

Comment: There are a number of differences between the scheme allowed on appeal RU.08/1206 and the current proposal RU.09/0875. The main differences are the increase in the number of units from 48 to 54, the deletion of the detached single storey respite building and the addition of a 28 metre 2 storey rear extension comprising of 8 bedrooms in the basement of the extension, 8 bedrooms at ground floor and first floor of the rear extension. The siting and layout of the proposed building is therefore completely different to the scheme allowed on appeal. Having considered the recent appeal decision on RU.08/1206 the recommendation for the current proposal remains to refuse planning permission.

Application: Paragraph 3.9 The applicant's agent has submitted a letter which states:-

"You will be aware by now that the Planning Inspectorate have approved our previous scheme, however, we believe the current scheme being lower and having less depth to the main building is more neighbour friendly and because it is all in one building it leaves more open space. We therefore propose to continue with this application and hope now that the appeals inspector has approved the mass, layout and impact on the character of the area you will be able to give this your support.

It would seem a considerable waste of time and council tax payer's money to ignore the issues already approved on our previous appeal in an endeavour to refuse this better scheme, as if refused we will again use the appeals procedure."

Consultations: Paragraph 4.3: The County Highway Authority raise no objection in terms of traffic generation on highway safety issues but wish to secure a legal agreement for a travel plan and £4,600 for the auditing of the travel plan. The proposed location of the car parking bay along the Church Road frontage is acceptable with regards to the proximity of the vehicular access. However, the new highway footpath is only 1.2 metre wide and this is not acceptable in terms of pedestrian safety. A continuous 2 metre wide footpath is required and this is achievable within land under the applicant's control if a section of land is dedicated as public highway.

3. **Page 52**

Kenwolde Court, Callow Hill – RU.09/0857

Consultations: The applicant has submitted an additional letter intended to clarify the background and reasons for the planning application, alternatives considered and modifications made, the main points are briefly summarised below:

- The other 3 properties at Kenwolde have been extended recently or have permission to extend.
- Neighbours at Kenwolde House applied for permission to extend with windows 0.5m away and looking directly into our front door.
- With arrival of twins, considered options to extend house and re-jig internal rooms to limit noise disturbance to party wall and impact on front entrance.
- Plans were shared with neighbours, prior to planning submission and no comments were received from Mr Gillon.
- Plans were revised to comply with Green Belt requirements.
- Alternatives were considered, rear extension minimises changes to main elevations and replaces an existing conservatory.
- Application already modified to alleviate neighbours concerns including pile and beam foundations to protect roots of the Redwood, proposal improves neighbours privacy as smoked privacy glass proposed in the existing room nearest their garden, and reduced depth to 3.2m and 4.5m from shared boundary.
- Proposal is completely within all planning laws, guidelines and recommendations.

Five additional letters of representation have been received raising the following:

- Overdevelopment
- Unsympathetic and un-neighbourly
- Affect on neighbouring amenity
- Overbearing and intrusive
- Out of keeping with existing dwelling
- Affect on Redwood tree
- Precedence set were similar applications have been refused.
- Disruption during construction and traffic impact.

An objector, who is speaking tonight, has submitted her presentation. This is rather lengthy to summarise, therefore a copy is made available with the letters of representation for Members to view.

Recommendation: Add to condition 7:

"A detailed tree protection plan and method statement detailing the pile and beam type foundation is required."

4. Page 58

50 Northcroft Road, Englefield Green – RU.09/0958

Recommendation: Condition 4 Add '2 metres high' after 'details of the proposed' to read: 'details of the proposed 2 metre high opaque screen'.

A G E N D A I T E M S

1. **Item 7 Page 6** Surrey Minerals Plan – Review of SEA and Habitats Regulations

Additional comments to para 3.7.4 Page 8

Due to the very limited time frames in order to respond, it has not been possible at this stage for a detailed review of the information supplied in support of this plan to be completed. There are some procedural issues involved in both the application of the SEA Regulations and the Habitats Regulations which must be considered by this plan. These are:

- Required information and the role of apparent discretion;
- The use of Grampian styled policies/conclusions; and,
- The determination of “likely significant effects”; and “no adverse affect on integrity”,

Context of Response:

Surrey County Council (SCC) as Mineral Planning Authority (MPA) is consulting on the development of a number of documents it refers to as “the Surrey Minerals Plan” dated “November 2009” (the SMP):

The MPA subjected the Plan to the requirements of the following legislative instruments:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive);
- The Environmental Assessment of Plans & Programmes Regulations 2004, Statutory Instrument 2004 No.1633 (SEA Regulations);
- Directive 92/43/EEC on the conservation of habitats and wild fauna and flora (Habitats Directive); and,
- The Conservation (Natural Habitats & c.) Regulations 1994, Statutory Instrument 1994 No. 2716, (as amended by the Conservation (Natural Habitats & c.) (Amendment) Regulations 2007, Statutory Instrument 2007 No. 1843) (Habitats Regulations).

In so doing the MPA has produced two documents which it refers to it as:

1. Strategic Environmental Assessment & Sustainability Appraisal of the Minerals Development Framework for Surrey (Environmental Report for the Surrey Minerals Plan) (ER Report); and,
2. Report on the Habitats Regulations Assessment & Appropriate Assessment of the Surrey Minerals Plan (AA Report).

Interim Conclusion:

The MPA recognise the multi-level assessment required for the SMP. However, it is unclear in the absence of a full and detailed Review of the AA Report as to the efficacy of the information and therefore its conclusions. It follows that given the SMP's reliance on the subsequent provision of information referred to in the AA Report; the conclusions of adequacy must be suspended pending the conclusion of the AA Report review. The review should be concluded as close to the examination of the SMP so that all information can be considered.

Amend Resolution Page 9 Add:

Any additional material required for the examination in public, based upon the principles set out in the report, be agreed by the Director of Technical Services in consultation with the Chairman and Vice-Chairman.

Also add reference to Policy AR2 as part of objection

2. Item 8 Page 9

Land at Great Grove Farm – Enforcement

The landowner's agent has submitted a letter stating that following the previous letter of 4 August (see Paragraph 3.17 of report) the landowner 'believes that the use of this area for storage has (in part) been ongoing for a sufficient period of time to be considered lawful. In light of this we have been instructed to prepare an application seeking a Certificate of Lawfulness for the storage of commercial vehicles and other open storage. We expect that we will have an application ready for submission within 4 weeks from the date of this letter (24 December 2009) and we therefore request that you delay any enforcement proceedings until you have had an opportunity to consider the evidence submitted with the forthcoming application".

Officers Comment: As set out in paragraphs 3.15 to 3.18 of the report, until 4 August 2009 the landowner/agent were not claiming that this storage use was lawful. Since 4 August 2009 the landowner/agent has claimed that part of the area is lawful, but no Certificate of Lawfulness application has been submitted to support this claim. Whilst it is considered that a reasonable period of time has already elapsed to submit such a certificate it would be prudent if the Committee decided to authorise enforcement action to delay the serving of any Enforcement Notice(s) until after 24 December 2009 which would allow the landowner/agent further time to submit a Certificate of Existing Lawfulness.

Recommendation:

- (i) a) Add 'plant and machinery pallets, wood, ladders, metal tanks'.
- b) Delete 'removal of open storage items and parked cars' and replace with 'removal of skips, lorry bodies, portacabin, trailers, tyres, metal tanks, pallets, wood, ladders and various miscellaneous items and motor vehicles'.