

## Planning Committee

6 October 2021

### Update/Amendment/Correction/List

#### **20/P/00737 – (Page 39) - Orchard Walls, Beech Avenue, Effingham, Leatherhead, KT24 5PG**

##### **Amendment to wording on page 51:**

The incomplete sentence: “*The NPPF notes in paragraph 130 that decisions should ensure that developments.*” should read as follows:

*The NPPF notes in paragraph 130 that decisions should ensure that developments are in line with 6 criteria relating to quality, attractiveness, character, sense of place, mix, safety and accessibility.*

##### **Addition of a condition and reasoning:**

The condition relating to permitted development was mentioned in the report, but accidentally missed off. This condition is to be added and reads as follows:

*21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Class A, shall be carried out on the dwellinghouses hereby permitted or within their curtilage.*

*Reason: Having regard to the size of the dwellings approved, the local planning authority wishes to retain control over any future extensions / outbuildings at the property, in order to safeguard the character of the area and the residential amenities of adjoining properties.*

It should be noted that this condition is limited to Class A, as this is considered the main class which would impact dwelling size and could lead to a future unbalance in housing mix.

##### **Alteration to wording of Condition 7:**

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. No.AAL-21-164-PO1, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking spaces, garage parking spaces and turning areas shall be retained and maintained for their designated purposes.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

##### **Alteration to wording of Condition 19:**

The existing boundary walls to the site as shown on plan no.AAL-21-164-P01 shall be permanently retained and maintained. It should be noted that the eastward extent of the wall on the northern boundary, as shown on AAL-21-164-P01 is inaccurate. Rather than ending

at the side wall of the Crossroads garages in the garden of plot 6, the historic wall continues a few feet further east. This condition therefore seeks retention and maintenance of the boundary wall as it lies, as per plan no.AAL-21-164-P01 with the above description noted.

Reason: In the interests of the character and appearance of the Effingham Conservation Area.

### **20/P/01359 – (Page 59) - Land North of Hambledon Cottage and East of Ripley Lane**

- The red line plan within the committee agenda has been corrected to reflect the proposed site plan submitted. An amended version has been added to the committee presentation.
- After the publication of the committee report a further letter of objection has been received. The comments refer to two containers and portable toilets on the site and concerns that black plastic is used on the fence and noise issues. These issues have been addressed within the committee report.
- Officers are aware that there are ongoing issues relating to unauthorised development on the site which fall outside the scope of the current planning application which is only for the material change of use of the land. All other matters relating to unauthorised development is being investigated by the Council's Planning Enforcement Team.

### **21/P/01135 - (Page 95) – Aspen House, 107 Poyle Road, Tongham, Farnham, GU10**

#### **1DY**

#### **Reason for referral**

This application has been referred to the Planning Committee because Councillor Paul Spooner called it in during the 7-day consultation process.

Councillor Spooner's concerns relate to:

- Highways
- Neighbouring Amenity
- Drainage

#### **Two additional informatives:**

6. The applicant is advised that the close forms a private road, and therefore whilst the approved plans indicate a shared surface for use as turning circle, it should be noted that it is the responsibility; and in the interest of, the residents inhabiting the close to ensure this area remains unobstructed to allow for the turning of large vehicles such as refuse lorries. In the event of obstructed turning, it may result in waste not being collected, which would be unfavourable to the residents of the close.

*7. The applicant is advised that condition 2 relating to the height of the hedge fronting Poyle Road does not specify a party responsible for carrying out the work, it is not a planning consideration as to who would do this, and residents can under this condition carry out appropriate maintenance. It is in the interests of all parties to ensure compliance as a breach of the condition would result in all persons with an interest in the land being responsible and subject to potential enforcement action. Furthermore, nothing in this condition prevents the hedge from being removed in its entirety.*

## **Key information**

This application is submitted under Section 73 of the Town and Country Planning Act (as amended). The provisions of Section 73 relate to the variation or removal of planning conditions attached to a grant of planning permission. The intention is that such matters would represent a minor material change to the original grant of planning permission.

The application must be determined on the basis of the effect of varying/removing the specified conditions. No other matters can be taken into account for example the principle of the original permission cannot be re-visited. Additionally, it is not appropriate to dismiss a proposal simply on the grounds that conditions were originally proposed and therefore by default should be retained. The local planning authority must consider whether any planning harm would result from the variation.

Section 73, gives two options when considering such applications:

1. if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission
2. if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under Section 73(a) officers should not limit themselves to assessing just the specific variation or removal suggested by the applicant. If an alternative change to the conditions would be acceptable then permission should be granted to that effect.

In this instance three plans are proposed, which seek to vary those previously approved. The plans seeking amendments are:

- AR07 - approved under 17/P/02349 (Reserved Matters to Outline Application 15/P/02267) and amended under 19/N/00002 (Non-Material Amendment).
- AR08 - approved under 17/P/02349 (Reserved Matters to Outline Application 15/P/02267) and amended under 19/N/00002 (Non-Material Amendment).
- AR09 - approved under 17/P/02349 (Reserved Matters to Outline Application 15/P/02267)

The proposed changes to the plans result from the development not having been built in accordance with the plans. However, the alterations are relatively minor and are as follows:

- Adjustments to the road/tarmac layout within the site
- Adjustments to driveway for plot 5
- Adjustments to hedges within the site
- Adjustments to trees within the site

## **Summary of considerations and constraints**

The main considerations with regard to the proposed amendments relate to:

- highway/parking considerations
- the impact on neighbouring amenity
- impact on trees and vegetation

Surrey County Council Highways have thoroughly assessed the amendments and have conducted a site visit. Given this application is retrospective, the Highways Authority were

able to easily assess the amendments from a highways perspective and confirm that they do not have any concerns.

With regard to neighbouring amenity, the amendments which could potentially impact this relate to boundary alterations. These alterations revolve around repositioned hedging and the addition of a driveway to the side of Plot 5. The amendments are not considered to cause detrimental harm to the amenity of occupiers inhabiting any of the plots.

As for trees and vegetation - other than the repositioned hedges; the main tree impact relates to the removal of a tree from the previously approved plans (situated in the north-west of the site). This tree was one proposed to be planted, and therefore it is not being 'removed' as such, but simply redacted from the plans. This is not considered to be a detrimental change.

Other than amending the approved plans condition to reflect the new plans; an alteration to the visibility splay condition is proposed to ensure the hedge fronting Poyle Road is kept lower than 1.05m in height (3 foot 5.339 inches). The condition should read as follows:  
*"The hedge fronting Poyle Road, shown on the approved plans AR07 Rev F, AR08 Rev E & AR09 Rev B shall be cut/trimmed/maintained to ensure the vehicular access to Poyle Road has appropriate visibility splays with no sight obstructions over 1.05m high. Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users".*

Given the above, it is recommended that this Section 73 application to vary three approved plans, should be approved.