

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 14 April 2004 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors G.B. Woodger (Chairman), Mrs. J. Norman (Vice-Chairman), A. Alderson, Mrs. F.J. Barden, J.B. Dean, J.M. Edwards, J.R. Furey, Mrs. L.M. Gillham, C. Knight, H.W.V. Meares, R. Pate, D.W. Parr, N. Thewlis, A.P. Tollett, and J.R. Whiteley.

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. B.A. Fleckney, Administration and Leisure Department, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620.
- iv) Public speaking on planning applications only is allowed at the Planning Committee. For details please contact Mrs T. Eeles, Administrative Section of the Technical Services Department. (Tel Direct Line: 01932 425174)
- v) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

- a) Exempt Information
(No reports to be considered under this heading).
- b) Confidential Information
(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

2. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 17 March 2004 (Appendix A) as a correct record.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

5. PLANNING APPLICATIONS (DTS)

A list of the planning applications to be determined by the Committee is attached.

If Members have particular queries or interests in certain applications, the application files will be available for inspection and Officers present from 7.00 p.m. prior to the meeting in the ante room of the Council Chamber. This will be an informal opportunity for Members to see further details of applications and representations and to discuss and clarify issues. Copies of all letters of representation will also be placed on the table in the Chamber prior to the meeting and will be available for inspection by Members.

OFFICERS' RECOMMENDATION that –

the said applications be determined as indicated and any permission granted be subject to the conditions authorised.

(TO RESOLVE)

Background Papers

A list of background papers is available at the Technical Services Reception.

6. 20 SAYES COURT, ADDLESTONE – WITHDRAWAL OF ENFORCEMENT NOTICE (DTS)

1. Purpose of Report

1.1 **To seek authorisation to withdraw an Enforcement Notice regarding a rear conservatory at no. 20 Sayes Court, Addlestone.**

2. Background Information

2.1 No. 20 Sayes Court is a semi-detached property at the end of a cul de sac. In February 2002 a complaint was received regarding the erection of a rear conservatory at this semi-detached house. A retrospective planning application (RU.02/0426) was submitted in April 2002 and refused planning permission by the Planning Committee in June 2002. This application was refused due to the detrimental impact on the residential amenities of no.19 Sayes Court, the other half of the semi-detached property. The Planning Committee also considered that it was expedient to authorise enforcement action to demolish the rear conservatory. The Enforcement Notice was issued on 24 June 2002. The applicant lodged two separate appeals.

2.2 The first appeal (Section 174) was against the issue of the enforcement notice. However the applicant did not pay a fee so the planning considerations of the case (ground (a)) were not considered. The enforcement appeal was therefore restricted to procedural matters. The enforcement appeal was subsequently dismissed with the enforcement notice varied but upheld in January 2003.

2.3 The applicant then made a second separate appeal (Section 78) against the refusal of planning permission RU.02/0426. This appeal did consider the relevant planning considerations of the case (which could have been assessed under ground (a) of the previous enforcement notice appeal if the fee had been paid). The Inspector in this appeal considered that there was no serious harm to the residential amenities of the neighbouring property and therefore allowed the appeal in May 2003.

3. Conclusions

3.1 In these circumstances the enforcement notice ceases to have effect so far as it is inconsistent with the permission granted on appeal. It is therefore considered that the enforcement notice should be formally withdrawn to resolve any uncertainty regarding the two appeal decisions.

3.2 There are no financial or resource implications involved if the enforcement notice is withdrawn.

OFFICERS' RECOMMENDATION that –

the Enforcement Notice issued on 24 June 2002 requiring the demolition of the rear conservatory at 20 Sayes Court, Addlestone be withdrawn

(TO RESOLVE)

Background Papers

- 1 Planning application RU.02/0426
- 2 Section 174 Appeal decision dated 7th January 2003
- 3 Section 78 Appeal decision dated 23rd May 2003

7. LAND AT 4 OAK TREE CLOSE, VIRGINIA WATER: CONFIRMATION OF TREE PRESERVATION ORDER (DTS)

1. Purpose of Report

1.1 **To seek authority to confirm Tree Preservation Order No. 361 relating to an Oak tree on land at 4 Oak Tree Close, Virginia Water.**

2. Background Information

2.1 Planning application RU.03/1069 was received on 8th September 2003 for the erection of a two-storey detached dwelling on land rear of nos. 4 and 5 Oak Tree Close. The application followed the refusal of application RU.03/0786, which was also for a detached house.

2.2 As part of application RU.03/1069 the site was inspected by the Council's Parks and Amenities Officer who recommended a Tree Preservation Order for an Oak tree along Trumps Green Road frontage.

2.3 Planning application RU.03/1069 was granted permission on 28 October 2003.

3. Consultations

3.1 In accordance with statutory requirements the immediate neighbours were notified of the making of a Tree Preservation Order.

3.2 In response, there has been one letter of objection. The letter of objection from the owners of 5 Oak Tree Close raises the following concerns :-

- The tree needs to be pruned to allow for the new building, the scaffolding and for lorries to enter the site, keeping the road clear;
- The tree is not on the property but on the highway. The tree leans into their property, but the base of the tree is definitely outside the border;

- If a Preservation Order were placed on the tree there would be a long delay before they could take action to prevent an accident;
- If a Preservation Order were placed on the tree the owner would be unable to trim minor branches if they died or caused problems.

4. Planning Considerations

- 4.1 The imposition of an Order will not prevent future works to the tree which were considered to be necessary and would not harm the health and amenity value of the tree. Indeed tree works (RU.03/1396) have recently been granted to clean the crown and the removal of individual limbs to the Oak tree, the subject of this Order. These works will allow the approved development to proceed. The Planning Authority's prior consent would not be required for carrying out work on trees which are dead or dying or have become dangerous.
- 4.2 With regards to land ownership, Surrey County Council have stated in writing that it is not considered to be a highway tree. It adds that neither Surrey County Council nor Runnymede Borough Council (as agency Highway Authority) have ever maintained the Oak Tree. The main trunk may extend into what is considered the limits of the highway but it has grown out of the original boundary line. It is, therefore, considered that the tree is, by default, within the ownership of 4 Oak Tree Close.
- 4.3 In summary, the Oak Tree meets the criteria for making Tree Preservation Orders. There are not considered to be any reasons for not confirming this Order.
- 4.4 The Human Rights Act 1998 brings much of the European Convention on Human Rights into UK law. When considering whether to make or confirm a Tree Preservation Order the Committee should have in mind Article 8 of the Convention by which everyone has the right to respect to private and family life, the home and correspondence. Article 1 of the First Protocol also entitles persons to peaceful enjoyment of possessions including the home. Interference with these rights is permitted provided that it is sanctioned by law and the means used to achieve the aim are proportionate and not excessive.
- 4.5 The making of a Tree Preservation Order undoubtedly interferes with the rights of the property owner and the Committee would need to be satisfied that the interference in this instance is proportionate and necessary to protect public amenity.

OFFICERS' RECOMMENDATION that –

Tree Preservation Order No. 361 be confirmed without modification.

(TO RESOLVE)

Background Papers

1. Report to Planning Committee on 19 November 2003 relating to the placing of a Tree Preservation Order.
2. Letter from Mr & Mrs Jenkins (dated 15 December 2003).
3. Letter from Mr Cole, Senior Principal Engineer, Surrey County Council (dated 16 March 2004)

8. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES

A list of planning applications recently determined by the Director of Technical Services under his delegated powers is attached at Appendix 'B'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

(FOR INFORMATION)

Background Papers

None

9. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing items in private it is the

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the following report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading).

b) Confidential Information

(No reports to be considered under this heading).