

- Para 4.2:** Five additional letters from local residents have been received stating that they have no objections to the application. The main points raised in these letters are summarised as follows :-
- it will not abuse the floodplain;
 - the Webb family is quiet, friendly and courteous. Very good neighbours;
 - works do not detract from amenities of neighbouring property;
 - no reason to complain or object.

Paras 4.2 and 5.38: The Environment Agency (EA) object to this application as (1) the proposed development is incompatible within the high risk floodplain and (2) the proposed development represents an unacceptable risk to life and property. The EA state that if the Council refuse the application and the applicant appeals then the EA would not attend a Public Inquiry to provide evidence due to the size of the development and because the building has an ancillary use to the main dwelling but would provide the Inspector with a written statement.

Comment: The EA have continued to raise no objection to previous applications relating to the same buildings on this site. The EA did not support the current enforcement action at this site relating to the same buildings. For the EA to raise an objection at this stage is inconsistent and would need to be robustly justified in person at the forthcoming Inquiry. The decision not to send an EA witness to the Inquiry to justify this objection weakens this objection and potentially the Council's case. It is therefore recommended that this flooding objection is not supported as a reason for refusal but is simply drawn to the Inspector's attention.

Recommendation: Today the applicant has submitted an appeal against the non-determination of this application. The Planning Inspectorate have started to register this appeal today. The Committee is therefore unable to determine this application but can still decide what they would have done had the Committee been the determining authority. It is therefore appropriate to change the recommendation to :-

“The applicant has appealed against the non-determination of this application. If the Council were the determining authority it would have **REFUSED** permission for the following reasons :-“

Reasons 1, 2 and 3 as set out at page 25 of the Agenda.

The reason why this application has not been determined in 8 weeks is because the Council has been waiting for additional information from the applicant as set out in paragraph 3.5 of the report on page 14 of the Agenda.

3. Page 43

Sena, Woodlands Road East, Virginia Water (RU.08/1092)

History:

The planning history for this site should read as:

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| 2.1 | <i>EGH.59/5622</i> | Erection of house and garage - Granted. |
| 2.2 | <i>RU.89/0045</i> | Demolition of single garage and store room and construction of treble garage and garden room with games room, store room and shower room on floor over (as amended by revised plans received January 1989) - Granted February 1989. |
| 2.3 | <i>RU.06/0820</i> | Erection of a detached two storey dwelling with attached guest annex and staff flat above garaging following demolition of existing dwelling - Granted October 2006. |

- 2.4 *RU.07/1029* Erection of a replacement detached two storey dwelling with roof accommodation and integral triple garage - Granted November 2007.
- 2.5 *RU.08/0998* Single storey swimming pool extension to southern side/rear of dwelling - Withdrawn.
- 2.6 Full planning permission was granted under application RU.07/1029 for a replacement dwellinghouse which is currently under construction. A householder application for a single storey swimming pool extension to the dwellinghouse was submitted under RU.08/0998 but was withdrawn at the Council's request. The replacement dwellinghouse is still under construction, therefore the correct procedure to apply for the additional extension is as an amendment to the approval for the replacement dwelling to incorporate the proposed swimming pool extension.

Consultations:

Para 4.1:

Two additional e-mails have been received on 9 and 10 December from the same neighbour (the e-mail dated 9 December was circulated to Committee Members). The main points are summarised as :-

- significant damage been caused to mature woodland which contributes to the special character of Wentworth;
- Council should be supporting local residents in protecting endangered habitat and wildlife;
- two remaining Oak trees should be protected by Tree Preservation Orders;
- developer failed to work with local residents;
- additional extension to the roof line this week. Inconsistent plans submitted to Council and Wentworth Roads Committee. Enforcement Questionnaire being completed so Enforcement Officer can investigate;
- many residents being forced to sell their houses due to over-development which is destroying natural amenity and the special character of Wentworth. Council has a duty of care;
- application should be rejected as over-development and endangering water table to the remaining two Oak trees;
- heat pump relocated to the rear of the property so mature Oaks can be planted at the front of the property;
- landscaping scheme is prepared showing replacement of 5 Oak trees;
- the existing hedge allowed to grow to a height that screens second floor windows from causing overlooking;
- Wentworth Roads Committee and the Council to agree a consistent and enforceable plan where all parties' requirements including neighbours are met. Not in public interest to have two parallel processes with timing differences;
- implications of removing trees has impact on climate change and taking effective remedial action. New houses should provide their carbon footprint and their offset in tree planting within the Estate to protect wider population;
- Council should designate certain areas as woodland and protect key trees with Tree Preservation Orders;
- there are photographs of and witnesses to contractors taking down trees in contravention of the Estate covenants. We would now ask the Council to act and provide Tree Preservation Orders on mature trees when requested by residents.

In addition two petitions have been submitted. The first petition with 8 signatures states :-

“The residents of Wentworth are concerned at the increased volume of development on Wentworth and would request that RBC Planning Department reviews its TPO policy to protect an area of “special character” in line with new climate change legislation and liaises with WERC as a matter of normal process regarding the notification of planning applications. This will increase the efficiency and effectiveness of the Planning Department.”

The second petition with 4 signatures states :-

“The residents of Wentworth are concerned at the increased volume of development which does not adhere to the Wentworth planning covenants and request that WERC enforces the covenants in regards to buildings and mature trees.”

A local resident has also requested that the Committee defer this application so that she can address the Committee personally with her concerns.

AGENDA ITEMS

1. Page 6: Item 7 2007-8 ANNUAL MONITORING REPORT

The Chairman is advised that the following editing changes should be made to the 2007-8 Annual Monitoring Report before it is submitted to the Secretary of State:

Para 1.8 change reference to the **2007** Local Development Scheme and in Appendix 2 replace the 2008 LDS programme with the 2007 LDS programme.

Reason: The Council's performance in producing the new Core Strategy during 2007-8 should be assessed against the 2007 LDS that was in force at that time.

Table 2 (under para 39): Add the following major employment sites in the Green Belt: Royal Holloway University, Egham and Rusham Park, Whitehall Lane, Egham. Also add the Veterinary Laboratories, Woodham, as a major employment site in the urban area.

Para 2.11 should read “Based on *Table 3* above, the total amount of employment land available is 47.58 Hectares.”

Heading under Para 2.12 should read “BD4 Total amount of floorspace change for ‘town centre uses’ (sqm)”

2.13 new para to read “The Table shows that there was a net A1 shopping floor space decrease both in town centres and in smaller centres in Runnymede, but there were net increases in office floor space (B1)”

Para 3.16 Insert the PPS3 target: ‘60% of dwellings to be completed on PDL’

Para 3.20 Add text about ‘qualifying’ sites and the April 2006 date that implementation of the ‘40% affordable housing’ policy took effect.

Para 3.22 Delete (as it repeats the previous para).

Replace paras 4.14 & 4.15 with the following for purposes of clarity:

Horsell Common, Ockham and Wisley Common and Chobham Common are all parts of the Thames Basin Heaths Special Protection Area (SPA). This area is protected by the European Habitats Regulations specifically protecting three species of ground nesting birds (Nightjar, Dartford Warbler and Woodlark). Although the SPA is not within Runnymede Borough, residential development in proximity to the SPA is considered to have effect on this designated site. As such Natural England have advised that no residential development should be permitted within specific distances of the SPA boundary, unless avoidance and mitigation measures can be secured that will protect the named species of birds from disturbance by local visitors and their pets. This zone of influence covers 68.5% of the Borough.

Runnymede has published an Interim Supplementary Planning Guidance on development within the SPA zone of influence. The main mitigation is the use of Suitable Accessible Natural Green Space (SANGS) which as the name suggests are open spaces which residents may chose to go to instead of the SPA for recreation purposes. This strategy enables developers who are unable to provide their own SANGS, to make use of Council owned SANGS, provided that they enter into a S106 agreement to contribute to SANGS improvement and long term maintenance. This strategy is agreed with Natural England.

Para 5.20 Delete - "In September 2008 the Government relaxed some of the permitted development rights with regard to householder micro-generation installations. This will reduce the cost and administrative burden to householders and developers for installing micro-renewables." As this is a consultation at this stage.

Appendix 2 (2008 LDS Programme) has been replaced with the 2007 LDS Programme.

2. **Page 9: Item 9: Courtways, Middle Hill, Englefield Green - Tree Preservation Order No. 375**

Para 3.2:

In May 2004 the Local Planning Authority raised no objection to the felling of a conifer tree within the Conservation Area (RU.04/0394). The applicant stated in 2004 that the tip growths are dying and it is close to the road and therefore needed to be felled. At the time the Parks and Amenities Officer described the tree as being in decline and added that it has a thin crown and is in poor condition. This is probably due to a very restricted root zone which is caused by being located on a raised brick built bed.

Comment

The assessment with this 2004 application and the subsequent 2008 application was whether this tree is worthy of a tree preservation order. If it is decided that the tree does not comply with all the criteria of a TPO tree then you should not seek to protect it. If the tree is not protected as in 2004 then the landowner could have felled it within 2 years. The Council's Parks and Amenities Officer considers that the health of the tree has improved and is no longer in decline.

The landowner has also submitted an additional letter which has been sent to Members of the Planning Committee. The main points are summarised as :-

1. Landowner believes in the preservation of trees. If this tree was felled we would replace it with a tree and shrubs far more in keeping with the locality.
2. The ground floor of the Coach House only has windows facing the tree which now seriously affects the natural lighting in it. This triggered our first and successful application to cut it down. (The Council's Parks and Amenities Officer states that he would agree that the tree affects the natural light to the Coach House.)

3. The Parks and Amenities Officer is convinced that the tree will not topple. The tree has been leaning over in a dangerous manner in strong winds. (The Council's Parks and Amenities Officer states that: "no one can guarantee the stability of any tree, but from a visual inspection from ground level there is no evidence that it is unstable or leaning in a dangerous manner. Any tree will sway and bend in strong winds to absorb the wind. It is the natural strategy of trees to prevent them breaking under these forces.")
4. Two reputable tree surgeons have stated that to trim the tree would be extremely messy as trimming will leave large brown areas and bark exposed. (The Council's Parks and Amenities Officer states that: "most conifers do not respond well to heavy pruning, being unable to produce fresh growth from 'old' wood. I agree that heavy pruning of this tree would result in brown areas where all the young growths have been removed. It is, however, possible to lightly and regularly prune conifers without cutting into 'old brown' wood.")
5. High sided traffic on Tite Hill hits the tree with increasing regularity. This will mean making regular applications for the required tree work to be undertaken. (The Council's Parks and Amenities Officer states that: "the owner of any trees has a responsibility, under the Highways Act, to maintain their trees so that traffic on a public highway can pass beneath them unhindered. This can be achieved by lifting the crown over the highway to an appropriate height (normally 5.6 metres above ground level). It is not necessary to fell this tree to fulfil these obligations under the Highways Act.")
6. If the tree was confirmed as a TPO it would affect the value of the property. To have a very ugly tree with no possibility of its removal must affect a potential buyer's thinking.
7. It is difficult to reconcile the statement "the landowner's initial request to fell the tree was not considered to be an appropriate course of action" with the fact that permission was granted 4 years ago to fell it. Had we noticed that the permission would lapse we would have cut it down before it happened. At the other end of the garden is a 500 year old Oak tree. The logic of slapping a TPO on a crummy cypress while leaving a superb example of British arboreal history to fend for itself is beyond us. (Comment: There are older trees of greater historic significance and with greater conservation value than this Cypress tree. However, this report is about this Cypress tree alone. The Council does respond to requests from members of the public to protect trees, protect trees on development trees and protect trees under threat.)
8. The boundary of the Conservation Area is puzzling.
9. The placing of a TPO on this tree will badly infringe the landowner's human rights. It will dominate a large proportion of our property and no longer be able to enjoy our garden and bring very little amenity to the public.