

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 17 November 2010 at 7.30pm

A D D E N D U M

A G E N D A I T E M S

1. Page 7 Item 7 Appendix B - Validation of Planning Applications

	Categories of development proposals		Fee	Response time
A	Householder, small scale developments including small scale changes of use, shopfronts, listed building consent		No charge	14 days
B	Residential: maximum of 5 dwellings (including re-builds and additional net)	Non-residential: Small scale developments e.g. stables	£201 (incl. VAT)	21 days (no meetings held)
C	Residential: 6-9 dwellings	Non-residential: Under 1,000sqm	£362 (incl. VAT)	
D	Residential: 10-49 dwellings	Non-residential: 1,000sqm – 10,000 sqm (e.g. proposal at Parklands)	£985 (incl. VAT)	
E	Residential: 50+ dwellings	Non-residential: Over 10,000 sqm (e.g. Aviator Park scheme, office scheme at DERA)	£2010 (incl. VAT)	Arrangements to be made for a meeting within 10 working days of registration of enquiry and meeting notes to be sent out within 10 working days following the meeting

All dwelling categories include re-build and net increase in number of dwellings

2. Page 8 Item 8 Appendix C - Charging for Pre-application Planning Advice

Validation Report Appendix – amendment to table of responses and comments: Additional comment in bold text.

RESPONDENT	COMMENT	RESPONSE TO COMMENT
<p>Surrey Wildlife Trust School Lane Pirbright Woking GU24 0JN</p>	<ol style="list-style-type: none"> 1. Advises of the same changes to legislative titles as Natural England 2. Reference should be made to Natural England’s Standing Advice which provides information on when a protected species survey may be required and the type of survey required 3. The list of habitat and locations relating to protected species largely refers to bat roosts but does not include reptiles, dormice, badgers and amphibians etc. The Trust would like to see a more inclusive list 4. No mention has been made concerning protecting other important habitats such as fresh water ponds, ancient woodland and unimproved grassland. These are listed in the UK and Surrey’s Biodiversity Action Plan 5. LPAs should seek to obtain as much biodiversity enhancement as possible and should encourage applicants to consider these matters in the production of any landscaping/planting plan 6. The annexe checklists should include a requirement for applicants to demonstrate that they have considered protected species and important habitats. 	<ol style="list-style-type: none"> 1. Reference included 2. Reference included 3. Additional examples included 4. Reference included 5. Noted and reference included 6. It has not yet been determined whether the checklists are to be retained as applicants appear to only make very limited use of these. If the checklists are not retained then an additional sentence will be added to the validation document: Where relevant, all applications will be required to show how protected species and important habitats have been considered by applicants.

1. Page 25 **Parklands, Bittams Lane, Chertsey - RU.10/0839**

Consultations: One additional letter has been received expressing the same concerns already set out in the report.

A letter has also been received from the applicant's agent confirming the contributions and Legal Agreement as set out in the report.

There has been concern expressed that the late arrival of a notification letter inviting public speaking on the application at the Committee has prevented adequate time for a formal presentation to be made to the Committee. A deferment of the application has been requested to enable the residents to adequately prepare their presentation. However, one of the residents has now reserved a slot for speaking.

Comment

Due to an administrative error residents were not advised until Monday of the opportunity to attend this meeting to speak. Whilst your officers have apologised for the delay in issuing the letters I consider that the report deals with the issues that have caused some concern amongst local residents. Unless the speaker raises any new issues the Committee will be aware of the main points of objection. It is not recommended that the application be deferred.

Recommendation: Add Additional Informative:

The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must confirm to a TRICS multi-modal survey format consistent with the UK standard for measuring Travel Plan impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period built with no further notice of the precise survey dates. The developer would be expected to find the survey validation and data entry costs.

In Officers Recommendation (2):

Before "implementation and connection" insert "The applicant finding the cost of the...."

2. Page 44 **Fernbank House, Bridge Lane, Virginia Water - RU.10/0613**

Today the applicant has submitted a Certificate of Lawfulness application for 5 residential units on the Fernbank Farm site.

Recommendation: Delete (2)(a) to cease residential use of the unauthorised single storey flat roof side extension.

3. Page 59 **Wetton Court, Wetton Place, High Street, Egham - RU.10/0817**

Consultations:

Para 4.1: An additional letter has been received raising concerns about the planting of a conifer hedge along the north eastern boundary with Clonboy and the potential impact on that property.

Comment

The approved soft landscaping scheme did not include this element of planting. Planning permission is not required for the planting trees or hedges. This constitutes a civil matter between the objector and the developer.

4. Page 66 **Stuart Cottage, Rosemary Lane, Thorpe - RU.10/0834**

Application: Paragraph 3.5 : Delete last sentence of fourth bullet point on page 68.

Paragraph 3.6 : Since the report has been written the applicant has made the following comments:-

- Regarding paragraph 3.2 of the report, I would stress that the application for retention of the storage unit only was submitted as advised by Runnymede Borough Council.
- This resulted from correspondence received dated 26th May 2010 regarding the alleged unauthorised building works. All allegations were unfounded, except for the roof height of the upgraded extension.
- After further discussions, it was agreed by the applicant that due to concerns from three residents, that all of the upgraded extension be included. This was not an error on my part.
- I feel also this explains why the application is retrospective. The works were finalised early September 2009, but it was not until the letter from RBC was received by me on 26 March 2010 and the subsequent investigations thereafter that it was established planning permission would be required.

Consultations: Paragraph 4.1 : One additional letter of objection has been received. The comments in this letter repeat many of the objections raised in paragraphs 4.1 and 4.2 of the report. However, for completeness a summary of the objections in this letter are set out below:-

- Transparency is vital as the applicant is an elected Councillor who sits on the Planning Committee.
- Original application was flawed as it did not accurately reflect the situation on site. Otherwise why submit a revised application.
- It was only residents' complaints to the original application at residents meetings, in private correspondence and to Runnymede itself that prompted the revised proposal.

- The building is used to host charity events. This is not an ancillary use of an outbuilding in connection with a domestic dwelling.
- This building can be converted for habitable accommodation.
- A number of Thorpe residents have serious concerns about being intimidated if they object to this application.

Comment

This objector has been advised to submit any evidence to support this serious allegation to the Council for investigation. A further letter has been received from this objector which is reported at the end of this Addendum.

- The garage lies outside the domestic curtilage of Stuart Cottage.
- The red line on the location plan has been incorrectly drawn and it therefore fails to comply with the validation document.
- The land to the rear of Stuart Cottage has not been granted a change of use from farmland to domestic curtilage or not made into a single planning unit.
- Land registry documents confirm that they are separate parcels of land.
- The ramifications of land being annexed or considered domestic curtilage without a change of use consent will be obvious.
- The application is not valid and a change of use application or a certificate of lawfulness application made to correct the breach of planning control. This is a material consideration in the determination of the current application.

In addition to this additional objector letter another objector (who has objected to the original and revised application) has sent 8 detailed e-mails relating to the enforcement investigation and this application since 6 November.

Comment

This is a minor application which has generated detailed e-mails on an almost daily basis for the last 10 days from one objector. Each e-mail has been replied to. Most of the points (not an exhaustive list) raised in these e-mails are not considered to be relevant to the determination of this minor application. The main points can be summarised below :-

Enforcement Investigation

Why did the enforcement letter only require the store extension to be submitted as a retrospective application?

Why was the kitchen and wc extension not included in your enforcement letter:

The enforcement letter has completely incorrect statements contained within it.

What constitutes a sufficient breach of planning control for it to be refused?

Given the obvious clear recollection on all the other information dating back to 1982 why did the enforcement letter and the original application not mention the larger application?

Residents need answers to these questions for transparency and to guide the Committee.

How were you able to determine and decide that the store was built after October 2008? For example, were there existing RBC records? Were you informed by the applicant?

The applicant before he submitted the original application would have had a completely clear understanding from your enforcement letter, date, time involved and possibly other detail you have passed to him that the extension was obviously contravening planning regulations. Why did the applicant not correct your omission in the enforcement report? The mistakes in the original application have been completely misleading to the public and the Planning Committee.

In point 6.10 of the report it refers to 'subsequent investigations'. Did these reveal oversights in the Planning Department that might account for the applicant submitting the initial application in the way it was presented or does the issue lie with the applicant?

Comment

In March 2010 an enforcement complaint was received relating to Stuart Cottage. The allegations were investigated and a letter sent to the complainant on 26 May 2010. This letter to the complainant appears to be circulated to other residents and is now referred to as the 'enforcement report'. The conclusion of this letter was that retrospective permission was required for the store. Hence the original application for the store only.

After the initial 3 month investigation (March to May 2010) the only extension which could be proven to have been built after 1 October 2008 at that time was the store. The store extension was therefore not considered to be permitted development and required permission. In May 2010 the enforcement investigation had no clear proof that the kitchen and wc extension had not started after October 2008. The kitchen and wc was therefore considered to be permitted development at that time.

When the retrospective application was submitted in September 2010 further investigations were made by officers about the kitchen/wc extension and no definitive evidence could be produced by the applicant about exactly when this part of the extension was built. The original objections to this application (see paragraph 4.1 of the report) also questioned when the kitchen/wc was erected. This was discussed with the applicant and the application was revised to include the kitchen/wc extension.

The recollections about the sinks and the wc date back to 1982 and 1998, were those of the applicant. This is clearly stated in paragraphs 3.4 and 3.5 of the report. These two paragraphs summarise the application's letter received on 1 November 2010.

The enforcement letter sent to the complainant in May 2010 was the correct advice at that time based on the information available at that time.

Original Application

Original application was submitted with incorrect information.

Comment

The applicant submitted the original retrospective application as requested by the Planning Department. This application was revised for the reasons set out above.

Revised Application

- Revised plans were not available to view at the Council Offices and are not available on the website.
- Application should be withdrawn to enable residents to see revised plans. It would be difficult for anyone other than a Planning Officer to understand the revisions without a revised plan.
- Given the substantial development 21 days should be given for revised comments in order to follow the correct procedure.
- How can the Planning Committee properly assess this application without the correct statement of facts to base their assessment and decision.
- The plans should be very clear and precise.
- The height of the roof has significantly increased given the pitch of the roof over the kitchen and wc. The increase in height is not obvious from the neighbour notification letter.
- Planning Officers have an obligation and even more a duty to ensure members of the public are given every help and opportunity to fully understand the revised proposal.
- This application is now a substantial development representing 25% to 33% increase in the size of the structure.
- From first appearances it does appear that RBC are falling over themselves to satisfy the applicant.
- I am confident that you will present not only the clear and transparent "facts" within your recommendation but also echo the concerns about the administration and approach to this application by the Planning Department.

Comment

The Officer response to some of these objections is set out at paragraphs 4.2 and 6.18 of the report. For the sake of clarity and completeness the Officers response is repeated below.

Revised drawings were not requested as the kitchen/wc extension was shown on the originally submitted drawings. The revised description was considered to make the amended application clear. However, in the light of the concern raised by two neighbours, and to avoid any doubt on the part of the Committee, the applicant has provided a revised drawing which outlines the extensions for which permission is sought in blue. For the avoidance of doubt, Appendix 'I' annotates Areas A and B which are subject to this retrospective application.

It is considered that the revisions made to this application are clear. This revised application now deals and specifically addresses the objections made to the original retrospective application (see paragraph 4.1 of the report).

A neighbour came into the Council Offices expecting to see revised drawings because this was stated on the neighbour notification letter for the revised application. At this time there were no revised plans available for the reasons set out above. The Case Officer saw the neighbour and explained the situation.

The height of the extension can be measured from the scaled drawings submitted with either the original or revised drawings. The heights of the unauthorised extension are set out at paragraphs 3.3, 6.9 and 6.14 of the report.

By summarising all the comments made by the objectors in the Committee Report, on this Addendum and by e-mail the Planning Committee have all the necessary information to fully and properly assess this retrospective application.

Residential Curtilage

I believe that the domestic curtilage unless there is an agreed change to that registered at the Land Registry must remain the original plot of Stuart Cottage prior to any acquisition of additional land from what was Blossom Farm.

The Land Registry documents are fact. The ruling by the RBC Legal Department opens up extraordinary precedent. As the Legal Adviser has now redefined the domestic curtilage can a clear statement be made and published by RBC as to what its boundaries are? Does it include the other garage and stable block? Can these boundaries be clearly confirmed on a plan as they represent a change of usage for the land and all the associated implications. I believe neighbours have a right to be clearly informed of such important changes. I feel the Committee will wish to consider the implications.

If the garage is outside the residential curtilage of Stuart Cottage would this affect policy regulations?

Comment

The allegations and claims about the Land Registry document and the residential curtilage have been summarised in the Committee Report. These points have also been responded to at paragraphs 4.2, 6.2, 6.3 and 6.4 of the report. The Land Registry documents do not define the residential curtilage of a property.

The facts are that the applicant owns all the land outlined in red on the location plan and shown hatched on page 66 of the report. Not all of this hatched land constitutes the residential curtilage of Stuart Cottage (see informative on the Addendum).

The applicant has appropriated land into the curtilage of Stuart Cottage far in excess of 20 years which constitutes a change of use which is now immune from enforcement action. This application is now about the residential curtilage of Stuart Cottage. This is a separate matter.

This application relates to an extension to a garage block which is located within the residential curtilage of Stuart Cottage. This is the opinion of your Planning Officers and legal advisers.

If Members require any further advice or clarification on this issue this can be provided by the legal representative at the Committee meeting.

Committee Report

- There is a large stable block and further garage on the site which is not mentioned in the report. The stable block and garage have a greater footprint and is creeping development.
- I would have expected the Committee to have wanted to be aware as to how this site has been developed and to consider whether this additional development is appropriate.
- This is pertinent as one does not know whether these buildings now fall within the domestic curtilage.
- The applicant has on two occasions applied for extensive development RU.80/0469 and RU.80/1058.

Comment

There are other structures on this site which include a stable block and a further garage. These structures are not described in the Committee Report because they are not considered to be relevant to this revised retrospective application.

Bovis Homes were the applicants for the two applications made in 1980 (see paragraph 2.1 of the report). The landowner of Stuart Cottage at this time was Mr and Mrs Whittle. The current applicant did not own this site at this time.

Building Regulations

Are constructed properties that are granted retrospective planning permission then checked by a Building Control Officer to ensure the building complies with Building Regulations or is any construction permitted whatever its condition? From a layman's point of view this is either a yes or no answer.

Comment

Building Regulations is a completely different regulatory system to planning permission. Most applicants get planning permission first and then apply for Building Regulations afterwards. The Building Control Manager has been advised of this retrospective application.

The additional letter of objection reported on the Addendum was submitted by Mr McNulty. It is understood that Mr McNulty has today e-mailed Councillors and has also e-mailed today a further objection letter. There has been insufficient time to summarise this latest objection so it is an exact copy of the e-mail received and Officers comments have been inserted wherever appropriate.

Thank you for your email. Let me clear up one thing at the outset - the issue of intimidation. The following are FACTS. First that it occurred, secondly some of the events are on CCTV, thirdly, it was reported to your offices PRIOR to the complainant going to the Police and no assistance offered. Fourthly it has been investigated by police, officially accepted it DID occur and a crime number issued. The matter is ongoing with the Police because the alleged perpetrator has not kept to their undertaking. The event is well known in the Ward and appears to have had a considerable effect on would be objectors to the scheme.

Frankly expecting Runnymede to do anything about this situation was, to say the least, expressing unrealistic optimism on the part of the offended party. It seems Runnymede officers will not even listen/take note of genuine and serious issues of fact in matters in which they are supposed to have some expertise, e.g. development control. I offer the Officer's Report into the current application as an example. Poorly constructed and badly written it ignores fundamental planning administration processes. Whoever heard of an Authority reporting the application does not identify the planning unit boundaries yet ask Councillors to approve a recommendation to grant consent?!!

Having now read your response and the Officer Report I am even more concerned at the discrepancies/errors/omissions and the like in relation to this application. Furthermore I can only liken the difficulty one has in obtaining information from officers is to a dentist drawing teeth; I find the responses defensive to the point where they approach evasiveness. It has only been the persistence of residents (in the teeth of much opposition from yourself) that has provided information necessitating a revised application - see 6.18, Officer's Report. Concern is further exacerbated by this poorly structured and confusing Report officers intend putting before Councillors.

My own concern is such that I intend conveying the gist of this email content to those Members who will be considering this matter at Wednesdays meeting.

Comment

The issue on intimidation has been reported to the Police and dealt with by the Police. It is a Police matter.

The background to this application has been reported in the Committee Report or on this Addendum. If Members wish to see the e-mail correspondence with an objector they are free to see this correspondence.

THE PLANNING UNIT

You claim being confident the Application complies with 'Guidance on information requirements and validation' published, March 2010 by the Department for Communities and Local Government & Runnymede's own 'adopted' document 'Validation of Applications submitted to the Planning Authority', dated 2nd April 2008. However that view is inconsistent with the evidence (including your own) and thus a perverse finding. Both those documents (indeed even prior to their publication) demanded that, for an APPLICATION to be VALID the APPLICATION SITE (the planning unit) should be OUTLINED in RED. Furthermore ANY ADJOINING land in the ownership of the Applicant shall be OUTLINED in BLUE. The current Application includes a plan which outlines in RED the Stuart Cottage domestic curtilage AND the 6 acres of land to the rear which even your own Report acknowledges (at 6.2) is incorrect. The following issues show the application clearly fails to meet the 'validation criteria' laid down in both National and local requirements and is INVALID.

1. Land Registry documents provided to you confirm the Stuart Cottage domestic curtilage does NOT include the garage/entertainment room, i.e the Application Site AND that that land to the rear is OUTSIDE the domestic curtilage of the dwelling.
2. The Runnymede Integrated Map confirms the Application Site, i.e. the garage/entertainment room) is OUTSIDE the domestic curtilage of Stuart Cottage
3. The Runnymede Integrated Map AND Land Registry documents CONFIRM the boundary of the domestic curtilage to the rear of Stuart Cottage is on a common line with adjoining properties.
4. The Runnymede Integrated Map CONFIRMS that land to the rear of Stuart Cottage is OUTSIDE the Thorpe Settlement Area AND is in Green Belt.
5. The Officer's Report acknowledges (at 6.2) that, "This is an extensive site, and not all of it falls within the 'residential curtilage' of Stuart Cottage." (*It does not however define the boundary between the two*)
6. The Applicant ALSO owns the property adjoining Stuart Cottage yet FAILS to outline this in BLUE as required under the validation scheme.

It is thus difficult to justify how officers consider this application can be regarded as valid and why they refuse to first establish the proper boundaries (and thus the planning units) before asking Councillors to validate any application concerning these parcels of land. The Applicant would not be disadvantaged in any way by such a course of action. More worrying is why Officers continue to defend the indefensible - a matter causing great concern to some residents particularly when considering the relationship between the Applicant and a local Councillor. It hardly instill confidence in the development control system.

Comment

The national mandatory requirements of the validation document are met by this application. In addition the applicant has submitted other drawings to describe the development the subject of this application.

The red line on the location plan does not need to define the residential curtilage. The informative on the Addendum addresses this point.

As stated above the Land Registry documents do not define residential curtilage in planning terms. Land ownership does not equal residential curtilage.

The GIS Department have confirmed that the RIMS plans are not intended to delineate residential curtilage. There is no dispute that the extension to the garage the subject of this retrospective application is outside the Thorpe Settlement area and in the Green Belt.

If the applicant does own the adjoining property then it should have been outlined in blue on the location plan. Today is the first time this issue has been raised and is not considered to be critical to this application.

THE REPORT

Paragraph 6.2 of the Officers Report notes officers consider the application buildings and some of the land around it lay within the domestic curtilage of Stuart Cottage. Planning Officers have no powers under the Town & Country Planning Act, or any legislation, to make such a judgment. Only a planning or CLUED application can seek to regularize the situation. At such a time Officers may express their OPINION and make a RECOMMENDATION to the elected DECISION-MAKERS, i.e. Members of the Application Committee. Officers should remember - it is MEMBERS who are the decision makers, officers simply ADVISE & RECOMMEND.

Paragraph 6.4 of the Officer's report states "**The Council's legal adviser has confirmed that the land on which the garage and retrospective extensions (the subject of this application) are positioned within the residential curtilage of Stuart Cottage.**" Such a statement misleads both Councillors and the public. The Council's legal adviser can have an OPINION as to its status. NO Council legal adviser has the authority to make such an assertion; nor do they have the authority to determine any land use.

That can only be determined via the planning process which involves Councillors making the decision; such decision can be challenged and even changed by the Planning Inspectorate. Even a High Court judge in Judicial Review will interfere ONLY with the legality of the process NOT the decision itself. Quite how Runnymede has legal advisers who can arbitrarily determine a land use without using the planning process is beyond my comprehension.

Paragraph 6.3 of the Officer's Report claims the " it is understood the parcels of land were brought together in the late 1960's" There is no evidence to support this assertion. In any event such joining of any land parcels does not alter its USE in development control terms. You will know this from case stated.

Paragraph 6.11 of the Report accepts the application is 'inappropriate development' in Green Belt. Being 'inappropriate' means a development is harmful simply as a result of its 'inappropriateness'. The Report goes on at great length (on behalf of the Applicant) to offer what it considers are 'very special circumstances' that outweigh such inappropriateness. They include its minor nature, the Applicant's 'fall-back' position etc etc. You must know the Courts have continuously and regularly concluded that 'very special circumstances' MUST indeed be 'very special circumstances' to justify overcoming 'inappropriate development'. I have no knowledge of any case that supports the view that ANY of the matters offered in the Report might constitute 'very special circumstances' sufficient to overcome 'inappropriate development'. Furthermore the 'degree' of the harm caused by 'inappropriate development' is not even a consideration in PPG2 yet is argued strongly to support the recommendation made in the Officer's Report. Such argument is not offered by the Applicant who is the party PPG2 states should be providing the 'very special circumstances'.

Paragraph 6.16 of the Report displays a genuine misunderstanding of PPG2 or is just poorly worded. It notes that **"If Members consider that some harm over and above the fall-back position does exist, it is not considered to be either sensible or appropriate to refuse planning permission in this case."** This concept is flawed - there MUST be harm over and above any fall-back position because the Report accepts the proposal is 'inappropriate'. Any fall-back position is irrelevant. Like pregnancy development is either "inappropriate" or its not - it is neither arguable or negotiable. Irrespective of all else such development is, by definition, 'HARMFUL'. Whether Members agree, its harm notwithstanding, the development might be acceptable is a different issue. Should you think this mere semantics I urge you to reconsider very carefully the construction of the sentence quoted from the Report. Members and the public should not be provided with such poorly reasoned or misleading statements.

Visual Impact - Other harm

Paragraph 3.15 of PPG2 states, "**The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.**"

It is clear that the Report recognizes there is no great visual impact to the WEST side of the development because of the existing screening/vegetation (para 6.17). This is fair comment. However most of the land to the rear of Stuart Cottage lies to the west including the adjoining cottage owned by the Applicant. It is therefore reasonable to argue very little negative impact would be experienced. However to the EAST the development faces Midway Avenue and is a completely different scenario. Over recent years many trees on land to the rear of Stuart Cottage have been removed which used to provide much cover, both visually and in terms of noise, for residents in Midway Avenue. The recent building works which have considerably increased the 'solid' built form of the garage/entertainment block where previously had stood a glazed greenhouse. In addition the new use to which the new dwelling is now put has increased both the impact visually and the level of noise. For instance during the recent World Cup the doors of the building facing Midway were opened, a large television was seen. Several dozen people were being entertained in and around the building. On the banks of the lake facing the rear gardens of residents in Midway Avenue were many tables and chairs occupied by yet more 'guests'. It is also known 'charity' events have been held in the same building. It would therefore not be unreasonable that a Condition be attached to any consent whereby the Applicant should plant mature trees (say at a minimum 1.8 high) between the application building and the lake; such planting to be, at minimum, the length of the garage/entertainment building. From the representations made by neighbours such action would remove much objection from many residents in Midway Avenue.

Comment

Officers have looked at the site and the application. They have investigated the matter and have advised accordingly that the garage falls within the residential curtilage. Officers have not sought to define the exact boundaries of the curtilage because it is not relevant to this application. This is a separate matter as set out above.

The office copy entries show that the entire site was bought as one entity in 1982.

There are two tests of inappropriateness in the Green Belt. All inappropriate development in the Green Belt is by definition harmful. The second test is to weigh the degree of actual harm to the Green Belt. The weight given to the very special circumstances put forward is directly relevant to the degree of actual harm caused by the inappropriate development. In this case the actual harm to the Green Belt is considered to be minimal. If Members disagree they can refuse the application.

The fall back position of the applicant is entirely relevant to this application.

The objector seems to be confusing the concept of visual amenities in the Green Belt with the views from residential properties. The extension to the garage is over 100 metres from the boundary of the nearest neighbouring property to the east.

CONCLUSION

At this evenings meeting residents representations will seek to defer the application while the matter of boundaries is resolved. They will also seek a Condition be applied to any Consent whereby between the application building and lake facing Midway Avenue should be planted with semi-mature trees to reduce the visual impact on residents. The trees to be maintained in perpetuity.

Informatives

Informative 3

The applicant is advised that all the land outlined in red on drawing number ADS/HS011/01 does not constitute the residential curtilage of Stuart Cottage. This means that permitted development rights do not apply to all of the land within the red line.
