

**PLANNING COMMITTEE
5TH FEBRUARY 2003**

<u>WARD</u>	<u>APPLICATION NUMBER</u>	<u>LOCATION</u>	<u>PAGE NO.</u>
ET	RU.01/0986	15-16 The Avenue, Egham	1
VW	RU.02/1015	Chiquitos, London Road, Virginia Water	17
ET	RU.02/0793	Egham Hill Service Station, Egham Hill, Egham	34
ET	RU.02/1211	77-79 High Street, Egham	46
VW	RU.02/1319	Kayell Lodge, 3 Stuart Way, Virginia Water	50
VW	RU.02/1342	Rebels Beech, Portnall Rise, Virginia Water	56
VW	RU.02/1452	Rebels Beech, Portnall Rise, Virginia Water	62
VW	RU.02/1458	Rebels Beech, Portnall Rise, Virginia Water	66
EGE	RU.02/1388	Tower Garage, Egham By Pass, Egham	70
EGE	RU.02/1389	Tower Garage, Egham By Pass, Egham	76
EGW	RU.02/1390	Land at St David's Drive, Englefield Green	80
VW	RU.02/1394	Rochester House, Oakroad Road, Virginia Water	84

<u>WARD</u>	<u>APPLICATION NUMBER</u>	<u>LOCATION</u>	<u>PAGE NO.</u>
CM	RU.02/1406	Unit 1A Downside, Guildford Street, Chertsey	90
TH	RU.02/1409	C. F. Hewerdine Ltd, Devil's Lane, Egham	94
TH	RU.02/1442	Land at 107 Chertsey Lane, Staines	106
EGE	RU.02/1460	Copings, Kingswood Close, Englefield Green	114
VW	RU.02/1463	Bramling, 1 Nuns Walk, Virginia Water	120
VW	RU.02/1464	Dunwood, East Drive, Virginia Water	126
CS/ROW	RU.02/1472	43 Ongar Place, Addlestone	132
EGE	RU.02/1484	Cranford & Littleton, St Jude's Road, Englefield Green	136
ET	RU.02/1489	190 High Street, Egham	144

RU.01/0986 Date reg: 04/09/2001 Ward EGHAM TOWN.

LOCATION: 15-16 THE AVENUE, EGHAM
PROPOSAL: ERECTION OF NEW 3 STOREY OFFICE BUILDING (CLASS B1) WITH VEHICULAR ACCESS OFF THE AVENUE, CAR PARKING, LANDSCAPING AND OTHER WORKS INCIDENTAL TO THE PROPOSAL FOLLOWING DEMOLITION OF EXISTING BUILDINGS
TYPE: FULL PLANNING PERMISSION
APPLICANT: Royal London Asset Management

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: LE1, LE4, MV3, MV4, MV9, MV13, MV14, NE8, SV2

1. Site

- 1.1 This site covers some 1.2 hectares and is bounded by the Egham By Pass (A30) to the north and The Avenue (B3407) to the south. There are two and three storey office buildings to the east and to the south-west of the site. The majority of the adjoining properties to the south and west are residential. Runnymede Roundabout leading to the M25 is approximately 100 metres to the east.
- 1.2 The site is currently occupied by two warehouse (Class B8) units sited near to the Egham By Pass with associated lorry parking and service areas to the front. The existing vehicular access is onto The Avenue. There is an existing 1.8 metre high brick wall along The Avenue road frontage.
- 1.3 This site is located in the urban area but outside the Egham town centre. The site is also identified as being within the indicative flood plain on the Proposals Map of the adopted Local Plan. The Runnymede Meadows lie to the north of the site on the opposite side of the Egham By Pass.

2. History

- 2.1 This site has an extensive planning history. The most relevant planning applications are listed below:
- 2.2 *RU.79/0330* Erection of two warehouse units with ancillary offices and parking following demolition of existing factory – Approved August 1979.
- 2.3 *RU.84/0623* Change of use of part of warehouse space into laboratory – Approved September 1984.

3. Application

- 3.1 This full planning application seeks the erection of a part two-storey and part three-storey building comprising 10,553 sq m of Class B1 (office) floorspace. This application would involve the demolition of the two existing warehouse units (Class B8). This speculative application also includes alterations to the existing access, landscaping and provision of 317 on-site car parking spaces incorporating basement parking.
- 3.2 The existing two-storey warehouse units have a combined width of some 108 metres in an east to west direction across the site. The units have a combined floorspace of 6589 square metres. They are located within 12 metres of the western side boundary, 3 metres of the northern rear boundary and set back 35 metres from The Avenue road frontage. There are approximately 66 car parking spaces and 13 lorry spaces on the site.
- 3.3 The proposed office building would be sited with a north to south orientation utilising both road frontages. The building would have a maximum depth of 90 metres and a maximum width of 63.5 metres. It would be set back between 5 to 6 metres from The Avenue road frontage and varies between 4 to 13 metres from the Egham By Pass road frontage. It would be located at least 6 metres from the eastern side boundary and varies between 46 to 54 metres to the western side boundary.
- 3.4 The proposed two-storey elements have a maximum height of 8.4 metres. The three storey element would be located in the south-eastern part of the site near the adjoining office buildings. The third storey element (second floor) would be set back between 2 to 4 metres behind the two storey building along The Avenue road frontage and some 7 to 10 metres back from the road frontage. The maximum height of the proposed building would be approximately 13 metres. The general design of the proposed office building is of a two-storey flat roofed building with facing brickwork but incorporating glazed elements/louvres especially at the upper levels.
- 3.5 The vehicular access would be repositioned some 17 metres to the west of the existing access onto The Avenue. The level of on-site car parking provision has been reduced from 343 to 317 spaces. There would be 106 car parking spaces to the west of the proposed building at ground level and a basement car parking area for an additional 211 spaces. This includes a total of 13 disabled spaces and a cycle parking area.
- 3.6 There would be a landscaping strip of approximately 11 metres along the whole western boundary of the site and up to 15 metres in depth along the Egham By Pass frontage.
- 3.7 The applicant has submitted a planning and design statement, an archaeological desktop assessment, a transport assessment, a supplementary transport assessment and a green travel plan to support this application. The main points raised by the applicant are summarised below:
- existing buildings do not make the most effective use of the site;

- opportunity to redevelop the site to provide modern commercial space which meets today's business requirements;
- provide a building which makes a positive design contribution to the surrounding area;
- improve relationship with The Avenue by providing the continuing of buildings along this road frontage;
- provide a landscaping buffer between the proposed building and the nearby residential properties;
- provide improvements to the Runnymede Roundabout and road widening to allow the provision of cycle lanes along The Avenue;
- provide a green travel plan designed to encourage non-car modes of transport to work.

4. Consultations

- 4.1 This application has been publicly advertised and 68 individual letters sent to neighbouring properties. There have been two letters of representation including one letter of objection.
- 4.2 The letter of objection is from the Egham Residents' Association. The main objections are summarised below:
- Egham has an excess of office space;
 - any loss of non-office commercial uses should be resisted;
 - proposed office use will generate mainly peak hour traffic movements which will conflict with the busiest periods of traffic movement in the area. Not unusual for stationary traffic along entire length of The Avenue at peak times;
 - lead to additional on-street parking in residential cul de sacs;
 - areas close to this site are flooded on a regular basis;
 - Environment Agency ignored the fact that the extensive underground parking must have a displacement effect on the site and its surrounding area.
- 4.3 The second letter is from Egham-by-Runnymede Historical Society who would like to be informed of any archaeological finds on this site.
- 4.4 Surrey County Council (Strategic Consultation) raise no objection provided that the proposal is compatible with the local transportation network in the area and the proposed level of parking complies with the Surrey Structure Plan.

- 4.5 The County Highway Authority have no objection to the amended transportation assessment subject to a legal agreement and conditions.
- 4.6 The County Archaeologist has no objection subject to a condition.
- 4.7 No response has been received from the Highway Agency.
- 4.8 The Surrey Wildlife Trust have no objections to the proposal.
- 4.9 No response has been received from the National Trust.
- 4.10 The Environment Agency state that this site is located outside the 1 in 100 year flood plain. The Environment Agency raise no objection to this proposal on flooding grounds subject to conditions.

5. Planning Considerations

- 5.1 This redevelopment proposal seeks to provide a large office (Class B1) building following the demolition of the existing warehouses on this site.
- 5.2 The principle of the redevelopment and the change of use from warehousing (Class B8) to offices (Class B1) is supported by Policies LE1 and LE4 of the adopted Local Plan. These local economy policies encourage the redevelopment or intensification of existing employment sites where appropriate and the redevelopment of existing industrial, office or warehousing premises to provide business uses will normally be granted. However, such schemes should not cause adverse environmental, amenity or traffic consequences.
- 5.3 The proposed redevelopment would provide an additional 3964 sq m on this site. This scheme introduces a basement (510 sq m) and a second floor covering some 1900 sq m. This accounts for 2410 sq m of the proposed additional floor area. Whilst the redevelopment scheme increases the total floor area on the site, it does significantly increase the separation distances between the proposed building and both side boundaries particularly the western boundary and also to the northern boundary of the site. There is an existing gap in the streetscene along The Avenue here. The proposed building would fill in this gap and would both reinforce and enhance the road frontage, the streetscene and the character of the area.
- 5.4 The justification for Policy LE4 in the adopted Local Plan states that development in excess of two storeys and at a plot ratio greater than 0.4 : 1 will not normally be acceptable outside town centres because of the impact such development may have on the environment, amenity, the capacity of the roads to accommodate traffic generated and the housing market. The plot ratio for the existing development is approximately 0.5 : 1 and the plot ratio for the proposed development is lower at approximately 0.88 : 1. The proposed development does exceed two storeys in height. The third storey would be set back from The Avenue road frontage and the flat roof design would reduce the massing in the streetscene. The second floor (third storey) would be located along the eastern side of the site which is adjacent to the two and three storey offices to the east. It is considered that

the proposed redevelopment can be satisfactorily accommodated on the site and would enhance the overall appearance.

- 5.5 The proposed office building along The Avenue frontage would be located approximately 11 metres from the adjoining office, no. 18 The Avenue, to the east and at least 20 metres to the adjoining building to the west. The proposed building at two storey level would be approximately 1 metre lower than both adjoining dwellings. The third storey level (second floor) would be set back up to 10 metres from the front boundary and would be 11 metres high at the eastern and western elevations. This would be approximately 1.5 metre higher than both adjoining dwellings. However, given the set-back distances between the adjoining dwellings, the height and bulk of the proposed building would not be detrimental to the visual amenities of the streetscene.
- 5.6 The proposed layout of the building would improve the amenities of the residential properties to the west in Strode Street, Cedar Court and Runnymede Court by significantly increasing the separation distances between those properties and the building. In addition, a proposed buffer of trees and soft landscaping should assist in improving the visual appearance of the site when viewed from the west and help reduce disturbance from the proposed surface car park.
- 5.7 The planning permission RU.79/0330 for the existing development had no condition restricting the operating hours of the two warehouse units. Consequently the existing warehousing units could operate 24 hours a day with a potential to cause possible noise and disturbance to some local residents given the close proximity of the existing buildings to the western boundary of the site. The proposed use may however be more intensive and generate more car traffic into and out of the site but generally be unlikely to cause any significant disturbance during evenings and weekends. The proposed development should overall therefore improve the residential amenities of the neighbouring properties particularly to the west. The proposed development is not considered to seriously adversely affect the amenities of any neighbouring property.
- 5.8 This proposal offers a package of highway improvements, reduced car parking provision and emphasis on non-car travel to work to deal with the traffic consequences of the development. As this is a speculative scheme, the exact number of employees are not known. The applicants have used a density of 1 person per 20 sq m to calculate that the total number of people working from the proposed development is likely to be approximately 530. The proposal incorporates the provision of 317 on-site

parking spaces. This equates to one space per 33.3 sq m compared with the Council's maximum car parking standard of 1 space per 30 sq m outside the defined town centre in the Local Plan. This site is within 400 metres of the main shopping area of Egham and approximately half a mile from Egham railway station and is therefore considered to be in a sustainable location.

- 5.9 The applicant states that the provision of 317 parking spaces would mean that if all the spaces were occupied by single occupant vehicles, then approximately 60% of the estimated workforce would commute to work as car drivers. The applicants claim that this is significantly less than the average of 70% for Surrey. The applicant's supplementary transport assessment estimates that 189 vehicles would arrive at the site during the peak a.m. hour (0800-0900) with 133 via Runnymede Roundabout and 56 from High Street (Vicarage Road roundabout). In the peak p.m. hour (1700-1800) it is estimated that 167 vehicles will depart from the site with 121 vehicles turning left towards Runnymede Roundabout and 46 vehicles turning right towards Egham. The changes to the total traffic flows during the peak hours at the Runnymede Roundabout, the Vicarage Road roundabout and using the level crossings will increase by less than 3%.
- 5.10 The applicant proposes to carry out the widening of the carriageway of The Avenue to three lanes at the entrance onto the Runnymede Roundabout. The proposed widening of this approach onto Runnymede Roundabout will increase the capacity of The Avenue which will help mitigate the increase in the development traffic. This work is also likely to reduce the queue lengths at the roundabout. The applicant estimates that without the development queue lengths could be 91 vehicles but with the development will be 55 vehicles.
- 5.11 The applicant has also submitted a green travel plan which any potential occupier will be required to comply with. The green travel plan will seek to reduce the number of single occupant car trips to the site and to encourage the use of non-car modes of transport to the site. The development would provide cycle stands, showers and lockers. A 90 metre stretch of The Avenue along the western side and a 30 metre stretch along the eastern side of The Avenue would be widened to allow a cycle lane on both sides of the road. In addition, the developer would contribute £100,000 for a shuttle bus service between Egham and Staines railway station during the morning and evening peak periods and the provision of one new bus shelter on the eastern side of The Avenue and a replacement bus shelter on the western side of The Avenue.
- 5.12 There would also be new and widened pedestrian islands along The Avenue to assist pedestrians using the bus stops or walking to work. The travel plan also includes initiatives relating to working from home, use of pool cars, company mini bus and interest-free loans for public transport season tickets. The occupier will have to monitor the capacity of the car park. If the demand over a five day period continuously exceeds 98% of the capacity, the occupier will have to assess the implications on the on-street parking situation. If the on-street parking study reveals that employees from the development are parking on surrounding roads a course of action agreed with the Council and County Highways Authority to mitigate the problem will be instigated.

- 5.13 If the occupier fails to restrict 60% of the workforce commuting by car there would be a financial penalty up to £100,000 towards providing additional initiatives or measures to reduce car commuting to this site and a further £30,000 to implement measures to control on-street parking should the need arise.
- 5.14 The County Highway Authority have considered the applicant's transport assessments and green travel plan and have no objection to this amended proposal subject to conditions and a legal agreement. The legal agreement would require that all of the following issues are provided at the applicant's expense:
- a) the highway works on The Avenue arm of the Runnymede Roundabout to provide a widened carriageway for left turning traffic, widening of the splitter island to reduce the width of the carriageway for vehicles entering The Avenue from the roundabout, improved pedestrian and cycleway provision and improved pedestrian and cycle crossing facilities all as may be required by the Highway Authority and to achieve a satisfactory Stage 2 Road Safety Audit;
 - b) highway widening in the vicinity of the site frontage and proposed access to provide a 2.5m wide footway, 4.5m visibility splays, 1.2m mandatory cycle lanes and new pedestrian refuge all as may be agreed with the Highway Authority but generally as shown on drawing no. 3T/56328/B.01.

The applicant will be required to meet all costs relating to any Traffic Regulation Orders, the replacement, relocation or provision of highway furniture, street lighting, resurfacing, road markings, traffic signal equipment, landscaping and highway signing relating to any of the above works.

- c) a financial contribution of £100,000 towards implementation of cycle routes between the Runnymede Roundabout and Egham Town Centre.
- d) a financial contribution of £100,000 to support the proposed shuttle bus service which is to be procured by Surrey County Council. The bus service will pass the site and run between Staines and Egham railway stations via The Causeway;
- e) a financial contribution of £14,000 to install new bus stops/shelters at the northbound and southbound bus stops on The Avenue close to the site. The shelters will include seats and display boards for up-to-date bus timetable information;
- f) a Travel Plan all to the satisfaction of the Highway Authority but over and above the normal initiatives to reduce commuting by car, the plan shall include:

- i) a commitment to monitor both on and off-site parking to assess whether the availability of parking in surrounding residential roads is affected and to fund to a ceiling of £30,000 the implementation of measures to control on-street parking if the need arises due to the overspill parking from the development;
 - ii) provision of a financial penalty to a ceiling of £100,000 (including i) above) towards additional initiatives/measures if the occupant fails to meet the modal split targets set out in the plan eg 60% car commuting to the site.
- 5.15 It is understood that proposed improvements are to be made to junction 13 of the M25. The proposed works are due to start in December 2003 with completion in December 2005. It is understood that the Highway Agency have no objection to this proposal as it accepts that the small increase in traffic from the proposed development can be satisfactorily accommodated at junction 13. The Highway Agency's formal confirmation of this is awaited.
- 5.16 It is considered that given the above highway package and the comments of the County Highway Authority that this proposed development can be satisfactorily accommodated without significant harm to the local highway network.
- 5.17 The adopted Local Plan indicates that this site lies within the indicative flood plain. However, the Environment Agency have advised that this site is no longer located within the flood plain since the construction of the Egham By Pass has effectively created a barrier to the flood water. Consequently, the Environment Agency have raised no objection to this proposal subject to conditions. Following the recent floods the Environment Agency still consider this site to be outside the flood plain. The Environment Agency have verbally stated that there were pockets of surface water flooding along The Avenue because the water could not drain away.
- 5.18 Runnymede Meadows lies to the north of Egham By Pass which is owned by the National Trust and is an area of landscape importance. The applicant has submitted a streetscene elevation as viewed from Runnymede Meadows. It is considered that the scale, siting and design of the proposed building would not adversely affect the surrounding landscape. The additional tree planting along the Egham By Pass frontage would assist in softening the views of the building from Runnymede Meadows.
- 5.19 The County Archaeologist advises that the site is located in an area which exhibits a proven high archaeological potential for prehistoric remains. A small-scale investigation took place on site in 1979 but only revealed activity dating to the 18th to 19th centuries. The site has been redeveloped on a number of occasions which may have compromised any surviving deposits. The applicant has submitted a desktop archaeological assessment with this application. The County Archaeologist agrees with this assessment and suggests a condition requiring a programme of archaeological work to be undertaken on the site before any development takes place.

Conclusion

- 5.20 It is considered that the proposed redevelopment can be satisfactorily accommodated without adverse environmental, amenity or traffic consequences. The proposal would therefore appear to comply with the relevant planning policies of the Development Plan. Consequently, approval is recommended subject to a legal agreement as set out in paragraph 5.12 above and conditions.

Human Rights

- 5.21 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the Convention on Human Rights. The Human Rights Act 1998 came into force on 2nd October 2000 and enables individuals to invoke their convention rights. The Act makes it unlawful for a local authority to act in a way that is incompatible with a convention right. In this case, there have been no objections to this proposal from individual residents. Valid objections have been raised via amenity groups. Notwithstanding this, it is not considered that the granting of this permission would result in a violation of any rights under the Convention.

Officers' Recommendation

Subject to the prior completion of a legal agreement prior to the occupation of the office building to secure the following measures regarding:

- a) the highway works on The Avenue arm of the Runnymede Roundabout to provide a widened carriageway for left turning traffic, widening of the splitter island to reduce the width of the carriageway for vehicles entering The Avenue from the roundabout, improved pedestrian and cycleway provision and improved pedestrian and cycle crossing facilities all as may be required by the Highway Authority and to achieve a satisfactory Stage 2 Road Safety Audit;
- b) highway widening in the vicinity of the site frontage and proposed access to provide a 2.5m wide footway, 4.5m visibility splays, 1.2m mandatory cycle lanes and new pedestrian refuge all as may be agreed with the Highway Authority but generally as shown on drawing no. 3T/56328/B.01.

The applicant will be required to meet all costs relating to any Traffic Regulation Orders, the replacement, relocation or provision of highway furniture, street lighting, resurfacing, road markings, traffic signal equipment, landscaping and highway signing relating to any of the above works.

- c) a financial contribution of £100,000 towards implementation of cycle routes between the Runnymede Roundabout and Egham Town Centre.
- d) a financial contribution of £100,000 to support the proposed shuttle bus service which is to be procured by Surrey County Council. The bus service will pass the site and run between Staines and Egham railway stations via The Causeway;
- e) a financial contribution of £14,000 to install new bus stops/shelters at the northbound and southbound bus stops on The Avenue close to the

site. The shelters will include seats and display boards for up-to-date bus timetable information;

- f) a Travel Plan all to the satisfaction of the Highway Authority but over and above the normal initiatives to reduce commuting by car, the plan shall include:
 - i) a commitment to monitor both on and off-site parking to assess whether the availability of parking in surrounding residential roads is affected and to fund to a ceiling of £30,000 the implementation of measures to control on-street parking if the need arises due to the overspill parking from the development;
 - ii) provision of a financial penalty to a ceiling of £100,000 (including i) above) towards additional initiatives/measures if the occupant fails to meet the modal split targets set out in the plan eg 60% car commuting to the site.

THE DIRECTOR OF TECHNICAL SERVICES BE AUTHORISED TO GRANT permission following consultation where appropriate with the Chairman or in his absence the Vice-Chairman of the Committee, subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. External Materials (Submission of Details/Samples) (C29)
4. Height of Development (C46) – '13 metres'
5. No development shall take place until full details of the 'soft' landscape works have been submitted to and approved by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants and trees, noting species, plant sizes and proposed numbers and densities of planting. The works shall be carried out as approved and completed during the first planting season following the substantial completion of the development hereby approved.

Reason: To preserve and enhance the character and appearance of the surrounding area.

6. If within a period of five years from the date of planting any tree shrub or plant is removed, uprooted, destroyed or dies another shrub or plant of the same species size as that originally planted shall be planted at that same place unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that any replacement shrubs or plants are provided to enhance the appearance of the site and the surrounding area.

7. No development shall take place until full details of 'hard' landscape works including boundary treatments have been submitted to and

approved by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure, car parking layouts, hard surfacing materials, minor structures, proposed and existing functional services above and below ground and existing features to be retained. The works shall be carried out as approved and completed before the office building hereby approved is occupied.

Reason: To preserve and enhance the character and appearance of the surrounding area.

8. The development hereby approved shall not be subdivided into separate units without the prior written approval of the Local Planning Authority.

Reason: To avoid the over-intensive use of the site.

9. No additional floors, including mezzanine floors, shall be erected in the development hereby approved without the prior written approval of the Local Planning Authority.

Reason: To avoid the over-intensification of use of the property which has been planned with minimal parking areas.

10. Details of any external lighting including floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the office building hereby approved is occupied. Development shall be carried out in accordance with the approved details.

Reason: To protect the appearance of the surrounding area and the residential amenities of the neighbouring properties.

11. No development shall take place until details of the siting and means of enclosure of refuse bin storage areas have been submitted to and approved in writing by the Local Planning Authority. The bin stores and facilities shall then be provided in accordance with the details so approved prior to the occupation of the office building and retained thereafter.

Reason: In the interests of amenity and to ensure a more satisfactory form of development.

12. Prior to the commencement of the development hereby approved, details of the existing and proposed levels and detailed setting dimensions relating to the office building and the surface level car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved levels.

Reason: To ensure a satisfactory form of development and adequate drainage.

13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in

accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To allow the site to be investigated for archaeological purposes before development commences on the site.

14. Before any other operations are commenced the proposed double lane vehicular/pedestrian/cycle access to The Avenue shall be designed/constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, all to be permanently maintained to a specification to be agreed in writing with the Local Planning Authority and the visibility zones shall be kept permanently clear of any obstruction above 600mm height.

Reason: This condition is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

15. The existing access from the site to The Avenue shall first be permanently closed and any kerbs, verge, footway fully reinstated by the applicant in a manner to be agreed in writing with the Local Planning Authority and thereafter maintained as such.

Reason: This condition is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

16. The office building shall not be occupied until 317 car parking spaces have been laid out within the site in accordance with drawing nos. 20146/PL02D and 20146/PL06C for cars and cycles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated use.

Reason: This condition is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

17. Method of Construction Statement (HC8) (a)-(e)
18. Protection of Highway from Mud etc (HC10)
19. No Soakaways (C122)

20. Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To prevent the increased risk of flooding and to improve water quality.

Informatives

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
Location Plan	30.8.01
20146/PL02-D	17.1.03
20146/PL03-C	30.8.01
20146/PL04-B	30.8.01
20146/PL05-B	30.8.01
20146/PL06-C	17.1.03
20146/PL07-B	30.8.01
20146/PL08-B	30.8.01
3T/56328/B/01	7.1.02
Archaeological Desktop Assessment	30.8.01
2 x Streetscene Elevations	16.12.02
Planning and Design Statement	30.8.01
Transport Assessment	30.8.01
Transport Assessment : Supplementary Report	7.1.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

2. The applicant is advised that this permission is subject to a legal agreement being entered into which requires the provision of the following:
- a) the highway works on The Avenue arm of the Runnymede Roundabout to provide a widened carriageway for left turning traffic, widening of the splitter island to reduce the width of the carriageway for vehicles entering The Avenue from the roundabout, improved pedestrian and cycleway provision and improved pedestrian and cycle crossing facilities all as may be required by the Highway Authority and to achieve a satisfactory Stage 2 Road Safety Audit;

- b) highway widening in the vicinity of the site frontage and proposed access to provide a 2.5m wide footway, 4.5m visibility splays, 1.2m mandatory cycle lanes and new pedestrian refuge all as may be agreed with the Highway Authority but generally as shown on drawing no. 3T/56328/B.01.

The applicant will be required to meet all costs relating to any Traffic Regulation Orders, the replacement, relocation or provision of highway furniture, street lighting, resurfacing, road markings, traffic signal equipment, landscaping and highway signing relating to any of the above works.

- c) a financial contribution of £100,000 towards implementation of cycle routes between the Runnymede Roundabout and Egham Town Centre.
 - d) a financial contribution of £100,000 to support the proposed shuttle bus service which is to be procured by Surrey County Council. The bus service will pass the site and run between Staines and Egham railway stations via The Causeway;
 - e) a financial contribution of £14,000 to install new bus stops/shelters at the northbound and southbound bus stops on The Avenue close to the site. The shelters will include seats and display boards for up-to-date bus timetable information;
 - f) a Travel Plan all to the satisfaction of the Highway Authority but over and above the normal initiatives to reduce commuting by car, the plan shall include:
 - i) a commitment to monitor both on and off-site parking to assess whether the availability of parking in surrounding residential roads is affected and to fund to a ceiling of £30,000 the implementation of measures to control on-street parking if the need arises due to the overspill parking from the development;
 - ii) provision of a financial penalty to a ceiling of £100,000 (including i) above) towards additional initiatives/measures if the occupant fails to meet the modal split targets set out in the plan eg 60% car commuting to the site.
3. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is currently required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions. Contact Ian Doyle on 01276 454365 for further details.

4. In relation to condition 16, the applicant is advised that the annotation on the car parking drawings is incorrect. Drawing no. 21046/PL02D illustrates 211 basement spaces not 207 as annotated. Drawing no. 20146/PL01-C illustrates 106 car parking spaces including disabled spaces not 96 car parking spaces as annotated.
5. In the light of the recent floods in the Egham area, the Environment Agency have suggested that the applicant considers installing non-return valves on any proposed drainage system.

RU.02/1015	Date reg:	29/08/2002	Ward	VIRGINIA WATER
LOCATION:	CHIQUITOS, LONDON ROAD, VIRGINIA WATER			
PROPOSAL:	ERECTION OF CAR SHOWROOM WITH ANCILLARY OFFICES AND WORKSHOP WITHIN A BASEMENT AND ALTERATIONS TO EXISTING VEHICULAR ACCESSES FOLLOWING DEMOLITION OF EXISTING RESTAURANT. (AMENDED PLANS DELETING SERVICE CANOPY 23.12.02)			
TYPE:	FULL PLANNING PERMISSION			
APPLICANT:	Greenoaks (Maidenhead) Ltd			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: GB1, MV4, MV9 BE2, NE12, NE14, NE16, LE1

1. Site

- 1.1 The application site lies in a prominent location at the junction of Christchurch Road (B389) and London Road (A30). It extends to some 0.4 hectare and is currently occupied by Chiquitos restaurant. The two-storey restaurant has a central position on the site and is surrounded by car parking.
- 1.2 The existing entrance is off London Road and the existing egress is onto Christchurch Road. The junction onto Christchurch Road is shared with Waterfall Close and a small spur road serving four properties to the east.
- 1.3 There is some existing tree screening along the Christchurch Road frontage and partly along the London Road frontage. Two Oak trees were recently covered by Tree Preservation Order No. 349 although this Order is still to be confirmed. The woodland to the south of the site is also covered by a Tree Preservation Order (No. 214).
- 1.4 This site lies within the Green Belt and is in close proximity to Windsor Great Park and a Site of Special Scientific Interest.
- 1.5 Residential properties are located to the east and south-east of the site. The Wheatsheaf Hotel is located on the opposite side of London Road and there is a petrol filling station to the north. The main Virginia Water car park is also located to the north-west of the site.

2. History

- 2.1 This site has an extensive planning history. There have been no recent planning applications. The most relevant applications are set out below.
- 2.2 *EGH.68/12592* Erection of hotel, restaurant and petrol station – Refused 1969. Appeal dismissed 1970.
- 2.3 *RU.77/0341* Restoration of existing premises for use as a restaurant – Granted 1978.

- 2.4 *RU.81/0378* Erection of 60 bedroom hotel with conference room in conjunction with the existing restaurant – Refused 1981.
- 2.5 *RU.83/0680* Extensions and alterations to existing restaurant – Granted 1984.
- 2.6 This site was discussed at the Local Plan Inquiry in 1997 regarding the deposit draft of the Runnymede Borough Local Plan – Second Alteration. Objectors to the Local Plan sought to get the site excluded from the Green Belt. The Inspector agreed with the Green Belt designation.

3. Application

- 3.1 This is a full planning application to redevelop the site to provide a Mercedes Benz car showroom with ancillary offices and workshops which incorporate a basement following the demolition of the existing restaurant. Alterations to the vehicular accesses are also proposed. Amended plans have also been submitted by the applicant.
- 3.2 The existing part single storey, part two storey building has a total floor area of some 959 sq m. It has a footprint of approximately 596 sq m. The maximum height of the two-storey element of the existing building is 7.8 metres. There is an existing tower feature which measures 10 metres in height. The existing car park can accommodate approximately 78 vehicles.
- 3.3 The proposed building would be positioned in a similar location to the existing building. The footprint of the proposed building has been reduced by the deletion of a canopy. The footprint of the amended building would be approximately 770 square metres. The proposed first floor would cover approximately 300 square metres with the basement totalling an additional 1040 sq m. The total floor area would be approximately 2110 sq m.
- 3.4 The proposed ground floor would incorporate the car showroom, reception, service reception, offices and w.c.'s. The first floor would comprise ancillary offices. The basement which would be accessed to the rear of the proposed building via a ramp would provide 10 workshop bays and 3 car sales preparation bays, storage area for parts, tool store, staff room and w.c.'s.
- 3.5 The proposed building would be part single storey and part two-storey. The two-storey element would form a partially glazed circular rotunda feature on the north-eastern corner. The single-storey element would be 5 metres high and the two-storey element would be 7.5 metres high.
- 3.6 The redevelopment would alter the existing access arrangements to this site. The existing entrance off London Road would become a left turn only exit. The existing exit onto Christchurch Road would become two way incorporating the entrance and an exit. The internal access road would be to the side and front of the proposed building rather than behind the existing building as at present.

There would be 5 spaces for vehicles being serviced at surface level, 8 customer car parking spaces, two disabled spaces, a demonstration parking area and the external car display along the London Road frontage. There would be a secure compound area for 12 vehicles to the southern side and rear of the proposed building. The total number of parking spaces would be approximately 45 with the proposed development.

- 3.7 The proposal also incorporates the erection of a new 2.4 metre high wall along the Waterfall Close boundary and a new wall along the southern side boundary. The majority of the existing tree screening along the existing road frontages would be removed and replaced with a new landscaping scheme including the planting of trees and drive-off protection hoops.
- 3.8 There would be a new pedestrian access along the Christchurch Road frontage and the footpath along the London Road frontage would be widened to two metres. The proposal would also elongate the central reservation along London Road so vehicles cannot turn right at the proposed exit onto London Road.
- 3.9 The applicants have submitted a transport statement and a company travel plan to support this application. The applicants have calculated that using TRICS database the existing restaurant would generate 72 two-way vehicle movements in and out of the site between 5 to 6 pm. daily and a total of 600 trips daily. The applicant has calculated that the proposed use should generate 29 two-way vehicle movements in and out of the site between the peak a.m. hours of 08.00 to 09.00 and 22 movements in the peak p.m. hour of 17.00-18.00. The total daily number of trips is calculated as 368. The transport assessment claims that notwithstanding the proposed increase in gross floor area, the proposed development constitutes a much less intensive land use in relation to vehicle movements throughout the day leading to a reduction in vehicle movements from the permitted Class A3 use. Consequently, the applicant believes that the associated traffic with the development proposal would not have a harmful impact on the local highway network.
- 3.10 The proposed development would employ 30 staff who will be transferred from two existing premises in Brockenhurst Road, Ascot and Bracknell. The existing restaurant is staff from 8 a.m. awaiting deliveries. The restaurant is open to the public from 11 a.m. until 11 p.m. daily. The proposed workshop would be open from 7 a.m. to 5 p.m. Mondays to Fridays and from 7.30 a.m. to 2 p.m. on Saturdays. The car showroom would be open from 8 a.m. to 6 p.m. Mondays to Fridays, 8 a.m. to 5 p.m. on Saturdays and from 11 a.m. to 4 p.m. on Sundays.
- 3.11 The applicant has also submitted a 30 page supporting statement and supporting landscape assessment and sketches with this application. The main points of the supporting statement are summarised below:
 - ❖ lack of alternative sites for a car showroom in Ascot, Sunningdale and Virginia Water to meet Mercedes Benz customer needs in this area;
 - ❖ proposed development does constitute inappropriate development in the Green Belt. However, very special circumstances exist to justify the proposed development. They are:

- the development would not conflict with the purposes of the Green Belt or adversely affect its open character;
- significantly lower in height than existing building;
- proposed building with high quality landscaping would enhance appearance of the site;
- high quality development in character with area;
- reduction in number of car parking spaces on the site;
- proposed development is not materially larger than existing building;
- the site is located at the edge of a residential area and not an isolated Green Belt site;
- there are other commercial buildings in the immediate vicinity at a road junction controlled by traffic lights;
- reduce traffic movements to and from the site especially in the evening and night-time period;
- improve highway safety in the vicinity;
- improve the residential amenities of neighbouring properties caused by noise and disturbance from the existing restaurant;
- applicant intends to purchase woodland and provide a long-term commitment to protect and maintain the woodland providing visual and ecological benefits.

4. Consultations

4.1 This application has been publicly advertised and sixteen neighbouring properties were notified individually by letter. The neighbouring properties have also been re-notified by letter on the amended proposal. There have been five letters of representation regarding the proposal.

4.2 There have been four letters expressing concerns or objections to the proposal. The main points are summarised below:

- unsuitable rural setting for a very commercial building which is totally inappropriate;
- height of new building will be too high;
- new building would be significantly larger and closer to site boundaries making it oppressive and unwelcoming;

- increased amount of local traffic around the site with constant deliveries and test drives;
- longer trading hours than the existing restaurant;
- car transporters and breakdown vehicles will stop along Christchurch Road near the busy traffic lights. Those vehicles along with construction traffic must pull completely off the road;
- large vehicles will be unable to enter site from the sole entrance to the site off Christchurch Road causing disruption to traffic and local residents;
- no objection provided the only access is from the A30;
- some people currently take a short cut out from Christchurch Road into the site passing the 'no entry' signs. This is very dangerous and will result in accidents;
- barrier could be erected to allow only customers and deliveries to exit the site via Christchurch Road;
- no necessity for a Mercedes presence on this site;
- applicants deleted reference to four houses leading off current exit (this has been incorporated on amended plans);
- entry into Christchurch Road is dangerous when coming from these four houses to the east because it is a blind exit;
- increase queues of traffic and disruption at peak times;
- inadequate notification of the application to neighbouring properties;
- proposal likely to increase demand for on-site car parking when fewer spaces are to be provided;
- any alternative parking area for staff and customers?
- the applicant's philanthropic offering to undertake the upkeep of the adjoining woodland area may be utilised for their own commercial needs;
- the site appears to be too small to meet Mercedes' requirements for a 3 acre site.

4.3 In addition one letter of support has been received from the Waterfall Close residents. The letter encloses copies of correspondence between the residents and the applicant's agent. This letter states:

"We have been discussing this application with the dealership's representatives and as shown in the attachment, they have answered our concerns to our satisfaction. We believe that if the new owners

fulfil their commitments to improving the local environment with high standards of maintenance to the access and landscape to and around our road, we would benefit from this application being granted. For this reason we fully support this application.”

- 4.4 There have been no representations received regarding the amended proposal.
- 4.5 The County Highway Authority have no objections to the amended proposal.
- 4.6 Surrey Wildlife Trust have no objection to this proposal.
- 4.7 English Nature have no objection to this proposal.
- 4.8 No comments have been received from the Crown Estate Commissioners on this application.
- 4.9 No comments have been received from the Environment Agency.
- 4.10 The Council's Amenities Officer has no objection to the loss of the conifer screen along the Christchurch Road frontage. The Beech and Oak trees along the southern boundary are worthy of a Tree Preservation Order. Providing these trees are protected the proposed development is acceptable from an arboricultural viewpoint.
- 4.11 The Council's Drainage section have no objection subject to a condition requiring the use of the oil interceptors with the proposed service workshop.

5. Planning Considerations

- 5.1 This full planning application seeks to redevelop this prominent site at the junction of London Road and Christchurch Road to provide a Mercedes Benz car showroom with ancillary offices and a workshop. The existing Chiquitos restaurant would be demolished.
- 5.2 This site lies within the Green Belt. The construction of a new car showroom building would be an inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The applicant's agent agrees that this proposal constitutes inappropriate development and has produced some very special circumstances seeking to justify that the proposed development does outweigh the harm caused by reason of its inappropriateness. These very special circumstances are outlined in paragraph 3.10 above.
- 5.3 PPG2 : 'Green Belts' states that there are five purposes of including land in the Green Belt. They are:
 - 1. To check the unrestricted sprawl of large built-up areas;
 - 2. To prevent neighbouring towns from merging into one another;
 - 3. To assist in safeguarding the countryside from encroachment;
 - 4. To preserve the setting and special character of historic towns; and

5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 5.4 The Local Plan Inspector's Report in 1997 described the area as follows:

“Chiquitos restaurant and the Wheatsheaf Hotel opposite are isolated commercial developments in otherwise open countryside to the north-west of Virginia Water. The restaurant is situated in part of a particularly vulnerable stretch of countryside alongside the A30 close to scattered dwellings in the wooded area of the Wentworth Estate. The present restaurant is located on the corner with open land to the south. To include the site within the urban area would encourage urban encroachment and extend the spread of the built-up area to the detriment of the overall open character.”
- 5.5 The applicant believes the site is not an isolated one but lies on the edge of a well treed residential area.
- 5.6 This site is clearly in a sensitive and prominent location within the Green Belt. There are other commercial premises in the immediate vicinity of this road junction. However, these commercial premises are located adjacent to the road junction and are set within extensive open and wooded areas. Any proposed development therefore needs to respect these sensitive locational issues, comply with the five purposes of the Green Belt and produce very special circumstances to justify the proposal.
- 5.7 This proposal seeks to redevelop an existing commercial use on this site. The existing rendered building is not of the highest quality of design and is surrounded by a tarmac car park. The existing building and the site are currently in a generally poor state of repair. The proposed building would be located in a similar position to the existing building. The proposed amended ground floor of the building would be larger than the existing building but would not be significantly closer to the boundaries than the existing development. Amended plans have been submitted to delete a service canopy which went closer to the Christchurch Road frontage. The proposed building would be at least 0.3 metre lower than the existing building although up to 3m lower from the top of the existing large water tank on the roof. Overall, the scale and mass of the proposed building would be similar to the existing Chiquitos restaurant. The design of the building would be of a contemporary design and likely to improve the appearance of the site.
- 5.8 This is a redevelopment proposal on a brownfield site and not a new development on a green field site in the Green Belt. The proposed building itself would appear to provide sufficient separation distances to the common boundaries and not exceed the scale and mass of the existing building. As such it does not appear to conflict with any purposes of the Green Belt (set out in paragraph 5.3 above) and acknowledges the sensitive design issues relevant to this prominent site.
- 5.9 However, there does appear to be an inherent conflict between the nature of the proposed car sales use seeking to exploit the prominent corner location and protecting the openness of the Green Belt particularly with the

associated external car sales, advertisements, lighting, securing features and landscaping that are common with car sale uses. This proposal does incorporate a small external car display in the south-western part of the site. The amended site plan indicates five freestanding signs, three of which are located along the London Road frontage.

- 5.10 The applicant has provided indicative details illustrating all but one of these signs to be 1.2 metres high. The other sign would be 5.2 metres high. The detail of these advertisements would require a separate advertisement application. The only floodlighting would be limited to the secure compound. The applicant has confirmed that all other lighting would be in the form of low level lights within lighting bollards. There would also be security hoop barriers along parts of the Christchurch Road and London Road frontages to reduce the risk of cars being stolen. These security hoops would have a maximum height of 0.5 metre and be incorporated within a landscaping scheme. The applicant claims that the landscaping scheme would be of high quality and has been incorporated as an integral part of the design concept. The applicants have submitted a landscape supporting statement with this proposal. The proposed landscaping includes the retention of three trees on the site including the two TPO trees along the southern boundary and the planting of at least 12 new trees along the road frontages supplemented by shrub planting. Additional tree planting would taken place within the site. Furthermore, the replacement wall along the Waterfall Close frontage would be screened by a mix of trees and shrubs.
- 5.11 The proposal would remove the existing large area of tarmac car parking around the existing building. This would be replaced by a mix of integrated soft and hard landscaping. The land to the rear and side of the proposed building would be further enclosed to form a secure compound. This element will not assist the openness of the Green Belt. However, overall the implementation of an integrated soft and hard landscaping scheme with well-screened external car sales is likely to improve the appearance of the site and not damage the openness of the Green Belt on this site.
- 5.12 The nearest neighbouring dwellings would be approximately 25 metres from the nearest part of the proposed building and separated by a road and a new 2.4 metre high wall. The applicant states that Chiquitos restaurant have received a number of complaints over the years from local residents.

The complaints relate to cars racing through the car park late at night, disturbance late at night, smells emitted from the restaurant, rats and the shoddy state of repair of the existing building. The proposed development is likely to generate more traffic during the daytime than the existing restaurant use. However, the proposed use will close at 5 p.m. each day. The full proposed opening hours are set out in paragraph 3.9 above. Consequently the proposed use would not be operating in the evening when the existing use is likely to be at its busiest and causing most disturbance to the local residents. Consequently, the proposed development is likely to improve the living conditions of the local residents.

- 5.13 The applicants have submitted a transport assessment and a company travel plan with this proposal. The applicant's transport assessment is summarised in paragraph 3.8 above. This assessment which has been studied and agreed by the County Highway Authority demonstrates that the proposed development could potentially generate less traffic movements throughout the day than a viable restaurant (Class A3) use. The level of on site car parking would be reduced from 78 spaces to 45 spaces. The applicant has considered this matter and is satisfied that the 45 spaces would provide sufficient on-site car parking to meet Mercedes Benz customer and staff requirements. The proposed company transport plan would encourage staff to car share, cycle and walk to work. They will also arrange delivery and collection of customers' vehicles and provide a shuttle service for customers to and from the Virginia Water railway station. This should further minimise the number of vehicle movements to and from the site and reduce the demand for on-site car parking.
- 5.14 The current access arrangements mean that to enter the site from the Sunningdale direction, a right-hand turn needs to be made across London Road (A30). This is a dangerous manoeuvre across a busy main road. The County Highway Authority require the access to the site to be via Christchurch Road (B389) to delete this dangerous manoeuvre. Consequently, traffic from both the Sunningdale and Englefield Green direction using the A30 will use the traffic light road junction to turn into Christchurch Road, which is quieter than the A30 to access the application site. To deter the possibility of right turns into and out of the London Road access, the existing central reservation along the A30 would be extended by at least 17 metres and alignment of this access would be altered. This means that the existing exit only onto Christchurch Road would become two way. The existing junction would be widened to the east. This existing scrubland would be tidied up and hatched to provide greater definition on the ground and assist traffic movement in and around this junction. There would also be a raised traffic platform/traffic calming measure at the internal junction of the site with Waterfall Close with appropriate road markings. The proposed highway works are considered to improve the safety in and around both of these junctions.
- 5.15 The applicant has confirmed that car transporters will not be used to deliver new vehicles to the site. The applicants are agreeable to a condition that no HGV vehicles or car transporters are used to deliver or collect vehicles to or from this site. It is intended that all vehicles to be sold from the site will be driven to the site by staff and that cars for the workshop will be driven by their owners or collected by staff. When a vehicle breaks down

they will be delivered by a single tow truck or breakdown flat bed truck. In such cases, the broken-down vehicle will be unloaded on site.

5.16 The County Highway Authority have no objection to this proposal subject to conditions and a legal agreement. The legal agreement requirements are that the following measures will be implemented at the applicant's expense prior to the occupation of the premises hereby approved:

- 1) Extending the central reservation southwards in London Road;
- 2) Re-align the proposed egress onto London Road;
- 3) To widen the footway along London Road to 2 metres along the western side boundary of the site;
- 4) To widen the junction of Christchurch Road and Waterfall Close and provide hatching as shown on drawing no. M566-002/4 Rev C;
- 5) To provide traffic platform/traffic calming measures at junction of Waterfall Close and entrance to site;
- 6) To provide road markings and signage in close proximity to the London Road and Christchurch Road junctions; and
- 7) To implement and monitor a Company Transport Plan.

5.17 The applicant has entered into a contract to purchase the woodland to the south of the site subject to planning permission being granted for the proposed development at the Chiquitos site. The applicant is willing to undertake a full tree survey, carry out the necessary tree works and provide a long term commitment to the protection and maintenance of this woodland. If this application was granted, this benefit would need to be included within any legal agreement.

5.18 The Windsor Great Park, the Great Park Site of Special Scientific Interest (SSSI) and Candidate Special Area of Conservation (cSAC) are within 400 metres of the site. English Nature confirm that the proposal is not likely to have a significant impact on the designated features of either the SSSI or the cSAC.

5.19 Conclusion

The redevelopment of this existing commercial site for a Mercedes Benz car showroom and workshop is unlikely to cause any further visual harm to the openness of the Green Belt than the existing use. The appearance of this prominent site may be enhanced providing there is strict control over the external areas of the site. The traffic generation to the site may be less than the existing restaurant use especially in the evenings. The proposed alterations to the access arrangements and associated highway works are likely to improve highway safety into and out of the site. The cessation of the Class A3 (restaurant) use from the site especially in the evenings is likely to improve the residential amenities of the neighbouring properties. It is considered that these reasons combined constitute very special circumstances for allowing an inappropriate development in the Green Belt.

Consequently, approval is recommended subject to a legal agreement and conditions. The requirements of the legal agreement are set out in the recommendation section below.

- 5.20 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objectors' rights under the Convention.

Officers' Recommendation

Subject to the prior completion of an appropriate legal agreement and the implementation of the following measures at the applicant's expense prior to the commencement of the use hereby approved:

- 1) extending the central reservation southwards in London Road;
- 2) re-align the proposed egress onto London Road;
- 3) to widen the footway along London Road to 2 metres along the western side boundary of the site;
- 4) to widen the junction of Christchurch Road and Waterfall Close and provide hatching as shown on drawing no. M566-002/4 Rev C;
- 5) to provide traffic platform/traffic calming measures at junction of Waterfall Close and entrance to site;
- 6) to provide road markings and signage in close proximity to the London Road and Christchurch Road junctions;
- 7) to implement and monitor a Company Transport Plan; and
- 8) the submission of a long-term management plan for the woodland to the south of the site for approval by the local planning authority. Any works or maintenance required in the agreed management plan shall be carried out in accordance with the agreed long term management plan and the agreed timescales

THE DIRECTOR OF TECHNICAL SERVICES BE AUTHORISED TO GRANT permission following consultation where appropriate with the Chairman or in his absence the Vice-Chairman of the Committee, subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. The setting out of the development hereby approved shall be as shown on the applicant's drawing no. M566-002/4 Rev C dated 11th December 2002 received by the Local Planning Authority on 18th December 2002.

Reason: To highlight the amendments to the setting out of the approved scheme for the benefit of the applicant/potential developer.

4. External Materials (Submission of Details/Samples) (C29)
5. Height of Development (C46) - '7.4' 'measured from the immediate adjoining finished ground level on the north-western elevation'
6. Development shall not begin until details of foul and surface water drainage to include the use of oil interceptors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure adequate drainage.

7. Prior to the commencement of the development hereby approved, details of the existing and proposed levels and detailed setting out dimensions shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details.

Reason: To ensure a satisfactory form of development and adequate drainage.

8. Except where otherwise agreed in writing by the Local Planning Authority, all trees shown to be retained on drawing no. M566-002/4 Rev C shall be retained until the expiration of five years from the date of the completion of the development.

Reason: To protect the trees to be retained and enhance the appearance of the surrounding area.

9. Prior to the commencement of any development hereby approved and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby approved, details of the specification and position of the fencing for the protection of any retained tree shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved and the fencing shall be maintained until the development has been completed and all equipment, machinery and surplus materials have been removed from the site.

Reason: To protect the trees to be retained on this site from damage before and during the course of development in accordance with BS5837 : 1991.

10. During the construction period there shall be nothing stored or placed within any protective fencing erected around each tree or group of trees to be retained.

Reason: To protect and ensure the retention of existing trees during the construction period.

11. There shall be no alteration to the ground level within any protective fencing erected around each tree or group of trees to be retained nor shall any excavation be made without the written consent of the Local Planning Authority.

Reason: To protect and ensure the retention of existing trees during the construction period.

12. There shall be no burning within six metres of the canopy of any tree or group of trees to be retained.

Reason: To protect and ensure the retention of existing trees during the construction period.

13. No development shall take place until a schedule of works is submitted to and approved by the Local Planning Authority indicating the extent of hand digging and method of construction for the paved or hard surfaces beneath the tree canopies of the two trees covered by Tree Preservation Order No. 349.

Reason: To ensure the retention of the existing trees protected by a Tree Preservation Order and enhance the appearance of the surrounding area.

14. No development shall take place until full details of the 'soft' landscape works have been submitted to and approved by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants and trees, noting species, plant sizes and proposed numbers and densities of planting. The works shall be carried out as approved and completed during the first planting season following the substantial completion of the development hereby approved.

Reason: To preserve and enhance the character and appearance of the surrounding area.

15. If within a period of five years from the date of planting of any tree shrub or plant, is removed, uprooted, destroyed or dies another tree shrub or plant of the same species and size as that originally planted shall be planted at that same place unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that any replacement tree shrubs or plants are provided to enhance the appearance of the site and the surrounding area.

16. No development shall take place until full details of 'hard' landscape works have been submitted to and approved by the Local Planning Authority. These details shall include proposed finished levels, boundary walls, means of enclosure, security protection barriers, car parking layouts, hard surfacing materials, minor structures proposed and existing functional services above and below ground and existing features to be retained. The works shall be carried out as approved and completed prior to the commencement of use hereby approved.

Reason: To preserve and enhance the character and appearance of the surrounding area.

17. The ancillary workshop use hereby approved shall only be operational between the hours of 0700 to 17.00 Mondays to Fridays inclusive and 07.30 to 14.00 hours on Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenities of the neighbouring properties.

18. The car showroom use hereby approved shall only be open to customers between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, 08.00 to 17.00 hours on Saturdays and 11.00 hours to 16.00 hours on Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenities of the neighbouring properties.

19. No development shall take place until details of mechanical extraction and filtration equipment have been submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented in accordance with the approved details before the use of the site commences and be retained as such thereafter.

Reason: To protect the occupants of nearby residential properties from smell, fumes, smoke, soot, ash, dust or grit which may be emitted from the site.

20. The building hereby approved shall not be subdivided into separate units or uses without the prior written approval of the Local Planning Authority.

Reason: To avoid an over-intensive use of the site which may be detrimental to the character and appearance of the Green Belt.

21. Details of any external lighting including floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

Reason: To protect the appearance of the surrounding area and the residential amenities of the neighbouring properties.

22. Construction Related Loading and Parking (CH15)

23. The external car display area shall be restricted solely to the area hatched black on the attached drawing and to no other position on this site without the prior written consent of the Local Planning Authority.

Reason: To ensure adequate on-site visitor and staff car parking provision and to restrict external car display in order to protect the visual amenities of the Green Belt.

24. Deliveries of vehicles to or collection of vehicles from the development hereby approved shall be via non-HGV vehicles only.

Reason: To enable delivery and collection vehicles to gain access to and from the site so that vehicles can be loaded and unloaded on site in the interests of highway safety.

Informatives:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
M566-0S	29.8.02
M566-Ex-01/4 Rev A	18.12.02
M566-Ex-03/4 Rev A	18.12.02
M566-Ex-04/4 Rev A	18.12.02
M566-001/4 Rev A	18.12.02
M566-002/4 Rev C	18.12.02
M566-003/4 Rev C	29.8.02
M566-004/4 Rev D	18.12.02
M566-005/4 Rev C	18.12.02
M566-006/4 Rev B	18.12.02
M566-007/4 Rev B	18.12.02
M566-008/4 Rev B	18.12.02
M566-009/4	18.12.02
D1152/A/001	20.12.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

2. The applicant is advised that this permission is subject to a legal agreement.

RU.02/0793 Date reg: 05/07/2002 Ward EGHAM TOWN

LOCATION: EGHAM HILL SERVICE STATION, EGHAM HILL, EGHAM
PROPOSAL: ERECTION OF NEW FORECOURT SHOP AND CAR PARKING AREA
AND 1 NO X 4.2M HIGH FLOODLIGHT FOLLOWING DEMOLITION OF
EXISTING SALES BUILDING AND CAR WASH. (REVISED
DESCRIPTION AND AMENDED DRAWINGS)
TYPE: FULL PLANNING PERMISSION
APPLICANT: BP Oil UK Ltd

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: HO9, BE2, LE1, SHO1, MV4, MV9,
NE8

This application was deferred by the Planning Committee on 8th January 2003 to re-assess the highway implications with this proposal particularly the access arrangements

1. Site

- 1.1 The BP garage is located on the south-eastern side of Egham Hill roundabout with Egham Hill (A30) along the western side of the site. There is also a vehicular access onto Sweeps Lane.
- 1.2 The triangular shaped site covers some 0.18 hectare. The site slopes from north to south and from west to east. The existing sales building and car wash are in an elevated position when viewed from Sweeps Lane.
- 1.3 The site is located outside the town centre of Egham. There are other businesses and services in close proximity to the site. There are residential properties to the south and west of the site. The site also lies within an area of landscape importance.

2. History

- 2.1 There have been numerous previous planning applications relating to this site. The most relevant applications are:
- 2.2 In 1958 planning permission (EGH.56/3970) was granted for a motor vehicle repair building on the site. A car washing machine (EGH.68/12481) was granted planning permission in October 1968.
- 2.3 A canopy on the forecourt of the garage over the petrol pumps (RU.81/0680) was approved in 1981.
- 2.4 In February 1982 an Enforcement Notice was served against the formation of a hardstanding and a ramp at the junction of Egham Hill roundabout between Egham Hill and Sweeps Lane. This appeal was allowed in October 1982.

- 2.5 In July 1994 a Certificate of Lawfulness for the existing use of the site as a petrol filling station, workshop, repair/MOT facility and ancillary parking was granted.
- 2.6 In 1995 the redevelopment of the site for the construction of a new filling station, shop and enclosed car wash (RU.95/0812) was granted full planning permission.
- 2.7 Advertisement consent (RU.96/0120) was granted for internally and externally illuminated signage including a 5.5 metre high freestanding sign and canopy fascia sign in 1996.
- 2.8 Advertisement consent (RU.02/1280) for the display of internally illuminated signs and non-illuminated signs was granted last month.

3. Application

- 3.1 This amended application is for the erection of a new and re-positioned forecourt shop, car parking area and 1 no. 4.2 metre high floodlight following the demolition of the existing sales building and car wash.
- 3.2 The existing single-storey sales building has a floor area of approximately 155 square metres. It is located 6 metres from the London Road frontage and between 8 to 22.5 metres from the southern side boundary. The existing petrol filling station is open 24 hours a day.
- 3.3 The proposed single-storey sales building would be re-positioned towards the southern side boundary and the London Road frontage. The sales building would cover approximately 220 square metres with air conditioning units and refuse enclosure to the rear of the building. The separation distance to the London Road frontage would be 1 metre and 1.5 metres to 13.5 metres to the southern side boundary from the proposed building. The proposed sales building would be open 24 hours a day.
- 3.4 The proposed single storey building would have a maximum height of 4.15 metres with a 5.95 metre tower unit attached to the western end of the building. The height along the rear elevation of the building has been reduced to 3.5 metres above ground level.
- 3.5 The external materials of the proposed building would be cladding panels and aluminium cladding coloured white and green with a grey profiled roof.
- 3.6 The existing car wash, the internal rear access and rear staff car parking area would all be removed as part of this proposal. The proposed demolition of the car wash would allow the provision of six car parking spaces to the side of the building. There would be one 4.2 metre floodlight along the eastern side boundary. One floodlight has been deleted from the proposal.
- 3.7 The existing canopy over the petrol pumps and the pump island are to be retained in the same position. The existing canopy which links the pump island and the existing sales building would be removed. There would be a new boundary fence along Sweeps Lane and the southern rear boundary.

3.8 The applicant has submitted amended plans and additional reports relating to the effects of the air conditioning and refrigeration units and the proposed lighting scheme.

3.9 The applicant's agent has made the following supporting comments:

- this service station is in need of enhancement and refurbishment;
- the forecourt will be rationalised and refuelling facilities improved;
- the proposed shop will have an attractive modern design offering an improved range of goods and services;
- forecourt retailing is now an established format and allows opportunity to purchase essential day to day convenience goods. This is a sustainable format;
- removal of car wash and rear access will improve relationship of uses and amenity of adjoining residential uses;
- the position of the new building close to the Egham Hill frontage will have a positive impact upon the streetscene;
- proposal would represent an improvement on existing building;
- the improvements represent an important benefit to the public and should be welcomed by the Council;
- the exterior lighting consists of highly efficient 150W low energy luminaires but providing minimum levels of light for safety;
- the cumulative effect of both the air conditioning and refrigeration units operating would not reduce aural amenity of neighbouring properties.

4. Consultations

4.1 This application has been advertised on the weekly list and 25 individual letters sent to neighbouring properties on the original proposal. There have been five letters of objection to the original proposal. One letter includes a series of photographs of the surrounding area. The main objections are summarised below:

- the new building would be prominent and intrusive;
- inappropriate use of materials which disregard the local environment;
- the surrounding area is overwhelmingly residential;
- surrounding buildings have been designed to respect the environment;

- the attached tower has no internal function, it is just a giant advertising hoarding;
 - the existing signs are more than adequate to advertise its presence;
 - the air conditioning and extractor units should discharge towards the A30 and not to surrounding gardens;
 - floodlighting will illuminate neighbouring properties 24 hours a day causing nuisance and offence;
 - all floodlighting should be low wattage;
 - additional tree planting required to rear of building;
 - the freestanding obelisk sign should not be increased in size;
 - the two floodlights will cause loss of privacy;
 - new building will blight neighbouring properties;
 - cause overlooking;
 - there should be a right only sign at the egress Sweeps Lane (one way road);
 - if allowed, would expect a reduction in Council tax;
 - development would reduce property prices;
 - doubt whether there is the business to support a third 24 hours shop in the immediate area.
- 4.2 All the neighbouring properties have been re-notified of the amended proposal. No additional letters of representation have been received
- 4.3 The County Highway Authority have no objection to the proposal subject to a condition requiring the new parking spaces are retained for parking purposes only.
- 4.4 The Environment Agency have no objections subject to conditions.
- 4.5 The comments of the Environment Protection section are awaited.
- 4.6 The Council's lighting consultant has no objection to the proposal.
5. Planning Considerations
- 5.1 This application seeks planning permission to enlarge and re-position the existing sales building at the petrol filling station. The proposal would reduce

the size of the existing canopy, remove the existing car wash building and the access/parking area to the rear of the existing sales building.

- 5.2 The principle of a sales building ancillary to a petrol filling station is well established on the site. The proposal will increase the retail floor area by some 65 sq m (or 42%). The site lies adjacent to the Town Centre Policy Area and therefore technically falls within the remit of Policy SHO5 of the Local Plan – this policy relating to ‘Local Shops’. The policy states that limited additional provision of local shopping facilities may be appropriate, providing it complies with the Council’s environmental and traffic standards. In view of the comments of the County Highways Authority and the fact that the enlarged retail unit should not materially affect the local environment, it is considered that the scheme does comply with the requirements of the development plan.
- 5.3 The removal of the car wash, rear access and car parking spaces allows the opportunity to re-position the sales building. The demolition of the car wash building along the side boundary would improve the appearance of the site when viewed from Sweeps Lane. The existing petrol filling station is in a prominent location which is visible from a number of viewpoints. The proposed building would be located in close proximity to the London Road frontage and the southern rear boundary. The tower unit would be slightly higher than the existing canopy over the petrol pumps and be visible from the north and south along the A30. However, it is not considered to be unduly intrusive or prominent in the streetscene. Overall, the proposed site layout is considered to be acceptable without causing serious harm to the visual amenity or the character of the area.
- 5.4 The height of the rear of the building has been reduced to 3.5 metres. The neighbouring bungalows to the south in Mount Lee would be located between 11.5 metres and 26.5 metres from the proposed sales building. The nearest property ‘Peveril’ has a sunken garden and would be set below the application site. There is a 2 metre high close-boarded fence along the boundary. The existing sales building is not visible from the garden of Peveril. It is considered that the re-positioning of the sales building would not be detrimental to the residential amenities of the neighbouring properties in Mount Lee given the site levels and boundary treatment.
- 5.5 The removal of the rear staff parking area, rear access and car wash should improve the residential amenities of the neighbouring properties by removing the existing sources of noise and disturbance at the rear of the existing site in close proximity to these properties. However, the proposal would introduce new sources of noise in the form of a refuse enclosure and air conditioning and refrigeration units along the rear elevation of the building. The refuse enclosure and extraction units would be enclosed by a 2 metre high close-boarded fence. The enclosure will be open on top allowing an air flow to the units. The applicants have submitted a noise survey which indicates that the operation of the refrigeration units, the air conditioning units and the cumulative effect of both units would not exceed the indoor ambient noise levels set out in BS8233 for the adjoining residential properties. In addition, the background noise level given the site’s proximity to the A30 is also likely to further reduce noise nuisance to the neighbouring properties.

- 5.6 In view of this report it is unlikely that the neighbouring properties would be seriously affected by noise generation from the petrol filling station and the proposed sales building.
- 5.7 The amended proposal has reduced the number of freestanding floodlights from two to one. The one 4.2 metre high floodlight would be located along the eastern side boundary to provide lighting for the six car parking spaces to the side of the new sales building. The proposed floodlight would be fully enclosed and the 150 watt lamp would ensure that the light does not spill beyond the car parking area.
- 5.8 The Council's lighting consultant states that the Institution of Lighting Engineers recommend the maximum light reaching a house should be 5 lux. It is estimated that the lighting from the canopy and the new shop should not exceed 1 lux at the adjoining dwellings. Consequently the light spillage from the proposed development should not be detrimental to the residential amenities of the neighbouring properties.
- 5.9 It is considered that the proposed development would not be seriously detrimental to the residential amenities of the neighbouring properties.
- 5.10 There would be no increase in the number of petrol pumps with this proposal. The number of on-site car parking spaces for staff and customers to the shop has increased from three to six. The Council's car parking spaces for a supermarket is 1 space per 14 sq m gross floor area. This standard may not be strictly applicable in this instance given the multi use of the enlarged proposed building for petrol sales and convenience goods. If the parking at the petrol pumps and the additional on-site parking provision are combined, the proposal would meet this standard. In addition there does not appear to be any significant problems with car parking provision relating to the existing shop on this site. The County Highway Authority raises no objection to this proposal.
- 5.11 Following the deferral of this application the County Highway Authority have reassessed this application. The County Highway Authority have acknowledged the increase in floor area with this proposal which may lead to a marginal increase in trip generation with the retail use. However, this increase in trip generation is likely to be compensated for by the removal of the vehicular trips which could be lost with the demolition of the existing car wash.
- 5.12 There have been no accidents in the vicinity of this site or associated with any accesses to the site which have caused injuries in the past five years. It is considered that given the similar vehicular generation to and from this site with the existing and proposed developments and the accident record in the past five years there is no requirement to alter or change the vehicular access arrangements to this site. Consequently the County Highway Authority do not object to this proposal.
- 5.13 It is considered that the existing exit onto Sweeps Lane is too narrow to allow two-way traffic. If this was possible it is likely to generate additional traffic movement and manoeuvres in close proximity to Sweeps Lane and Milton Road junction and the Sweeps Lane and High Street/Egham Hill

roundabout junctions. Some local residents have expressed concerns about the safety of the existing arrangements of cars exiting onto Sweeps Lane. The introduction of two-way traffic from the eastern part of the site is likely to increase the risks of accidents along this part of the site.

- 5.14 It is considered that the re-positioned and enlarged sales building can be satisfactorily accommodated on the site without serious visual impact, serious adverse effects upon residential amenities or the highway network. Consequently, approval is recommended subject to conditions.
- 5.15 Having regard to the policies in the Development Plan and Articles 8 and Article 1 of the First Protocol of the European Convention on Human Rights, it is considered that, for the reasons outlined, the granting of this application would not represent a violation of the objector's rights under the Convention.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. External Materials (Submission of Details/Samples) (C29)
4. No development shall take place until full details of the 'soft' landscape works have been submitted to and approved by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants and trees, noting species, plant sizes and proposed numbers and densities of planting. The works shall be carried out as approved and completed during the first planting season following the opening of the sales building hereby approved.

Reason: To preserve and enhance the character and appearance of the surrounding area.

5. If within a period of five years from the date of planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that replacement trees are provided and to protect the appearance of the surrounding area.

6. No development shall take place until details of all screen and boundary walls and fences, and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority; such approved means of enclosure shall be erected in accordance with the approved details before the sales building hereby approved

is opened to the public, unless the Local Planning Authority otherwise first agrees in writing. Any means of enclosure shall be retained in perpetuity.

Reason: To ensure that the proposed development does not adversely affect the visual amenities of the area and to protect the residential amenities of the neighbouring properties.

7. Prior to the opening of the sales building to the public, the 2 metre high close-boarded fence shall be erected to enclose the air conditioning plant area and refuse area as shown on drawing no. 10522/20 Rev A. The fencing shall be retained in perpetuity.

Reason: To protect the residential amenities of the neighbouring properties from noise disturbance.

8. Prior to the installation of the air conditioning units, refrigeration units and embraco units in connection with the development hereby approved, details of these units including acoustic specifications shall be submitted to and approved in writing by the Local Planning Authority. The installation of all these units shall comply with the approved details.

Reason: To enable the Planning Authority to retain control in the interests of the neighbour's residential amenities.

9. The level of noise emitted from the plant hereby approved shall not exceed a load of 5dBA below the background noise levels.

Reason: To protect the residential amenities of the neighbouring properties from noise disturbance.

10. Prior to the commencement of the development hereby approved, details of the number, size and position of warning signs to advise motorists using the Sweeps Lane egress to turn right only shall be submitted to and approved by the Local Planning Authority. The approved signs shall be erected before the sales building is open to the public and such signage shall be retained in perpetuity.

Reason: In the interests of highway safety.

11. The floodlighting hereby approved shall not exceed 150 watt without the prior written consent of the Local Planning Authority.

Reason: To avoid glare and discomfort to local residents and passersby.

12. Construction Related Loading and Parking (CH15)

13. The proposed new car parking and turning areas as shown on drawing no. 10522/20 Rev A shall be used and retained exclusively for its designated use.

Reason: Condition 13 is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

14. Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To prevent the increased risk of flooding and to improve water quality.

15. No Soakaways (C122)

16. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
Location Plan	4.7.02
10522/20 Rev A	28.10.02
10522/21 Rev A	28.11.02
10522/22 Rev A	28.11.02
DGP300	4.7.02
Lighting Layout	28.11.02
Noise Report	28.10.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1211	Date reg:	16/10/2002	Ward	EGHAM TOWN
LOCATION:	77-79 HIGH STREET, EGHAM			
PROPOSAL:	DISPLAY OF A NON-ILLUMINATED FASCIA SIGN ATTACHED TO THE FRONT OF THE BUILDING (AMENDED PLANS)			
TYPE:	ADVERTISEMENT CONSENT			
APPLICANT:	Wilkins Kennedy			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: BE19

This application has been referred to this Committee for determination as Councillor Walmsley has an interest in this proposal.

1. Site

1. No. 77-79 High Street, Egham (Gladstone House) is a three-storey mixed-use development, which was approved in 1983. There are two ground floor shop units, one of which is currently vacant. The other unit appears to be occupied by an estate agent business.

1.2 The site is located within the Urban Area shopping core and the Egham Conservation Area.

2. History

2.1 There is extensive planning history relating to this site, the most recent and relevant of which is outlined below:

2.2 *RU.83/0496* Demolition of existing premises and redevelopment of the site by a 3-storey building to comprise office accommodation of 7.420 sq. ft (689 sq. m) a shop unit of 650 sq. ft (60.5 sq. m) and 3 no. 1 bedroom flats. Granted August 1983.

2.3 *RU.85/0662* Static internally illuminated fascia sign of approx. 4.8m x 0.5m and an illuminated projecting box sign of 0.7m x 0.45m. Granted September 1985.

2.4 *RU.86/0916* Change of use of shop (Class 1) to office (Class 2). Refused October 1986.

2.5 *RU.86/1171* New shop front. Granted December 1986.

3. Application

3.1 This application seeks advertisement consent for the display of a first floor fascia sign. The sign would be located at first floor level, directly below the existing bay window feature above the main entrance to Gladstone House. The sign would measure 2 metres in width by 1.25 metres in height. It would be non-illuminated. The sign materials would be brushed 2.5 mm stainless steel. The lettering and background would be in white and blue Perspex. The maximum letter height would be 145 mm.

4. Consultation

4.1 The application has been advertised on the Council's weekly list of applications received and in the local newspaper. Five individual letters have been sent out to neighbouring properties. No letters of representation have been received.

4.2 The County Highway Authority have no objection to the proposal.

5. Planning Considerations

5.1 This application is for a new first floor, non-illuminated fascia sign above the main entrance to Gladstone House (77-79 High Street, Egham). The sign would advertise 'Wilkins Kennedy Chartered Accountants & Business Advisors'. The sign would have a fascia area of 2.5 metres by 1.25 metres. It would be centred on the projecting bay window design feature, which runs from the first to second floor of the building. The site is located within the Urban Area shopping core and the Egham Conservation Area.

5.2 The main consideration is the impact of the new signage upon the existing street scene and character of the Conservation Area. The surrounding commercial units generally have ground floor fascia signs. The majority of the ground floor signage remains non-illuminated. There are two examples of first floor signage at No's 74 and 75 High Street. These remain non-illuminated with minimal projection from the building frontage. This application has been amended to delete the proposed external illumination and reduce the size of the sign to accord with the signage on these surrounding premises and reflect the general character of the Conservation Area.

5.3 The proposed signage would retain a 0.25m border to the edge of the first floor bay window feature at Gladstone House. The scheme has been amended so that it is non-illuminated. The height of the lettering is considered acceptable with regards the Council's Shop fronts design guide. The proposed first floor signage at Gladstone House is considered to have an acceptable impact upon the street scene and character of the Conservation Area.

5.4 There is considered to be no serious impact on highway safety with this proposal.

5.5 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any human rights under the Convention.

Officers' Recommendation

GRANT subject to the following condition:

1. Advertisement Conditions (C92) '5' years, '6th February 2008'

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

Date Received:

Site Plan
WK1, 2, 3

15.10.02
15.10.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1319 Date reg: 15/11/2002 Ward VIRGINIA WATER

LOCATION: KAYELL LODGE, 3 STUART WAY, VIRGINIA WATER
PROPOSAL: ERECTION OF A TWO STOREY DETACHED DWELLING FOLLOWING
DEMOLITION OF EXISTING DWELLING
TYPE: FULL PLANNING PERMISSION
APPLICANT: Mr & Mrs W E Millard

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: BE2, HO9, GB6

Members will recall that this application was deferred from the Planning Committee meeting on the 8th January 2003. Following discussions with the applicant they have declined to re-site the dwelling in front of the watercourse as requested by the Planning Committee.. The reasoning for this is given in a supporting letter submitted by the applicant's agent, attached as Appendix F. The photographs referred to in this letter will be available for inspection in the anteroom for Members to view before the start of the Planning Committee.

1. Site

- 1.1 The site lies in the Green Belt and comprises some 0.19 hectares. The site is triangular shaped and is located at the end of the Stuart Way cul-de-sac.
- 1.2 Kayell Lodge is a detached chalet styled dwelling with dormer accommodation. There is a detached flat roof garage located more than 5 metres away from the dwelling.

2. History

- 2.1 In 1960 permission was granted for the erection of a detached dwelling house and garage (EGH.60/6166).
- 2.2 In 1961 a utility room was added to the rear of the property under permitted development rights.
- 2.3 In 1988 permission was granted for a side and rear extension and pitched roofed garage (RU.88/0980). This permission was never implemented.
- 2.4 In 2001 permission was granted for the erection of a two-storey rear extension and an attached garage with accommodation over (RU.01/0859).
- 2.5 In April 2002 an application was withdrawn for a replacement dwelling and detached garage following the demolition of the existing house and garage (RU.02/0369).

3. Application

3.1 This proposal is for the erection of a two storey, 5 bedroom detached dwelling following the demolition of the existing dwelling.

3.2 The proposal would be sited further back into the plot than the existing dwelling i.e. 25 metres back from Stuart Way compared with 9 metres for the existing dwelling. The proposal would be 7.6 metres from the northern boundary, a minimum distance of 13 metres from the west boundary and 34 metres from the east boundary.

3.3 The height of the hipped roofed proposal would be 5.2 metres to the eaves with a ridge height of 8.4 metres. There would be a first floor balcony on the west side elevation, serving bedroom 1.

3.4 The existing single storey garage located more than 5 metres away from the existing and proposed dwelling would be retained.

4. Consultations

4.1 The application was advertised in the Council's weekly list and eight individual letters of notification were sent out. Four letters of objection have been received from owner/occupiers of Christchurch Road properties with the following concerns expressed:

- Overbearing blocking out light to south facing properties along Christchurch Road;
- Loss of outlook and privacy due to the siting of the proposal virtually against northern boundary. The existing dwelling is chalet style and cannot be seen at ground level from Christchurch Road. A re-sited and higher building would completely obscure current views enjoyed, currently that of mature trees. Request that the building is sited in the same location as the existing property;
- Devalue properties;
- Upstairs windows would overlook house and garden;
- Query over whether the floor area calculation includes planning approval RU.01/0859;
- No plans are shown for a detached garage and therefore concerned that subsequent planning will be submitted to build a garage.

4.2 The County Highway Authority has no requirements to make.

5. Planning Considerations

- 5.1 The main issues to consider are the impact of the proposal on the Green Belt, on the established street scene and the residential amenities of the neighbouring properties. This application was deferred by the Planning committee on 8th January 2003 to enable the applicant to consider the re-siting of the proposed replacement dwelling. The applicant does not wish to re-site the dwelling for the reasons set out in Appendix F. In view of this response, this proposal is considered to be acceptable in planning terms for the following reasons.
- 5.2 The size of the dwelling at May 1986 was some 192 sq metres. The proposal would have a total floor area of some 250 sq metres, which would represent a floor area increase of 30%. This would be in accordance with the Policy GB6 guideline. This floor area calculation does not include the extension granted under planning approval RU.01/0859 as part of the base figure of 192 sq metres. However, the extension approved under RU.01/0859 could not be implemented if the replacement dwelling was approved and built.
- 5.3 The existing chalet styled dwelling has a height to eaves of 2.5 metres and maximum ridge 7.4 metres and given the proximity to the front boundary this dwelling is highly prominent at the end of Stuart Way. Whilst the proposed conventional two-storey dwelling's eaves height would be some 2.7 metres higher and the ridge height 1 metre higher given that it would be sited significantly further back into the plot it is considered that it would be no more prominent within the street scene than the existing dwelling. This increase in bulk and mass is not considered to be so significant to justify a refusal on Green Belt grounds.
- 5.4 The siting of the proposed dwelling would not follow the established street pattern of Stuart Way whereby dwellings are sited closer to the road with larger rear gardens. However, given that the existing Kayell Lodge is highly visible, in comparison with the other dwellings, and at the end of the cul-de-sac, it is considered that siting the dwelling further back would not materially affect the established townscape.
- 5.5 Having regard to the impact on residential amenities, the most impact would be on the dwellings along Christchurch Road. Shelydene and Constable Cottage along Christchurch Road are the most visible from the site with open views screened only by a close-boarded fence and intermittent landscaping. The distance between the existing Kayell Lodge and the rear wall of these dwellings is some 45 metres. The replacement dwelling would reduce this distance to 29.6 metres. This reduced distance combined with the increase in the height of the proposed dwelling would have a perceived effect on the views currently enjoyed by these neighbours.
- 5.6 Whilst there would be some loss of outlook, it is not considered that the impact would be so significant as to warrant refusal. Given the distances between buildings and away from the common boundaries the proposal is considered not to result in a significant loss of light to these neighbouring dwellings.
- 5.7 Two of the proposed first floor facing windows would serve bathrooms and these windows would be obscured glazed and so there would be no

significant loss of privacy caused by these windows. The most potential for overlooking the Christchurch Road residents would be caused by the proposed bedroom 1 balcony and bedroom 2, corner window although, again given the distances between properties and that these are sited away from the boundaries, the impact would not be significant.

- 5.8 No garage is proposed with this application and the existing garage is to be retained. In order to ensure that control is maintained in the interests of the Green Belt it is considered reasonable to remove Class E permitted development rights and to impose a condition ensuring that no further outbuildings are built prior to commencement of development for this proposal. The Planning Authority cannot, of course, prevent the submission of future planning applications for a garage but these would be subject to Green Belt policy and be assessed on their own merits in the normal way.
- 5.9 Objectors also raise concerns over the proposal devaluing properties but this is not a planning matter. In summary the proposal would comply with relevant plan policies.
- 5.10 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objectors' rights under the Convention.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. Landscaping Scheme (C10)
4. External Materials (Submission of Details/Samples) (C29)
5. Permitted Development Removed (Class A to E, GPDO) (C37)
R37(a) and (b)
6. Opaque Glazing (New Dwellings) (C63) – 'first floor en-suite bathroom windows on the north rear elevation'
7. The development hereby permitted shall not be commenced until any additional outbuildings constructed after the date of this permission have been demolished, unless permission, in writing, is obtained from the Planning Authority.

Reason: To enable the Planning Authority to retain control over the enlargement of dwellings in the Metropolitan Green Belt as set out in the Surrey Structure Plan and the Runnymede Borough Local Plan.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

Date Received:

L906/01, sk01B, sk04G, sk05H, sk06C

14.11.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1342	Date reg:	20/11/2002	Ward	VIRGINIA WATER
LOCATION:	REBELS BEECH, PORTNALL RISE, VIRGINIA WATER			
PROPOSAL:	INSERTION OF VELUX ROOF LIGHTS IN THE FRONT AND REAR ELEVATIONS OF REBELS BEECH TO PROVIDE HABITABLE ACCOMMODATION IN THE ROOF SPACE OF THE DWELLING			
TYPE:	FULL PLANNING PERMISSION			
APPLICANT:	Hodson Developments Plc			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: GB1, GB6, HO9

This application should be read in conjunction with application RU.02/1458 reported elsewhere on this agenda

1. Site

- 1.1 The application site has an area of 0.49ha (1.2 acres) and is located on the northern side of Portnall Rise. A replacement dwelling is currently under construction on site. The exterior of the dwelling appears to be structurally complete, and the interior has been plastered. The garage appears complete, but various walls and structures in the grounds are still under construction.
- 1.2 The site is in the Green Belt.

2. History

- 2.1 The original house on the site (now demolished) had been constructed in the late 1960s. It had been extended a number of times and a pool building and garages erected in the 1970s and 1980s. No extensions had been added since 1986.
- 2.2 Planning permission was granted in August 2000 for demolition of the dwelling and its replacement with a detached five bedroom house with indoor pool and detached triple garage (ref. RU.00/0543). Permission was subsequently granted for amendments to this permission in June 2002 (ref. RU.02/0419). These amendments involved the relocation of the garage forward on the site, alterations to the ground floor plans by deleting the conservatory and increasing the size of the pool/leisure wing; and altering the elevations and adding a balcony to the rear.
- 2.3 In addition to the current application two further applications have been submitted in an attempt to regularise the development under construction on site : RU.02/1452 for an enlarged portico to the front of the dwelling and RU.02/1458 for a brick wall and gate with a maximum height of 3 metres at the front entrance to the site.

3. Application

3.1 This application seeks to retain the accommodation provided in the roofspace of the dwelling and to insert seven rooflights to illuminate this space (the external works had not been carried out when the site was visited in January). The accommodation provided has a floorspace of 125 sq m and includes two bedrooms, an ensuite shower room, store room and dressing room. Four velux windows are proposed on the rear and three on the front elevation.

4. Consultations

4.1 The application was advertised on the weekly list and letters sent to five adjoining residents. No letters of objection have been received.

4.2 The County Highway Authority have no requirements.

5. Planning Considerations

5.1 The site is in the Green Belt. The original house built on the site has been demolished and the construction of a replacement is well under way. The additional floorspace in the roofspace which is the subject of this application has been formed within the area of roof approved under RU.00/0543. The area does, however, provide an additional 125 sq m of floorspace which represents an increase of fully enclosed floorspace of some 54% over and above the size of the dwelling (albeit no longer existing on the site) in May 1986.

5.2 On this basis the additions represent inappropriate development in the Green Belt and are contrary to Policy GB6 of the Borough Local Plan. They should not therefore be permitted unless there are exceptional circumstances which outweigh the in-principle harm to the openness of the Green Belt caused by their inappropriateness. In this case the envelope and height of the building has not been increased to accommodate the roofspace accommodation and hence the impact on the openness of the Green Belt is not worsened.

5.3 The agent points out that Class C permitted development rights to insert velux windows were not removed from RU.00/0543 or RU.02/0419. However, these rights would only apply once the building work is complete and the dwelling occupied. He also states that the rooflights will not have any effect on the residential amenity of neighbouring properties nor the openness of the Green Belt. In support of this application he refers to two other sites where his client has inserted velux rooflights during the course of construction which were permitted retrospectively.

5.4 None of the issues raised by the agent are accepted as justifying the development undertaken or proposed on part of this application. However, given that the development will not further harm the openness or visual amenities of the Green Belt, over and above that granted under RU.00/0543 or RU.02/0419, it is not considered that refusal could be justified in this case.

5.5 Consideration must be given to the impact of any decision in relation to Article 8 and Article 1 of the First Protocol of the European Convention on

Human Rights. Refusal is not considered to be in the public interest in this case, despite the increase in floorspace.

Officers' Recommendation

GRANT subject to the following conditions:

1. A landscaping scheme shall be submitted for the approval of the Planning Authority for the planting of trees and shrubs and showing areas to be grass seeded or turfed within one calendar month of the granting of this permission; all landscaping in accordance with the scheme when approved shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or such longer period as the Planning Authority shall agree in writing, and shall be maintained for a period of five years, such maintenance to include the replacement of any trees and shrubs that die, are removed or become damaged or diseased, with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason: To ensure the provision and maintenance of trees, shrubs, grassed and turfed areas in the interests of visual amenity.

2. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no enlargements, improvements or other alterations, or development within the curtilage of this dwelling shall be carried out without the prior permission, in writing, of the Planning Authority.

Reason: To enable the Planning Authority to retain control over the enlargement of dwellings in the Metropolitan Green Belt as set out in the Surrey Structure Plan and the Runnymede Borough Local Plan.

3. The front portico and rear balcony structure shall be kept open sided and shall not be infilled with walls without the prior written consent of the Local Planning Authority.

Reason: In the interests of the openness of the Green Belt.

4. The dwelling on this site shall not exceed 850 sq m gross floor area including external walls and roofspace accommodation, and open-sided but covered areas but excluding garage accommodation.

Reason: In the interests of the openness of the Green Belt.

5. Details of the levels of the finished floor and slabs of the house and garage in relation to surrounding ground levels shall be submitted to the Planning Authority within two weeks of the granting of this permission.

Reason: These details have not yet been submitted despite conditions requiring them on earlier approvals. The details are required in order for the Local Planning Authority to consider whether the dwelling has been constructed as low as possible on the site in the interests of the openness and visual amenities of the Green Belt.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the garages erected on the site shall be used for the storage of private motor vehicles only and for no other purpose without the prior permission, in writing, of the Planning Authority.

Reason: To accord with the terms of the proposal in the interests of amenity and the satisfactory planning of the area.

7. No additional velux windows over and above those shown on the approved drawing no. 1651/SK7 and 165/109 shall be inserted into the roofspace without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to protect the visual amenities and character of the Green Belt.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
1651/109	15.11.02
1651/SK7	15.11.02
1651/SK12	15.11.02
1651/SK/1C	15.11.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1388 Date reg: 29/11/2002 Ward ENGLEFIELD GREEN EAST

LOCATION: TOWER GARAGE, EGHAM BY PASS, EGHAM
PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION TO PROVIDE 3
NO. X DRY BAY AREAS AND A LIGHT SERVICE BAY ANCILLARY TO
THE EXISTING CAR SHOWROOM
TYPE: FULL PLANNING PERMISSION
APPLICANT: Maranello Sales Ltd

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration April 2001: GB1, LE1, BE9, NE8

This report should be read in conjunction with application RU.02/1389

1. Site

- 1.1 The site lies within the Green Belt and an Area of Landscape Importance, comprises some 0.3 hectares and is located on the north west side of Egham Hill Roundabout.
- 1.2 The car showroom, currently occupied by Maranello Concessionaries, is a Grade II Listed Building and is one and two storey with a three-storey tower and white rendered walls.
- 1.3 Cars for sale are parked on the forecourt with customer parking south of the building and a service area behind.

2. History

- 2.1 There is an extensive planning history relating to the site.
- 2.2 Tower Garage was built as a service station in 1928-29 in International Modern Style. In the 1960s an extension to the building was granted to form an additional showroom (EGH.62/6207). The building was listed in 1986.
- 2.3 Since 1986 there have been a number of applications granted for internal and external alterations. The most recent application was for listed building consent in 2001 for internal alterations to the building to increase car sales and car display areas within the building (RU.01/1307).

3. Application

- 3.1 The proposal is for the erection of a single storey rear extension to provide three dry bay areas and a light service bay ancillary to the existing car showroom.

- 3.2 The existing rear additions comprising a wash area and staff room, which are sited along the northern boundary have a floor area of some 74 sq metres. There is also a carport attached to the wash bay sited in the northern corner. These structures would be demolished in order to accommodate the proposal.
- 3.3 The total floorspace of the new proposal would be 278 sq metres. This development would be in the same position as the extensions to be demolished but also extend along the western boundary by a distance of some 18 metres.
- 3.4 The building would comprise a series of seven garages including a store, wet bay, staff toilets, stores, an open plan dry area to house five vehicles and a light service block. The building would be flat roofed with a height of 3.5 metres but with a maximum height of 4.7 metres over the light service room i.e. to facilitate jacking of vehicles.
- 3.5 A supporting statement has been submitted by the agent and is summarised below:
- The proposal would not result in a significant loss of openness to the Green Belt as it is a modest scale and would not be visible from the street scene, situated behind the main building in its entirety;
 - The increase would not be disproportionate as the increase would only be 17% over and above the original floor area and would therefore comply with PPG2;
 - The removal of the temporary carports and implementation of the proposal would improve the rear elevation and views onto the site from the surrounding Area of Landscape Importance;
 - The proposal would by virtue of its design be subordinate to and respect the scale, materials and features of the Listed Building. The proposal would improve the character and setting of the Listed Building;
 - The proposal would result in the creation of local job opportunities;
 - The proposal complies with the development plan.

4. Consultations

- 4.1 The application was advertised on the Council's weekly list, in the local press and six individual letters of notification were sent out. No letters of representation have been received.
- 4.2 The County Highways Authority has no requirements to make.
- 4.3 The Council's Conservation advisor considers that the extensions would have no detrimental effect on the character or appearance of the listed building.

5. Planning Considerations

- 5.1 The main issue to consider is the impact of the proposal on the Green Belt and the architectural and historic character of the Grade II Listed Building.
- 5.2 Policy GB1 and guidance contained in Planning Policy Guidance Note 2: Green Belts (PPG2) states that there is a strong presumption against development within the Green Belt and development that would conflict with the purposes of the Green Belt or adversely affect its open character. Policy LE1 encourages provision to be made for firms in the Borough wishing to expand provided that this is not inappropriate development within the Green Belt.
- 5.3 The agent has misinterpreted PPG2 by stating that this proposal would not be a disproportionate addition. This is because PPG2 only applies this approach to dwellings and not commercial premises where there is a strong presumption against all inappropriate development.
- 5.4 This proposal does not fall within any of the acceptable uses for the Green Belt identified in PPG2 (para 3.4) and represents inappropriate development which would normally be refused. However, there are considered to be exceptional circumstances to justify the development in this instance.
- 5.5 Firstly, the development would be located on part of the site that is already used for commercial activities. It is considered unlikely that allowing this development would intensify the use of the land significantly above the established use.
- 5.6 The perceived impact upon the openness of the Green Belt would not cause adverse harm because the proposed buildings would replace existing structures, be of a minor scale, and be retained within the existing envelope of land. The development would be partially concealed from the front of the site by the existing building and not be at a height, bulk and mass that would be materially prominent or cause adverse harm to the openness of the Green Belt, particularly when viewed from the open fields to the north-east.
- 5.7 Secondly, and more importantly, the development would effectively tidy up the rear of the site so serving to improve and enhance the historic and architectural quality of the listed building. The proposal would remain subservient to the original building thereby complying with Policy BE9.
- 5.8 The siting, scale, height and design of the building would have no adverse effect on the Area of Landscape Importance. The proposal would not conflict with parking requirements or highway standards. The nearest neighbouring property is a veterinary hospital and there would be no material harm caused to residential amenities.

- 5.9 The proposal is inappropriate development within the Green Belt but given the aforementioned reasons and given that the proposal would support the Council's economic policy it is considered that exceptional circumstances exist to allow this development as a departure from policy.
- 5.10 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. Harmonising External Materials (Submission of Details/Samples) (C30) R30 – add at end 'and in order to preserve and enhance the character of the Grade II Listed Building.'
4. The development hereby approved shall remain ancillary to the existing buildings on the site and shall not be sub-divided into separate units or uses without the prior written consent of the local planning authority.

Reason: To avoid an intensification of the site in the interests of the Green Belt.

Informatives:

1. The applicant is advised that this permission does not authorise consent for the signage, shown on drawing nos. 24D Revision 2 and 24F Revision 2. This may require consent under The Town and Country Planning (Control of Advertisements) Regulations 1992 and the applicant is advised to check with the Planning Authority prior to works.
2. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

Date Received:

24A, 24B – Rev1, 24C Rev 1, 24D Rev 2,
24E, 24F Rev 2, 24G, 24H Rev 2, 24I, 24J
Location plan
Photographs

27/11/02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1389 Date reg: 29/11/2002 Ward ENGLEFIELD GREEN EAST

LOCATION: TOWER GARAGE, EGHAM BY PASS, EGHAM
PROPOSAL: THE ERECTION OF A SINGLE STOREY REAR EXTENSION TO
PROVIDE 3 NO X DRY BAY AREAS AND A LIGHT SERVICE BAY
TYPE: LISTED BUILDING CONSENT
APPLICANT: Maranello Sales Ltd

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration April 2001: BE9

This report should be read in conjunction with application RU.02/1388

1. Site

1.1 As planning application RU.02/1388

2. History

2.1 As planning application RU.02/1388

3. Application

3.1 This is an application for listed building consent for the erection of a single storey rear extension as detailed under RU.02/1388.

4. Consultations

4.1 As planning application RU.02/1388

5. Planning Considerations

5.1 The issue to consider is the impact of the proposal on the architectural and historic character of the Grade II Listed Building.

5.2 It is considered that the proposal would preserve and enhance the character and appearance of the listed building, in accordance with Policy BE9 and advice contained in Planning Policy Guidance Note 15: Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15, 1994).

5.3 This is because the development would be sited in a discreet location, not adversely affecting views of significance of the listed building.

5.4 In addition, the proposal would result in the demolition of existing buildings that are untidy in appearance and make no positive contribution to the listed building. Furthermore, the proposal would be at a scale that would respect the original building remaining subservient.

5.5 Special regard has been paid to the importance of the listed building.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Listed Building Consent) (C6)
2. No Departure (Listed Building Consent) (C7)
3. Harmonising External Materials (Submission of Details/Samples) (C30) R30 – add at end 'and in order to preserve and enhance the character of the Grade II Listed Building).'

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
24A, 24B – Rev1, 24C Rev 1, 24D Rev 2, 24E, 24F Rev 2, 24G, 24H Rev 2, 24I, 24J	27/11/02
Location plan	27/11/02
Photographs	27/11/02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1390 Date reg: 29/11/2002 Ward ENGLEFIELD GREEN WEST

LOCATION: LAND AT ST DAVIDS DRIVE, ENGLEFIELD GREEN
PROPOSAL: FELLING OF A SWEET CHESTNUT TREE TO THE FRONT OF THE
MAIN ENTRANCE GATES
TYPE: TREE APPLICATION
APPLICANT: Wentworth Gate (Virginia Water)

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: NE12, NE13

1. Site

1.1 St David's Drive is a development of 61 residential units. Access to the site is via London Road (A30) to the north-west. Tree Preservation Order (TPO) 318 covers the site. This is a blanket TPO covering trees located predominately around the perimeter of the site.

1.2 The site is within the Urban Area.

2. History

2.1 *RU.02/0288* Variation to Condition 3 (Landscaping) of planning permission RU.96/0919 to retain tree and shrub planting as planted. Refused June 2002.

2.2 *RU.97/0509* Details pursuant to conditions 3, 4, 7, 8, & 11 of planning permission RU.96/0919 relating to details of landscaping, tree protection, archaeological assessment, frontage treatment and fencing and screen walls. Discharge of conditions. Granted September 1997.

2.3 *RU.97/0506* Residential development of 61 units comprising 6 x 2 bed units, 46 x 4 bed units and 9 x 5 bed units (amended plans to planning permission RU.96/0919). Granted June 1997.

2.4 *RU.96/0919* Residential development of 61 units with site access from London Road (A30) – Granted April 1997.

3. Application

3.1 This Tree Application is for the felling of one Sweet Chestnut tree located to the southern corner of the main entrance to St David's Drive. The applicant believes the tree to be dead.

4. Consultation

4.1 The application has been advertised on the Council's weekly list of applications received. Eight individual letters have been sent out to neighbouring properties. One letter of representation has been received raising the following issues:

- The tree is not dead.
- The tree is not considered dangerous as it withstood recent storms and none of the branches pose any danger to the public.
- If specific branches are dead, then they should be individually removed rather than felling the whole tree. It should be left as it provides an important wildlife habitat.
- If approved, the tree should be replaced with one of the same species.

4.2 The County Highways Authority has been consulted and makes no requirements regarding this application.

4.3 The Council's Parks and Amenities Officer has no objection to the felling of the tree.

5. Planning Considerations

5.1 This tree application is for the felling of one Sweet Chestnut tree protected under TPO318. The tree is located to the southern corner of the main entrance to the St David's Drive development. The applicant considers that the tree is dead and wishes to fell it. The main consideration for the application is to determine whether the tree is both healthy and still offers a high level of amenity value to the surrounding area.

5.2 The Council's Parks and Amenities Officer has visited the site and has identified the tree as a mature Sweet Chestnut (*Castanea sativa*). It has a diameter at breast height of approximately 50 centimetres. The crown appears to be almost without any live limbs. There is a lot of deadwood present within the crown. It is considered that the tree is within the class of 'dead, dying or dangerous'.

5.3 The tree is in a very prominent position adjacent to London Road. However, it is considered to be of very poor shape, especially given the presence of deadwood. The Sweet Chestnut tree is not considered to offer a high level of amenity value to the surrounding area. A replacement tree would be required to be planted in a similar location to the existing tree.

5.4 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objector's rights under the Convention.

Officers' Recommendation

GRANT subject to the following condition:

1. Provision of Replacement Tree(s) (C118)

Informative

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

Date Received:

Site Plan

28.11.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1394 Date reg: 29/11/2002 Ward VIRGINIA WATER

LOCATION: ROCHESTER HOUSE, OAKWOOD ROAD, VIRGINIA WATER
PROPOSAL: ERECTION OF DETACHED TWO STOREY DWELLING WITH
ACCOMMODATION IN THE ROOF WITH ATTACHED FRONT GARAGE
AND ATTACHED SWIMMING POOL TO THE REAR FOLLOWING
DEMOLITION OF EXISTING DWELLING (REVISED PLANS 14.01.03)
TYPE: FULL PLANNING PERMISSION
APPLICANT: Meryl Homes Plc

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration April 2001: BE2, HO9

1. Site

- 1.1 The site lies in the urban area of Wentworth and comprises some 0.4 hectares. The site is situated on the south-west corner of Keepers Walk and The Close.
- 1.2 The existing dwelling is located at the northern end of the plot, is two-storey and has an attached double garage with dormer accommodation above. To the rear is an outdoor swimming pool and outbuilding with toilet and shower facilities.

2. History

- 2.1 Of most relevance is application RU.02/1014 submitted in 2002 for the erection of a detached two-storey dwelling with accommodation in the roof, attached front garage with accommodation above and attached swimming pool to the rear, following demolition of the existing dwelling. This application was refused because of its height, bulk, mass and prominence.

3. Application

- 3.1 This proposal seeks to overcome planning refusal RU.02/1014. The maximum length of the dwelling would be 30 metres with a depth of approximately 12.5 metres, excluding the front attached garage and rear pool building. The triple garage would extend out by some 9.5 metres and the pool building would have a depth of some 15 metres.
- 3.2 The proposed dwelling would be two-storey but also include the potential for the roof area to be used as habitable accommodation (with a dormer window proposed on the front and rear elevations). The maximum height of the dwelling would be 9.2 metres to the ridge.
- 3.3 The attached garage at the front and the swimming pool building along the eastern boundary would have maximum heights of 5.2 metres (as amended).
- 3.4 The applicants have submitted a Design Statement with the design principles summarised below:

- The replacement dwelling would be set further back from the front boundary;
- The house should be of sufficient size to attract buyers with a target region of 8000 sq ft (743 sq m) to include an indoor swimming pool;
- A striking appearance is needed in order to add to variety of dwellings in the location, be pleasing on the eye, compatible with its location and be an individualistic design. The French Chateau design is considered to meet this brief.

4. Consultations

4.1 The application was advertised on the Council's weekly list and 14 individual letters of notification were sent out. Two letters of objection have been received from the occupiers of 2 Oakwood Road and Five Pennies, Nuns Walk which are summarised below:

- Substantial loss of privacy due to the second floor overlooking neighbouring houses;
- Proposed dwelling too large and dominant and its presence would erode the secluded atmosphere of Oakwood Road, which is a hallmark of the Wentworth Estate;
- Trees are preserved but there is no indication as to which trees are to be felled.

4.2 The County Highways Authority has no requirements to make.

5. Planning Considerations

5.1 The site lies in the urban area of Wentworth and so in principle there is no objection to a replacement dwelling. The main issues for consideration are the impact of the development on the established street scene, visual and residential amenities.

5.2 The plot is in a prominent location on the corner of Keepers Walk/Oakwood Rd/ Nuns Walk. The existing dwelling has a maximum height of 8 metres (but with the majority of the roof at 7 metres) and is highly visible from the approach from Nuns Walk. Watersteps, the adjacent dwelling to the west, has a maximum height of some 10 metres. Whilst Watersteps is a high building, it is less prominent due to its siting between other two-storey dwellings and it is not a corner site. The adjacent bungalow to the east of the site has a maximum height of some 5 metres.

- 5.3 There were no objections to planning application RU.02/1014 in terms of the spread of development across the site, as the footprint was deemed to be comparable with the existing dwelling in terms of distances from boundaries. There are no proposed changes in siting with this application and hence, the width and depth of the dwelling would not result in a cramped development. The concern with RU.02/1014 related to the height, bulk and mass of the dwelling (at a maximum of 10.5 metres) which given the corner location, would have resulted in an unduly prominent and incongruous development.
- 5.4 The reduced height of this proposed dwelling to 9.2 metres together with the reduced height of the garage and pool buildings to 5.2 metres (i.e. compared with 7 metres for the garage and pool buildings submitted under RU.02/1014) is considered to be a significant improvement.
- 5.5 The proposal would now be lower than the neighbouring dwelling and garages at Watersteps. The reduction of the bulk and mass of the garage and pool buildings along the eastern boundary would ensure that the dwelling would relate better to the neighbouring bungalow. It is considered that the dwelling would still be prominent but the reduced height, scale and mass would not constitute an overtly dominant or incongruous development in the streetscene.
- 5.6 Planning Policy Guidance Note 1: General Policy and Principles (PPG1, August 2001) states that the Planning Authority should not attempt to impose a particular architectural taste or style arbitrarily but seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary design guidance. It would therefore be unreasonable to refuse the application on design grounds because of the particular architectural style and use of materials, when the area is neither a designated Conservation Area nor an area identified for special control. The proposed architectural style is clearly a variation to other styles along Oakwood Road but not dissimilar to other redevelopments on the Wentworth Estate.
- 5.7 The development is considered to cause no material harm to neighbours' residential amenities. The third storey would cause a degree of harm on the perceived sense of privacy to local residents. However, given the distance away from neighbouring dwellings there would be no serious adverse harm. The plot has excellent landscaping and screening at the rear and this would effectively conceal the proposed dwelling from neighbouring properties. No.23 Nuns Walk directly opposite the site would be most affected at the front although there would be a separation distance of approximately 30 metres between the dwellings and this neighbour's front elevation is positioned away from Rochester House.
- 5.8 There are trees of worth on the site although none are subject to a Tree Preservation Order. As part of planning application RU.02/1014 a tree survey was submitted by a qualified arboriculturist. This report identified two Category A Oak trees located in the rear garden. However, these two trees in the rear garden are not considered to be of sufficient amenity value to warrant a Tree Preservation Order. A condition is proposed to protect the existing trees on this site during the construction period.

- 5.9 Only one tree would be felled, a Gum tree at the front of the property. The Parks and Amenities Officer agrees that its felling is acceptable. This is because this specimen is currently leaning onto the existing Rochester House and on close inspection has little worth. In terms of amenity value it does contribute to screening the existing dwelling and in this respect its loss is regrettable but this value is not enough to warrant its retention or preservation.
- 5.10 The proposal is considered to comply with the plan policies. Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objectors' rights under the Convention.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. Tree Protection (Fencing) (C20)
4. External Materials (Submission of Details/Samples) (C29)
5. Permitted Development Removed (Class A, GPDO) (C35) R35b
6. Height of Development (C46) '9.2'
7. Restriction of Garages etc to Private Vehicles/Storage (C56) 'treble garage'
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no additional windows, dormer windows or other openings shall be formed in the elevations, including the roof, (other than those expressly authorised by the approved drawings) without the consent in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the adjoining residential properties.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

2002/525/1C, 2C, 4C, 5C

Date Received:

14.1.03

2002/525/3
Site Location Plan
Design Statement

29.11.02
29.11.02
29.11.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1406 Date reg: 03/12/2002 Ward CHERTSEY MEADS

LOCATION: UNIT 1A DOWNSIDE, GUILDFORD STREET, CHERTSEY
PROPOSAL: RETENTION OF THREE FIRST FLOOR WINDOWS AND ATTACHED VINYL TO PROVIDE OPAQUE VISION
TYPE: FULL PLANNING PERMISSION
APPLICANT: Capital Event Marketing Ltd

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: BE2

1. Site

1.1 Unit 1A, Downside is situated on the southern side of the road adjoining the railway and within an industrial estate situated within the urban area.

2. History

2.1 The only relevant history in the last ten years is:

2.2 *RU.01/1032* Installation of first floor external windows and ground floor entrance door. Granted 1.11.02

3. Application

3.1 The application seeks full planning permission for the retention of three first floor windows and attached vinyl to provide opaque vision. The vinyl is fixed to the window and provides zero vision. The top opening fly windows would be fixed to a maximum opening of 7cm.

4. Consultations

4.1 The application has been advertised on the Council's weekly list and individual neighbour letters sent out. Several letters of objection have been received from the resident of 6 Station Road which raise the following issues:

- privacy invaded without consent;
- windows installed prior to permission being sought;
- company ignored planning regulations and now damage limitation;
- out of architectural character;
- restrictive opening of 2.5 inches on the fly window would still enable smokers to hold their cigarettes out of the open window;
- position, angle and height of all windows allow for clear unobstructed vision into kitchen, sitting room, bathroom and garden;

- if windows need to be open, would agree to 10mm air gap;
- object to windows being there in the first instance irrespective of the degree of opaque screening;
- if permission is granted subject to conditions request enforcement is guaranteed if there are any breaches.

4.2 The County Highway Authority have no requirements.

5. Planning Considerations

5.1 The site is situated within the urban area and within a small industrial estate. The principle of development is considered acceptable and the main issues are the effect on the appearance of the area and the amenity of residential properties.

5.2 The building is of a traditional warehouse style with a lower brick wall and cladding at first floor level.

5.3 Whilst the windows are of Georgian style, the area is mixed in terms of character and the building itself is of no architectural merit. In the circumstances it is not considered that the design of the windows would significantly affect the appearance of the area.

5.4 In relation to the amenities of neighbouring properties, the main effect would be on 4, 6 and 8 Station Road. Objections have been received from the resident of no. 6 which are detailed at paragraph 4.1. The distance between the windows and the rear of 6 Station Road is approximately 20m with the access road to Downside between the buildings. In addition the applicant has already fixed an opaque vinyl to the windows and is prepared to restrict the fly opening window to a maximum of 7cm. The premises have been inspected and the objector accompanied the officer during the visit. The opaque vinyl prevents overlooking through the windows to the properties fronting Station Road and performs to a higher level than opaque glass. The applicant is prepared to accept a condition to ensure this remains in perpetuity and overall it is not considered that overlooking adversely affects the residential amenity of this dwelling.

5.5 Whilst the fly window could be opened, this would only be for a limited angle and to overcome the resident's concerns the applicant has offered to restrict this to a maximum of 7cm. The objector remains dissatisfied with this but overall in relation to the planning issues this would ensure no direct overlooking could occur from the fly window to the rear of the property. Furthermore, whilst the three windows have been installed without the benefit of planning permission, the planning issues have been considered in the same manner irrespective of whether the application is retrospective or if it was a fresh proposal.

5.6 Overall, having regard to the distances involved, and the opaque film and the restriction to the fly opening, it is not considered that the retention of the windows would adversely affect the residential amenity of 6 Station Road. In relation to the enforcement issues raised by the objector, enforcement

action is discretionary and would have to be considered if appropriate at the time depending on any breach of control that may have occurred.

- 5.7 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objectors' rights under the Convention.

Officers' Recommendation

GRANT subject to the following conditions:

1. The opaque vinyl installed to the three first floor windows shall be retained at all times and perform to the specification of full opaque zero vision unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of adjoining residential properties.

2. Within one month of the date of this permission the opening fan lights to all three windows shall be restricted to a maximum opening of 7cm and retained in this manner thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of adjoining residential properties.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
Site Plan	3.12.02
Side Elevation	3.12.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1409	Date reg:	03/12/2002	Ward	THORPE
LOCATION:	C F HEWERDINE LTD, DEVILS LANE, EGHAM			
PROPOSAL:	ERECTION OF SINGLE STOREY SIDE EXTENSION AND FIRST FLOOR EXTENSION WITH UP TO 8 CAR PARKING SPACES OFF DEVILS LANE FOLLOWING DEMOLITION OF EXISTING GARAGE AND PART OF THE EXISTING SINGLE STOREY BUILDING. (REVISED PLANS REC'D 15/1/03)			
TYPE:	FULL PLANNING PERMISSION			
APPLICANT:	C F Hewerdine Ltd			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: LE1, MV4, MV9, MV12

1. Site

- 1.1 The application site is a long, narrow site covering some 0.17 hectare. It fronts onto both Devil's Lane on its north-eastern side and South Avenue on its south-west boundary. The site contains a number of single-storey buildings which are occupied by Hewerdines, a company who retail, repair and alter wheelchairs for the disabled and elderly. The approximate breakdown of existing uses and floor areas is as follows: storage (117 sq m), office (80 sq m), workshop (51 sq m), showroom (60 sq m), canteen, toilets, plant (19 sq m) – making a total floorspace on site of some 342 sq m (plus a covered, open-ended walkway link and similar storage area of 45 sq m).
- 1.2 Adjoining the site on the South Avenue side are mostly two-storey family dwellings. Many of the properties do not have off-street parking, and the road is fairly heavily parked. There are also two storey dwellings on the opposite side of Devil's Lane. Immediately adjoining the application site to the west is another part of Hewerdines, which is used for the repair and alteration of manual wheelchairs. Immediately adjoining the eastern side of the site along Devils Lane are some garages at the rear of the South Avenue properties.
- 1.3 Both frontages have vehicular access, but the majority of vehicles visiting the site do so via Devil's Lane, which is a private road. There are dwellings either side of the Devil's Lane junction with Thorpe Lea Road.
- 1.4 The site is in the urban area and an area liable to flood.

2. History

- 2.1 The use of the site by Hewerdine Ltd for the assembly and repair of invalid tricycles has taken place on the site since the 1940s (prior to this it was in use as a slaughterhouse). It was granted on a series of temporary permissions and finally granted on a permanent basis in 1965 (EGH.65/10055).
- 2.2 The permission was subject to various conditions including one restricting access for goods and services to Devil's Lane, with employees' car park

accessed off South Avenue, and restriction of use to the manufacture, repair and fitting of invalid carriages only.

- 2.3 Permission was also granted in 1965 (ref. EGH.65/10056) for the use of land to the rear of 6 South Avenue for the parking of invalid tricycles awaiting repair or disposal; and outline permission was granted for a single-storey building for use as a fitting clinic (ref. EGH.65/10107). In the same year permission was granted to redevelop the existing buildings and replace them with a workshop (215 sq m), spray shop (20 sq m), stores (28 sq m), mess room, toilets etc (76 sq m) and offices (80 sq m). The majority of the building was to be single storey, with a two-storey element on the Devil's Lane frontage of the site (Ref. EGH.65/10599). At this time it was stated that 16 people were employed in the business. This permission to redevelop was not implemented.
- 2.4 Subsequent applications to replace buildings on the site were refused in the 1970s (RU.75/0805 and RU.76/0066). These applications were refused on the grounds of impact on nearby residential properties by consolidating a non-conforming use; and scale of buildings causing unacceptable impact on the houses in South Avenue; lastly, inadequate space for parking and turning of vehicles on the site.
- 2.5 Permission was subsequently granted for a lean-to storage area (ref. RU.81/0414) and a single-storey store of 82.5 sq m, replacing an existing storage area of 59 sq m (RU.85/1001).
- 2.6 An application to add a first floor office over part, and extensions to the ground floor to form enlarge workshop and showroom, with demolition of garages/toilet/gates, plus external alterations and new gates (ref. RU.02/1112) was withdrawn by the applicant in November 2002.

3. Application

- 3.1 The current application is similar to that submitted under RU.02/1112, but seeks to overcome some of the areas of concern raised during the processing of that application.
- 3.2 The application proposes the addition of a first floor extension over part of the existing ground floor showroom and office. The revised plans reduce the depth of this part of the extension. It is also proposed to extend the workshop on the ground floor, add single-storey infill extensions between the buildings (area currently covered but not fully enclosed) and to demolish double garages and the front part of a single-storey building on the Devil's Lane frontage (currently used as w.c., canteen and office). A car parking area is proposed along the Devil's Lane frontage which could accommodate 8 vehicles (the majority of the spaces are longer than the 4.8m required for a car). Internal alterations are also proposed.
- 3.3 The resultant buildings would have the following uses and floorspaces:

Office	102 sq m
Showroom	99 sq m

Workshop	73 sq m
Storage	92 sq m
Kitchen, w.c.'s and lobby	<u>48 sq m</u>
Total Floorspace:	<u>414 sq m</u>

3.4 The applicant has supplied information with regard to the existing use and operation. The points raised may be summarised as follows:

- the company was founded in 1947 by the applicant's great uncle;
- the company have contracts with the National Health Service to store, issue, repair, collect and recondition manual and electric wheelchairs;
- they have 7 service vehicles (Ford Transit type vehicles) and 2 emergency response units, related to the application site. These call at clients' homes to carry out assessments, make repairs, and pick up and drop off wheelchairs. They also carry out assessments for the Employment Service, Embassies, Charities, the NHS and London Hospitals. (NB – The transport plan lists 11 mobile engineers who work at the company's two buildings (defined by red and blue lines on the plan));
- the company employs 32 staff who either walk to work, park in the car park off Thorpe Lea Road or park in the yard. One or two park outside the premises;
- hours of opening are 8.30 a.m. to 5 p.m. Monday to Friday and 8.30 a.m. to 12 noon on Saturdays;
- delivery vehicles use Devil's Lane and amount to approximately 5 per day, from Post Office van to large box van. The larger vehicles tend to reverse into Devil's Lane and then drive forward when off-loaded. No deliveries are made via South Avenue;
- visitors are infrequent – 2 or 3 a day at most;
- noise is minimal. Small hand tools used only;
- six of the seven service vehicles are parked at employees' homes overnight. They return to the site each day in the mid afternoon to bring back completed work and collect work and spares for the next day;

- much of the application proposals are to improve facilities to meet the terms of the Disability Discrimination Act and to improve the present storage and demonstration accommodation, in the light of the increased size range and sophistication of wheelchairs. They also need to create more parking and better areas for people with disabilities.

3.5 A transport plan has also been submitted with the current application which addresses the means of transport and location of parking for the 19 people who work at the site (2 part-time). These are summarised below:

	Cycle or Walk to Work	Park on Site	Park in Public Car Park	Park Outside Premises	Public Transport/ Brought to Work
No. of people	7	2	3	4 (2 part-time)	3

In addition, the company employs 11 disability advisors/mobile engineers who have a company vehicle. These employees work away from the site but generally report into the site for their worksheets and spares for the following day at about 3.30-4 p.m. They are on site for 20-40 minutes. Ten of the employees park their vehicle at home overnight, one leaves their vehicle at the premises.

3.6 The applicant has made an arrangement with the Compasses pub so that when the drivers return and the pub is closed, they may use the car park for the short duration. This arrangement was commenced at the end of October 2002 and is proposed to continue.

4. Consultations

4.1 The application was advertised on the weekly list and letters sent to 36 local households and the residents' association. Fifteen letters of objection have been received which may be summarised as follows:

- overdevelopment of small site in a residential area;
- height of building would have overbearing effect on neighbouring residential properties and gardens;
- increased industrial production would result in increase in noise, smells and general disturbance to neighbours;
- increase in vehicular activity would cause annoyance and inconvenience to residents in Devil's Lane;
- overlooking/loss of privacy and overshadowing of adjoining gardens;
- safety concerns;
- concern over compressor and noise;

- concern that more vehicles would use South Avenue causing noise, disturbance and leading to safety concerns;
- concern over security to rear of 7 South Avenue following demolition of garages – 1.8m replacement wall not considered to be adequate;
- devaluation of adjoining residential properties;
- concern over increase in staff and resultant comings and goings and activity on the site;
- queries security lighting.

4.2 The County Highway Authority have no highway requirements. They consider that the proposal will not generate a material increase in traffic so as to have an adverse impact on the junction with the highway network (Devil's Lane is a private road). They state that the likely increase in demand for parking is small and will not impact on the safety or capacity on either the private roads or the highway.

4.3 The Head of Environmental Protection advises that there have not been any noise complaints in regard to this premises since 1997 when their records started. The main concern raised by the alterations relates to the compressor. This may be noisy and unless it is suitably isolated and placed in a suitable acoustic enclosure there may well be a problem with noise disturbance. Clarification is advised. They also state that the workshop is to be increased in size so that depending on the type of equipment proposed it may give rise to complaint. They consider that it is highly likely that the rear double access doors would be propped open in the summer to improve ventilation, compounding noise problems. They suggest that conditions be imposed on any approval, limiting hours of work at the site to minimise disturbance.

4.4 The revised plans note that the compressor is to be suitably isolated and/or housed in an acoustically insulated enclosure. A condition to ensure that the details of this are submitted for approval is recommended on any permission. Various other conditions are also recommended to limit working hours and to ensure that windows are closed during use of the workshop.

5. Planning Considerations

5.1 This is an existing commercial premises (Class B1) in a predominantly residential area. The Use Classes Order defines that a Class B1 use can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The applicant has made it clear that he intends to continue operating from the site and that relocation is not a possibility. A judgement must therefore be on this basis as to whether the proposed extensions would result in a development which would be materially harmful to residential amenity, either by reason of the form of building proposed; its use; associated parking; or comings and goings to and from the site. This judgement must be arrived at within the policy context set out in the two paragraphs below.

- 5.2 Government advice with regard to commercial development is contained in Planning Policy Guidance Note 4 : 'Industrial and Commercial Development and Small Firms'. In paragraph 15 it states that:

“In areas which are predominantly residential, development plan policies should not seem unreasonable to restrict commercial and industrial activities of an appropriate scale, particularly in existing buildings, which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections such as a relevant development plan policy, unacceptable noise, smell, safety and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any location is not a sufficient reason, in itself, for refusing planning permission.”

The advice goes on to say that potential subsequent intensification of use must be taken into account and conditions imposed on any permissions to safeguard local amenity where foreseeable future harm could be prevented.

- 5.3 Local Plan Policy LE1 is the relevant local policy with regard to the development proposed. The policy seeks to promote employment development opportunities. The policy encourages schemes which make provision for small firms and local firms wishing to expand, whilst stating the wish to avoid proposals with adverse environmental and traffic consequences.
- 5.4 The current application proposes increases in floorspace as follows:

	Existing Fully Enclosed (sq m)	Existing Covered but Open-Sided (sq m) – all to be removed	Proposal (All Fully Enclosed) (sq m)	Increase/ decrease in fully enclosed floorspace (sq m)
Storage	117 (including double garage)	12	92	-25
Office	80	-	102	+22
Workshop (Including Compressor)	51	-	73	+22
Showroom	60	-	99	+39
Canteen/Toilets	19	-	48	+29
Covered Walkway/Link	-	33	-	-
TOTAL	327	45	414	105

- 5.5 Essentially the majority of the office accommodation on the ground floor will be put into a first floor addition over part of the ground floor (and increased in size by 22 sq m) and the ground floor is to be extended at the side/rear (South Avenue side), the central area infilled; the garages removed and Devil's Lane frontage building reduced to provide parking on the frontage. The accommodation will be reconfigured to provide larger showroom and workshop areas, and improved and enlarged kitchen and toilet facilities.

A marginal decrease in site coverage by buildings would result on the ground floor (although covered, open-sided buildings are replaced by fully enclosed buildings).

- 5.6 The applicant is not proposing the extensions with an intention of increasing the number of staff at the premises, but states on the form that there may possibly be a slight increase in numbers.
- 5.7 With regard to the impact of the proposed works, the workshop extension adjoining 7 South Avenue would be only marginally higher than the existing fence on this side boundary. It is not therefore considered that the ground floor extensions would materially affect the visual or residential amenities of the adjoining properties by reason of their built form.
- 5.8 The first floor extension would be visible from the rear of adjoining properties, particularly 5, 6 and 7 South Avenue. The rear wall of the first floor would be only 9m from the rear boundary of no. 6 South Avenue, and some 12.5m behind the furthest part of the rear wall of this property. The main rear wall of 6 South Avenue does not, however, contain any windows. There are ground and first floor windows on the inset part of the rear wall some 16.5m from the rear of the first floor, and given the relative positions, it is not considered that the impact on this property would be materially detrimental to their visual or residential amenities.
- 5.9 There are side/rear windows in no. 5 South Avenue, but given the separation, relative positions and existence of tall evergreen trees in the rear garden of no. 5, it is not considered that the visual or residential amenities of this property would be materially eroded.
- 5.10 No. 7 South Avenue has side and rear bedroom and kitchen windows. The first floor extension would be clearly visible from these windows and would erode the outlook from the rear, reducing the view of the sky and wider area. No rear or side windows are proposed (other than velux roof windows in the side roof areas), and so overlooking/loss of privacy would not result. The extension is also north of no. 7 and hence loss of sunlight should not result. The loss of a private view is not a material planning consideration. Harm to the rear outlook however may be. In this instance the lack of impact in terms of light and overlooking/loss of privacy, and relative separation and positions is not considered, in this case, to justify refusal.
- 5.11 The first floor part has a window in its front elevation looking towards Devils Lane. There is a reasonable separation to those properties opposite (minimum of 22m) and it is not considered that the impact on the residential and visual amenities of these properties would be materially adversely affected.
- 5.12 The removal of the garages and part of the front of the building will facilitate the provision of additional parking on the front of the site and improve the appearance of the site from Devil's Lane. In particular it will allow on-site disabled parking for people visiting the site who would be unable to get to the site by alternative means of transport.

- 5.13 The adopted car parking standard for Class B1 development in the Local Plan is a maximum of 1 space per 30 sq m gross floor area. Applying the maximum standard, the existing operation should have 12.4 spaces (including open-sided covered space), and a further 1.4 would be required. There are not 12 spaces on the site at the moment. Two areas are available and used for parking; an area of 20.5m by 4.5m off South Avenue, which was used for parking a transit type vehicle when the site was visited, but could be used for tandem parking of 3 or 4 vehicles; and a space adjoining the showroom which could be used for the tandem parking of two cars. The proposed development would also be deficient when judged against the adopted standards. However, the two existing parking areas would be retained and space provided for an additional 7 spaces on the Devil's Lane frontage (6 if some were for disabled use). This additional space exceeds the requirement in connection with the increased floor area, and represents a planning gain in relation to the neighbourhood in terms of on-site parking. In addition the applicant has submitted a transport plan outlining the staff and their means of transport to the site, the pattern of visits to the site by the mobile engineers and the arrangement with the Compasses pub to allow the mobile engineers to park in their car park.
- 5.14 On the basis of the above points, and lack of objection from the Highway Authority, it is not considered that a refusal could be sustained on parking or highway grounds.
- 5.15 The applicant states that the proposed extensions would not result in an increase in staff working at the premises. However, the increases proposed would mean that the number of staff and associated comings and goings could potentially increase in the future. Conditions may be imposed to limit the hours of operation at the site and type of machinery/equipment to be used which would help to limit the impact of the use on the amenities of the surrounding residential properties. It is not, however, possible to restrict or limit the associated comings and goings from the site nor the number of staff employed by condition, nor is it possible to ensure that the current arrangement with the pub will continue. Additional comings and goings would further erode the residential amenities of the properties on South Avenue and Devil's Lane and those at the junction on Thorpe Lea Road. On balance, however, given the limited size of the increase proposed, the increase in on-site parking, and attempts made by the applicant to address this issue, it is not considered that potential future usage of the larger floor area would justify refusal of the application.
- 5.16 Consideration must be given to the impact of any decision in relation to Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. The objections raised have been taken into account but are not considered to justify refusal of the revised application in this case. Various conditions are recommended which are considered to be necessary in order to protect the residential amenities of the adjoining properties.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. External Materials (Submission of Details/Samples) (C29)
4. No Additional Windows in Extensions (C62)
5. Noise resulting from the future use of plant, machinery and equipment installed or operated in the premises as extended shall be so enclosed and/or attenuated that noise there from does not exceed the existing background level when measured according to British Standard BS4142-1997 at a point one metre from the nearest external wall of the adjoining residential properties at 5, 6 and 7 South Avenue.

Reason: In the interests of the amenities and peaceful enjoyment of the adjoining residential properties.

6. Occupation Ancillary to Industrial Premises (C65)
7. Working Hours Restriction (C68) – add 'unless otherwise agreed in writing by the local planning authority'
8. The windows (including velux roof windows) and doors to the workshop building shall remain closed whilst the workshop is in use for the repair and refurbishment of equipment.

Reason: In the interests of the residential amenities of adjoining properties particularly from noise disturbance.

9. Details of the housing or enclosure of the compressor shall be submitted to and approved by the Local Planning Authority prior to its first use in its new location. The housing or enclosure for the compressor shall be constructed in accordance with the approved details before the extensions are brought into use and thereafter maintained at the same specification.

Reason: In the interests of the residential amenities of adjoining properties.

10. There shall be no repair or refurbishment work undertaken outside the workshop area as shown on approved drawing no. HEW/03B received on 15th January 2003.

Reason: In the interests of the residential amenities of adjoining properties.

11. All deliveries to the site shall take place via Devils Lane.

Reason: In the interests of the residential amenities of adjoining properties and highway safety.

12. No paint spraying shall be undertaken at the premises except within a suitably ventilated room.

Reason: In the interests of the residential amenities of adjoining properties.

13. Should the applicants no longer have use of the car park at the public house on Thorpe Road for the parking of company vehicles, a management plan shall be submitted to the Local Planning Authority to stagger the visits to the application site by the mobile engineers. The parking of company vehicles shall be carried out fully in accordance with the approved management plan unless any variation is given in writing by the local planning authority.

Reason: In the interests of the residential amenities of adjoining properties.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
HEW/04C	15.1.03
Site Location Plan	15.1.03
HEW/03B	15.1.03
HEW/01	3.12.03
HEW/02A	3.12.03

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1442 Date reg: 11/12/2002 Ward THORPE

LOCATION: LAND AT 107 CHERTSEY LANE, STAINES
PROPOSAL: ERECTION OF DETACHED TWO STOREY DWELLING WITH
DETACHED DOUBLE GARAGE TO THE REAR AND WITH VEHICULAR
ACCESS ONTO CHERTSEY LANE
TYPE: FULL PLANNING PERMISSION
APPLICANT: Campmoss Property Ltd

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: HO9, BE2, SV2, NE8

1. Site

- 1.1 The application site is a vacant area of land on the eastern side of Chertsey Lane. It has an area of 658 sq m (0.16a). A 2m high wall screens the site from the road. An accessway which serves 107 on the road frontage and 107a and 107b (at the rear) runs along its northern boundary. Its southern boundary with 109 Chertsey Lane is formed by a wall, and a single storey shed is sited in the adjoining garden. No. 109 itself is set back some 90-100m from the road, along with the majority of the original houses along this stretch of the road. The eastern boundary of the site is not defined on the ground.
- 1.2 The land around is generally flat but the site itself dips into a shallow hollow. The site is generally clear, although there is one tree in the south-western side of the site, close to the road.
- 1.3 The site is in the urban area, an area liable to flood and an area of landscape importance.

2. History

- 2.1 There have been numerous applications on the site of 107 Chertsey Lane. There have been three applications for development on this part of the site in particular:
- 2.2 *RU.89/0910* Outline application for two-storey chalet style bungalow with detached double garage – Refused, appeal dismissed.
- 2.3 *RU.95/0257* Erection of detached 4 bedroom house with detached double garage – Refused, appeal dismissed.
- 2.4 *RU.98/0544* Erection of detached four bedroom house with detached double garage – Refused.
- 2.5 In addition there have been a number of applications for development of adjoining sites. The property now known as 107 Chertsey Lane was allowed on appeal in 1983 (under ref. RU.83/0947). Reserved matters were approved and renewed a number of times and the relevant permission under which it was authorised was approved in 1997 (ref. RU.97/0794). Permission was granted for the two riverside properties, now known as 107a and 107b in 1988 (under ref. RU.88/1524). This permission involved

the demolition of the existing house and outbuildings and was granted on the basis that the ground floor area of the two dwellings was the same as that which existed on the site.

- 2.6 Two applications for the erection of houses on the land between the current application site and 107 Chertsey Lane and 107a and 107b on the riverside were refused in 1996 (refs. RU.96/0044 and RU.96/0045).
- 2.7 Planning permission was granted for 105A Chertsey Lane in 1960, and the dwelling constructed in 1965 under reference EGH.65/6429/3.

3. Application

- 3.1 Permission is now sought for the erection of a detached two-storey four bedroom dwelling with a detached double garage to the rear. The proposed dwelling is similar in terms of siting, design and size to that considered under application ref. RU.98/0544. It is stated as having a floorspace of 193 sq m and a height of 8.2m. It is proposed to be set back from the road some 12m in line with the existing dwelling at 107 Chertsey Lane. The property would be sited 2.75m off its northern boundary and 1m off the southern boundary.
- 3.2 The detached garage is proposed in a similar position to that adjoining and to have a ridge height of 4.4m.
- 3.3 Access is proposed via the existing access which serves 107, 107a and 107b.

4. Consultations

- 4.1 The application was advertised on the weekly list and letters sent to six adjoining properties. Three letters have been received, two of which object to the development, the other welcomes the construction but raises concerns for consideration. The points raised in the three letters may be summarised as follows:
- account should be taken of other applications which have allowed and refused development on this site which was originally one plot;
 - access drive is needed for parking on frequent occasions;
 - the site is approximately 300-600mm below the level of the surrounding ground and in the floods contained a small lake of water. It is difficult to see how the storage volume of the site could possibly be increased as claimed as a result of the development;
 - the proposed development would halve the apparent plot width of the existing roadside house and create a second house of half the general plot width of adjacent properties on the Staines side. This is out of character;
 - the proposed change would bring an unwelcome pseudo-urban regimented symmetry;

- despite claims in the urban design statement, the property will not give greater openness. The dwelling would effectively enclose that part of the access road in a deep narrow cutting, quite out of character with the remainder of the original plot;
- the front wall would have to be demolished to improve visibility;
- if the garage was erected and enclosed as at 107, vehicle movements would be unnecessarily hazardous;
- previous inspectors' objections as follows still remain valid:
 - i) cramped appearance, loss of open space and privacy which would detract from character of the area;
 - ii) sub-dividing into comparatively small plots would be contrary to Local Plan objectives;
 - iii) undesirable precedent;
 - iv) loss of flood water storage;
- no special circumstances put forward to justify application – unlike those that led to granting of property at 107 (RU.88/1450);
- entrance restricted due to spread of traffic and bollard in centre of road and vehicles cannot pass in entrance;
- the access drive has not been completed and is showing signs of subsidence;
- in the winter months they experience problems with drains and consider that this issue needs investigating before development starts.

The letter from 107 Chertsey Lane states that they would welcome the construction as it will improve the appearance of what over the last five years has become an eyesore and a possible health and safety issue.

- 4.2 The County Highway Authority have no requirements to make in respect of the application. They note that the proposed access is private and complies with current standards.
- 4.3 The Environment Agency object to the application as it would result in additional people who would be at risk from flooding, increase the risk of flooding elsewhere and the flood risk assessment is inadequate to justify allowing the development in the circumstances.
5. Planning Considerations
- 5.1 The site is in the urban area, area liable to flood and an area of landscape importance. There have been a number of applications on the site which are also a material consideration.

- 5.2 Two appeals have been dismissed for the erection of a dwelling on the application site, the last in 1995 (ref. RU.95/0257). The appeal inspector referred to the old Planning Policy Guidance Note 3 which sought to prevent town cramming and to the unsatisfactory nature of tandem development. The Inspector took the view that the addition of a house on the appeal site, which would have a frontage of less than half of many of the other established houses nearby, would tend to urbanise the road, concentrating three dwellings close together on narrow plots which would be out of character. Furthermore, enclosure of the narrow driveway leading to the houses at the rear would be detrimental to their setting. With regard to the flooding issue he took the view that he would not have withheld consent on this issue alone, but saw it as an added disadvantage to the development.
- 5.3 Since this appeal, there has been a further application in May 1998 (ref. RU.98/0544) which was refused on the following (summarised) grounds:
- undesirable intensification of development, detrimental to the character and amenities of the area;
 - undesirable tandem development;
 - flooding;
 - undesirable precedent;
 - inadequate access
- 5.4 The new Planning Policy Guidance Note 3 : 'Housing' (PPG3) was published in March 2000. The advice in this document is materially different to that which led to the refusal of the applications in 1995 and 1998. The current PPG3 requires local authorities to give priority to re-using previously developed land within urban areas in preference to the development of greenfield sites and to seek greater intensity of development at places with good public transport accessibility.
- 5.5 The current application site is in the urban area. However it is not considered to fall within the Government's definition of previously developed land, nor is it in a location which is close to alternative forms of transport nor are there local employment sources or services within easy reach by alternative means of transport.
- 5.6 Whilst the development of the site would lead to a greater intensity of use of the land, it is also important to look at the impact of the proposal on the visual and residential amenities of the area.

- 5.7 The site is opposite the Green Belt and development generally on this side of the road is set back and not readily visible from the road and the Green Belt land beyond. There are two exceptions to this on sites immediately adjoining to the north : no. 107 was allowed on appeal in 1983 (RU.83/0947). The Inspector at this time considered that the applicant's disabilities justified the granting of permission. No. 105A was granted in 1960 (EGH.60/6429). It is also worthwhile noting here that permission was refused and dismissed on appeal in 1989 for a bungalow on a similar sized site on the frontage of no. 109 Chertsey Lane (immediately adjoining the current site, on its southern side). The Inspector concluded that whilst the bungalow would not be detrimental to the character of the area it would exacerbate flood problems.
- 5.8 Notwithstanding advice in PPG3, the development of the application site would erode the character of this part of Chertsey Lane which in general terms provides an open, low density buffer when viewed from the Green Belt. The granting of permission for this further dwelling on a relatively narrow site would set an undesirable precedent for the infilling of a significant stretch of the road, materially changing and urbanising its character. The resultant development would also be tandem in nature (given the existence of the two new dwellings at the rear) and would therefore suffer from noise and disturbance by the use of the accessway serving these properties. The previous Inspector's comments regarding enclosure of the side boundary and erosion of the setting of the (now) two dwellings at the rear are still also considered to apply.
- 5.9 The proposed development would result in the introduction of an additional household into an area liable to flood, thereby increasing the number of people and properties at risk from flooding, contrary to advice in Planning Policy Guidance Note 25 : 'Development and Flood Risk' and Structure and Local Plan policies. The proposal would add a built form where there is currently none, and hence the flow of floodwater would be impeded and the capacity of the floodplain to absorb water reduced, thereby extending the area liable to flood and potentially increasing the number of people and properties at risk from flooding. Clearly if this were permitted, it would also be difficult to resist other similar proposals for infill development along Chertsey Lane which cumulatively could create more serious problems in these respects.
- 5.10 The applicant has submitted a brief flood risk assessment with the application and a letter from the Environment Agency. They confirm that the site is within the 1 in 100 year flood plain. They state that the site was flooded in 1947 during which time the water was some 400mm in depth, making both pedestrian and vehicular access impossible. They propose to raise the slab above the 1947 flood level to afford safe living accommodation, with a void under and drainage holes and apertures to allow the storage of flood water underneath. They claim that by removing the organic overburden of soil from the area of the proposed house, the actual storage volume for the site will be increased. The Environment Agency have stated that the FRA is lacking in detail and technical information to prove that the proposed dwelling could be provided without causing the problems set out in paragraphs 5.8 and 5.9 above.

- 5.11 Consideration must be given to Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. The objections raised are serious and cannot be overcome by the imposition of conditions. Refusal of the application is considered to be necessary in the public interest of protecting the character of the area and visual and residential amenities and for flooding reasons set out above.

Officers' Recommendation

REFUSE for the following reasons:

1. The proposal would result in the undesirable intensification of development along this frontage which, if permitted, would be likely to lead to pressure for similar such development along this stretch of Chertsey Lane, the cumulative effect of which would be to significantly urbanise this area which is adjacent to the Green Belt to the detriment of the character and visual amenities of the area, contrary to Policy PE10 of the Surrey Structure Plan 1994, Policy SE4 of the Surrey Structure Plan Deposit Draft, December 2002 and Policies HO9 and BE2 of the Runnymede Borough Local Plan, April 2001.
2. The erection of the dwelling and associated curtilage to the front of two existing dwellings at 107A and 107B Chertsey Lane, and to the side of no. 107 would consolidate an undesirable tandem form of development. The proposed dwelling would be likely to suffer from noise and disturbance from the use of the accessway, and the enclosure of the narrow driveway would be detrimental to the setting of the other properties identified above, contrary to Policy PE10 of the Surrey Structure Plan 1994, Policy SE4 of the Surrey Structure Plan Deposit Draft, December 2002 and Policies HO9 and BE2 of the Runnymede Borough Local Plan April 2001.
3. The site lies within an area liable to flood and the proposed development would be at direct risk of flooding and would increase the risk of flooding elsewhere. It will also increase the number of people and properties at risk from flooding, contrary to advice in Planning Policy Guidance Note 25 : 'Development and Flood Risk', Policy EN3 of the Surrey Structure Plan 1994, Policy SE3 of the Surrey Structure Plan Deposit Draft, December 2002 and Policy SV2 of the Runnymede Borough Local Plan April 2001. Furthermore, the Flood Risk Assessment submitted within the application fails to prove that the objections on flooding grounds as outlined do not apply to this development.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

Location Plan
2002/CLS/100

Date Received:

10.12.02
10.12.02

RU.02/1452	Date reg:	17/12/2002	Ward	VIRGINIA WATER
LOCATION:	REBELS BEECH, PORTNALL RISE, VIRGINIA WATER			
PROPOSAL:	THE ERECTION OF AN AMENDED PORTICO TO THE FRONT OF THE DWELLING			
TYPE:	FULL PLANNING PERMISSION			
APPLICANT:	Hodson Developments Plc			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: GB1, GB6, HO9

This application should be read in conjunction with planning application RU.02/1342 reported elsewhere on this agenda.

1. Site

1.1 See paragraphs 1.1-1.2 of the report on application reference RU.02/1342 elsewhere on this agenda.

2. History

2.1 See paragraphs 2.1-2.2 of the report on application reference RU.02/1342 elsewhere on this agenda.

2.2 In addition to the current application, two further applications have been submitted in an attempt to regularise the development under construction on site.

2.3 *RU.02/1342* Insertion of velux rooflights in the front and rear elevations to provide habitable accommodation in the roofspace of the dwelling.

2.4 *RU.02/1458* Erection of brick wall and gate with maximum height of 3 metres at the front entrance to the property.

3. Application

3.1 This application seeks to retain an enlarged portico to the front of the dwelling. The approved portico (granted under RU.02/0419) had a forward projection of 2.3m from the front wall of the house to which it was attached. That erected on site is shown to project forward by some 4.2m. The increase in enclosed floor area is thus some 13.5 sq m.

4. Consultations

4.1 The application was advertised on the weekly list and letters sent to five adjoining residents. No letters of objection have been received.

4.2 The County Highway Authority have no recommendations.

5. Planning Considerations

- 5.1 The site is in the Green Belt. The original house built on the site has been demolished and the construction of a replacement is well under way. The larger portico which is the subject of this application has been erected as part of the building works.
- 5.2 The first application for a replacement dwelling was granted under RU.00/0543. The fully enclosed floorspace of the permitted dwelling was 718 sq m plus covered, open areas of 22 sq m. In addition a three car garage block was permitted with a floorspace of 61 sq m. The replacement represented a 30% increase over and above the size of the original dwelling and outbuildings within 5m, and whilst the replacement was some 2m higher to the ridge and forward of the original dwelling, on balance the scheme was considered to be acceptable. The original dwelling and all outbuildings have now been removed from the site.
- 5.3 The portico as built, whilst open sided and only partially enclosed at the front by four pillars (two of which are at the corners), is a substantial structure which materially increases the prominence and perceived bulk of the building when viewed from the front. The works are thus considered to be harmful to the openness of the Green Belt and to constitute inappropriate development when taken in the context of the increases already permitted on the site by existing permissions.
- 5.4 The points raised by the agent (and reported elsewhere (RU.02/1342)) are not considered to justify the further increase in size, floorspace and bulk. Whilst Lleylandii have been planted along the front boundary of the site which provide screening from the road, the fact that the portico will not be highly visible from outside the site is not an exceptional circumstance which justifies the retention of the enlarged portico. This is unlike the roofspace accommodation applied for under RU.02/1342 which is within the permitted roof area and which does not increase the external size and bulk of building.
- 5.5 Consideration must be given to the Council's obligations under Section 6 of the Human Rights Act 1998 and requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. These rights can be interfered with provided that such interference is in accordance with the law, is necessary and proportionate. National policy guidance and local policies have recognised the public interest in protecting the Green Belt. The Council's refusal of permission is considered to be both necessary and proportionate in achieving this legitimate aim of protecting the Green Belt.

6. Enforcement

- 6.1 The retrospective nature of this application necessitates the consideration of enforcement action. A recent site visit has revealed further breaches have occurred on the site, the details of which will be reported in a comprehensive enforcement report to be presented to the Committee at a later date.

Officers' Recommendation

REFUSE for the following reason:

1. The enlarged portico constitutes inappropriate development which further erodes the openness of the Green Belt by adding a further bulk of building over and above the increases already permitted on the site. Furthermore, no exceptional circumstances have been put forward which would outweigh the further harm to the Green Belt that the increase in size of the portico has caused. The retention of the portico as built would thus be contrary to advice in Planning Policy Guidance Note 2 : 'Green Belts', Policy PE2 of the Surrey Structure Plan, Policy LO4 of the Surrey Structure Plan Deposit Draft, December 2002 and Policies GB1 and GB6 of the Runnymede Borough Local Plan, April 2001.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
1651/SK/6D	12.12.02
1651/SP3A	12.12.02
1651/SK4E	12.12.02
1651/SK5C	12.12.02
1651/SK/2	12.12.02

RU.02/1458 Date reg: 17/12/2002 Ward VIRGINIA WATER

LOCATION: REBELS BEECH, PORTNALL RISE, VIRGINIA WATER
PROPOSAL: ERECTION OF BRICK WALL AND GATE WITH MAXIMUM
HEIGHT OF 3 METRES AT THE FRONT ENTRANCE OF THE
PROPERTY

TYPE: FULL PLANNING PERMISSION
APPLICANT: Hodson Developemnets plc

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: GB1

This application should be read in conjunction with application RU.02/1342 reported elsewhere on this agenda

1. Site

1.1 See paragraphs 1.1-1.2 of the report on application reference RU.02/1342 elsewhere on this agenda.

2. History

2.1 See paragraphs 2.1-2.2 of the report on application reference RU.02/1342 elsewhere on this agenda.

2.2 In addition to the current application, two further applications have been submitted in an attempt to regularise the development under construction on site.

2.3 *RU.02/1342* Insertion of velux rooflights in the front and rear elevations of Rebels Beech to provide habitable accommodation in the roofspace of the dwelling.

2.4 *RU.02/1452* Erection of an amended portico to the front of the dwelling.

3. Application

3.1 Retrospective permission is sought to retain a rendered wall around the entrance to the site. The submitted plans show a wall with piers 2.9-3m in height, wall some 2.65m between piers and gate some 2.45m in height. The main part of the wall and gates (some 12.3m in length) are set back some 4m from the boundary of the site with two return arms (some 2.8m in length) coming forward to the boundary.

3.2 The covering letter and plan submitted with the application note that planting will be undertaken in front of the screen wall and additional dense planting will occur behind.

4. Consultations

4.1 The application was advertised on the weekly list and letters sent to 5 adjoining households. No letters of objection were received.

4.2 The County Highway Authority have no requirements in respect of the application.

5. Planning Considerations

5.1 The site is in the Green Belt. The house that was previously on the site was open fronted with low planting and open-type fencing and a low, open type gate with pillars either side. The original permission and subsequent amended application for a replacement dwelling were subject to conditions requiring the submission of details of walls and gates and landscaping to be submitted in the interests of the visual amenities and the semi-rural character of the Green Belt area.

5.2 The applicant has not submitted any details of the wall/gates in accordance with the requirements of the condition prior to the construction of the walls and gates. The walls and gates that have been erected are considered to be excessive in height and mass. Whilst the Leylandi planted along the site frontage have provided screening for the replacement dwelling, and screening is proposed to the front of the walls and gates, the height and solid mass of the wall and gates would make it visually intrusive and out of character with the area.

5.3 In support of the application, the applicant's agent states that the wall will be well screened by the additional dense planting in front and behind the wall and will have little visual impact. He also refers to other screen walls and gates that have been erected and permitted at Shepley House and Dorchester House.

5.4 With regard to these two cases, planning permission was refused to retain a replacement front entrance gate and walls at Dorchester House (under ref. RU.99/1214). This particular site has a narrow frontage onto the road. The refused scheme was for a wall of a similar height to that now applied for at Rebels Beech, but was in fact set back further from the road. A subsequent application, which removed the wing walls and reduced the height of the wall to 2.2m (and highest pier to 2.5m) and width across the site to 14.6m, was approved. The wall was also set back from the edge of the site by 8.8m. Furthermore, in this case the previous dwelling had had relatively high gates with unscreened wing walls. At Shepley House the height of wall was lower at 2.2m with 2.3m and 2.6m piers, set at an angle to the end of the road, and the site is on a downward slope at the end of a cul-de-sac. Its visual impact is therefore lessened.

5.5 Whilst other properties on the Estate do have high walls and gates, the existence of these elsewhere are not considered to justify further unacceptable development which erodes the semi-rural character of the area. Furthermore, in general terms, the walls and gates which have been erected along this stretch of Portnall Rise are relatively discreet and it is considered important that an undesirable precedent is not set by granting permission for the wall and gates as built. In this respect it is worthwhile noting that active negotiations are taking place at Brookfield House for walls and gates; an application has been submitted for gates at Brier Cottage, and Hunters Moon

is currently being redeveloped, which may give rise to a further application for walls and gates.

- 5.6 Consideration must be given to the Council's obligations under Section 6 of the Human Rights Act 1998 and requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. These rights can be interfered with provided that such interference is in accordance with the law, is necessary and proportionate. National policy guidance and local policies have recognised the public interest in protecting the Green Belt. The Council's refusal of permission is considered to be both necessary and proportionate in achieving this legitimate aim of protecting the Green Belt.

6. Enforcement

- 6.1 The retrospective nature of this application necessitates the consideration of enforcement action. A recent site visit has revealed further breaches have occurred on the site, the details of which will be reported in a comprehensive enforcement report to be presented to the Committee at a later date.

Officers' Recommendation

REFUSE for the following reason:

1. The walls and gates are detrimental to the open, semi-rural character of this Green Belt area by reason of their height and solid mass, contrary to the intentions of Government advice in PPG2 : 'Green Belts' and to Policy GB1 of the Runnymede Borough Local Plan, April 2001.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

Date Received:

1651/SK/1D
1651/SK/112
1651/SK/2

12.12.02
12.12.02
12.12.02

RU.02/1460 Date reg: 18/12/2002 Ward ENGLEFIELD GREEN EAST

LOCATION: COPINGS, KINGSWOOD CLOSE, ENGLEFIELD GREEN
PROPOSAL: ERECTION OF A TWO STOREY SIDE EXTENSION AND REAR
EXTENSIONS INCORPORATING ATTACHED GARAGE FOLLOWING
DEMOLITION OF EXISTING STORES

TYPE: FULL PLANNING PERMISSION

APPLICANT: Mr & Mrs J Dyson

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration April 2001: BE2, HO9

1. Site

1.1 Copings is located on the southern side of Kingswood Close, a cul de sac off Tite Hill. It is a two storey detached dwelling with a hipped roof. There is a mixture of bungalows and two storey dwellings along Kingswood Close, many of which have single storey side extensions or garages. Both Copings and No.5 are 1 metre off the shared (eastern) boundary giving a distance of 2 metres between dwellings. There is a 2 metre high fence along this boundary continuing as a 3 metre high hedge towards the rear. The dwelling at No.7 is situated 2-3 metres off the shared (western) boundary. Copings has a garage, a shed and a conservatory along this boundary. There is also a 2 metre high fence along this boundary. The site is in the urban area.

2. History

2.1 EGH.54/2689 Erection of house and garage GRANT 18/06/1954

3. Application

3.1 This is a full planning application for the erection of a two-storey side extension and single storey rear extension incorporating the existing garage. Amended plans have been submitted by the applicant which reduce the width of the first floor side extension.

3.2 The single storey rear extension would be 4.1 metres in height to the ridge of the hipped roof and 2.2 metres in height to the eaves. It would project 1.5 metres towards the rear and a further 4.7 metres at an angle away from the neighbouring property (No.7). The actual distance projected from the rear is 5 metres to the corner of the rear extension. There would be no windows in the western or south western elevation and a door in each of the south east and eastern elevations.

3.3 The two-storey side extension would be situated over and incorporate existing buildings and therefore would be no closer to the boundary than the existing at ground floor level. The amended proposed first floor side extension above would have a width of 4 metres. The amended proposal would have a separation distance of 1 metre to the side boundary at first floor level. There would be two small obscured windows in this elevation at ground level. There would be no windows at first floor level in this elevation. The ridge of the hipped roof on the extension would also be hipped to match the existing and would be 0.5 metres lower than the ridge of the existing dwelling.

4. Consultations

4.1 The application has been advertised on the Council's weekly list of applications and six letters have been sent out to neighbouring properties. One letter of objection has been received from the resident of 18 Kingswood Close. The letter raises the concerns that increasing the size of the dwelling would result in more parking along the road due to the lack of parking at Copings. The resident believes this would make it difficult to reverse out of their property which they have previously had problems with.

4.2 No representations have yet been received on the amended proposal.

4.3 The County Highways Authority has been consulted and has no requirements

5. Planning Considerations

5.1 This is an amended full application for the erection of a two-storey side extension and a single storey rear extension, incorporating an existing garage and demolition of existing stores. The main considerations with this application are the impact on the character of the area, the design and the impact on the residential amenities of the neighbouring properties.

5.2 The single storey rear extension would have a limited impact on the street scene due to its positioning. The two-storey side extension would however have a more significant impact. The surrounding area has a mixed character due to the variation of styles and heights of the dwellings, although all the dwellings are detached with single-storey side extensions or garages. There appears to be very few two-storey side extensions in close proximity to the side boundary. Although the side extension would not reflect any other properties on Kingswood Close it is considered that the amended plans illustrating a separation distance of 1 metre between the proposed first floor extension and the western side boundary would be sufficient to maintain the space between dwellings without harming the visual amenities of the streetscene or the character of the area.

5.3 The proposed roof styles of each element of the extensions would match the existing dwelling. The size of the extension would be subordinate to the existing dwelling.

- 5.4 Nos.17, 18 and 19 are located opposite the site across Kingswood Close. Most dwellings along the cul de sac are set back 11-12 metres from the road. Therefore when taking the road into account the distance between dwellings is sufficient so as not to cause any undue loss of natural light or privacy to these dwellings. The objection from No.18 raises concerns over parking along the road. It is considered that the proposed extension is unlikely to generate significant additional traffic to or from this site. The County Highways Authority have no objection to this proposal.
- 5.5 The neighbouring two-storey detached dwelling, No.5, is located to the east. As the two-storey element of this proposal would be located on the western side of the dwelling and it would not project to the front or rear of the dwelling, it would have no significant impact on the residential amenities of No. 5. The rear extension would be visible from the east however given its single storey nature and distance from the shared boundary, it is unlikely to adversely affect this property.
- 5.6 The neighbouring two-storey detached dwelling, No.7, is located to the west. The proposed first floor extension would reduce the separation distance to the western side boundary. There are no windows in the proposed extension at first floor level. The extension would not project to the rear or front and should not cause significant overbearing impact. The nearest habitable part of No. 7 would be located some 4 metres from the proposed first floor side extension. There are no windows in this elevation of No. 7. In between the habitable part of no. 7 and the proposed side extension is a garage. It is therefore considered that given the orientation, design and distances involved, the proposed development would not seriously adversely affect the residential amenities of the neighbouring properties.
- 5.7 Regard has been given to the requirements of Article 8 and Article 1 of the first Protocol of the European Convention on Human Rights. It is not considered that there would be any violation of rights under Article 8.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. Harmonising External Materials (Submission of Details/Samples) (C30)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no additional windows shall at any time be inserted in the western elevation at first floor level in the two-storey side extension hereby permitted, without prior permission, in writing of the Planning Authority.

Reason: To protect the amenity and privacy of the adjoining residential property.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
E1 3E 01	16.12.02
E1 1P 01	16.12.02
E1 3P 01	16.12.02
P1 3E 01	20.1.03
P1 2P 01	20.1.03
P1 3P 01	20.1.03

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1463 Date reg: 18/12/2002 Ward VIRGINIA WATER

LOCATION: BRAMLING, 1 NUNS WALK, VIRGINIA WATER
PROPOSAL: ERECTION OF TWO STOREY FRONT AND REAR
EXTENSIONS, FIRST FLOOR SIDE EXTENSIONS AND SINGLE
STOREY FRONT AND REAR EXTENSIONS TO THE PROPERTY
TYPE: FULL PLANNING PERMISSION
APPLICANT: Mr & Mrs D Ramshaw

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration April 2001: BE2, HO9

1. Site

1.1 No.1 is a two storey detached dwelling located on the north-eastern side of Nuns Walk. No.3 is a detached bungalow and is located to the west of the site. No.9 Abbey Road is a two storey detached dwelling and is located to the east of the site. Nos.8, 10 and Rebels Retreat are located opposite the site on the southern side of Nuns Walk. There is a boundary hedge which extends around the property. The hedge is 5 metres in height on the eastern boundary, and 3 metres in height on the southern, western and northern boundaries. The main access off Nuns Walk is in the southern boundary. The site is in the urban area.

2. History

- 2.1 RU.77/0372 Two storey side extension for garage below and bedrooms above - REFUSE 10/06/1977
- 2.2 RU.77/0855 Two storey side extension incorporating garage - GRANT 12/12/1977
- 2.3 RU.86/0693 Ground floor extension - GRANT 03/11/1986

3. Application

- 3.1 This is a full planning application for the erection of two-storey front and rear extensions, first floor side extensions and single storey front and rear extensions to the property.
- 3.2 The proposal consists of six elements: the two-storey front extension; the two-storey rear extension, the two-storey eastern side extension, the first floor western side extension, the single storey rear extension and the single storey front extension. The two existing extensions on either side of the dwelling would be demolished.
- 3.3 The two first floor side and two storey side extensions would increase the distance to the boundaries. On the western side of the dwelling the distance to the boundary would be 1.3 metres, currently it is 0.4 metres. The distance on the eastern side would be increased to 1 metre, currently the dwelling is located on the boundary.

- 3.4 The western side extension would be the same height as the ridge of the existing dwelling. There would be two first floor windows and three small ground floor windows in this elevation. The ridge of the eastern side extension would be 1 metre lower than the ridge of the existing dwelling. There would be no windows in the eastern side elevation.
- 3.5 The front extension would project forwards by 1 to 1.5 metres at ground and first floor levels. The projections to the rear would be 1.5 metres (from the existing extension) at two storey level on the western end, and 5 metres from the centre of the dwelling at ground floor. The proposed projection would be less than the existing extension on the eastern end.

4. Consultations

- 4.1 The application has been advertised on the Council's weekly list of applications and eight letters have been sent out to neighbouring properties. One letter of objection has been received from the occupiers of No.9 Abbey Road (to the east) which raises the following concerns;
- The close proximity to the shared boundary of the existing extension, they would be against any more development on this boundary
 - Strongly object to any windows in the elevation overlooking their property
 - Strongly object to any trees or hedges adjacent to the boundary being removed or altered
- 4.2 The County Highways Authority has been consulted and has no requirements.

5. Planning Considerations

- 5.1 The main issues with this proposal are the impact on the character of the surrounding area, the design of the extension and the impact on the residential amenities of the neighbouring properties. These issues are addressed individually below.
- 5.2 The two-storey rear extension and the single storey rear extension would not be visible from the street scene and therefore unlikely to have any adverse affect. The two-storey side extension, the two storey front extension and the single storey front extension would be visible in the street scene and therefore would have a degree of impact. However, the proposed side extensions would increase the separation distance between both side boundaries. This is an improvement on the current situation. Given that many of the dwellings along Nuns Walk are set back from the road and are adequately screened it is unlikely that the proposed development would adversely affect the character of the surrounding area or the visual amenities of the streetscene.

- 5.3 The proposed development includes a number of extensions. Cumulatively these extensions would alter the appearance of the dwelling. However, the design is considered to be reasonably sympathetic. The side extensions would give the dwelling a more balanced appearance. The design has given consideration to the existing dwelling by proposing the re-use of windows from the existing extensions, which would be demolished.
- 5.4 The main properties to be affected by this proposal would be No.3 Nuns Walk and No.9 Abbey Road. No.9 Abbey Road is set back behind and to the east of the existing dwelling on the application site. The two properties are at least 23 metres apart. The distance would be increased by the proposed development to some 24 metres. There would be no windows in the eastern elevation of the extensions. In response to the comments in the letter of objection received from the occupier of no. 9, the proposed side extension would be further from the boundary than the existing. Currently the existing extension sits on the boundary, the distance would be increased to 1 metre. In addition the plans show that there would be no windows in the eastern elevation. The applicant has not indicated that any trees or hedges would be removed or altered. The retention of the hedge can be controlled by condition.
- 5.5 No.3 is a bungalow located to the west of the site. The nearest part of the bungalow to the extensions is an attached garage. There are no windows in the eastern elevation or in the roof of the bungalow. It is considered that the proposed windows in the western elevation of the extension would not adversely overlook or cause loss of privacy to the neighbouring bungalow. It is considered that neither neighbouring property would be seriously adversely affected by this proposal. No other properties are considered to be affected by the proposal.
- 5.6 Regard has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that there would be any violation of rights under Article 8 to the objector.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. Harmonising External Materials (Submission of Details/Samples) (C30)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no additional windows shall at any time be inserted in the eastern and western elevations including the roof, without the prior permission, in writing, of the Planning Authority.

Reason: To protect the amenity and privacy of the adjoining residential property.

5. The existing hedge along the eastern and western side boundaries shall be retained at a height of at least 2 metres above ground level in perpetuity unless the local planning authority agree to any variation in writing.

Reason: To protect the character of the area and to protect the residential amenities of the adjoining property.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

Date Received:

22/72/01

16.12.02

22/72/02

16.12.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1464 Date reg: 18/12/2002 Ward VIRGINIA WATER

LOCATION: DUNWOOD, EAST DRIVE, VIRGINIA WATER
PROPOSAL: ERECTION OF DETACHED TWO STOREY DWELLING WITH
 DETACHED DOUBLE GARAGE FOLLOWING DEMOLITION OF
 EXISTING DWELLING
TYPE: FULL PLANNING PERMISSION
APPLICANT: Mr & Mrs Cardwell

Local Plan: Policies relevant to the consideration of this application are:

 Second Alteration April 2001: GB1, GB6, HO9

1. Site

1.1 The site comprises some 0.8 hectares and lies within the Green Belt. The dwelling is a detached two-storey property with attached double garages and a detached storage building to the rear.

2. History

2.1 The existing dwelling was granted permission in 1963 (EGH.63/8408). In 2000, an application for the erection of a replacement two-storey dwelling with rooms in the roof space and detached treble garage was withdrawn (RU.00/0944).

2.2 In 2001, permission was refused for the erection of a detached two storey dwelling with detached triple garage and accommodation above following demolition of the existing dwelling (RU.01/0708). The replacement dwelling was refused under Policy GB6 and the garage under Policy GB1 representing disproportionate additions over and above the size of the original dwelling.

2.3 In 2002, permission was granted for the erection of a detached two storey dwelling and detached double garage following the demolition of the existing dwelling (RU.02/0257).

3. Application

3.1 The proposal is for the erection of a detached two-storey dwelling with detached double garage following demolition of the existing dwelling.

3.2 The dwelling would be sited in approximately the same position as the existing some 40 metres back from East Drive. The dwelling would have a maximum width of some 25 metres (excluding the chimneys) with a distance of some 9 metres from the southern side boundary and some 8 metres from the northern side boundary. Its floor area would be approximately 532 sq metres.

3.3 The height of the dwelling to the ridge would be 9.5 metres with the three chimneys at a height of 12 metres.

3.4 The garage would be sited at the northern end of the site some 2 metres from the side boundary and 5.1 metres behind the dwelling. The floor area of the double garage would be 44 sq metres with height to ridge of 4 metres.

4. Consultations

4.1 The application was advertised on the Council's weekly list and four letters of notification were sent out. One letter of objection has been received from the neighbour at Sonneranck, East Drive, with the following concerns expressed:

- The chimneys are too tall with respect to the design of the house and would appear to be more industrial/functional rather than aesthetically balanced with the surroundings;
- No other dwellings have such high chimneys and they would be too prominent in such a wooded landscape.

4.2 Surrey County Highways has no requirements to make.

5. Planning Considerations

5.1 The main issues to consider with this application are the impact of the proposal on the open character of the Green Belt, and on visual and residential amenities.

5.2 This proposal would have approximately the same floor area as planning approval RU.02/0257. The size of the dwelling at May 1986 was approximately 415 sq metres excluding the rear detached shed, as there is no evidence as to when this structure was built. The proposed dwelling would have a floor area of 532 sq metres, which is an increase in floor area of 117 sq metres on the existing dwelling representing a percentage increase of 28% in floor area since May 1986. This complies with Policy GB6 (i) by being below the guideline percentage threshold of 30%.

5.3 The height of the existing dwelling is 7.4 metres to the ridge. The height of the proposed dwelling at 9.5 metres would represent a significant increase in height over the existing dwelling. However, given the context of the neighbouring dwellings, which are significantly higher than 7.4 metres, and given the distance that the proposed dwelling would be set back from the road, the proposal would not be overtly prominent. Furthermore, the dwelling would not diminish the distance from the common side boundaries and so the proposal is considered not to conflict with Policy GB6 (4).

5.4 The position, floor area and height of the garage would also be comparable with that allowed under RU.02/0257. A detached garage, more than 5 metres away from the house, was allowed under RU.02/0257 for the following reasons and this reasoning is equally applicable to this application:

- The garage, by definition, would be inappropriate development under Policy GB1. However, the double garage would replace the existing garage attached to the house. In addition for a dwelling of this size a garage could reasonably be expected;
 - Care has been taken by the applicants to minimise the harm to the Green Belt by reducing the floor area of the garage, locating the garage behind the main dwelling and by keeping the height at 4 metres. Therefore the garage would not be prominent or of a size which would materially detract from the open character of the Green Belt;
 - Normally a structure at this location and size would be permitted development under Schedule 2 Part 1 Class E of the General Permitted Development Order. By allowing this proposal, Class E rights can then be removed which allows greater control in the interests of the open character of the Green Belt, than the existing situation.
- 5.5 According to the agent, the chimneys are purely a design feature to reflect historical architecture and there is no functional reason for them being so tall. The chimneys would increase the prominence of the dwelling and cause a degree of harm to the openness of the Green Belt. However, the impact of the chimneys would not be significant enough to justify a planning refusal on Green Belt grounds.
- 5.6 Furthermore, Planning Policy Guidance Note 1: General Policy and Principles (PPG1, August 2001) states that the Planning Authority should not attempt to impose a particular architectural taste or style arbitrarily but seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary design guidance. It is therefore considered unreasonable of the Planning Authority to refuse the application on design grounds, namely the architectural detailing of the chimneys, when the area is not specifically designated as a conservation area or an area of special architectural control.
- 5.7 The proposal is considered to have no adverse harm on visual and residential amenities given the distance of the proposed dwelling away from the road frontage and common boundaries.
- 5.8 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objectors' rights under the Convention.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. External Materials (Submission of Details/Samples) (C29)

4. Permitted Development Removed (Class A and E, GPDO) (C37) - insert Classes 'B' and 'F' R37(a)
5. The garage hereby permitted shall not be constructed until the existing outbuildings on the site are demolished, and any additional outbuildings constructed after the date of this permission have been demolished, unless permission in writing is obtained from the Planning Authority for their retention.

Reason: In the interests of the open character of the Green belt and to enable the Planning Authority to maintain control.
6. Restriction of Garages etc to Private Vehicles/Storage (C56) – 'double garage'
7. Tree Protection (Burning) (C18)
8. Tree Protection (Trenches) (C19)
9. Tree Protection (Fencing) (C20)

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

Drawing Number:

01, 02

Date Received:

16.12.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1472	Date reg:	20/12/2002	Ward	CHERTSEY SOUTH/ROWTOWN
LOCATION:	43 ONGAR PLACE, ADDLESTONE			
PROPOSAL:	CHANGE OF USE OF PREMISES TO MIXED USE FOR RESIDENTIAL PURPOSES AND BED AND BREAKFAST			
TYPE:	FULL PLANNING PERMISSION			
APPLICANT:	Mrs A Newell			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: HO1, MV4, R11

1. Site

1.1 43 Ongar Place is a two-storey semi-detached dwelling located on a north-eastern corner of the road. To the rear of the dwelling at the end of the garden is a detached garage with a parking space in front. The property is situated within the urban area and has recently been extended to the side with a two-storey extension.

2. History

2.1 *RU.88/0908* Single storey side extension – granted 16.8.88.

2.2 *RU.97/0377* Felling of 6 conifer trees and planting of replacements – granted 27.5.97.

2.3 *RU.00/0678* Erection of two storey side extension – granted 28.7.00.

3. Application

3.1 Full planning permission is sought for the change of use of the premises to a mixed use for residential purposes and bed and breakfast. The first floor room of the recently-constructed extension is already used as a double room for bed and breakfast purposes and it is proposed to use another first floor room as a single bedroom. Two bedrooms would still be used by the applicant and a bathroom on the first floor and shower room and cloakroom on the ground floor can be provided.

3.2 No external alterations to the dwelling would occur.

3.3 At least three off-street parking spaces can be provided, one within the nearby visitor parking area, one within the garage and one in front of this.

3.4 No advertising occurs at the property.

4. Consultations

- 4.1 The application was advertised on the Council's weekly list of applications received and ten neighbour notification letters were sent to adjacent properties.
- 4.2 Three letters of objection have been received from residents of 29, 30 and 32 Ongar Place expressing the following concerns:
- the proposals will increase the existing parking problems in the area;
 - granting such proposals would set a precedent.
- 4.3 The County Highway Authority have no requirements.

5. Planning Considerations

- 5.1 The main issues for the consideration of this application concern the principle of the change of use in this locality, its impact on neighbouring properties and compliance with Local Plan policies.
- 5.2 The applicant originally wrote to the Council in May 2001 requesting whether planning permission would be required for using one room for bed and breakfast accommodation. It was considered that due to the amount of accommodation being provided, no advertising occurring and that the house would remain in predominantly residential use, a planning application would not be required.
- 5.3 The Council will normally resist proposals for changes of use from an existing residential use. However, from the plans it is clear that 2 bedrooms would be used for the bed and breakfast use with the owners of the dwelling retaining two bedrooms for their own use. As such, a residential element of the property would still remain and it is considered that the principle of the change of use is acceptable.
- 5.4 The applicant has stated that demand appears to be for single rooms and parking would be needed for two vehicles only. At least two off-street parking spaces can be provided by the applicant which includes a single garage with a space in front located to the rear of the dwelling. There is further visitor parking to the front and the majority of dwellings nearby appear to have their own off-street parking spaces with garages to the side.
- 5.5 It is considered that the applicant can provide an acceptable amount of parking provision and the County Highway Authority have raised no objection to the proposals.
- 5.6 In relation to the impact of the proposal on neighbouring properties, there would be no external changes to the building. In regard to additional parking and congestion it is accepted that there may be further vehicle movements, however this would be in relation to the use of one single room and therefore it is anticipated for one further car only. There is a visitor parking area to the front and parking to the rear of the application site.

- 5.7 No signage currently exists at the site, however this would not require advertisement consent provided it does not exceed a stipulated size in area.
- 5.8 In the light of the above it is therefore considered that on balance the use of a further room for bed and breakfast use is acceptable subject to specific conditions.
- 5.9 Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would have an adverse impact on any local residents' rights.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. Personal Permission (C28) - insert 'Antonia Helena Newell'
Reason: insert 'residential' and 'commercial'

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
0300/01/001	19.12.02
0300/01/002(A)	19.12.02
Ground Floor Plan	19.12.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

RU.02/1484	Date reg:	20/12/2002	Ward	ENGLEFIELD GREEN EAST
LOCATION:	CRANFORD & LITTLETOWN, ST JUDES ROAD, ENGLEFIELD GREEN			
PROPOSAL:	ERECTION OF CONSERVATORIES TO THE REAR OF PLOTS 2 AND 3 FOLLOWING THE GRANTING OF PLANNING PERMISSION RU.02/1071 FOR THE ERECTION OF 4 DWELLINGS ON THE SITE			
TYPE:	FULL PLANNING PERMISSION			
APPLICANT:	Crest Nicholson Residential (South) Ltd			

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration, April 2001: BE2, HO9, MV9

1. Site

- 1.1 The site lies in the urban area of Englefield Green and comprises some 0.34 hectares.
- 1.2 Located on the eastern side of St. Judes Road Cranford and Littleton are two detached two-storey dwellings with separate curtilages.

2. History

- 2.1 In 2001, two duplicate applications were refused planning permission for the erection of four detached two-storey dwellings with accommodation in the roof and associated car parking utilising existing accesses off St. Judes Road following the demolition of the existing two dwellings (RU.01/1063 and 1064).
- 2.2 Amendments were made to the scheme but a further application was refused in 2002 (RU.01/1413). The applications were refused because the layout, height, floor area and distances between dwellings and to the common boundaries would it was considered have represented a cramped over-development of the site resulting in incongruous buildings incompatible with the surroundings and detrimental to the established character and visual amenities of the area.
- 2.3 In 2002, appeals were lodged in respect of the three refused applications. The appeals in respect of planning applications RU.01/1063 and 1064 were dismissed but that in respect of RU.01/1413 was allowed. This was because the Inspector considered that the larger gap between dwellings and a marginal increase in the space between the footprint of each dwelling as well as the reduced ridge heights would result in a far less cramped development. The Inspector felt that distances between the proposed dwellings would be similar in size to the gaps between the pairs of modern dwellings either side of the site and hence the dwellings would sit comfortably in the context of this part of St. Jude's Road.

2.4 Following this allowed appeal, a revised application was granted in November 2002 for alterations to the scheme (RU.02/1071). The main alterations related to the increased sizes of the conservatories at Plots 1 and 4, roof alterations, changes to fenestration and the architectural detailing of the dwellings.

3. Application

3.1 This proposal is for amendments to the size of the conservatories at Plots 2 and 3.

3.2 Plots 2 and 3 are handed and the proposed conservatories would have L-shaped designs with maximum widths of 9.8 metres (i.e. as the main dwellings' widths), with minimum and maximum depths of 4 metres and 6.4 metres respectively. The floor area of each conservatory would be approximately 48 sq metres.

3.3 The conservatories would be a distance of 1 metre from the common boundaries with the maximum widths adjacent to Plots 1 and 4 side boundaries. The conservatories would have solid walls on the flank elevations and be of a height of 3.3 metres to the ridge.

3.4 No other changes are proposed to the development allowed under application RU.02/1071, the details of which are summarised below:

- The siting of the four dwellings would be set back by some 20 metres from the frontage and with the development utilising the existing accesses off St. Jude's Road;
- The total floor area of the development, excluding the conservatories, would be 1146 sq metres;
- Plots 1 and 4 would have handed designs, have five bedrooms with integral double garages, rear conservatories and dormer accommodation at the rear. Plot 1 would be located at the northern end of the site, adjacent to Cherrywood. Plot 4 would be located at the southern end, adjacent to Cranley House. The flank walls of Plots 1 and 4 would be 1.8 metres and 2.2 metres from these common boundaries respectively. The depths of Plots 1 and 4 would have a maximum depth of 15 metres and with dwelling widths of 10 metres. The roofs would be hipped with maximum heights of 8.8 metres and a lower gable on the front elevation;
- The central plots, 2 and 3, would also have handed designs with integral double garages, rear conservatories and dormer accommodation at the rear. There would be a separation distance of two metres between the flank walls of Plots 2 and 3 and from Plots 1 and 4. These dwellings would have 6 bedrooms with dwelling widths of 9.8 metres and maximum depths of 16.6 metres. The roof would have half hip gables on the flank elevations with a maximum ridge height of some 8.9 metres.

4. Consultations

4.1 The application was advertised on the Council's weekly list and eight individual letters of notification were sent out. Two letters of objection have been received, summarised below:

- Further stealth attempt to enlarge the bulk of the development which would result in an even more obtrusive development already considered to be at an excessive density;
- Possibility of noise generation from the conservatories into neighbouring rear gardens;
- Developers way of increasing profit margins in relation to costs;
- Excessive density would result in overspill resident and visitor parking along St. Jude's Close.

4.2 Surrey County Highways has no requirements to make.

5. Planning Considerations

5.1 Planning application RU.01/1413, allowed on appeal, established the principle of four dwellings on this site. This application was subsequently amended by RU.02/1071 and this proposal mimics this approval in all respects including vehicular access, siting, plot widths, footprint and floor areas (excluding conservatories), separation distances between dwellings and neighbouring properties, roof design and heights of the buildings.

5.2 Therefore, the only issue to consider with this application is the impact of the increased size of the conservatories to the two central units, Plots 2 and 3, on the visual impact of the overall development and residential amenities.

5.3 The main differences between the conservatories with this proposal and RU.02/1071 are summarised below:

- Increased floor area of each conservatory (i.e. approximately 48 sq metres compared with approximately 20.7 sq metres for RU.02/1071);
- Increased width (i.e. across the entire width of the dwelling to 9.8 metres compared with 4.5 metres with RU.02/1071);
- Increased depth (i.e. additional maximum depth of 1.8 metres)
- Alteration to shape of each conservatory from rectangular to L-shaped;
- Reduced distance from common boundaries (i.e. same distances as RU.02/1071 for conservatories away from Plots 1 and 4 but reduced separation distances of conservatories between Plots 2 and 3 at 2 metres, compared with some 12.6 metres with RU.02/1071)

5.4 The above clearly shows that the size of these conservatories would more than double that previously approved and would be a substantial addition to the rear of the dwellings. Despite their size, there are however no sound

reasons to refuse them on design or visual amenity grounds. Their proportions in respect of roof treatment, scale and form would still harmonise satisfactorily with the main dwelling and not be incongruous as to cause adverse harm to the visual amenities of the streetscene.

- 5.5 Having regard to residential amenity the most impact caused would be to Plots 1 and 4. These conservatories whilst close to the common boundaries are considered to cause no adverse harm for these neighbours. This is because the conservatories would have solid flank walls and the 1.8 metre high boundary fencing would also assist in reducing the impact.
- 5.6 The objector at Cranley House has expressed concern over noise and disturbance. However, given the distance away of Plots 2 and 3 from this dwelling and given the solid flank walls, there is considered to be no good reason to justify refusing the application on these grounds. In any case the noise generated by the use of a conservatory is likely to be significantly less than what could be expected, for example, by activities in a rear garden.
- 5.7 The objectors comment that further amendments keep increasing the overall size of the dwellings so resulting in an excessive density in relation to plot size is a valid concern. Class A permitted development rights were not removed under RU.02/1071. Therefore conceivably the future owner/occupiers could extend at an even greater depth than that already allowed. Bearing in mind that this proposal would result in an overall maximum depth for Plots 2 and 3 of over 20 metres it is considered reasonable to retain control over future enlargements by the removal of Class A rights for these central plots. This is because the conservatories are close to the common boundaries and given the orientation any further additions could potentially cause harm to neighbouring amenities.
- 5.8 Conditions 2 (Materials), 3 (Site Visibility Splays) and 4 (Construction Parking) have already been discharged under RU.02/1071. Therefore, as this application solely relates to conservatories it is considered that there should not be any variations to those details already agreed (see conditions 2, 3 and 4).
- 5.9 In summary it is considered that the application is in accordance with the relevant plan policies. Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. It is not considered that the granting of permission would result in a violation of any objectors' rights under the Convention.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. There shall be no variation from the external materials schedule (as discharged under RU.02/1071) without the prior approval in writing by the Planning Authority.

Reason: In order that the development harmonises with the surroundings in the interests of visual amenity.

3. No other development shall take place until the two existing vehicle accesses have been modified in accordance with plans and details approved in writing by the local planning authority (Drawing no. So744/02 Rev A received on 29/10/02 as discharged under RU.02/1071) in order to provide (a) pedestrian visibility splays of 2m by 2m when measured from the back of the footway; and (b) vehicular visibility splays of 2m by 90m when measured from the edge of the carriageway. No obstruction shall be placed within the visibility splays referred to in this condition.

Reason: Condition 3 is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

4. There shall be no variation in the submitted details of locations for:
 - a) parking for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading plant and materials;
 - c) storage of plant and materials

to be used in constructing the development that have been approved by the Planning Authority (Drawing no. So744/02 Rev A – Site Compound as discharged under RU.02/1071). These facilities shall be used and retained as required by the terms of that approval throughout the course of construction of the development free from any impediment to its designated use.

Reason: Condition 4 is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

5. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. S0744/100 Rev C for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: Condition 5 is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

6. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development.

Reason: To enable the Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

7. The existing 1.8 metre close-boarded fence, or equivalent, along the common boundaries with Cranley House and Cherrywood, as shown on drawing no. S.O744/100 Rev C, shall be retained and maintained in perpetuity, unless otherwise first agreed in writing with the Planning Authority.

Reason: In the interests of the residential amenities of the neighbouring properties.

8. Permitted Development Removed (Class A, GPDO) (C35) – insert 'Plots 2 and 3' R35b

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
S.O 744/100 Rev C	19/12/02
So 744/010 (Site location plan)	19/12/02
CREST/20819	19/12/02
S.O 744/102 Rev A	19/12/02
Materials schedule	Letter dated 22/10/02
So744/02 Rev A (Site Visibility Splays)	29/10/02
So744/02 Rev A (Site Compound)	29/10/02

RU.02/1489 Date reg: 23/12/2002 Ward EGHAM TOWN

LOCATION: 190 HIGH STREET, EGHAM
PROPOSAL: ERECTION OF A THREE STOREY REAR EXTENSION TO PROVIDE 3
NO X 1 BEDROOM BEDSITS WITH REAR CAR PARKING PROVISION
TYPE: FULL PLANNING PERMISSION
APPLICANT: Mr S Daines

Local Plan: Policies relevant to the consideration of this application are:

Second Alteration April 2001: BE2, HO9, TC1

1. Site

1.1 The site lies in the urban area and Town Centre of Egham. No. 190 is a three-storey unit part of a terraced row on the southern side of High Street. The ground floor has an authorised use for Class A2 (financial and professional services) purposes and the first and second floors are used as two bedroom flats. Vehicular access to the site is off a rear access drive off Milton Road.

2. History

2.1 In 1988, permission was granted for the change of use of the ground floor premises from Class A1 (retail) to Class A2 (financial and professional services) (RU.88/1176).

2.2 In May 2002, full planning permission was refused for the erection of a rear covered car parking area with first and second floor extensions above with rear balcony and the conversion of the first and second floors to form 4 self-contained flats (RU.02/0356). This application was refused because it was considered that the width and floor area, distance from common boundary and height would have resulted in a dominant building with an overbearing effect on the residential amenities, light and outlook for the adjoining neighbours at 191 High Street.

2.3 In August 2002, a further application was refused for the erection of a rear covered car parking area with first and second floor extensions above and conversion of first and second floors to form 4 self-contained flats (RU.02/0776). The reasoning was the same as planning refusal RU.02/0356.

3. Application

3.1 The proposal is for the erection of a three-storey rear extension to provide three 1 bedroom bed-sits with rear car parking provision.

- 3.2 The maximum depth of the overall proposal would be 6.8 metres with a width of 4.8 metres and a distance of 1 metre from the common boundary with No.191. The proposal would have a hipped roof with a maximum height of 9 metres with 7.4 metres to the eaves.
- 3.3 The extension would comprise one bed sit on each storey with the existing estate agency retained at ground floor level and two-bedroom flats on the first and second floors. There would be separate rear entrances for the residential and commercial uses.
- 3.4 The second floor bedsit would be smaller extending out with a depth of 5.8 metres but with the same width as the lower floors.
- 3.5 A maximum of two-off street parking spaces would be provided at the rear with vehicular access off Milton Road.

4. Consultations

- 4.1 The application was advertised on the Council's weekly list and 17 individual letters of notification were sent out. One letter of objection has been received from the owner/occupier of 191A High Street who is concerned over the potential of significant reduction of light access to the rear of his property.
- 4.2 County Highways would ideally seek four parking spaces but would accept two spaces if non-achievable.

5. Planning Considerations

- 5.1 This application has been submitted to try and overcome planning refusals RU.02/0356 and RU.02/0776.
- 5.2 There was no objection to the principle of residential development within the town centre with applications RU.02/0356 and RU.02/0776. Such flat/bed-sit premises that typically serve smaller households are considered to be sustainable uses in the town centre, providing lower cost accommodation and reducing the need for use of the car with the proximity to local services and transport nodes.
- 5.3 Furthermore, there was no objection to the previous proposals in terms of visual impact given its location to the rear of the High Street, outside of the Conservation Area, and having regard that there have been a number of piecemeal extensions to the rear of the parade. Rather, the main concern related to the impact on the adjoining neighbours' residential amenities at no. 191.
- 5.4 The applicants have sought to overcome the concerns by the following main external alterations:

- Stepping the extension in by one metre from the common boundary (compared with 10 cm with RU.02/0776);
- Reduction in height of the development to 7.4 metres to the eaves and 9 metres to the ridge (compared with 8 metres to the eaves and 9.8 metres to the ridge with RU.02/0776);
- One facing window on each level serving the bed-sits' kitchens (compared with lounge and kitchen windows with RU.02/0776).

5.5 It is considered that the reduced size of this proposal does significantly improve the relationship of the development to No.191. The reduced width and increased distance away from the boundary would result in a wall-to-wall separation distance of approximately 3.7 metres. This distance is considered adequate to ensure that the development would not create a perceived sense of enclosure for neighbours or be overbearing on residential amenities.

5.6 Given the orientation, this proposal would still reduce light levels to no.191 and hence the objector's concerns are understandable. However, the windows at no.191 already suffer from a loss of sunlight because of the depth of the extension at no.189. Therefore it is considered that the further impact from this proposal would not now be significant enough to justify refusal.

5.7 The proposal would be some 2.5 metres lower than the ridge height of the existing building (to be retained) and the eaves height would tie-up with the parapet wall at no.189. This design and overall height of the proposal ensures that the development would not be over-dominant and also assists in reducing the effect on the amenities for the residents of no.191.

5.8 The proposed windows facing no.191 are not considered to cause an adverse loss of privacy for neighbours given that these windows serve kitchens and due to the separation distance.

5.9 The Council's Parking Standards (October 2001) advises a maximum of 1 space per flat and 1 space per 40 sq m gross floor area for Class A2 uses. The parking situation is not ideal. The County Highway Authority find that two spaces could be acceptable in this location. Consequently there is considered to be insufficient grounds to refuse the application for a shortage of parking, given its town centre location. The parking that this development would generate is considered not to be at such a high level that would have a significant adverse effect on the existing level of use of the access road off Milton Road or on the residential amenities of neighbouring properties.

5.10 In summary, the proposal is considered to comply with the plan policies. Consideration has been given to the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights.

Officers' Recommendation

GRANT subject to the following conditions:

1. Duration (Other than Outline) (C3)
2. No Departure (Full Applications) (C4)
3. Harmonising External Materials (Submission of Details/Samples) (C30)
4. Height of Development (C46) - '9 metres'
5. The development hereby permitted shall maintain at least a minimum distance of 1 metre from the common boundary with no. 191 High Street.

Reason: In order to obtain a satisfactory form and scale of development in the interests of the visual amenities of the locality.

6. No Windows in Extensions (C62) – 'no additional windows shall at any time be inserted in the side elevation facing no. 191 High Street hereby permitted'.

Informative:

1. The applicant is advised that this decision relates to the following drawing numbers received on the dates shown :-

<u>Drawing Number:</u>	<u>Date Received:</u>
Site Location Plan	19.12.02
22/02, 22/02/1 Rev A, 22/02/2 Rev A	19.12.02

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.