

Runnymede Borough CouncilPlanning CommitteeWednesday, 6 September 2023 at 6.30 pm

Members of the Committee present: Councillors M Willingale (Chairman), P Snow (Vice-Chairman), A Balkan, T Burton, V Cunningham, T Gates, E Gill, C Howorth, S Jenkins, R King (In place of A King), M Nuti, M Singh, S Whyte and J Wilson.

Members of the Committee absent: Councillor M Cressey (In place of C Mann)

In attendance: Councillors L Gillham and S Lewis.

15 Minutes

The minutes of the meeting held on 26 July 2023 were confirmed and signed as a correct record.

16 Apologies for Absence

None received.

17 Declarations of Interest

Cllr Peter Snow declared a non registerable interest in RU.21/0514 due to his home being in close proximity to the application site. Cllr Snow left the chamber for the duration of the item.

18 RU.23/0663 - 26 Katherine Close, Addlestone, KT15 1NX

Proposal: Retrospective application to Vary Condition 2 (Approved Plans) of RU.21/0514 (Proposed rear dormer on roof extension with rooflights on front slope and internal alterations) to increase the dimensions of the rear dormer to create a firstfloor rear extension.

Several committee members expressed frustration at the retrospective nature of the planning application, along with the bulk of the dormer, which had been built some half a metre each side beyond what had previously been granted by planning committee and led to concerns around size, bulk, and not being in-keeping with the character of the area.

Whilst concern also existed about the prospect of the applicant turning the property into an HMO and the impact this would have on the community, planning officers advised that a six person HMO conversion was allowed without the need for planning permission, and anything above that would be judged on its own merits upon receipt of an application.

A committee member felt that the applicant being given four months to erect a fence in lieu of one of the windows not adhering to a previous planning condition of requiring to be obscure glazed and fixed shut to prevent overlooking was unduly lenient, however the Head of Planning advised that four months was a realistic timeframe and granting planning permission would afford an enforceable mechanism to provide a fence.

Building work remained ongoing inside the property, which was not currently habitable, nevertheless the committee agreed to amend the condition to state that the fence should be in place within four months of the date of the decision, or from the point at which the

property is occupied, whichever is sooner. In the event of the application being approved the Development Manager would follow up with the applicant to clarify the end point of the fence, as although it was required along the entire length of the property, overlooking was not a factor at the front of the property.

The Head of Planning stressed the importance of identifying harm and giving due regard to the fallback position in the event that the application was rejected, as this would instigate the need for enforcement action, requiring the Council to identify and explain the harm. Little or no harm would provide a weak enforcement case and the very real possibility of the rejection being overturned on appeal.

Caution was also expressed by several members around rejection of the application, as a successful appeal could lead to the Council losing control of the planning conditions.

A ward councillor acknowledged the disruption that the ongoing work had placed on neighbours and the local area as a whole, in particular the flanked wall causing overbearing on a neighbouring property.

Furthermore, in order to be consistent with previous planning applications in the location, committee asked for an amendment to planning condition two to fully reference policy EE1 and state that obscured glazing (at Pilkington Glass Level 4 or equivalent) and any part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening and fixed shut. The windows shall be permanently retained in that condition thereafter.

Addressing concerns from the committee, the Development Manager advised that approval of retrospective planning applications was by no means a foregone conclusion, and whilst they were judged on their own merits, several enforcement notices had been served on other retrospective applications.

Resolved that –

The HoP was authorised to grant planning permission subject to:

- i) Planning conditions 1-2.**
- ii) Addendum notes**
- iii) Amended planning condition three to state that a fence shall be constructed within four months of the date of the decision notice or at first occupancy, whichever occurs first.**
- iv) Amended planning condition two to fully reference policy EE1 around the obscured glazing.**

Natalie Noble, an objector, and Hassan Akhtar, the applicant, both addressed the committee on this application.

19 RU.22/0844 - Nexus, Station Road, Egham, TW20 9LB

Proposal: Redevelopment of the site to provide a mixed-use scheme consisting of two buildings of five storeys to accommodate commercial (Class E) and residential (Class C3) uses, including the relocation of the existing vehicular accesses (including the entrance to the Egham Station Car Park) landscaping, car & cycle parking and associated works.

(The planning officer corrected a typo in section 7.24, page 38 of the agenda: 'The Local Planning Section however advise that the latest AMR reveals a current over delivery of larger smaller units.')

The committee thanked officers for their perseverance on this scheme, with the application being the sixth iteration on the site. However, there was concern that the viability

assessment deemed that there would be no requirement to provide affordable housing.

The Head of Planning explained that the lack of affordable housing could not be considered a negative factor, as national planning policy stated that a developer did not need to provide affordable housing if its provision tipped the balance to make a scheme unviable.

To mitigate this, a committee member proposed that a clawback mechanism was put in place that stipulated that should the price of any sold assets exceed the value demonstrated in the viability assessment then the Council could clawback any excess profit above the threshold. The proposal was universally accepted by the committee.

A committee member sought to amend condition seven, which regulated the opening hours for selling food and drink on the premises, and moved a motion to amend the condition to state that units must close by 7pm Monday – Saturdays and by 4pm on Sundays. This was due to concern around the potential for antisocial behaviour, along with the potential to exacerbate the financial struggles of some existing restaurants in the area.

The committee sympathised with the view, however conceded that this was a licensing matter, whilst government legislation to allow class E usage encompassed a wide range of commercial uses and could not be conditioned – it was down to government policy. It was also acknowledged that there were existing late night uses in Egham, and antisocial behaviour could not be pinned down to one unit.

Furthermore, it was felt that Surrey Police were extremely proactive in bringing cases forward where licensing conditions had been breached.

The motion was lost.

Officers acknowledged the need to strike the appropriate balance between the need to see the site developed against the prospect of it remaining long term vacant, and felt the proposal had now reached the parameters of acceptability, with it blending in with the taller four storey buildings in nearby Magna Square.

Some committee members felt that the size, mass and bulk of the development bordered on excessive, however it was acknowledged that the proposal being reduced from six to five floors partly moderated this, along with the partial setting back of the fourth floor and dormer outlook of the fifth floor. Furthermore, having its own plot by the station provided more latitude for height provision, and the site was unique within the borough in being next to the station with roads going all around it.

In response to the lack of family space and housing within the development, the Head of Planning advised that the developer had acted on a ward councillor's suggestion to design more three bedroom flats, and sought to work closely with planning officers to achieve the most comprehensive outcome for the site by way of a scheme that was preferable a potential alternative that may have involved going down the more unknown prior approval route.

The committee acknowledged the wider issue of intensification of the borough's towns, and were reassured by the potential for a tall buildings strategy to set the parameters for what would be acceptable, however it was felt that this was not currently required.

The Head of Planning also considered the site the most sustainable in the borough given its links to shops, parks and the station, and that would justify the relative few parking spaces available. The Head of Planning also agreed to a member request to follow up with the council's parking team around monitoring the impact to help shape future policies,

particularly around climate change, although it was conceded that it would be difficult to attribute any significant variation to one single development.

A query was raised as to why Surrey Police's designing out crime officer's comments around Secured by Design were advisory rather than a condition, and the Head of Planning advised that much of the comments were relatively generic and not covered by the planning regime. Furthermore only four letters of objections had been received about the scheme, which was considered a low number and highlighted how far the scheme had progressed.

Resolved that –

The HoP was authorised to grant planning permission subject to:

- i) Completion of a S106 legal agreement**
- ii) Planning obligations of contributions towards the SANG and SAMM**
- iii) Planning conditions 1-34**
- iv) Informatives 1-14**
- v) Addendum notes**
- vi) Additional condition to allow the HoP to devise a mechanism that would provide clawback on any excess profit above the viability assessment.**

(The meeting ended at 8.39 pm.)

Chairman