development hereby approved shall not be occupied unless and until each of the proposed flats are 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 and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure sustainable design and to comply with Policy SD7 of the Runnymede 2030 Local Plan and guidance in the NPPF.

14. Noise mitigation

The development hereby approved shall not be occupied until internal and external noise mitigation measures have been implemented in accordance with a scheme to firstly be submitted to and approved in writing by the Local Planning Authority. This shall incorporate the recommendations in the approved Noise Impact Assessment Report by dBA Acoustics (10th August 2021) which include:

- Enhanced building envelope through the application of appropriate external fabric elements and materials
- Alternative means of ventilation using an MVHR system to provide continuous mechanical ventilation and cooling
- Acoustically enclosed first floor balconies with 1.7m high acoustic glazed screens and hedges

Reason: In the interest of the health and wellbeing of future occupiers, in accordance with Policy EE2 of the Local Plan.

15. Renewable Energy

Prior to the occupation of the development hereby approved, details of the chosen renewable energy/low carbon technology to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure at least part of the energy requirement of the development is produced by on-site renewable energy sources/low carbon technology in accordance with Policy SD8 of the Local Plan.

16. Water efficiency

Prior to the first occupation of the development hereby permitted, details of the water efficiency measures and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. Such details as shall be approved shall be fully implemented and retained for the lifetime of the development

Reason: In order to achieve water efficiency and sustainable development and to comply with Policy SD7 of the Local Plan and guidance within the NPPF.

17. External lighting

Before any external lighting is installed at the site, a Sensitive Lighting Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To protect wildlife and to comply with Policies EE9 and EE11 of the Local Plan 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 Closure of an access

When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.

3 Works to the highway

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

<https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>.

4 Accommodation works

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

5 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/permits-and-licences/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/floodingadvice.

6 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).

6 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.

7 Statutory utility works

The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.

8 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.

9 Numbering and Naming

The applicant is advised that Runnymede Borough Council is the authority responsible for numbering and naming of properties and new streets in accordance with the Public Health Act 1925. Application forms may be obtained from the Engineering Division. Applications should be made at least two months in advance of the property being occupied.

10 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.

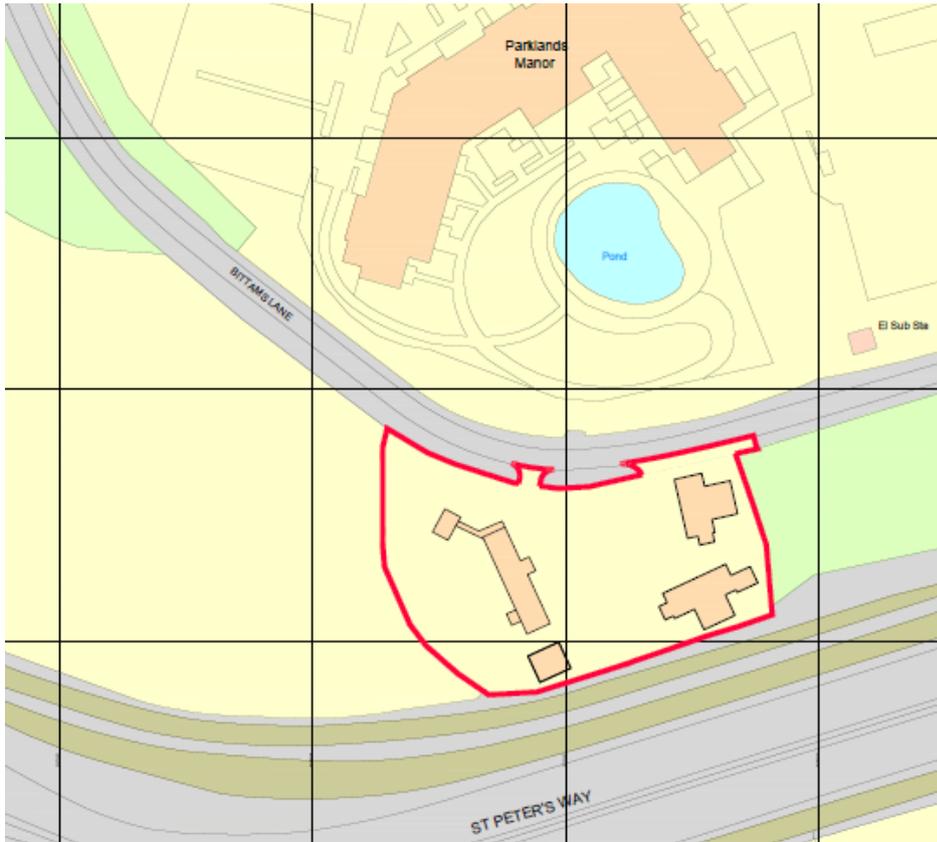
Further information is available from the Council's Environmental Health Department.

Recommendation Part B:

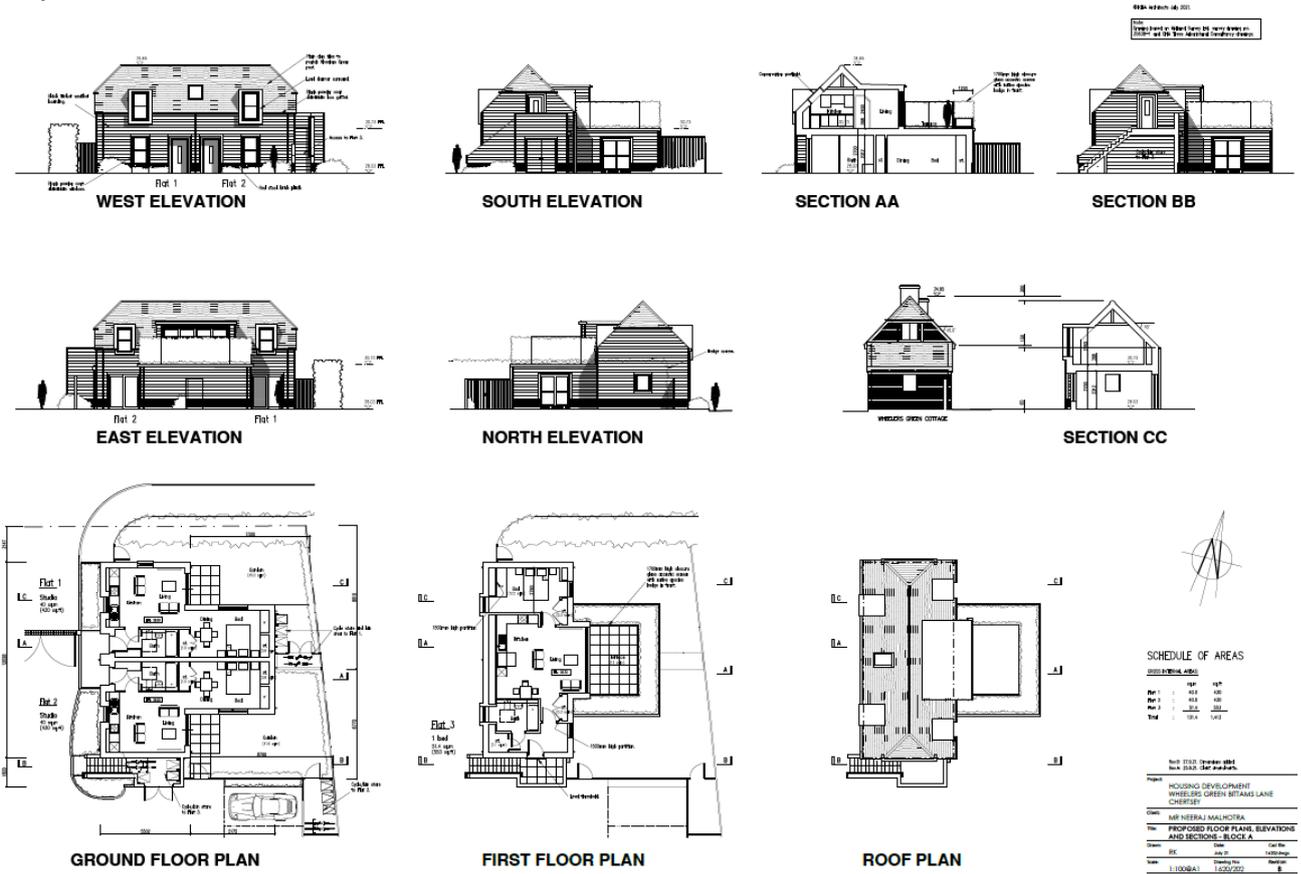
The CHDMBC be authorised to refuse planning permission should the S106 not progress to his satisfaction or if any significant material considerations arise prior to the issuing of the decision notice that in the opinion of the CHDMBC would warrant refusal of the application. Reasons for refusal relating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

RU.22/1766 Wheelers Green Appendices

Location / Proposed Block Plan:



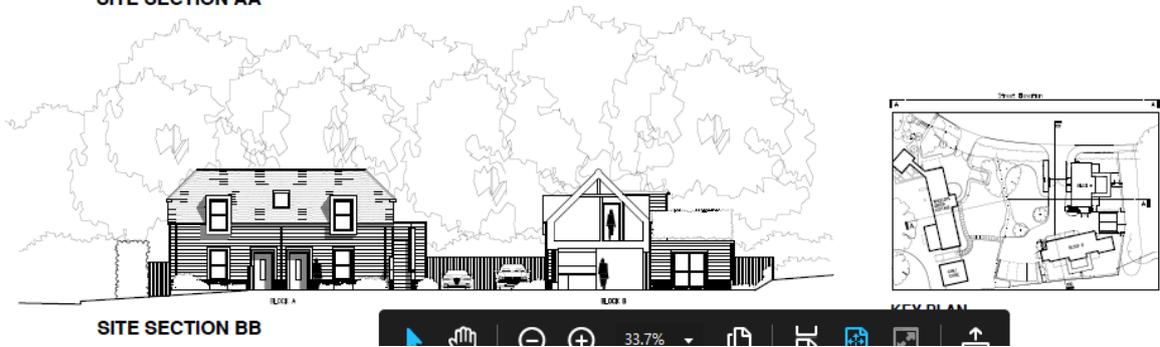
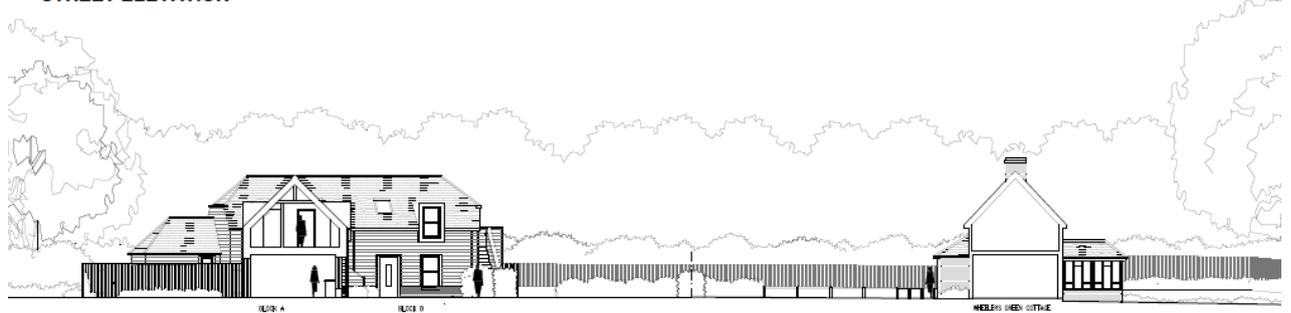
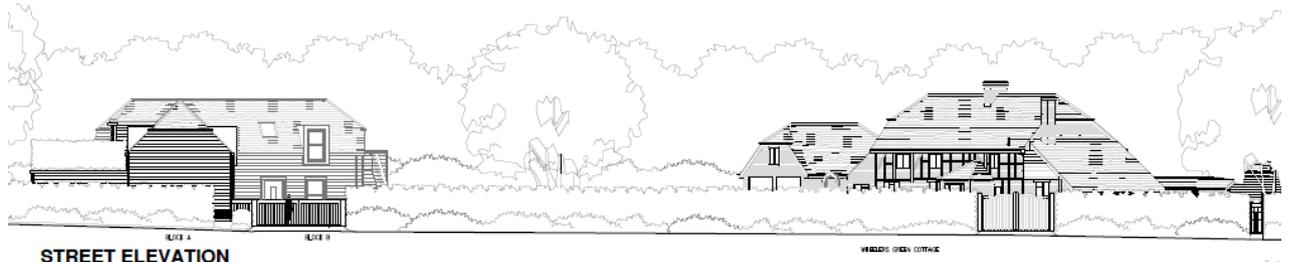
Proposed Elevations and Floor Plans – Block A:



Proposed Elevations and Floor Plans – Block B:



Street Elevations and Site Sections:





Date: 18/01/2023

Park House, Wick Road, Englefield Green



Scale: 1:2,000

RU.21/2188



COMMITTEE AGENDA REFERENCE: 5C

APPLICATION REF:	RU.21/2188
LOCATION	Park House, Wick Road Egham, Englefield Green, TW20 0HJ
PROPOSAL	Change of use of building from single residential dwelling (C3 Use Class) and two storey extension to provide 8 dwellings comprising 4 x 2 bed and 4 x 3 bed (C3 Use Class), new access, associated car parking and plant, bin, and cycle storage.
TYPE	Full
EXPIRY DATE	31/01/23
WARD	Englefield Green West
CASE OFFICER	Katherine Appleby
REASON FOR COMMITTEE DETERMINATION	Net increase of 5 or more dwellings and part of allocated site
<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 approve the application subject to the completion of a Unilateral Undertaking and planning conditions
2.	To refuse planning permission at the discretion of the CHDMBC should the Unilateral Undertaking not progress to their satisfaction.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site is located on the northern side of Wick Road, immediately to the east of its junction with Blays Lane and it is close to the settlement of Englefield Green, the boundary of which is a short distance to the east of the site (i.e., Queenswood Crescent which is a residential development comprising of apartments and terrace / semi-detached houses and is within the settlement) and also to the north of the site, beyond the existing offices. Open land lies to the south and west of the site.
- 2.2 Park House is a substantial Villa originally constructed in 1874, which is set in large, landscape grounds. The building is 2-3 storeys in height and it has been designated a 'Locally Listed Building'. Whilst the building was originally erected as a dwelling, it was converted into offices in the mid-1950s and was for many years used as Headquarters by the Dyslexia Institute, however under prior approval RU.14/1118 the existing building has been converted back to a single residence.
- 2.3 The building is accessed off Wick Road. The access road also serves the other office buildings to the north of Park House. The site is located within flood zone 1 and is very well screened by existing mature trees, with more significant areas of woodland along the southern and eastern boundaries of the site and includes several trees protected by Tree Preservation Order 419. An area along the southern boundary of the site is also located with the Biodiversity Opportunity Area. The site also lies within 5km travel distance of the Thames Basin Heaths Special Protection Area.
- 2.4 Following the adoption of the Runnymede 2030 Local Plan the application site is no longer within the Green Belt but is now within the urban area. Park House forms part of a larger site which

includes Blays House, Inbucon House and The Stables, which lie immediately to the north and are all in Class B1 (office) use. This application (which does not include Blays House, Inbucon House and The Stables) is a site allocated for development by the Runnymede 2030 Local Plan, Adopted 16th July 2020 (by Policies SD2 and SL5).

3. APPLICATION DETAILS

- 3.1 The proposed development seeks full planning permission for the conversion and extension of the existing office building to provide 8no.flats (comprising 4 no.x 2 bed and 4 no.x3 bed). Of these, 6no.flats are proposed within the existing building, with a further 2 no. dwellings provided within a linked two storey extension.
- 3.2 Units 1 and 3 on the ground floor would each have courtyard amenity areas whilst ground floor unit 2 and houses 1 and 2 would each have garden areas enclosed by formal hedging. The fabric of the existing building would remain generally the same as a result of the proposed conversion apart from adjusting existing openings, ground floor skylights serving the kitchen and dining area of unit 1, the removal of an existing external staircase on the northern elevation, some internal changes and a new ramped access. Unit 6 would have two floors, with two of the three bedrooms and a bathroom within the existing second floor. A total of x12 Car parking spaces would be provided immediately to the north and east of the existing building and adjacent to the existing access road following the removal of existing shrubs and foliage, all of which would be accessed via the existing access from Wick Road as well as a bin, plant room and cycle store.
- 3.3 The proposed two storey extension would be attached to the south of the existing building by a new single storey part brick/part glazed link which would comprise a master bedroom and ensuite serving apartment 3 of the proposed converted building. The extension would be sited further away from Blays Lane compared to the existing building and located on an existing lawn area.
- 3.4 The remaining extension would have a footprint of approx. 220sqm and a first floor of 182sqm and would comprise 2 no. x 2 storey dwellings, with the entrance to house 1 facing east and the entrance to house 2 facing south. House 1 would have front and rear enclosed garden areas and house 2 front and side garden areas with pathways linking to the proposed parking courtyard which would have 4 parking spaces and a new sliding gated entrance off Wick Road. A section of boundary fence would be removed and a new access created off Wick Lane to serve the 2 houses. The design of the extension would include various gables, bay windows, a two-storey glazed element and reflect the appearance of the existing building albeit at a lower overall height. A cycle/bin store and plant room has also been indicated close to the proposed car parking area.
- 3.5 A tree report has been submitted which includes an arboricultural method statement (AMS) and a tree protection plan (TPP) which indicates that 12 trees are to be removed (including 2 Category U trees). However, additional landscaping would be carried out on the site with the introduction of more native species and the opportunity to introduce new tree planting to the site boundary, retaining the roadside tree cover. To the east and south of Park House is a grassed landscaped area, which would form a communal amenity area.
- 3.6 Bat surveys have been carried out on the site and building which have found the presence of bats and bat boxes and access tiles into the retained loft spaces for continued use (after the works have been carried out) are proposed and a plan showing the location of these has been submitted.
- 3.7 The applicant has submitted a Planning, Design and Access Statement. According to the applicant the current application proposes minor design changes to the previously approved 2018 scheme for 8 flats (RU.17/1750). The external form and size of the existing building, as well as the two-storey extension does not change from the approved scheme. The changes can be summarised as follows:
 - The use of existing basement as a plant area plus x2 wine cellars.
 - Changes to the internal layout of the dwellings within the existing main building. The changes do not alter the positioning of the key walls within the building.
 - The approved two storey extension had one dwelling on the ground floor and one on the first floor. The extension is now divided such that there is a central division allowing two dwellings each over 2 floors, the size of the extension and number of bedrooms (2 beds)

- within each dwelling does not change.
- Externally only very minor changes are proposed which includes 2 ridge rooflights on the ground floor and some changes in fenestration, openings and porch locations, however the overall appearance remains unchanged.
- The site plan shows a more detailed landscaping layout with planting used to identify amenity areas. All the trees previously shown to be retained are retained under the latest plans.
- The latest plans provide further details of the previously approved detached plant, bin and cycle stores. The worked-up design shows enclosures of a greater size to take account of the needs for recycling, green means of transport as well a modern heating and cooling technologies.
- The latest plans include details of the proposed gates that whilst shown in plan form on the 2018 permission were not shown in elevational form

3.8 The applicant has submitted a draft unilateral undertaking with respect to SAMM and SANGS payments in relation to the location of the site within 5km of the Thames Basin Heaths SPA, in accordance with the current guidance.

4. RELEVANT PLANNING HISTORY

4.1 The following history is considered relevant to this application:

Reference	Details
EGH.55/3515	Use of house for administration purposes and staff training centre - Granted January 1956
RU.74/0256	Continued use for administrative purposes and staff training centre as described in without the need to comply with conditions (iv) - personal permission and (v) - maximum number of persons employed - Granted 1974.
RU.14/1118	Prior approval for change of use from office to single dwelling house - Granted 16/09/14
RU.17/1750	Change of use of building from office (B1 Use Class) and two storey extension to provide 8 dwellings comprising 4no.x 2 bed and 4 no.x3 bed flats (C3 Use Class), new access, associated car parking and bin and cycle storage. -Granted 29/03/18 – Not Implemented

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 The application site is part of a site allocated for development by the Runnymede 2030 Local Plan, Adopted 16th July 2020 (by Policies SD2 and SL5).

5.4 SPDs which might be a material consideration in determination:

Runnymede Design SPD (July 2021)
 Thames Basin Heaths SPA SPD (April 2021)
 Affordable Housing SPD (April 2022)
 Runnymede Parking Guidance SPD (November 2022)

6. CONSULTATIONS CARRIED OUT
Consultees responses

Consultee	Comments
RBC Conservation Officer	No objection
RBC Arboricultural Officer	No objection
Natural England	No objection
SCC County Highway Authority	No objection
RBC Drainage Engineer	No objection
Surrey Wildlife Trust	No objection
RBC Planning Policy	No objection
Surrey Bat Group	No objection

6.1 Representations and comments from interested parties

6.2 42 Neighbouring properties were consulted in addition to being advertised on the Council's website and 1 letter of representation has been received, (which are the same comments/writer as referred to from the Englefield Green Village Neighbourhood Forum below)

Englefield Green Village Neighbourhood Forum – raises the following concerns

6.3

- *Although this is a modification to previously approved application, things have moved on since the first application in two respects; - success of Savill Garden has led to a considerable increase in traffic down Wick Road, and a new exit onto it is not advisable with considerable pedestrian movement into and from Windsor Park, combined with the slope and poor site lines, and in the other direction has just crossed a narrow bridge. To re-site the car parking for the extension to the North of the buildings alongside the other proposed parking, it would be a better solution and give a single (existing) exit point for all vehicles.*
- *We do not have any particular objections to the extension, especially as it retains and compliments the original building, but consider a solution to the above problem should be found before it is allowed.*
- *We would query whether the building of a pair of semi-detached houses 'attached' to the existing building is actually considered to be an extension.*

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 site is no longer constrained by the Green Belt designation. The application site is located within the urban area where the principle of such development is 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 considerations include:

- Principle and Quantum of Development
- Affordable Housing
- Heritage
- Design and Impact on Character and Appearance of the Area

- Residential amenity
- Highway Considerations
- Impact on Trees
- Ecology
- Flood Risk and Drainage
- Sustainability

Principle and Quantum of Development

- 7.2 The application site is included in the Runnymede SLAA (2021) and comprises part of a site allocated under Policy SL5, 'Housing Allocation at Blays House, Blays Lane, Englefield Green'. The Runnymede Site Selection Methodology and Assessment (SSMA-2017) examined potential development sites for allocation in the Runnymede Local Plan against aspects such as accessibility and constraints, and how each performed against the other and Green Belt purposes and recommended that the site should be allocated for housing.
- 7.3 The site is located within a reasonable walking and cycling distance of key facilities in Englefield Green as well as other leisure, employment and education facilities close to the site. Bus stops providing access to Englefield Green as well as to the nearby larger towns of Egham and Staines-upon-Thames are located just a short distance away, and Egham and Virginia Water Stations provide access to the rail network for longer distance trips with the M25 and M3 close by. As such the site is in a settlement location and has reasonable access to local facilities and is in a reasonably sustainable location. Given the wider sites allocation the proposed residential development of the site is acceptable in principle.
- 7.4 The Runnymede 2030 Local Plan was adopted on 16th July 2020 and within this Policy SD1 of the Local Plan advises that Englefield Green will require 612 net additional dwellings during the period of the Local Plan (2015-2030). Policy SD2 states that sites listed within this policy are expected to deliver the level of development subject to complying with specific requirements set out in the individual site allocation policy which in this case is Policy SL5 which has allocated the site for development for a minimum of 100 dwellings. As such, it must be demonstrated that this piecemeal development is acceptable in policy terms and that the remainder of the allocated site could still come forward for development in the future.

Policy SL5 also requires the following:

- b) Take account of site boundary vegetation in the design, layout and landscaping of the site especially fronting Wick Road and the north boundary of the site; This will need to be demonstrated and implemented through an appropriate landscaping strategy;
- c) Safeguard biodiversity at the Windsor Great Park SNCI in the design and layout of the site through an appropriately designed green infrastructure buffer and through provision of boundary vegetation and landscaping take account of the objectives and targets for Biodiversity Opportunity Area TV01. This will need to be demonstrated through appropriate habitat/species surveys and implementation of management plans;
- d) Ensure that the Locally Listed Park House and its setting is maintained and enhanced;
- e) Include measures to mitigate the impact of development on the local road network and take account of impacts on the strategic road network as identified through a site specific Travel Plan and Transport Assessment and improve the pedestrian footway between the site and London Road;
- f) Make a financial contribution(s) towards the provision of early years, primary and secondary school infrastructure either through S106 or CIL (or its successor);

g) Avoid impact to the Thames Basin Heaths SPA through an approved scheme of mitigation which makes provision for the delivery of SANG and a financial contribution(s) towards SAMP;

h) For the avoidance of doubt, in relation to open space requirements for the site (policy SL26) it will be expected that open space provision for children and teenagers will be provided on site wherever possible, whilst a financial contribution towards off site outdoor sports facilities and allotments will be required. Beyond this it is expected that the applicant will provide or contribute to any other infrastructure identified at application stage which is necessary to make the site acceptable in planning terms.

These requirements will be addressed in the relevant sections below.

- 7.5 Regarding the quantum of development proposed on the site, it was not possible at the high-level plan making stage to predict what detailed measures might need to be incorporated into a scheme to comply with other policies in the Local Plan to ensure the development is sustainable. The previous consented scheme (RU.17/1750) was constrained by Green Belt Policies, however this is no longer the case and the site is also now part of a wider allocation to achieve a minimum of 100 dwellings across the site. Nevertheless, this has to be balanced against criteria D of Policy SL5 and it is considered that as Park House is a mid to large scale imposing building of complex design and significant presence, by building on the current landscaped garden which contains many fine forest scale trees it would destroy its setting and tiny units with minimal spaces between would fail to enhance it. Therefore, it is considered for these reasons that the current proposal of 8 units would be an efficient use of land.

Affordable Housing

- 7.6 Policy SL20 of the Local Plan states that the Council will seek to deliver 30% of all net additional dwellings as affordable units of which about 22% will be provided as First Homes, 53% as Affordable/Social Rent and 22% provided as other forms of affordable housing. Development proposals of 10 or more (net) additional dwellings will be expected to provide 35% of dwellings as affordable units with a tenure split as above which includes 10% of homes for affordable home ownership.
- 7.7 Whilst the proposal is for less than 10 units, given that the application site relates to a wider allocated site within the Local Plan and as Policy SL20 goes on to state that where a site has been sub-divided or is not being developed to its full potential so as to fall under the affordable housing threshold the Council will seek a level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the allocated or identified site, it was initially considered that the provision of affordable housing should be sought as part of this proposed development.
- 7.8 However, in view of the planning history for the site, where planning permission has previously been granted for a similar scheme (RU.17/1750) prior to the adoption of the current Local Plan and Policy SL20, it is not considered that the site has been artificially subdivided and in view of the quantum of development proposed on the site as set out in paragraph 7.5 above, it is considered that the site is being developed to its full potential. It is considered for these reasons that no affordable housing units or a contribution to affordable housing can be requested in this instance. On this basis it is considered that the proposal meets the requirements of Policy SL20 and the Affordable Housing SPD.

Heritage

- 7.9 Policy EE3 of the Local Plan states that development that affects Runnymede's heritage assets should be designed to protect, conserve and enhance the significance and value of these assets and their settings in accordance with national legislation, policy and guidance and any supplementary planning documents which the council may produce. Park House is a designated a 'Locally Listed Building'. The significance of Park House is considered to be the historic and architectural interest of the building and its spacious setting. The Council's Conservation Officer considers that the conversion of the main Locally Listed building into six apartments would secure the long-term future of the building and the works would not

harm its character as a non-designated heritage asset. The two-storey extension for two dwellings is also considered to preserve the dominance of Park House while the new extension reflects the materials, form and design principles of the main house without resorting to a pastiche design solution and is considered to be proportionate and sensitive. The current proposal differs little from a recent, (now expired) consent. The integrity of the main house is preserved and there should be no significant harm to the locally listed building. Therefore, the development is considered to maintain and enhance the non-designated heritage asset and its setting, in compliance with Policies EE3, EE8 and SL5 criteria d) of the Local Plan.

Design and Impact on Character and Appearance of the Area

- 7.10 A core principle of the NPPF is the provision of high-quality design and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. Local Plan Policy EE1 requires development proposals to achieve a high quality and inclusive design which responds to the local context including the built, natural and historic character of the area. Development should be designed to take into consideration the existing site and its local context.
- 7.11 The development would have no frontage onto any of the existing residential streets around the site. The proposed extension has been designed to be visually subservient to the existing two/three storey building and would be sited set back from Blays Lane. The extension would not project any further into the site than the existing building, the two individual dwellings would have private gardens to an acceptable standard and therefore it is considered the scheme would not be visually harmful to the character and appearance of the area. The proposed access, plant, cycle and bin stores would be located close to the proposed extension and would be sited in amongst trees and foliage. The new entrance to the site for the two dwellings is provided from Wick Lane, including 2.5m high feature brick piers either side of a timber sliding gate creating a gateway into the development and although some trees would be removed to facilitate this, they would be mid to low category C and U with the larger more mature tree remaining either side of the access and creating a landscaped approach to this part of the development. In view of the design and layout of the proposals it is considered that the remainder of the allocated site could still come forward for development in the future. As such, the proposal would therefore comply with Policies SL5 and EE1.

Residential amenity

- 7.12 Policy EE1 states that development proposals should have no adverse impact on neighbouring properties or the amenities of future occupiers and should provide an appropriate standard of amenity space. Policy SL19 requires development to comply with minimum internal space standards. Given the relatively isolated location of the site, there would be no impact on neighbouring amenity. The extension would be sited a sufficient distance from the existing dwelling to ensure that there would be no loss of light or privacy to its occupiers.
- 7.13 Each dwelling would have a suitable area of private amenity space, as well as attractive communal areas. The units would comply with the minimum internal space standards set out in Policy SL19. It is therefore considered that the proposal would be of a high quality design and would provide attractive living spaces in compliance with Policy EE1.

Highway Considerations

- 7.14 Policy SD4 of the Local Plan states that the Council will support development proposals which maintain or enhance the efficient and safe operation of the highway network. The County Highway Authority has visited the site and have undertaken an assessment of the likely net additional traffic generation, access arrangements and parking provision. They are satisfied that the proposed use and the new access would not have a material impact on the safety and operation of the adjoining public highway subject to the imposition of a number of conditions.
- 7.15 Parking would be provided throughout the site. The scheme provides a total of 16 car parking spaces which complies with the maximum adopted parking standards and would achieve a

ratio of 2 spaces per unit across the development. EV Charging is provided for each dwelling and adequate covered cycle storage would be provided for both houses and flats in line with SCC recommended cycle parking standards. As such the proposals are in accordance with Policies SL5, SD3, SD4 and SD5 of the Local Plan.

Impact on Trees

- 7.16 Part of the site is subject to TPO 419 and some rhododendron, trees and boundary hedging, predominantly in the southern part of the site would need to be removed to facilitate the access. A strip of roadside trees is also within a 'biodiversity opportunity area'. The application is supported by a tree report that includes an arboricultural method statement (AMS) and a tree protection plan (TPP). The report also highlights the arboricultural impact of the development, which requires the removal of several mostly low-quality trees and building small structures and laying hard surfacing in the RPA of some retained trees. The AMS does give detail of methods to mitigate the impact of the proposed development on the retained trees and the Council's Tree Officer recommends that if permission is granted that it is conditional on use of the tree protection methods described in the submitted report by A.P. Arboriculture Ref: APA/AP/2020/002 Dated 3rd January 2020. In respect to the tree removal, it is desirable and possible to mitigate this with replacement tree planting which can be secured by a condition requiring a detailed landscape scheme that includes tree planting. Such a programme could remove areas of undesirable species such as rhododendron and replant with understorey species (such as those already proposed). A certain number of individual canopy species trees (Oak/Beech/Sweet Chestnut/Pine for example) could be planted in appropriate locations within this roadside tree belt. The proposal therefore complies with policies SL5, EE1, EE9 and EE11.

Ecology

- 7.17 The applicant has submitted reports in respect of surveys undertaken for protected species. Recent bat surveys have been undertaken which recorded at least four species of bat to occur on-site. As a result of these findings bat boxes and the provision of access tiles into the retained loft spaces for continued use (after the works have been carried out) and a plan showing the location of these has been submitted. Surrey Wildlife Trust has raised no objections subject to the mitigation proposed but advise that the Applicant is required to obtain a bat mitigation licence, in line with the proposed mitigation strategy. An informative can be added on any approval advising the applicant of this. With successful implementation of the avoidance, mitigation and enhancement measures set out in the above-mentioned submission documents and subject to safeguarding conditions, it is considered that the proposed development can be carried out without any harmful impacts on protected species or habitats and the scheme complies with Policies EE9 and EE10.
- 7.18 The site falls within 5km of the Thames Basin Heaths SPA, therefore Policy EE10 applies. All new net residential developments within this zone of influence are considered likely to have a significant effect on the SPA in terms of recreational impacts from new residents and should therefore contribute to the provision of avoidance measures. Policy SL5 (site allocation policy) includes a requirement that the proposed development of this site should avoid an impact to the Thames Basin Heaths SPA through an approved scheme of mitigation which makes provision for the delivery of SANG and a financial contribution(s) towards SAMM. These must be delivered prior to occupation and in perpetuity and agreed with Natural England. To address this policy requirement and as set out in an appropriate assessment the developer has submitted a Draft Unilateral Undertaking. As a competent authority the Council's appropriate assessment requires a contribution of £12,377.95 towards the provision of SAMM and £4,932.00 towards the provision of SANG in accordance with the Council's Adopted SPG. Subject to securing the SAMM and the relevant SANG contributions by way of a Unilateral Undertaking, it is considered that the proposal would address the impacts of the development the impact arising from the development on the Thames Basin Heath Special Protection Area in accordance with the Council's policies and the NPPF in compliance with Policies EE10 and SL5.

Flood Risk and Drainage

- 7.19 The site is located within Flood zone 1 and the Council's Drainage Officer has raised no objection subject to a Suds condition for the proposed development. Subject to this, the proposal complies with Policy EE13.

Sustainability

- 7.20 Policies SD7 of the Local Plan relate to sustainable design. No detailed measures have been provided however further drawings of the detached plant have been submitted with reference being made to modern heating and cooling technologies. Therefore, conditions are recommended to secure this and in respect of water efficiency, and the proposal complies with the policies SD7 and the NPPF.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The application proposes an increase in residential units and therefore would be liable for a Community Infrastructure Levy contribution.

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 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 This is a site allocated for development by the Runnymede 2030 Local Plan (by Policies SD2 and SL5). The quantum of development proposed makes an efficient use of an appropriate site and the traffic and highway safety aspects of the application have been reviewed by the County Highway Authority who raises no objections and conclude that the proposed access is safe, and no harmful impacts would arise in respect of the highway network in the area. The development is considered acceptable in terms of impact on heritage assets, the character and appearance of the area, residential amenity, trees, ecology and other policy requirements. No other technical planning issues have been identified that would prevent planning permission being granted in accordance with the development plan and the NPPF.

- 10.2 The development has been assessed against the following Development Plan policies – SD1, SD2, SD3, SD4, SD5, SD7, SD8, SL5, SL19, SL20, EE1, EE2, EE3, EE8, EE9, EE10, EE11, EE12 and EE13 of the Runnymede 2030 Local Plan 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.

11. FORMAL OFFICER RECOMMENDATION

Recommendation Part A:

The CHDMBC be authorised to grant planning permission subject to the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) to secure the following obligations:

- 1. SAMM (TBHSPA) financial contribution of £12,377.95**
- 2. SANG (TBHSPA) financial contribution of £4,932.00**

And 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; 17 - J2037 – 201, 17 - J2037 – 202, 17 - J2037 – 203 Rev A, 17 - J2037 – 204 Rev A and 17 - J2037 – 206 received 21/12/21, 17 - J2037 – 207 received 01/06/22, 2021-PH-001 and 2021-PH-006 Rev B received 20/10/22.

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

3. Gates and accessibility

No gates shall be provided across the main existing vehicular entrance to the development. There shall also be no lockable gate to pedestrian access points.

Reason: To protect the visual amenities of the area and to promote inclusive communities in accordance with the NPPF.

4. Bat Survey

The construction of the development shall take place fully in compliance with the measures set out in appendix 3.2 of the Bat Emergence Survey Report by Arbtech received 20/12/22 and the final development shall include the mitigation and enhancement measures as recommended in the Bat Emergence Survey Report by Arbtech received 20/12/22 which should incorporate bat roosting opportunities and biodiversity improvements. Once in place, photographic evidence of the measures shall be submitted to the Local Planning Authority (LPA) for approval. Such measures and enhancements as provided shall be retained and maintained thereafter.

Reason: To protect the habitat of bats, the flora, fauna and ecological value on the site, to enhance the biodiversity of the site and to comply with Policies EE9, EE11 and EE12 of the Runnymede 2030 Local Plan and guidance within the NPPF.

5. 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 Arboricultural Report by A.P. Arboriculture Ref: APA/AP/2020/002 Dated 3rd January 2020. The works shall be carried out in accordance with the approved protection plan and method statement. Once in place, photographic evidence of the protective measures shall be submitted to the Local Planning Authority (LPA)

for approval. 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 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 Policies EE1, EE9, and EE11 of the Runnymede 2030 Local Plan and guidance in the NPPF.

6. External Materials

No development above slab level shall commence until details of the materials to be used on the external surfaces of the works hereby approved, and no variations in such materials when approved shall be made without the prior approval, in writing, of the Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and the character and appearance of the area and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF.

7. Finishing Materials

No development above slab level shall commence until a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.

Reason: In the interests of the visual amenities of the area and the character and appearance of the area and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF.

8. SuDS (scheme for approval - pre-construction)

Prior to the commencement of any works above ground floor slab level, 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 provide a sustainable development and to comply with Policies SD7, EE12 and EE13 of the Runnymede 2030 Local Plan and 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 the biodiversity of the site and to comply with Policies EE9, EE11 and EE12 of the Runnymede 2030 Local Plan and guidance within the NPPF.

10. Hard and Soft Landscaping

(a) Full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the above ground construction of the development hereby permitted 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 detailed measures to be taken to ensure that retained trees and their roots are not damaged as well as a programme of works for the land containing the retained trees along the boundary with Wick Road extending from Blays Lane to the boundary with Brook Lodge. This programme should be designed to enhance the existing tree population with native canopy species, ensure a long-term gain of tree canopy cover, enhance the wildlife/biodiversity potential and replace non-native shrubs and understorey with native understorey species. The details to be submitted shall include all vegetation to be removed and the number, size, species and locations of both the individual canopy trees to be planted and understorey planting.

(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 with the timetable agreed with the Local Planning Authority. Any trees or plants (including retained trees) which within a period of five years of the commencement of any works in pursuance of the development is pruned not in accordance with BS3998, 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 Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To mitigate the impact of a new parking area being created within land identified as a biodiversity opportunity area, 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 preserve and enhance the character and appearance of the surrounding area and to comply with Policies EE1, EE9, and EE11 of the Runnymede 2030 Local Plan and guidance in the NPPF

13. Access

The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Wick Road 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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

14. Parking

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 and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. All cycle parking shall be secure, covered and lit. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users and to comply with saved Policy SD4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

15. Electric vehicle charging

The development hereby approved shall not be occupied unless and until each of the proposed dwellings are 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 and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure sustainable design and to comply with policy SD7 of the Runnymede 2030 Local Plan and the NPPF.

16. Water Efficiency

Prior to the first occupation of the development hereby permitted details shall be submitted to demonstrate that the optional requirement for water consumption (110 litres use per person per day) in Regulation 36(2)(b) of the Building Regulations has been complied with for that dwelling. Such details as shall be approved shall be fully implemented and retained for the lifetime of the development

Reason: In order to achieve water efficiency and sustainable development and to comply with Policy SD7 of the Runnymede 2030 Local Plan and guidance within the NPPF.

17. Heating and cooling technologies

Prior the first occupation of the development hereby permitted details of modern heating and cooling technologies to be utilised within the development shall be submitted and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: In order to achieve water efficiency and sustainable development and to comply with Policy SD7 of the Runnymede 2030 Local Plan and guidance within the NPPF.

18. Sensitive Lighting Scheme

Before any external lighting is installed at the site, details shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To protect the amenities of occupiers of nearby properties and to protect wildlife and to comply with Polices EE2 and EE9 of the Runnymede 2030 Local Plan and guidance within the NPPF.

Informatives:

1 Summary of Reasons to Grant Consent

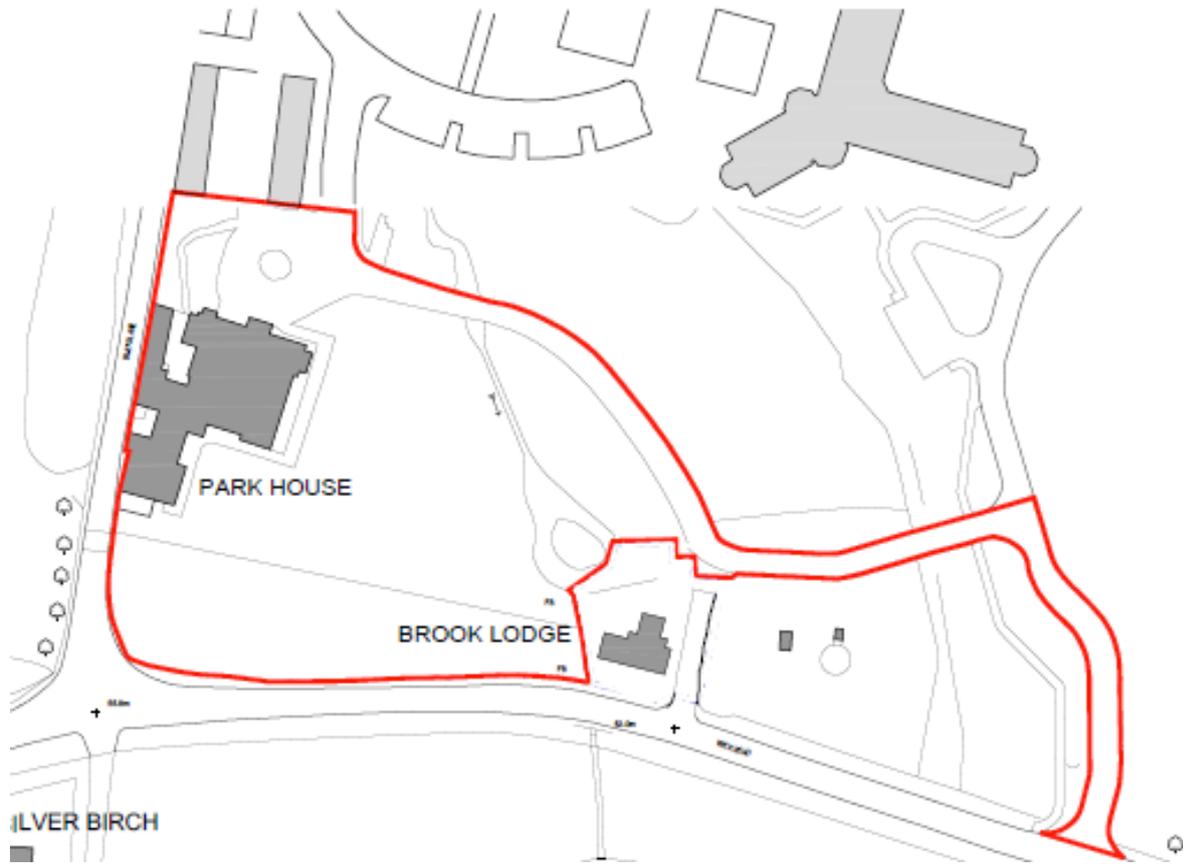
The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

- 2 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 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.
- 4 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
- 5 **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).
- 6 **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.
- 7 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.
- 8 Many trees contain wildlife such as bats and nesting birds that are protected by law. The approval given by this notice does not override the protection afforded to these species and their habitats. You must take any necessary steps to ensure that the work you are carrying out will not harm or disturb any protected species or their habitat. If it may do so you must also obtain permission from Natural England prior to carrying out the work. For more information on protected species please go to www.naturalengland.gov.uk .
- 10 **Nature Conservation Informative - Bats, Badgers etc**
The applicant/developer is advised that before undertaking any construction work you should check any buildings or land to ensure that there are no bats, badgers, wild birds or other protected plant and animal species. It is an offence to kill, injure or disturb bats and badgers or intentionally damage, destroy or obstruct their places of shelter. If you find any protected species you should not start any work until you have contacted English Nature and got the appropriate consent.
- 11 **Nature Conservation Informative (Roosting on Site)**
The applicant is advised that should bats be found to be roosting on the site, it will be necessary to undertake further works under a licence. Bats are protected species.

Recommendation Part B:

The CHDMBC be authorised to refuse planning permission should the S106 not progress to his satisfaction or if any significant material 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 refusal relating to any such matter are delegated to the CHDMBC.

Existing Site Location Plan



Proposed Site Location Plan



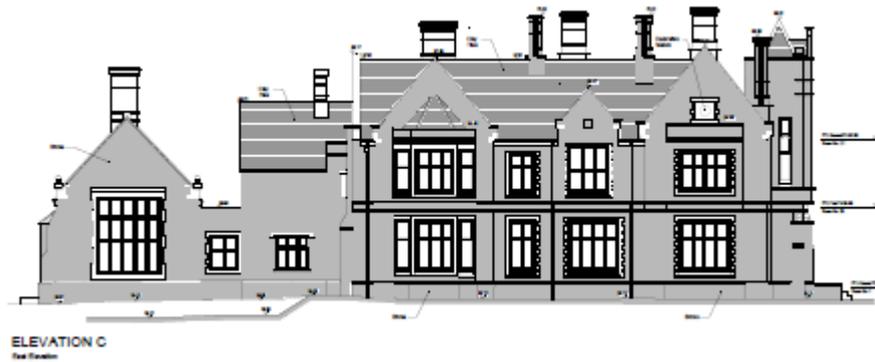
Existing Elevation A



Proposed Elevation A



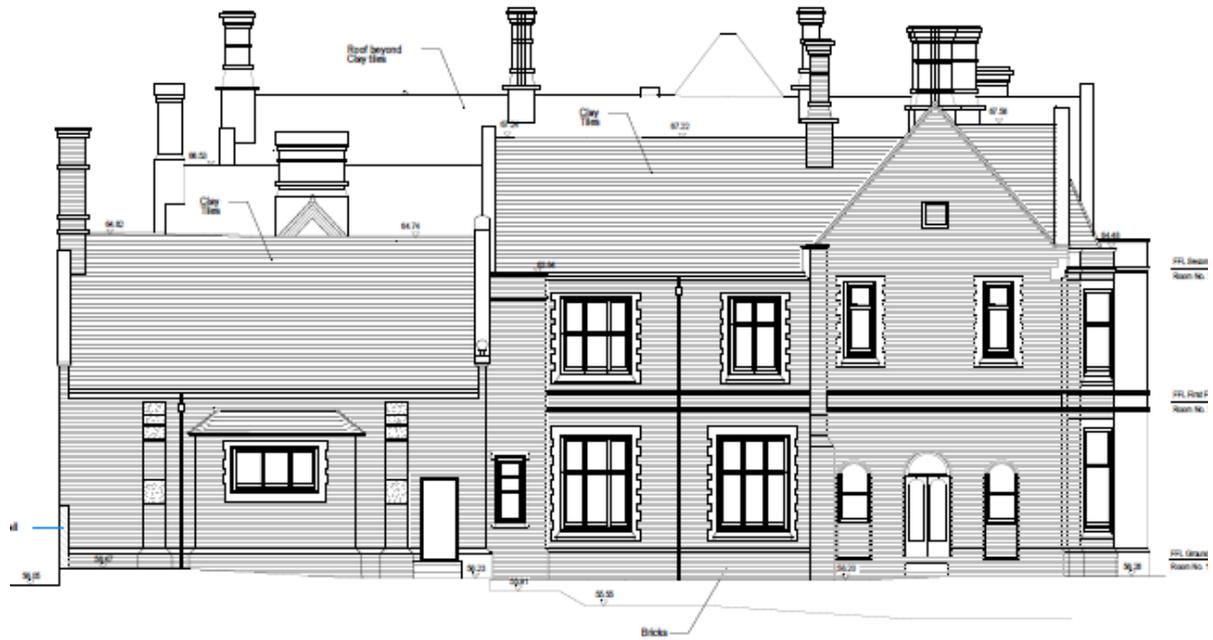
Existing Elevation C



Proposed Elevation C



Existing Elevation D



ELEVATION D
South Elevation

Proposed Elevation D



ELEVATION D
South Elevation

Update of Planning Enforcement Charter – Ashley Smith (CHDMBC)

Synopsis of report:

The Planning Committee adopted a revised Planning Enforcement Charter in January 2016. This report seeks to update the Enforcement Charter to reflect updated national legislation, to ensure enforcement resource continues to be appropriately directed, provide more information for residents about planning enforcement up front, manage expectations and improve communications with residents during planning enforcement investigations.

The report recommends updating the Planning Enforcement Charter.

Recommendation(s):

- That the draft 2023 Enforcement Charter attached as Appendix A be adopted to replace the April 2016 version with effect from 1st February 2023.
- That the CHDMBC be provided delegated authority to make minor typographical or similar corrections as appropriate prior to 1st February 2023.

1. Context of report

- 1.1. The Planning Committee on behalf of the Council adopted a Planning Enforcement Charter in January 2016 (replacing a 2013 Charter). This report seeks to update the Enforcement Charter to reflect updated national legislation, to ensure resource continues to be appropriately directed, provide more information for residents about enforcement up front, manage expectations and improve communications with residents during planning enforcement investigations

2. Report and, where applicable, options considered

- 2.1. Paragraph 59 of the NPPF encourages local Planning Authorities to produce a Local Enforcement Charter and it is considered sensible that such a document should be reviewed periodically. The Planning Enforcement Charter explains the purpose of the planning enforcement function of the Council, set against the legal framework of the Town and Country Planning Act 1990, and government policy as set out in the National Planning Policy Framework (NPPF).
- 2.2. The Council is committed to providing an effective planning enforcement service and it is understood that public perception of the planning system can be undermined when unauthorised unacceptable development is allowed to proceed, or remain, without any apparent attempt by the council to intervene.
- 2.3. A Royal Town Planning Institute (RTPI) survey conducted in November 2022 found that 89% of Councils surveyed LPAs reported a Planning Enforcement backlog. The RTPI also found that 80 per cent of respondents reported not having enough enforcement officers to carry out the Council enforcement workload and 70 per cent that their authority had struggled to recruit enforcement officers in the past five years.

The RTPI indicated that the pandemic had led to a significant increase in cases on hand for authorities across the country.

- 2.4. Runnymede Borough receives a large number of enforcement requests, and many of these are of a complex nature. Enforcement is unfortunately by its nature often a long and complicated process. Like many Councils RBC has a fairly significant number of cases in hand, however a restructure of the Enforcement Team occurred during the pandemic which led to increased resource, from existing budget, and the team now has 4 Enforcement Officers and an Assistant Development Manager who is dedicated to Enforcement and related specialist services. This constitutes a significant increase in resource from before the pandemic in the team. A new officer, Mr Tom Fry, has started in the Assistant Development Manager (Enforcement) role in December 2022. As a result of this increase in resource and following the end of the pandemic the Council has been working hard to reduce cases in hand and is now reasonably well placed to make progress further progress on reducing cases in hand and tackling larger higher priority cases. It must however be remembered that enforcement resource remains finite and as such will still need to be focused on the higher priority matters.
- 2.5. The implementation of an updated Enforcement Charter is intended to enhance the performance of the planning enforcement team and improve resident satisfaction and knowledge of the process. It forms one part of the ongoing service enhancements for the Local Planning Authority in order to operate as efficiently and effectively as possible to meet commitments within the service plan.
- 2.6. The Borough receives a very significant number of enforcement investigation requests every year and the planning enforcement resource remains finite. Of these requests the Borough receives a significant number of 'high' and 'medium' priority cases which take up a significant amount of officer time and resource due to the complexity of such investigations. The 2016 charter set out a sensible prioritisation system which seeks to provide the greatest amount of resource to cases that cause the most significant harm or have the greatest impact upon residents. It is considered that this is a sensible methodology and as such it is not proposed to change this approach to the priority system.
- 2.7. In updating the document, the service has looked to frontload the provision of information for residents so as to make clear how investigations into breaches of planning control occur and better detail the legislative framework that the Council has to work within. The revised document better sets out that, due to reasons outside of the Council's control (e.g., appeals/legal considerations), planning enforcement may not always be a rapid process; it better sets out how the process may unfold and what to expect from an enforcement investigation.
- 2.8. The document also seeks to set out more clearly what constitutes and doesn't constitute a breach of planning control. A new table at para 1.10 sets out common examples of matters that don't normally constitute a breach of planning control. This is considered likely to help avoid confusion and avoid residents expending unnecessary effort in relation to matters that Planning Enforcement would be unable to resolve.
- 2.9. In its section 2 the updated Charter also provides more guidance to residents on information to provide alongside their enforcement requests. This will allow investigations to commence more swiftly, reduce any registration delays and provide the Council with more details and evidence at an earlier stage increasing the chances of successful outcomes.

- 2.10. The update also seeks to update and make clearer customer service standards for high and medium priority cases, seeking to commence High Priority cases within two working days of report and medium cases within 10 Working days and requires the Enforcement Team to update complainants following initial investigations. The policy makes it clear that the timeframes for resolving lower priority cases that cause limited or no harm to residential amenity or the environment would be influenced by the number of high and medium priority cases on hand where limited resource is best directed.
- 2.11. The draft charter also includes a short new section on customer care which provides residents and other interested parties with more information on the service and how to raise or escalate any concerns that they might have.
- 2.12. The opportunity has also been taken to put the document in the Council's corporate style for a more professional looking document.
- 2.13. The implementation of an updated Enforcement Charter is intended to enhance the performance of the planning enforcement team, within the Development Management Service, and improve resident satisfaction and access to information on Planning Enforcement.
- 2.14. The options available are:
- Update the Planning Enforcement Charter (**recommended option**)
 - Do not update the Planning Enforcement Charter (not the recommended option)
- 2.15. Updating the Enforcement Charter provides the opportunity to secure the aforementioned benefits, enhance the operation of the enforcement service and provide more information upfront to residents and set clearer expectations for the process in the context of resource and nationally set processes. It therefore constitutes the recommended option.
- 2.16. Not updating the charter, maintains the status quo and therefore must be considered a workable option, however it does not secure the aforementioned benefits and means the Council's charter is seven years old and does not reflect the latest best practice, therefore this is not the recommended option.

3. Resource implications

- 3.1. The proposed updates are likely to result in modest time savings for the enforcement team. By providing residents with more information upfront and increasing the quality of submissions of Enforcement Requests it is likely that there will be some savings in Enforcement Officer time which can be directed to resolving other cases.
- 3.2. There are no known increased financial costs for the Council as a result of this recommendation.

4. Legal implications

- 4.1. The Planning Committee has the authority to update the Enforcement Charter.

5. Equality implications

- 5.1. The Equality Act 2010 identifies 9 'Protected Characteristics' (being age, disability, race / ethnicity, pregnancy and maternity, religion, sexual orientation, sex, gender

reassignment and marriage / civil partnership). Section 149 of this Act provides that a public authority must, when exercising a public function, have due regard to the need to:

- a) eliminate unlawful discrimination, harassment or victimisation;
- b) advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
- c) foster good relations between those who share a relevant Protected Characteristic and persons who do not share it.

5.2. Updating the Enforcement Charter is not considered to result in any adverse equality issues. The Charter replaces a relatively similar charter and seeks to achieve the same objectives.

6. Environmental/Sustainability/Biodiversity implications

6.1. The Council already has an Enforcement Charter. The recommended updates are not considered to result in any changes in these areas.

7. Conclusions

7.1. This report seeks to update the Enforcement Charter to reflect updated national legislation, to ensure resource continues to be appropriately directed, provide more information for residents about enforcement up front, manage expectations and improve communications with residents during planning enforcement investigations. It is therefore recommended that the updated charter (Appendix A) be adopted.

(To resolve)

Background papers

None stated

Appendix A

Runnymede Borough Council Enforcement Charter

February 2023

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1. Introduction to the Planning Enforcement Service

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

(Paragraph 59 of the National Planning Policy Framework, published 2021).

- 1.1 Runnymede Borough Council recognises the importance of establishing effective controls over unauthorised development and the need to protect the natural and built environment and the quality of life for residents. The purpose of this Charter is to set out the level of service that you can expect from the Planning Enforcement Team regarding investigating breaches of planning control. A breach of planning control means that a use or a building operation that requires planning permission, or other relevant planning consent, has been carried out without the appropriate consent.
- 1.2 Government policy guidance makes it clear that enforcement action is a discretionary power to be exercised by the Local Authority only when it is expedient to do so, and any action should be proportionate in respect of the breach of control. Government guidance also advises that enforcement action should not be taken simply to remedy the absence of a planning permission where development is acceptable on its planning merits, and advises that planning permission may be granted retrospectively to regularise development already carried out. While it may not always be an offence to carry out development without planning permission, it cannot be assumed that planning permission will be granted for the development retrospectively.
- 1.3 The Council’s Planning Enforcement Team operates within national legislation and Government guidance and seeks to resolve breaches of planning control through negotiation wherever possible. However, the Council will use its powers to instigate formal enforcement action where all else fails and it is expedient to do so. The Town

and Country Planning Act 1990 places time limits on the period within which enforcement action can be taken. This means that in some instances development is immune from enforcement action after either four or ten years. Any development carried out without the requisite permission will be at risk of formal enforcement action by the Council. Nothing within this document should be taken as condoning a wilful breach of planning control.

1.4 The aim of the Planning Enforcement Team is to carry out the Council's statutory responsibilities in relation to the enforcement of planning control by investigating and acting upon breaches of control in a professional, consistent manner in accordance with the Council's priorities and within the resources available. The team receives in excess of 200 new requests to investigate breaches of planning control a year all requiring a response. The Planning Enforcement Team aims to provide the principles of good enforcement as follows;

- To provide a reliable, accessible, efficient and high quality planning enforcement service to members of the public, Councillors, and others who require expert advice on enforcement issues.
- To publish clear standards of service and performance through this enforcement charter.
- To acknowledge receipt of all requests for investigations into breaches of planning control submitted to the Council via the [planning enforcement questionnaire](#), investigate, and take appropriate action be it informal or formal, to resolve breaches of planning control in the public interest, having regard to all material considerations.
- To be consistent in investigations and decisions and take the necessary action having regard to all relevant policies and the particular circumstances of the site and surrounding area and the level of harm being caused by the breach of planning control.
- To resolve investigations through negotiation and without formal action whenever possible.
- To provide information at appropriate times to interested parties, although details of those that raised the request will be kept confidential. Ward councillors will be kept informed where appropriate.
- To take a pro-active approach and use enforcement powers to remedy serious harm to the Borough's most valuable assets and amenities including residential amenities.
- To work with other teams in the Council to address problems in a holistic manner where possible and appropriate.

What is a Breach of Planning Control?

- 1.5 Section 55 of the Town and Country Planning Act 1990 identifies development as the “carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.

A breach of planning control broadly means the carrying out of development without a grant of planning permission from the Council, or deemed permission by government order.

A breach of planning control includes the following:

- Carrying out of development without the required planning permission
- Changing the use of a site/building without the required planning permission
- Failing to comply with any planning condition and/or limitation, such as a Section 106 Agreement or Community Infrastructure Levy, attached to any planning permission
- Failure to comply with approved drawings attached to a planning permission
- Carrying out certain demolition work in a conservation area without consent
- Carrying out works to a listed building or protected tree without consent
- Neglecting land or buildings to an extent which causes harm to local amenity.

- 1.6 In cases where there is householder development you may wish to consider viewing the [Planning Portal's interactive house](#) to find out if the development is permitted under the Government's General Permitted Development Order 1995 (as amended). Central Government has introduced a wide range of other non-householder types of permitted development in recent years that means that a number of matters that previously required permission no longer requires it, these rules can be found in the General Permitted Development Order.

- 1.7 To find out whether there is an existing planning permission on the land, planning histories can be viewed through the application search link on the Council's website under the [planning application register](#).

- 1.8 Alternatively, the Council's interactive mapping system [rMaps](#) has a considerable amount of information about land and properties in the borough; there are links to planning information, including planning decision notices and planning conditions, as

well as information about planning policies. Site constraints can be viewed at [rMaps](#), including areas covered by Tree Preservation Orders and Conservation Areas.

- 1.9 In some instances development can become immune from enforcement action, due to the passage of time. In these instances, the Council will not be in a position to take formal enforcement action.
- 1.10 The team receive a large number of reports that fall beyond the scope of planning control. The table below provides a useful guide to illustrate some of the issues that are commonly reported that are not generally planning enforcement matters. Many of these are more likely to be private civil matters which the Council has no legal right of intervention in. The list is not exhaustive and there are some exceptions to the below.

<p>Permitted Development</p>	<p>Householders and developers have a degree of entitlement for a limited amount of development, without the need for planning permission. This is termed 'permitted development' and is defined in the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) as amended.</p> <p>The GPDO is a Statutory Instrument drawn up by Central Government and providing a development falls within permitted development tolerances it is lawful and beyond the control of the Local Planning Authority.</p> <p>Further information about permitted development tolerances can be found on the planning portal: http://www.planningportal.gov.uk/permission/</p>
<p>Boundary disputes</p>	<p>Disputes regarding land ownership are a private matter and cannot be controlled under planning legislation.</p>
<p>Obstructions to the highway or a public right of way</p> <p>The parking of commercial or other vehicles on the highway in residential areas or on grass verges</p>	<p>These matters are either controlled by the Police or the County Council's Streetcare team who can be contacted using the details on Surrey County Council's Website.</p>

Trespass on land	This is a private matter and cannot be controlled under planning legislation.
Operating a business from home where the residential use of the dwelling remains the primary use	<p>One does not necessarily need planning permission to operate a business from a home address. The key test is whether the overall character of the dwelling will change as a result of the business i.e., is the property still mainly a home or has it become business premises?</p> <p>People considering undertaking such uses at home may wish to seek professional planning advice or apply for a certificate of lawfulness from the Council.</p>
Internal work to a non-listed building	Internal work to a non-listed building does not normally require planning permission. The main exception to this rule is internal work that is being carried out to facilitate a change of use i.e., converting a single dwelling into separate residential units.
Issues relating to deeds and covenants	Compliance with covenants and other issues relating to deeds are a private matter between the signatories of the documents.
Clearing land of hedges, bushes or undergrowth	<p>The clearing of land of hedges, bushes or undergrowth does not normally require planning permission unless the hedgerow is subject to the Ancient Hedgerows Regulations 1997.</p> <p>This covers hedgerows which are more than 20 metres long and are on, or adjoining land used for agriculture, or forestry, the breeding or keeping of horses, ponies or donkeys; common land, village greens; Sites of Special Scientific Interest or Local Nature Reserves.</p> <p>Garden hedges are not affected.</p> <p>Details can be found at: https://www.gov.uk/countryside-hedgerows-regulations-and-management</p>
The insertion of windows in houses or bungalows	Once a dwelling has been occupied windows may be inserted into existing walls provided there is not a planning condition to prevent the insertion of additional windows or a restriction set by permitted development rights.

	N.B Restrictions do not normally relate to ground floor windows.
Parking a caravan within the residential boundary of a property provided that its use is ancillary to the dwelling house.	In most cases caravans are not classified as development and therefore it is only their use that is subject to planning control. Provided the use of a caravan is ancillary to the dwelling house it is lawful.
Noise arising from construction work	Noise arising from construction work would normally be dealt with by the Environmental Protection Team.
Matters controlled by other legislation	For example, Building Control
The Party Wall Act	<p>The Party Wall Act provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.</p> <p>The Act is separate from obtaining planning permission or building regulations approval and therefore is beyond the scope of planning control.</p>
Matters relating to areas of responsibility by other authorities or Statutory bodies	For example, highway matters which are the responsibility of Surrey County Council

2. How can members of the public ask the Council to investigate a potential breach of planning control?

- 2.1 In addition to Council Officers identifying breaches of planning control, the Planning Enforcement Team also investigate cases requested by the public. In order that officers can carry out an investigation as swiftly and effectively as set out in this charter, as much information as possible should be provided. A [planning enforcement questionnaire](#) has been made available to ensure that the enforcement team is provided with the relevant information necessary to investigate potential breaches and can be submitted in the first instance to raise issues of concern. The enforcement form and other methods for the receipt of requests for investigations will be reviewed as part of the ongoing process improvements.
- 2.2 To ensure all necessary breaches are properly reported they should all be reported using the online [planning enforcement questionnaire](#). This will ensure that you receive an acknowledgement of receipt of your investigation request and also makes sure we have the necessary information to investigate thoroughly.
- 2.3 In cases where members of the public do not have access to the internet, requests can also be received by letter. When providing a handwritten letter please ensure that you include the following information:
- The exact location of the land. If the site is an unknown address a detailed description or sketch plan should be provided.
 - A full description of what has happened or is taking place.
 - Details of your concerns i.e., what harm do you think has been / is being caused and how is the activity negatively affecting you?
 - The names and contact details of any landowners, occupiers or builders involved (if known).
 - Photographs of the development or activities.
 - Dates and timeframes of when the development took place, or the activity commenced.
 - Your contact details so that you can be updated on the case.
- 2.4 Information received anonymously may not be investigated as in most cases it will be impossible to establish the impact of any potential harm, or for the enforcement team to satisfy the customer service standards set out in the paragraphs below.

- 2.5 Members of the public who may be reluctant to give their details, because they fear repercussions, are advised that their details are treated in the strictest confidence. It is our policy not to reveal any information that is likely to identify persons or people that raised the request for an investigation to take place, in accordance with the Data Protection Act 1998. We may be asked to reveal information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Any request will be subject to consideration in accordance with the legislation and information will only be released if appropriate and necessary.
- 2.6 Members of the public can also contact officers or elected members of the Council to ask informally if something is likely to constitute a breach of Planning Control. Following such discussions, a breach should be reported by the normal process set out above.

3. The Council's process for investigating potential breaches of Planning control

- 3.1 The Council's Enforcement Team comes under the Corporate Head of Development Management and Building Control. It's day to day management is undertaken by the Assistant Development Manager (Enforcement). The Council has a team of Enforcement Officers who investigate breaches of Planning Control. All requests to investigate a potential breach of planning control will be managed by the Council's enforcement team in light of the principles above and will follow a similar process.

- 3.2 Based on the complexity of the breach and the history of a site an investigation and any final resolution can of course take very different periods of time. The diagram below is a summary of the enforcement process. A more detailed explanation is set out later in this document.



3.3 Once the investigation phase has been completed an informal negotiated resolution will normally be sought to resolve the identified harm. This may include the request to make a retrospective application for planning permission to regularise the breach of planning control, where conditions are necessary on the new development or it is otherwise considered the appropriate step to take. However, if the negotiated resolution has been unsuccessful, or if it is identified that the harm cannot be mitigate by the voluntary actions of those that have undertaken unauthorised development an assessment will be undertaken examining the expediency of taking formal action and recommending a formal course to resolve the matter. Where it is expedient to take

action the Council will consider formal action. Where it is not expedient at the time to take formal action, the Council will close the case or look for lesser steps to seek improvements at the site.

Enforce

- Where in the opinion of the Council further investigation identifies a breach warranting expedient formal enforcement, the Council will seek to serve the relevant Notice/Action as necessary.
- If the Landowner does not comply with the requirements of a relevant notice the Council will then consider if it is in the public interest to prosecute the relevant Notice through the Courts.

Priorities for Runnymede Borough Council's Enforcement Team

- 2.1 Since planning investigations are often lengthy and complex and staff resources are limited, it is necessary for the Council to prioritise its workload. The initial prioritisation of a complaint is based on the impact and severity of the alleged breach
- 2.2 Due to the serious nature of some of the alleged breaches of planning control that are brought to the team's attention and the length of time that it can take to investigate a matter, it is essential that cases are prioritised in accordance with the severity of their impact.
- 2.3 In determining the prioritisation of enforcement cases, and when judging the expediency and appropriateness of taking enforcement action the harm that is caused by unauthorised development is carefully considered.
- 2.4 Harm can arise through a range of factors, for example:
- (i) Noise nuisance or other disturbance from a business operation
 - (ii) Danger and disturbance due to significantly increased traffic numbers or increases in the use of heavier goods vehicles on non-classified roads
 - (iii) Loss of privacy, overshadowing or loss of natural light from unauthorised development
 - (iv) Visual harm to the character of an area
 - (v) Risk of pollution that may affect people or the natural environment
 - (vi) Loss or damage of protected trees or to protected heritage buildings
 - (vii) Untidy land that harms the amenity of the surrounding area

(viii) Unauthorised development that undermines the credibility of adopted national or local planning policies, such as the protection of the Green Belt

2.5 As defined by national law and guidance, certain matters which may be of concern to complainants are not, however, considered to result in 'planning harm':

- Competition caused to another business
- Loss of an individual's view
- Loss of value to a neighbouring property

2.6 As well as identifying the nature of any harm caused by unauthorised development the enforcement team will also consider the scale and impact of that harm. Additional priority may be given where harm is having a disproportionate effect on local residents, or the harm is impacting on a larger number of people.

2.7 In setting priorities, the enforcement team will also consider whether the harm being caused is irreparable, such as a report of someone undertaking works to fell a protected tree, and otherwise whether earlier intervention may particularly assist, such as taking an opportunity to seek the cessation of unauthorised works before they commence or interrupt an unauthorised use before it becomes established.

2.8 Finally, the enforcement team will need to consider whether the identified harm is in fact best dealt with by another regime, either within the Council or within a different public body which has the responsibility or powers to resolve any identified harm, either more effectively or as they have the responsibility to do so. Examples of this might be liaison with the Council's own Licensing Team, or referral of matters to another agency such as Natural England in respect of harm to protected species, or the County Council in respect of unauthorised deposition of waste materials, or the Environment Agency with regards flood risk.

2.9 The table below sets out how the Planning Enforcement Team will prioritise requests for investigating breaches of planning control, having considered the harm and impacts noted above.

<p>High Priority</p>	<ul style="list-style-type: none"> • Breaches of planning control which have the potential to cause serious irreparable harm (for example unauthorised works to a listed building, demolition of buildings in a conservation area, works to a protected tree) • Breaches of planning control where the harm is very significant to either public amenity or to residents • Breaches of planning control where significant harm is likely to be reduced by immediate action. • On-going breaches of an effective Enforcement Notice
<p>Medium priority</p>	<ul style="list-style-type: none"> • Breaches of planning control causing demonstrable harm to the public amenities or to residents. • Breaches of planning control where the time limit for formal enforcement action will expire within the next six months.
<p>Low priority</p>	<ul style="list-style-type: none"> • Breaches of planning control where little or no harm has been identified or where harm is reparable, particularly where those breaches have arisen from genuine error by individuals. • Breaches which are temporary in nature. • Breaches of planning control relating to the placement of advertisements. • High Hedges which are subject to a separate regime

What does the Council do with my request to investigate an alleged breach of planning control?

Acknowledgement of receipt of request to investigate an alleged breach of planning control - Registration of an Investigation Request

2.10 All enforcement questionnaires will receive an automatically generated acknowledgement of receipt to the email address provided. A reference number for the investigation will be provided.

2.11 Where a handwritten submission has been provided. The complainant can contact the Planning Support team to ensure that the letter has been received.

Establishing whether there has been a breach of planning control at the site:

The Initial Investigation –

3.15 There are many instances where an activity or building works that have been reported to the Planning Enforcement Team do not require planning permission, or planning permission has already been granted. Therefore, Officers will review the planning history and undertake a desktop review of the site in order to understand if there is a breach of planning control at the site and what priority it should be assigned.

3.16 Where appropriate a site visit also may be undertaken. The Enforcement Officer will not generally visit neighbouring properties unless the officer considers that it is necessary in order to understand the impact of the breach of planning control.

3.17 In certain circumstances it may also be necessary to obtain certain facts through the service of a Planning Contravention Notice, which is a formal request for information, on the owners or occupiers of a site.

3.18 Checks may also be made with other relevant Council departments such as Building Control, Licensing, Environmental Health, Housing, Council Tax and our partner agencies to establish any background to the case.

How quickly will my investigation request be dealt with? -

3.19 All requests to investigate a breach of planning control will be prioritised depending on their seriousness and the amount of harm being caused. The [table](#) in section 3 sets out how cases are prioritised and [section 4](#) sets out the course of action available to Officers to resolve the breach.

In the initial investigation phase this means:

- High Priority – Investigation will normally be commenced within two working days. The complainant will be updated once initial investigations are completed.
- Medium Priority – The Council will normally commence its initial investigation within 10 working days. The complainant will be updated once initial investigations are completed.
- Low Priority - The team's ability to pursue low priority cases will be dictated by the total number of cases on hand and the number of pending high and medium priority cases. During periods that the team have a large number of cases or significant number of high/medium priority cases the team will be unable to progress those reports deemed to be low priority. The complainant will be updated once initial investigations are completed.

3.20 The planning enforcement team seeks to manage its resources to ensure that the highest priority complaints can be addressed without delay. As a result, the response to, processing and ability to take on lower priority reports will need to be adjusted accordingly. Enforcement resources are limited, when significant number of higher priority cases are on hand this may lead to significant delays in investigating cases where planning harm is the more limited.

3.21 The time it takes to undertake further investigation and bring a conclusion to an investigation will vary depending on the nature of the breach, the extent of the investigations that need to be carried out, the harm which is being caused and the resources that are available. The Planning Enforcement Team currently has a target to close the same number of investigation requests as it receives, within any one period.

3.22 In cases where an Enforcement Notice has been served, the recipient has the right to appeal to the Secretary of State. If an appeal is lodged you will be notified, made

aware of any timetable and advised how you might make representations. The Council will provide expert witnesses to give evidence in support of the Council's decision in the event of a public inquiry and provide full statements in the case of hearings. You will subsequently be notified of the outcome of the appeal decision and the implications.

Notification of progress -

- 3.23 The Planning Enforcement Team look to make themselves available to those who have requested an investigation throughout the process. The Council will notify complainants of the outcomes of the initial investigation highlighted. The Council will also keep complainants informed of key milestones in cases as they arise (for example the taking of formal action, and appeal, case closure etc). If a resident wishes to receive an update on the progress of an investigation into an alleged breach of planning control, then they are encouraged to contact their assigned Planning Enforcement Officer or the Assistant Development Manager (Enforcement) who manages the team.

What is the role of Elected Members in the enforcement process?

- 3.24 Elected Members have an important role to play in planning matters and look to work on behalf of local residents who either need support or to have an informal discussion about breaches of Planning Control and processes. Councillors are able to pass information back to the enforcement team to provide important information in respect of potential or ongoing breaches of planning control. They can also play a beneficial role in signposting residents and local people to the Council's website and relevant officers, should anyone need advice on what needs planning permission or where enforcement action is likely to be necessary.
- 3.25 Elected Members are also kept informed of key enforcement cases in their Ward that have gone through the Initial Investigation and require further investigation or formal enforcement action.

What does the Council do if it is my land or business that is being investigated?

Establishing whether there has been a breach of planning control at the site –

- 3.26 Officers will review the planning history and undertake a desktop review of the site in order to understand if there is a breach of planning control at the site and what priority it should be assigned. It is acknowledged that in many instances, where an investigation has been requested, the activity or building works that have been reported to the Planning Enforcement Team do not require planning permission, or planning permission has already been granted
- 3.27 Where appropriate a site visit may be undertaken, and photographs will be taken of the development subject of investigation. You can expect the Enforcement Officer to introduce themselves to you and explain the purpose of their visit. Officers of the Council will have photographic ID which they can show you.
- 3.28 Officers will treat you politely and with respect and it is expected that this will be reciprocated. The Council takes threats against any of its Officers seriously and the matter will be reported to the Police who will be requested to attend any future site visits.
- 3.29 It should be noted that Enforcement Officers have powers to enter land to assess whether there has been a breach of planning control under S196A of the Town and Country Planning Act 1990 (as amended).
- 3.30 In certain circumstances it may also be necessary to obtain certain facts through the service of a Planning Contravention Notice, which is a formal request for information, on the owners or occupiers of a site. Recipients of such a Notice are required to provide information as requested, within 21 days of the date of the Notice. There is an opportunity for recipients of a Notice to visit the Civic Offices to clarify matters during this period.
- 3.31 Checks may also be made with other Council departments such as Building Control, Licensing, Environmental Health, Housing, and Council Tax to establish any background to the case.

What happens next?

- 3.32 Once it has been established that there is a breach of planning control the landowner/occupier will be advised if there are steps that can be taken that are likely to address or resolve the breach of planning control. The Council will give consideration

to whether it is expedient to take action. It may be of benefit to the landowner/occupier to seek professional advice.

- 3.33 In some cases, the solution to regularise the breach of planning control will be to submit a valid retrospective planning application or application with amendments to the development. Officers will advise of an appropriate time period to do so. However, where the Planning Enforcement Team considers that the nature of the breach is so serious and requires immediate action, the Council reserves the right to pursue formal action. A table showing the types of formal enforcement action that can be taken against those with an interest in the land where there is a breach of planning control is listed at [annexe 1](#).
- 3.34 Where a planning application is submitted and approved to remedy a breach of planning control no further action will be taken against the landowner/occupier other than to ensure there is compliance with any conditions imposed on the permission. If the planning application is refused the landowner/occupier has the right to appeal the decision. The lodging of an appeal does not prevent the Council from taking enforcement action if it considered expedient to do so.

Will the Council take formal enforcement action against me?

- 3.35 Enforcement Officers work hard to resolve breaches of planning control without the need for formal enforcement action to be taken in accordance with good practice. However, where it is considered that the harm to the environment and neighbouring amenities is significant and/or irreparable and a landowner/occupier does not take action to remedy a breach of control, formal enforcement action will be considered. Where formal action is authorised you and anyone else with an interest in the land will be served with a copy of the Notice/s.
- 3.36 Where there are breaches of planning control involving Listed Buildings, Tree Preservation Orders and advertisements these are criminal offences and the Council has the power to prosecute directly in the Magistrates Court.

What happens if I have been served with an Enforcement Notice?

- 3.37 Where an Enforcement Notice has been issued, with the exception of a Breach of Condition Notice, landowners/occupiers will be able to exercise their right to appeal the decision of the Council. Information about how to appeal an Enforcement Notice will be included within the documentation served and is also available on the [Planning Inspectorate website](#). It should be noted that an Enforcement Notice remains a charge

on the land unless it is quashed by way of an appeal, planning permission is subsequently granted, or the Notice is withdrawn.

- 3.38 Once an Enforcement Notice has taken effect and the compliance period (stipulated on an Enforcement Notice) has expired, a site visit will be undertaken by Officers to check compliance with the requirements of the Notice. Recipients of a Notice should consider carefully the consequences of not complying with the requirements as it is a criminal offence for which they can be liable to prosecution proceedings being taken against them, resulting in heavy fines or even imprisonment. In circumstances where there is non-compliance with the requirements of a Notice, the Council will consider commencing prosecution proceedings where there is sufficient evidence, and it is in the public interest to do so. There is also the possibility that the Council will take steps to remedy the breach of planning control itself by direct action.

What happens after planning permission has been granted?

- 3.39 As well as investigating breaches of planning control the Planning Enforcement Team may also monitor the implementation of planning permissions and specifically compliance with conditions attached to that permission. Applicants are expected to submit all information required to comply with conditions, including pre-commencement conditions. If no such information is submitted, the Planning Enforcement Team, will, in cases where the environment is sensitive (for example Green Belt, Flood Plain, Contaminated land) or residential amenities are at risk, contact the applicant/developer to ascertain progress.
- 3.40 In certain instances, Development Management Officers may also make specific requests of the Planning Enforcement Team to check compliance with conditions. For example, to check that obscure glazing, flood protection measures or renewable energy measures have been installed where required or ensuring that a use granted for a temporary permission had ceased at the end of the relevant period. Another example would be to check that there had been the removal of buildings in the Green Belt where it was justified in order to grant planning permission for a development. In such instances, Officers will normally undertake a site visit to check the development against the permission and approved drawings.
- 3.41 In instances where development commences and it is found that the development is not being carried out in accordance with the approved plans, the Planning Enforcement Team, will assess the cases and take the appropriate course of action as set out in [section 4](#) below.

4. How will the Council address breaches of planning control?

- 4.1 The Council has a range of possible courses of action available once a breach of planning control has been identified. These are listed in further detail below.
- 4.2 The decision as to what course of action to take in cases of unauthorised development or illegal works to trees and Listed Buildings will be taken with due regard to the impact on public amenity, the nature of the breach and the relevant local plan and National Planning Policy Framework. The course of action pursued by Officers will be proportionate to the breach of planning control to which it relates.

Option 1 – no further action is deemed appropriate

- 4.3 After undertaking an investigation the Planning Enforcement Team may decide not to take any further action. This might be because there is no actual breach of planning control, or the works might be within the scope of development that can be carried out without planning permission (permitted development). Note that the exact details of permitted development are set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 4.4 Once a case has been initially investigated, if there is a trivial or technical breach of planning control, such as a slight variation in plans, Officers may conclude that it is not expedient to take action. This might be because the breach is relatively minor and the harm it causes is not significant, and formal action would not be in the public interest. Generally, it will be regarded as unreasonable for the Enforcement Team to issue an Enforcement Notice solely to remedy the absence of a valid planning permission if it is concluded that there is no significant planning objection to the unauthorised development.
- 4.5 When deciding whether it is expedient to take formal planning enforcement action a judgment will be made on the planning issues involved, the relevant government and local planning policies and the likelihood of planning permission being granted for the breach. If the decision is made to take no further action, then the file will be closed and Officers will notify everyone who has been involved in the investigation. Officers will also, without prejudice to the outcome, notify the landowner/occupier that they can make a planning application to seek regularisation if it is deemed appropriate.
- 4.6 It is acknowledged that householders, undertaking development may not have had prior access to independent professional advice to ascertain whether or not planning

permission would have been required. In cases where there is reliance on the General Permitted Development Order (GPDO) 1995 to grant permission but a specified limitation has been exceeded or condition not met, enforcement action is unlikely to be pursued in order to remedy a slight variation in excess of what would have been permitted by virtue of the GPDO provisions unless there is identified significant harm.

Option 2 – further investigation required

- 4.7 It may be necessary to carry out further investigations to determine the extent of the breach, history of the breach etc. This may involve a number of additional site inspections, research, seeking advice from other services or agencies or further information from those who requested an investigation, site owners or other interested parties.
- 4.8 In certain cases Officers may request that the person reporting the suspected breach of planning provide a written log detailing the dates, times, duration and nature of the suspected breach to assist in the investigation. This information can be very important in furthering the investigation into a suspected breach of planning control. Officers may also serve a Planning Contravention Notice or Requisition for Information to obtain information relating to the suspected breach or site ownership details.
- 4.9 Under Sections 171B (A-C) of the Town and Country Planning Act 1990 (as amended), where it appears to Officers there may have been a breach of planning control that has been deliberately concealed an application can be made to a Magistrates' court (within six months of its discovery) for a Planning Enforcement Order in relation to that apparent breach of planning control. The Order, if issued, gives Officers a further year in which to take action, even after the time limits to take enforcement action have expired.

Option 3 – Negotiate a solution

- 4.10 Where it has been established that a breach of planning control has occurred, and the harm is irreparable or permanent Officers will normally attempt to negotiate a solution to regularise the breach of planning control without recourse to formal enforcement action. However, these negotiations will not generally be allowed to hamper or delay the consideration of formal enforcement action where in the view of Officers the breach of control causes serious harm to amenity. Where Officers are unable to negotiate an acceptable solution within a reasonable timescale, they will consider whether or not it is expedient to take formal enforcement action.

- 4.11 It is recognised that in some instances landowners/occupiers have carried out unauthorised development in good faith believing no planning permission is required. In cases where it is found that a breach of planning control relates to a small business or self-employed person, it is acknowledged that responding to enforcement action may represent a financial burden. Officers will be considerate of this but the harm to residential amenities or the environment will be fully taken into account in considering how to progress the investigation. In light of the Government and corporate objectives to achieve economic growth, advice will be given where appropriate as to how a business may be enabled to continue to operate subject to any planning objections being addressed and without continued harm to the local amenity. Enforcement Officers will explore whether there are opportunities for the business operation to relocate to a more suitable location; however, it is not within the remit of the Planning Enforcement Team to be responsible for finding alternative premises.
- 4.12 If a landowner/occupier is reluctant to enter into a discussion or a mutual compromise cannot be reached, then it will be made clear that the Council will not allow the development to go ahead by default and proportionate action will be considered to remedy any harm prior to formal action being undertaken

Option 4 – Retrospective application for planning permission

- 4.13 Where a breach of planning control has occurred and Officers have identified that little or no harm is being caused, or any harm might be removed or alleviated by the landowner/occupier changing the works undertaken, or controlling the development through the imposition of conditions on a planning permission, the person(s) responsible is likely to be invited to submit a retrospective planning application within a specified time scale. In such circumstances it will be made clear that the invitation to submit a retrospective application is made without prejudice to any final decision the Council may take in the matter.
- 4.14 In circumstances where a retrospective planning application is submitted for the same development the subject of an Enforcement Notice, the Local Planning Authority has the authority to decline to determine such applications in accordance with the Localism Act 2011.

Option 5 – Formal enforcement action

- 4.15 Where it has been established that a breach of planning control has occurred and substantial harm has been caused it will normally be the case that the Council will look to use its statutory powers to take action to remedy the breach. The use of these

powers listed in annex 1 is discretionary and will only be used when it is considered expedient to do so. Any action taken must be proportionate to the breach.

- 4.16 When an Enforcement Notice has been served details of the Notice are entered into the Planning Enforcement Register which is available for public inspection at the Civic Offices.
- 4.17 There are rights of appeal to the Secretary of State against an Enforcement Notice/ Listed Building/Conservation Area Enforcement Notice. In the case of Breach of Condition Notices and Temporary Stop Notices there is no right of appeal to the Secretary of State and these may only be challenged by application for judicial review to the High Court. In the case of [Section 215 Notices](#) (a section 215 Notice can be served to require a land owner to remedy the condition of a building or land where the condition is adversely affecting the amenities of the area), prosecutions and injunctions, appeals must be made through the Court system.
- 4.18 In respect of breaches of planning control involving Listed Buildings, Tree Preservation Orders and advertisements these are criminal offences and the Council has the power to prosecute directly in the Magistrates Court.
- 4.19 Some requests for investigation can result in issues that affect a number of Council services or public bodies, not just planning legislation. In these instances, the Council will try to remedy the breach by using the most effective tools available and seek to avoid duplication of work. For example, where an unauthorised development is causing a statutory nuisance, it will, in some instances, be more effective for the matter to be pursued by the Council's Environmental Protection Team rather than the Council's Planning Enforcement Team. A joint working protocol is in place between these two teams of the Council to ensure efficient sharing of information and resources. The Planning Enforcement team also works alongside external organisations including Surrey Police, Surrey Fire and Rescue Service, the Environment Agency and Surrey County Council.

5. Customer Care

- 5.1 Runnymede committed to offering a good Planning and enforcement service for the community of the borough.
- 5.2 In exercising this charter, the Council will offer all of its customers, whether they are complainants or those who may be in breach of planning control, appropriate opportunities to state their case, to ensure that the correct decisions are taken to safeguard the built and natural environment of the borough.
- 5.3 If you have any issues that you wish to raise with regards the Planning Enforcement Service or processes, these should be initially directed to the Assistant Development Manager (Planning Enforcement). Should you still feel that your concerns have not been addressed then you should the Corporate Head of Development of Development Management and Building Control or the Development Manager for further assistance.

Annex 1: Formal Enforcement Proceedings

ENFORCEMENT ACTION	DESCRIPTION
Enforcement Notice, Listed Building/Conservation Area Enforcement Notice	<p>Where a breach of planning control is resulting in harm to amenity or conflicts with planning policies and could not be overcome by the imposition of conditions on an approved planning application.</p> <p>The Enforcement Notice will specify the reason(s) for its service, the steps required to remedy the breach, the date that it takes effect and the time period for compliance.</p>
Stop Notice	<p>Where a breach of planning control is causing very serious harm to public amenity and the environment, and in cases where urgent action is necessary to bring about a cessation of a relevant activity before the expiry of the period of compliance of the related Enforcement Notice. A Stop Notice cannot be used to prevent the use of a building as a dwelling.</p> <p>The Stop Notice will refer to the Enforcement Notice to which it relates, specifically the activity or activities that are required to cease and the date that it takes effect.</p>
Temporary Stop Notice	<p>This differs from the normal Stop Notice powers because the Temporary Stop Notice does not have to wait for an Enforcement Notice to be issued. In addition, the effect of a temporary stop notice will be immediate. A Temporary Stop Notice cannot be used to prevent the use of a building as a dwelling.</p> <p>The Temporary Stop Notice will set out the activity that the Council thinks is a breach of planning control. It will also set out the Council's reasons for issuing the Temporary Stop Notice.</p>
Breach of Condition Notice	<p>Where the breach of planning control relates to non-compliance with a condition on a planning permission.</p> <p>The Breach of Condition Notice will specify the steps required to comply with the condition(s) or limitation(s), the date that it takes effect and the time period for compliance.</p>
Section 215 Notice (In respect of untidy land)	<p>In cases where the amenity of an area is adversely affected by the condition of land or buildings.</p> <p>The Notice will specify the steps required to be taken to remedy the condition of the land or buildings, the time period within which the steps must be taken and the date that the Notice takes effect.</p>

Planning Order	Enforcement	Under new provisions of the Localism Act 2011, where an apparent breach of planning control has been discovered that has been deliberately concealed the Council will consider applying to the Magistrates Court for a Planning Enforcement Order, within six months of its discovery. If successful, the Order enables a further year in which to take enforcement action, even after the time limits in section 171B of the 1990 Act have expired.
Prosecution		<p>The Council will consider commencing a prosecution in the courts against any person who has failed to comply with the requirements of any of the above Notices where the date for compliance has passed and the requirements have not been complied with.</p> <p>The Council will also consider commencing a prosecution in the Courts where unauthorised works have been carried out to TPO trees or trees in a Conservation Area, as well as unauthorised works to a listed building, demolition in a Conservation Area, advertisements or where the recipient of a Planning Contravention Notice or Requisition for Information has failed to provide a response within the prescribed period or supplied false or misleading information.</p> <p>Before commencing any legal proceedings, the Council will be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest.</p>
Injunction		Where the breach or apprehended breach is so significant that immediate action is required to prevent any further damage. May also be used where an Enforcement Notice has not been complied with and a prosecution is not considered expedient or previous prosecution(s) have failed to remedy the breach of planning control. The Council will only consider such action if the breach is particularly serious and is causing, or is likely to cause, exceptional harm.
Direct Action		<p>Where any steps required by an Enforcement Notice have not been taken within the compliance period (other than the discontinuance of the use of land), or where any steps required as part of a Section 215 notice have not been taken within the prescribed timescales, the Council will consider whether it is expedient to exercise its power under Sections 178 and 219 of the Town and Country Planning Act 1990 (as amended) to: -</p> <ul style="list-style-type: none"> (a) Enter the land and take the prescribed steps; and (b) Recover from the person who is then the owner of the land any expenses reasonably incurred by the Council in doing so.

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