

Autumn 05 Newsletter

## **PLANNING VICTORY – BUT COUNCIL BLUNDERS ON TREE PROTECTION ORDER**

Residents have won a planning victory on appeal over a proposed development in Beech Grove. Sixty-five neighbours objected to an application to demolish 4 houses and to replace them by 12 detached 5-bedroom houses. Reigate & Banstead Council refused the application, but the developer appealed to the Planning Inspectorate in Bristol.

The Inspector agreed with residents and dismissed the appeal on three grounds – the impact on the character and appearance of the area; the mix of housing proposed (not sufficiently varied); and the effect on a large mature beech tree.

However, an error by the Council led to the felling of other trees on the site, only hours before a new tree protection order (TPO) was received by the applicant.

Because the site had been subject to a previous planning application in 2001 – also refused – the Council had put a provisional TPO in place at that time. This order protected a larger group of trees, besides the beech which the inspector referred to. However, provisional orders must be confirmed within 6 months to continue to be effective. Unfortunately, the Council forgot to do this back in 2001 and the order had therefore lapsed.

Discovering, in the middle of the appeal in June 2005, that the original TPO no longer had force in law, some trees were – perfectly legitimately - cut down. The Council prepared a new TPO, but this was only served later on that day. Too late!

The developer has sought damages from the Council – in the vicinity of £300,000 – because of ‘loss of profit’ on the proposed development, and the time and expense of dealing with the lapsed TPO. The developer’s case would appear to be weakened by the refusal of the planning appeal.

The developer is also ‘taking advice’ as to whether ward councillors can be ‘held personally financially responsible’. R A Councillor Nick Harrison said: ‘This is clearly just bluster. The Ward Councillors are bound by a set of standards and a protocol in dealing with planning applications. These were fully complied with.’

Your councillors have pursued the faults on the Council’s side, and have received an apology from officers for the error in not confirming the original TPO. As further response, a review of systems and work priorities is being completed, and additional resources are now being put into tree work. Government grant money has been received to defray the extra cost.

### **AUTUMN MEETING**

**A Members’ Meeting will be held at Shawley Primary  
School on Tuesday 18<sup>th</sup> October 2004 at 8.00pm.**

**Speakers on the Future of Racing on Epsom Downs  
and the New Approach to Speed Cameras and Road Safety.**

**See Next Page for Details**

# FROM THE CHAIRMAN



## **Joan Haward**

The recent death of Joan has already been reported in local newspapers, but I feel I should emphasise her importance, both as a friend and as an ardent supporter of her local community. In 1993 she became our first R A County Councillor for Banstead West (Tattenhams and Nork). She was tireless in supporting the rights of local residents in many issues, such as saving Tattenhams Library.

She was a good listener and a robust voice at the Council, paving the way for future R A seats. Even after her retirement in 2001 she pursued the forgotten promise of a pavilion for Merland Rise School's playing field and ensured its completion before time ran out. She acted as an agent for our Borough Councillors and always turned out to canvass on the doorsteps whatever the weather.

God bless you Joan, we all miss you.

## **Party Politics**

The Residents' Association is proud to be a non-party political organisation, and to focus on local government, with the aim of influencing Councils to provide first rate, cost-effective services to our residents.

We are usually reluctant to comment directly on the snipes from the main-stream parties, preferring to get on with the issues. However, I feel that there is one matter from the recent elections that I should not let pass.

This concerns the comments made by our opponents to the effect that since Residents' Associations' Councillors are in a minority and not part of the ruling Executive, then areas represented by R A Councillors are down the priority list when decisions are taken.

In response to questions from the R A Councillors, the Leader of the County Council has confirmed that he "does not operate a policy of discrimination" and that "decisions are based on offering value for money and greatest benefit to residents, not political composition". We are grateful that this matter has been corrected.

## **Green Belt**

The Green Belt celebrated its 50<sup>th</sup> anniversary this summer, and it now accounts for 13% of all land in England – but significantly more in Surrey. It remains our greatest protection in retaining the countryside, and holding back urban sprawl and over-development.



## Upland Way Development

Following consultation with Reigate and Banstead Housing Trust over the proposed housing and flats on the central garage site, the R A has applied to Surrey County Council for the route through the site and from Upland Way to Shawley Way to be officially recognised as public rights of way. If you use this route and have not added your voice to keep these byways open, contact Councillor Bob Harper or myself for the relevant form. As always, a strong response will receive better attention from the authority.

## Flower Tubs / Notice Boards

Committee members recently met with Surrey Highways Department and agreed sites for the planned plant displays at Tattenham Corner which will be introduced shortly. A notice board adjacent to the Tattenham Way shops (where the telephone kiosk used to be) was also agreed, and we are waiting to receive sanction for a proposed site at Tattenham Corner.

## Longfield Recycling Centre

Residents nearer to Preston should note that there are complete recycling facilities in the car park near the Marbles Way shops. These might be more convenient than Asda or Tattenham Corner.

## Local Crime

We are fortunate to live in a relatively low crime area, but police have advised that the autumn is usually a period for distraction burglary (bogus workmen / officials). Always ask for identification from officials and employ only recommended trades people. Do watch out for suspicious characters calling on elderly or vulnerable neighbours.

Fishing car / house keys through letter boxes is still occurring locally and there is a flasher currently operating on Burgh Heath. Some cases of petrol siphoning have also been reported in adjacent wards.

Although we have pushed for more CCTV coverage to combat crime, and indeed the R A contributed financially to the cameras at Tattenham Corner, we have not previously been sure of the value of this investment. It has now been reported that the CCTV cameras in the Borough have led to 88 arrests over the last quarter alone. Cameras were installed in the last year at the Tadworth shops, and the Marbles Way parade will be brought into the system shortly.

## Mini Motorbikes

In July this year the Department of Transport published details of the law on miniature motorbikes, sometimes known as “monkey-bikes” or “go-peds”. These miniature electrical and petrol-powered scooters are in law, two wheeled, lightweight, powered vehicles. They are extremely powerful for their size and capable of speeds up to 40 mph.

These types of go-peds and powered scooters are not generally intended for highway use. They are **NOT** suitable and **NOT LEGAL** for road or pavement use. **These ‘toys’ can only be used legally on private land, including parks and forests, with the direct permission of the landowner**, which in many cases will be the local authority.

Please note that Asda have banned their use in their car park.

Any child using a toy motorised machine should be carefully supervised and wear proper protective clothing at all times including an approved crash helmet.

This is an edited extract. Full details are on the website [www.dft.gov.uk\\_rdsafety](http://www.dft.gov.uk_rdsafety)

If you spot anyone using such a motorised vehicle inappropriately or without proper regard to safety, you should report the matter to your local police.

**John Butcher**

# **MAKING A PLANNING APPLICATION**

*Planning decisions can have a major impact on our lives. Whether you are submitting a planning application or commenting on one, the outcome can mean a great deal for everyone affected.*

*This page discusses the issues to be considered if you are making an application. The opposite page considers grounds for objection.*

## **Consider the Context of Your Proposal**

How close are your neighbours? What sort of developments are typical of the area? Is it within the Green Belt? What kind of developments are acceptable?

The answer to these questions can be found in the Reigate and Banstead Local Plan. This is an important guide to the policies and restrictions that may apply to any site or building. It's available at the Town Hall in Reigate, or at the Council Helpshop in the Horseshoe in Banstead, or at the Library. Sections of the Plan can also be viewed on the Borough Council's website **[www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk)**

The Council also publishes supplementary guidance and a series of helpful leaflets on common types of developments, such as extensions, porches etc.

## **Talk over Your Ideas with Others First**

This could be your neighbours or an informal discussion with planning staff before deciding what you want to do. Try to put yourself in the shoes of those who may be affected by your proposals.

If you make a planning application the Council will invite your neighbours to comment on it, so it is best to involve them beforehand. The checklist opposite sets out some of the concerns that might arise with your application. See if you can accommodate the concerns of your neighbours – very often they can suggest improvements to your original ideas, to the benefit of both parties.

## **Prepare Good Drawings and Illustrations**

The Council and your neighbours need to be able to understand and visualise what you are proposing. You may need to use the services of a professional architect, surveyor or architectural technician. The best way to maximize your chances of success is to make sure you engage somebody with a good track record of quality development to draw up your plans. Ask them for examples of similar developments you can see.

## **How is the Planning Decision Made?**

Planning officers study every application in detail, assess it against the policies in the Local Plan, together with Surrey and Government Planning Policy, and weigh up any comments or objections. To speed up the process, the majority of planning decisions are made by Council officers.

The more contentious applications, and those for larger developments, are decided by councillors at the Planning Committee. These meetings are open to the public and are held every four weeks. If there are at least 25 objectors, then the applicant and a representative of the objectors can address the Committee.

## **If my Application is Refused, can I Appeal?**

Applicants who are refused permission have the right to appeal to an independent, government-appointed inspector. Unfortunately, the law does not give objectors the right of appeal.

## **What is the Role of the Residents' Association?**

The R A reviews all planning applications in Tattenhams, to see if they are 'neighbourly', and makes comments to the Council, if appropriate. One of the Tattenhams R A Councillors is a member of the Planning Committee.

# **COMMENTING ON A PLANNING APPLICATION**

## **Will the Council Tell me about Local Planning Applications?**

If a neighbour is planning a change to his property, be it a small extension or a major re-development, the Council will write to you, giving you 21 days to comment. Only adjoining residents will be written to directly, but in addition there should be a notice displayed to the public, typically at the entrance or affixed to a tree or lamp post. The bush telegraph usually ensures that most people in the vicinity soon become aware of potential developments.

## **Inspect the Plans**

Anyone can comment on a planning application. You will need to inspect the application form, plans and design statements. You can see these at the Town Hall in Reigate or at the Council Helpshop in the Horseshoe in Banstead. Alternatively, you can access them on Borough Council's website [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk)

## **Discuss the Application**

Hopefully, the neighbour making the application will have discussed it with you beforehand, and taken on board your issues. It is always worth telling your neighbour what your concerns are – what is a problem, and what is satisfactory to you. Suggest steps the applicant might take to modify the plans, so they may be more acceptable to you. You can also contact the Planning Officer to discuss any issues, and if relevant, invite him/her to come onto your property, so as to view the potential development from your perspective.

## **Checklist of Objections**

Use your own words, and clearly state what sort of problems you foresee. Be specific - the 'quality' of the point is more important than general statements. Although it's always helpful for a number of residents to object, try not to use 'form' letters. Here's a checklist of some issues that might arise:

- ✓ Whether the proposal conflicts with any of the Council's planning policies (you can see these at the Council's offices or on the website). Review also the Council's relevant supplementary guidance and leaflets, and see if the proposals are in conformity.
- ✓ Whether the appearance and bulk or size of the new building / extension is generally in keeping with its neighbours and the surrounding area.
- ✓ Whether adjoining residents will suffer any unreasonable overshadowing, overlooking or loss of privacy.
- ✓ Whether external alterations to an existing building are in character.
- ✓ Whether a proposed use is a suitable one for the area.
- ✓ Whether there will be any unreasonable increase in general disturbance, for example from the comings and goings of extra traffic.
- ✓ Whether there is any visual effect upon the landscape, i.e. loss of trees.
- ✓ Whether new roadways, accesses and parking will be safe for road users and pedestrians.
- ✓ Whether a public footpath is affected.
- ✓ Whether new public buildings have satisfactory access for the disabled.
- ✓ Whether, for an application for an advertisement, the proposed sign is too large or unsightly.

## **Issues Outside Scope**

The following **cannot** be considered as they are deemed to be outside the scope of planning control:

- ✓ Loss of property value.
- ✓ Boundary and other disputes, e.g. private rights of way, drainage issues or covenants.
- ✓ Loss of view, unless, in limited circumstances, it should be protected in the public interest.
- ✓ Loss of trade through increased competition.

## **Parking**

Unfortunately, the Government has in recent years changed National Planning Policy in relation to parking. In most circumstances, there is no longer a requirement to provide a minimum level of off-road parking for new developments.

## SEVERE PRESSURES ON BOROUGH & COUNTY FINANCES

Both the County and Borough Councils are reporting severe upcoming budget pressures – after the lowest increase in Council Tax for several years announced last April, just before the County and Parliamentary elections!

Surrey County is forecasting a £50 million budget gap, against a backdrop of a reduced Government financial settlement, and is launching a “three-month business development review”.

At the Borough, a 10% cut in costs needs to be made, if next year’s Council tax increase is to be held down to 5%.

On top of all this, for the year after next (2007/08) all house values are being re-assessed as part of the Council Tax revaluation. It’s too early to say what this will mean in regard to the taxes we will actually pay, but the experience in Wales (which has already been revalued) is not encouraging.

## HELP IN A CRISIS WITH - ICE

The Emergency Services are suggesting that members of the public store emergency contact details in their mobile phones.

People are urged to use the acronym **ICE** - **In Case of Emergency** – to give the police, ambulance and fire services immediate access to a next of kin or other contact point. The scheme was devised by paramedics struggling to get contact details from shocked or injured patients.

By entering **ICE** into the mobile’s phone book, users can log the name and number of someone who should be contacted in an emergency. An ambulance spokesman said “So many people carry a mobile phone now, and with **ICE** we’d know immediately who to contact and what number to ring. The person may even know their medical history”.

## MUSIC IN THE PARK



This year’s event was a resounding success. The music was excellent as always and there were extra amusements for the children. The weather was perfect and everyone thoroughly enjoyed the day with plenty of food and drink on site.

Following installation of the fitness trail in Nork Park from the money raised last year, Banstead West Music in the Park will be trying to refurbish the picnic area in the Park from this year’s profits. It is hoped that when installed, you will take the time to sit and view the most wonderful sight of London from the new seats.

Carol Stead, chair of the organising committee, expressed her gratitude for everyone that helped to organise and present this fun day. More helpers are needed on the day for an hour or two from 10am to set up, and to clear up at 8pm. If anybody would like to help next year, please call Carol on **01737 - 210089**.