

MINUTES: of the meeting of the Planning and Regulatory Committee held at 10.00am on 11 November 2009 at County Hall, Kingston upon Thames.

These minutes are subject to confirmation by the Committee at its next meeting.

Members

- | | |
|-----------------------------------|--------------------------|
| ** Roy Taylor (Chairman) | |
| ** Ian Beardsmore (Vice-Chairman) | |
| ** Elizabeth Compton | ** Chris Pitt |
| * Marisa Heath | ** Denise Turner-Stewart |
| ** Stuart MacLeod | ** Fiona White |
| ** Ernest Mallett | ** David Wood |
| ** Mike Nevins | |

Ex-officio Members (Non-Voting)

- | | |
|-----------------|------------------------------|
| - Geoff Marlow | Chairman of the Council |
| - Lavinia Sealy | Vice-Chairman of the Council |
| - Andrew Povey | Leader of the Council |
| - David Hodge | Deputy Leader of the Council |

Substitute Members

Carol Coleman
Stephen Cooksey
Steve Cosser
Pat Frost
David Munro
Chris Townsend

In Attendance

Chris Frost

Items 11 and 14

- ** = Present
* = Present for part of the meeting
- = Apologies for absence given

PART ONE
(IN PUBLIC)

[All references to Items refer to the Agenda for the meeting]

139/09 APOLOGIES FOR ABSENCE [Item 1]

No apologies for absence were received.

140/09 MINUTES OF THE PREVIOUS MEETING [Item 2]

The minutes were approved and signed by the Chairman

141/09 PETITIONS [Item 3]

No petitions were received.

142/09 PUBLIC QUESTION TIME [Item 4]

No questions were received.

143/09 MEMBER QUESTION TIME [Item 5]

No questions were received.

144/09 DECLARATIONS OF INTEREST [Item 6]

Mrs Fiona White declared a personal interest in Item 11 as she was on the Guildford Planning Committee as Guildford Borough Council had commented on the application. However, she did not remember having considered this application at the Committee and believed that the response given was an officer response.

Mr David Wood declared a personal interest in Item 14 as he was on the Epsom and Ewell Planning Committee and the Borough Council Ward Member for the area. However, Epsom and Ewell Planning Committee had not yet considered this item.

145/09 PUBLIC BRIDLEWAY NO.50, STAINES – PROPOSED DIVERSION [Item 7]

The Committee considered an application from the Brett Group for an order to divert Public Bridleway No.50, Staines due to improvement works at the junction of Leylands Lane with Horton Road.

The Countryside Legal Team Manager introduced the item stated that the Committee was being asked to agree to make an order to divert Public

Bridleway No.50, Staines under sections 257 and 259 of the Town and Country Planning Act 1990.

RESOLVED

That the Bridleway No.50, Staines Public Path Diversion Order 2009 is MADE and if one or more objections were received and maintained, the Order be SUBMITTED to the Secretary of State for the Environment, Food and Rural Affairs for determination.

146/09 **MINERALS AND WASTE APPLICATION SU09/0687: BLUEBELL COPSE, WINDLESHAM** [Item 8]

This was a retrospective application for the installation of a portable office measuring 6.25m x 2.45m x 2.5m high painted green and the erection of a sliding metal security gate measuring 5m in width and 2.2m high painted green and the re-siting of a storage container originally granted under planning permission ref: SU07/0264 dated 22 October 2007.

The Development Control Team Manager introduced the item stating that it was for development within the Green Belt and therefore the Committee needed to be satisfied that there were very special circumstances for the proposal that outweighed the harm to the Green Belt.

He ran through the previous planning history relating to this site, directing Member in particular to paragraphs 2 – 8 of the agenda report. In particular he described that Surrey Heath Borough Council had granted planning permission for the erection of a detached building for use in conjunction with the tree surgery and charcoal burning activities.

He reported that one of the main concerns on the site was the access that members of the public had to the site and that members of the public had been stealing equipment from the site. This proposal aimed at addressing this issue.

The site was shielded from view from residential properties and from the general public by a wooded area and this proposal would not generate extra traffic movements to and from the site.

During discussion on the application, the Committee made the following points:

- The proposal was to improve the current site and there were no local concerns except that of safety, which the report addressed.

RESOLVED

That the application be PERMITTED subject to the conditions set out in the agenda report.

[The Committee adjourned the meeting at 10.15am to take part in the Remembrance Service and reconvened at 11.15am.]

147/09 SURREY COUNTY COUNCIL PROPOSAL GU09/1365: ADOPTION OF SCREENING OPINION IN RELATION TO THE NEED FOR APPROPRIATE ASSESSMENT [Item 9]

This was the result of a screening opinion into whether an appropriate assessment is required in regards to the application for Ash Vale Material Recycling Facility (MRF), Station Road West, Ash Vale.

RESOLVED

That consideration of this item be postponed to the next meeting of the Committee.

148/09 MINERALS AND WASTE APPLICATION GU09/1365: LAND AT ASH VALE WASTE MANAGEMENT FACILITY, ALDERSHOT [Item 10]

This was an application for the change of use from a Commercial and Industrial Material Recycling Facility (MRF) to a Commercial and Industrial MRF and Municipal Solid Waste Transfer Station and the installation of a roller shutter door on the southern elevation of the building.

RESOLVED

That consideration of this item be postponed to the next meeting of the Committee

149/09 MINERALS AND WASTE APPLICATION GU08/0825 - 'APPROPRIATE ASSESSMENT' (HABITATS REGULATIONS) [Item 12]

This is an application for the use of approximately 2.44 ha for the construction of an in-vessel composting (IVC) facility for green, kitchen and wood waste, comprising; a two-storey office, weighbridge and portacabin office, reception building, screening/storage shed, 16 in-vessel clamps, two water storage tanks, drainage lagoon, hardstanding, car parking facilities, perimeter fencing, and new gated access off Portsmouth Road.

RESOLVED

This item was WITHDRAWN from the agenda.

150/09 MINERALS AND WASTE APPLICATION GU08/0825: LAND AT NUTBERRY FRUIT FARM, RIPLEY [Item 13]

This is an application for an In-vessel composting facility for green, kitchen and wood waste on a site of approximately 2.44 ha, comprising; a two-storey office, weighbridge and portacabin office, reception building, screening/storage shed, 16 in-vessel clamps, two water storage tanks, drainage lagoon, hardstanding, car parking facilities, perimeter fencing, and new gated access off Portsmouth Road.

RESOLVED

This item was WITHDRAWN from the agenda.

151/09 **MINERALS AND WASTE APPLICATION: GU09/P/01490 – NORMANDY
AUTO SALVAGE, ALDERSHOT** [Item 11]

This was a retrospective application for the retention and completion of a weighbridge, weighbridge office and staff facility building, and surface water drainage system.

An update sheet (attached at **Appendix A** to these minutes) was tabled.

Mr Redfern made the following points on the application:

- He objected to the intensification of the site so close to residential properties (only 3 metres from his own property)
- The officer's report was incorrect, there was a ditch running alongside the site and employees from the applicant had been seen tipping contaminated water into the stream, contaminating the surrounding watercourse.
- The pipeline that provided water to the Chapel Farm Mobile Homes ran underneath the applicant's site so it was incorrect to say that no water flowed through the site, nor that it would not have a likelihood of contaminating water. Recently, the pipeline broke and needed to be replaced, but now that the site had been concreted over it was impossible to know how contaminated the water was or why the water pressure had reduced.
- Although the applicant has not been acting in a neighbourly way, or the information within the officer's report being incorrect, the only way that the residents could be heard was through written representations and attendance at the Committee meeting.
- The site was also incorrect in that the crusher on the site was not mobile, it was not being moved on the site and would not be moved to a different location on the site.
- The vehicle racks were too high and the cars on them were not de-polluted before being stacked. In addition the alarms on the cars were going off throughout the day and night and were causing a disturbance. There was a recent case where Portsmouth County Council requested that the carracks were lowered to being two-storey before approval of an application. The Committee should be requesting the same action on this application.
- The site was located within the Green Belt and there not sufficient special circumstances for the benefit of the proposal to outweigh the harm to the Green Belt. The proposal would be a clear violation of his human rights and enjoyment of his home.
- The applicant had already started to build the structures without planning permission.
- When the Committee considered this application previously, the main concern had been its location within the Green Belt, the Green Belt had not changed and the issues relating to the application had not changed.
- Elderly people lived at Chapel Farm Mobile Home Park and were affected throughout the day and night. Most of the people on the Park had bought their homes for retirement purposes and could not move, not that people would want to buy these properties which such a development next door.

Mr Bartlett made the following points on the application:

- The proposal was inappropriate development within the Green Belt and adjacent to residential properties of both retired and semi-retired people.
- The use of the weighbridge would lead to additional vehicles coming through the village and this was unacceptable and inappropriate.
- The reasoning for the intensification of the current working within the Green Belt was that there was already a Certificate of Lawfulness for an Existing Use of Development (CLEUD) for the site. However, this did not cover the work that was being requested within this proposal.
- The applicant had submitted the proposal without any consideration of residents' concerns and with the expectation that they would gain planning approval.

Mr Ellis, the agent, made the following points in response:

- The submission of this application followed the Committee's refusal of the previous application. The applicant was now going through an appeal process for the original application.
- The proposal would not impact on the Green Belt as this was an existing site.
- The weighbridge would not increase the number of vehicles accessing the site, but would be used to weigh the vehicles that were currently accessing the site. The weighbridge would be at ground level and would not therefore impact on the Green Belt.
- The applicant had installed a water drainage system to comply with the Environmental License from the Environment Agency. This would be at ground level and would therefore not impact on the Green Belt.
- With regards to comments about the intensification of the site through this proposal, the application had been submitted to bring the site up to current approved levels rather than to increase the working on the site.
- When the pipeline broke, the Manager for the Chapel Farm Model Park Homes was invited to fix or upgrade the pipework and this offer was not taken up. This was not the fault of the applicant.
- The carracks and the crusher, which was mentioned by Mr Redfern, were not included in the application so issues relating to this should not be headed when making the decision.
- The Green Belt policy was not there to stop development in the Green Belt, but to protect the openness of the Green Belt. This proposal would not encroach on the Green Belt.
- The proposal was not to grossly intensify the work on the site, it was designed to improve the working arrangements for the staff on the site.
- The drainage scheme was inline with the requirements of the Environment Agency and the Transport Development Control Service did not have traffic concerns relating to the application

The Development Control Team Manager introduced the item stating that the application was a significantly reduced version of that considered by the Committee earlier in the year. The proposals were directed at improving the working conditions of the staff on the site to conform with Health and Safety requirements.

The application was for development within the Green Belt, therefore the Committee needed to be satisfied that there were very special circumstances that outweighed the harm of the Green Belt and whether there were any adverse impacts on the residents or the environment.

The officer's view was that there were very special circumstances for the development, as this would serve the operational need of the current work on the site. The view was that the proposal would not have significant amenity issues due to the size, scale and nature of the development. The proposal was not to intensify the work on the site but to facilitate the lawful use on the site, which had already been agreed.

The drainage system on the site was in compliance with the Environment Agency license, which was designed to ensure that contaminants from the site did not leak into the water systems.

He directed Members attention to Condition 1 within the report and stated that the final sentence relating to an amending email on 6 July 2009 should be emitted as this related to a different application.

During the discussion on this item, the Committee raised the following points:

- Clarification was requested on whether the carracks and the crusher was included in the application. [The Development Control Team Manager advised that they were not part of the application.]
- Clarification was requested on whether the issue of water supply to neighbouring properties was a matter for consideration by the Committee. [The Development Control Team Manager advised that the water pipe under the site was a matter for landowners to resolve, not for the Committee.]
- Clarification was requested on whether the concreting of the site and the drainage system had been approved by the Environment Agency. [The Development Control Team Manager advised that the Agency had not objected to the application, which it would be expected to do if it had an issue with these areas.]
- Members thanked the residents for their contribution to the consideration of the item. They stated that they sympathised with the objections raised, but that some of the issues were not within the purview of the Committee.
- One Member stated that the proposal would lead to an intensification of industrial working within the Green Belt and would make life unbearable for the residents of Chapel Farm. There were no very special circumstances for this development at this site. When the Committee had previously considered this item it was refused on Green Belt issues, the Green Belt had not moved and the only difference was that the application was now split into two for two separate deliberations. The previous decision made by the Committee was being appealed and the Committee should wait until the outcome of the appeal before considering this proposal.

- One Member stated that the applicant had a similar site next door and there was no evidence that he had looked at other sites outside of the Green Belt. Guildford Borough Council had objected to the application and this should be taken into consideration.
- Another Member stated that this was not an isolated site, there were industrial operations around the site, the water pipe supplying Chapel Farm and the carracks were not a matter for consideration by the Committee. The Members had attended a site visit in the summer and this had been very informative as to the impact this proposal would have on the Green Belt and the local residents. Guildford Borough Council had objected to the application based on its impact on the openness of the Green Belt, the weighbridge would be at ground level so would have minimal impact.
- Previously the site had been un-concreted and not well regulated, this proposal was to ensure that this was a modern site meeting modern regulations.
- Clarification was requested on how many people would the staff facilities serve. [The Development Control Team Manager advised that it was due to serve four to five members of staff.]
- Clarification was requested on whether the fact that the applicant was applying for an updated license with the Environment Agency meant that the applicant was in breach of current regulations on the site. [The Development Control Team Manager stated that this was not the case and requested that the agent be asked to explain this situation. Mr Ian Ellis, the agent, advised that the license currently held was for waste disposal but due to the rapidly changing regulations by the Environment Agency the applicant was looking to improve the license held.]
- Members recognised that there was a Certificate of Lawfulness for an Existing Use of Development (CLEUD) for part of the current working on the site, but expressed their concerns for the lack of regulations surrounding such certificates.
- One Member stated that the Committee should not wait to hear the appeal decision, this application had been submitted and needed to be decided. [The Development Control Team Manager concurred with this position.]
- Members considered whether the weighbridge could be used for public waste disposal as well as to facilitate the applicant's business. Members agreed that if the application was approved that an additional condition be added to stress the point that the weighbridge only be used to facilitate the work on the site as set out in the planning permission. It was a quiet village and wouldn't want additional vehicle movements through the village. [The Development Control Team Manager advised that this was identified within Condition 1 of the officer's recommendation, but it would be within the Committee's remit to add an additional condition to this affect if the application was approved.]

- Clarification was requested on whether the site was located within the Area of Outstanding Natural Beauty. [The Development Control Team Manager advised that it was not.]

A motion to refuse the application was proposed and seconded, voted upon but not agreed by the Committee.

The Committee then voted on the officer's recommendation with the addition of a condition restricting use of the weighbridge so that it would only be permitted as an ancillary item to the lawful use of the site as a vehicle breakers yard granted by Guildford Borough Council in October 1993 Ref: Certificate of Lawfulness (GU93/P/00977) and for no other purposes. This was voted on and agreed by the Committee.

RESOLVED

That the application be PERMITTED subject to the conditions set out in the agenda report, amended within the update sheet and with the addition of the condition set out below:

Condition 6 The weighbridge hereby permitted shall only be used as an ancillary item to the lawful use of the site as a vehicle breakers yard granted by Guildford Borough Council in October 1993 Ref: Certificate of Lawfulness (GU93/P/00977) and for no other purposes.

Reason: To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation so as to minimize the impact on local amenity in accordance with the terms of Surrey Waste Plan 2008 Policies DC3 and CW6.

152/09 MINERALS AND WASTE APPLICATION EP09/0237: CHALK PIT, COLLEGE ROAD [Item 14]

This was an application for the use of the land for the importation, storage and transfer of asbestos, provision of two sealed lockable containers and associated concrete hardstanding.

An update sheet (attached at **Appendix B** to these minutes) was tabled.

Mr Gebbett made the following points on the application:

- He lived locally to the development and had not been notified of the proposal, nor had any of the other residents in his road. The officer's comment was that he was just outside of the 90 metres from the property, but it was marginal and they were the closest residents. The Council had placed the statutory advertisement in the wrong newspaper that was not delivered in the area of the proposal. When the residents had heard of the application it caused outrage in the community.
- Only 5 people had been notified, this was an outrageously low number of people.

- The report was contradictory, it states in some places that the traffic movements would decrease and in others that it would increase. He queried what the correct information was.
- He understood that this sort of development needed to be located somewhere but did not agree that it should be located at this site, especially as there was an asbestos collection site close to this one. He questioned why one small area needed two locations where asbestos was collected.
- The dust from the industrial site was found on the roof of his house everyday. It was not a small amount that was transported by air as referenced within the officer's report.
- The report states that the development will be regulated to start at 7am, but what about emergency waste, he questioned whether the Committee would expect constructors wanting to urgently dispose of asbestos to wait until 7am. This was unlikely.
- Epsom and Ewell was a small borough and would now have two of such sites in the Green Belt. The Committee needed to consider whether two such sites within such proximity were required.

Mrs Crooks, the agent, made the following points in response:

- The proposal was for industrial activities within an industrial park. The facility would be located close to the source of asbestos and had good access to the road network.
- The site would not encroach into the Green Belt.
- There were references to vehicle movements to and from the site within the report. It stated that there would be on average 4 vehicles accessing the site per week. The site had the ability to house vehicles on the site over night to avoid excess vehicle movements.
- The applicant had assessed between 30 and 40 alternative sites, and none were better placed for this type of facility.
- The economic and financial benefits gained from the development of this site equated to very special circumstances for this proposal.
- An independent report had recently been published stating that this type of facility would not have an impact on the health of the surrounding residents.

Mr Chris Frost, the local Member for Epsom and Ewell South East made the following points:

- He directed Members attention to Aerial 2 of the report stating that contrary to the view of the officers, there was not only residents living nearby but also a boarding school was located nearby. This was used by students and teachers on a 24-hour basis, 7 days a week. This was significant.
- There were five types of asbestos, of this it was universally agreed that three of these types were extremely dangerous. Therefore security and precaution against accidents was paramount. There was no evidence that the bags used to transport the asbestos was secure enough to contain the asbestos if there was an accident either at the site or on the way to or from the site.
- He had calculated the amount of tonnage of asbestos that would be brought to the site to fill two skips of the size within the application, and this

would equate to on average 1.8 vehicles per day entering the site, not the 2 or 3 vehicles a week as projected by the applicant.

- There was already a site in Epsom and Ewell borough that could be used to dispose of asbestos, there was no need for an additional site. This could all be undertaken at the Blenheim Road site.
- The Epsom and Ewell Borough Council Planning Committee had objected to this application and were awaiting a new application. This Committee should either refuse the application or defer consideration until after the Borough Council Planning Committee had considered the other application.

The Development Control Team Manager introduced the report stating that the application was for two lockable containers. The deliveries to the site would be double wrapped and double bagged to ensure safety to local residents. There were strict regulations for disposing of asbestos set by the Environment Agency and the applicant would need to have a license from the Environment Agency for this type of work before they could commence work on the site.

The site was located within the Green Belt, therefore the Committee needed to be satisfied that there were very special circumstances that outweighed the harm of the Green Belt. He directed Members to Aerial 2 of the report showing that the proposed site would be located within an established industrial park. The other waste transfer stations at the site were not permitted to dispose of asbestos. In addition, although the site at Blenheim Road could collect asbestos it did not have permission to bulk it up and dispose of it through this way.

There was no Certificate of Lawfulness for an Existing Use of Development (CLEUD) for this type of work on this site, nor had the applicant received planning permission for this type of facility at this location. However the applicant had conducted a search for alternative sites and could find no location outside of the Green Belt that would be feasible to carry out this operation.

With regards to Air Quality, the Asbestos Dust Consultants had stated that this was not considered to be a significant issue as there is complete containment of the material at the source so there will be no emissions under normal operations conditions. Any release of asbestos would be the responsibility of Abal Waste Ltd if it were to occur on site and carries a significant penalty should a prosecution be undertaken by the Environment Agency. This would mean that Abal Waste Ltd would have an interest in ensuring that no material enters the site in a state that does not conform to the requirements of the site permit.

He stated that the applicant had wanted to start work at 6am, but that the officer was recommending that work start at 7am which was similar to other facilities of this type. The applicant would not be permitted to work on Bank Holidays or Sundays.

With relation to hydrology, he explained that the proposal described the concreting of the site and the storage of surface water run-off in a sealed tank. In addition, to confirm this, the Environment Agency had requested a condition be put upon any planning permission for a scheme to dispose of surface water

that would be submitted to and approved by the County Planning Authority before any development commences.

He referred to the discussions that had been held relating to vehicle movements to and from the site. He advised that the proposal would increase the number of vehicles accessing the site but would not significantly increase the levels that would be using the site overall. In addition, the use of the facility within this area would mean that there would be fewer vehicles making the journey to the Dartford facility for disposal.

During the discussion on this item, the Committee raised the following points:

- Clarification was requested on the vehicle movements and the volume of asbestos that would be contained on the site. [The Development Control Team Manager advised that the proposal was for two containers on the site. These were likely to hold 10 – 15 tonnes of asbestos depending on the size and shape of the asbestos being brought to the site. Therefore the number of vehicles taking this material away from the site would vary. However, even if larger, bulkier objects were brought to the site it would not undermine the figures put forward by Transport Development Control within the report.]
- Clarification was requested on whether the opening hours relating to this proposal was similar to that identified for the other operations on the industrial park. [The Development Control Team Manager advised that he could not guarantee that they were all the same working hours, but the conditions attached to the officer's recommendations were established to ensure that the applicant was not working unsociable hours.]
- Clarification was requested on whether the application was retrospective and what the relationship between this application and the one being considered by Epsom and Ewell Borough Council. [The Development Control Team Manager advised that the Borough Council report stated that the County Planning Authority should not consider this application until it is known whether the Borough Council had ascertained whether there was a CLEUD for this use on the site. However this was a different matter, and regardless of whether there was a CLEUD, the Committee was considering whether it was acceptable for this type of development in this area based on planning criteria.]
- Clarification was requested on the vehicle movements accessing the site. [The Development Control Team Manager advised that the figure quoted by Mr Chris Frost was correct, that there were likely to be 1.8 vehicles accessing the site per day.]
- One Member stated that the report was incorrect in that it stated that the site was on College Lane, it was College Road, and that the site was located in Ewell not Epsom. This was a small industrial park in a large area of Green Belt, which extended hundreds of acres. There was a boarding school nearby which would be affected by the development. The road network that would be used by the applicant was close to capacity and could not take this level of traffic.

ITEM 2

- One Member questioned the statement by the applicant that the Borough Council had given permission for this type of development already. This was to be considered by the Planning Committee on the following Friday.
- Members agreed that consideration of this application was difficult due to the hazardous material that would be being disposed of on the site.
- Clarification was requested on whether the asbestos was already double bagged to the requirements of the Environment Agency when it arrived on site or whether this was done at the site. [The Development Control Team Manager advised that the material was bagged before it was brought to the site.]
- Clarification was requested on what size of vehicle would bring the asbestos to the site. [The Development Control Team Manager advised that it would not be possible to determine this as it would depend on the size of the asbestos and where it came from. However, the Highways Authority did not consider the scale of these movements significant.]
- One Member agreed with the logic of bulking up the waste before it travelled long distances, but did not accept that the best place to locate such a site was on a Groundwater Outer Source Protection Zone and a major aquifer. [The Development Control Team Manager advised that the proposal should not have a deleterious effect on the surrounding area. There was no pathway for this material to enter into the aquifer as the material was securely bagged up before entering the site. The applicant would submit an Accident Management Plan to the County Planning Authority.]
- Clarification was requested on whether the Blenheim Road site could be used for this type of activity. [The Development Control Team Manager advised that the Community Recycling Centre was used to deal with household waste, asbestos is not a normal type of household waste and therefore a separate stream is created to dispose of this type of waste.]

RESOLVED

That the application be PERMITTED subject to the conditions set out in the agenda report.

[Meeting ended at 1.20pm]

Chairman

Update to Item 11
Minerals and Waste Application: GU09/P/01490
Normandy Auto Salvage, Chapel Farm, Normandy, GU3 2BJ.

Update on Outstanding Consultations

- Natural England : No comments to make on the application.
- Transportation Development Control : Recommend that the following condition be imposed on any consent.

Recommended Condition:

Car Parking and Vehicle Loading/Unloading/Turning

- 5 Within three months of the date of this permission plans shall be submitted for the approval of the County Planning Authority detailing areas within the site for vehicles 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 approved vehicle parking and loading and unloading and turning areas shall be retained exclusively for their designated purpose.

Reason

- 5 The above condition is required in order that the development should not cause inconvenience to other highway users in accordance with Planning Policy Guidance Note 13 (PPG13).

RECOMMENDATION

That the above condition 4 be imposed on any consent and that the response from Natural England be noted.

**Update Sheet to Agenda Item 14
Minerals and Waste Application: EP09/0237
Chalk Pitt, College Lane**

Please note the Committee Report should be amended/corrected as follows:

Consultations and Publicity

Paragraph 8 Epsom & Ewell Borough Council: Replace existing wording in paragraph 8 with the following:

Reporting to Planning Committee on 13 November 2009. The Borough Council Officer's report has now been published. The Officer recommendation is: "Surrey County Council be advised that Epsom and Ewell Borough Council object on the basis that the existing use is not known to be lawful and until such time as the lawfulness of this use has been demonstrated to the Council's satisfaction, approval of this application would be premature."

In respect of the location of the proposed asbestos waste transfer station and potential impact on residential amenity the Borough Council Officer view is that the proposed waste transfer station would be located in an appropriate and sustainable location and would not have a materially harmful impact on the residential amenity of neighbouring properties.

Officer comment:

The use of the land by the applicant within the Chalk Pit site does not have the benefit of a planning permission, or a CLEUD for the existing skip/container hire/storage from Epsom and Ewell Borough Council. It is understood the applicant is looking to regularise the position over the wider site they occupy. The current application is for a waste use and County Officers do not consider it would be premature to determine the application in advance of the resolution of the planning status of the other use of the land by the applicant.

Paragraph 13 Asbestos Dust Consultant: Replace 'Views awaited' with 'No objection'. The views of the Asbestos Dust Consultant had been received when the report was published and are reported in paragraphs 32 and 33 of the report.

Summary of publicity undertaken and key issues raised by public

Replace paragraphs 15 and 16 with the following paragraphs which update the paragraphs in terms of the representations received.

- 15 The application was publicised by the posting of 1 site notice and an advert was placed in the local newspaper. A total of 5 owner/occupiers of neighbouring properties were directly notified by letter. 29 letters of representation have been received from 25 residents and local businesses and the local MP Chris Grayling.

- 16 Issues raised in the letter of representation are: proximity to residential areas and Epsom College, traffic impacts, potential for human error/traffic accident/damage to containers and asbestos dust spillage and risk to human health, hours of working, water run off/contamination, Green Belt, impact on other businesses within the Chalk Pit, noise and neighbour notification issues. The local MP raises concerns about the potential impact on residents, staff and pupils at the college and occupants of local businesses from dust borne contamination and considers a proper risk assessment should be undertaken before the application is determined. If permitted asbestos waste should only be transported in closed containers.

Officer comment:

The issues raised by Chris Grayling were also raised in other representations and have been addressed in the report – see paragraph 20 relating to the Environmental Permit that would be required from the Environment Agency to operate the waste transfer station and consideration of dust and air quality issues in paragraphs 31 to 33.